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PROCEEDINGS AND DEBATES OF THE 104^{th} CONGRESS, SECOND SESSION

SENATE—*Wednesday, July 10, 1996*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, with whom there is no variableness or shadow of turning, more steadfast than the stars and more reliable than the rising and setting of the Sun, we thank You for Your changelessness. You are the same yesterday, today, and forever. You are our one fixed stability in the midst of changing circumstances. Your faithfulness is our peace. It is a source of comfort and courage that You know exactly what is ahead of us today. Go before us to show the way. Here are our minds, inspire them with Your wisdom; here are our wills, infuse them with the desire to follow Your guidance; here are our hearts, infill them with Your love. There is enough time today to do what You desire; so grant us freedom from tyranny of the urgent. You have been so patient with us; help us to be patient with those around us. We commit this day to You and thank You in advance for Your presence and power. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, today there will be a period for morning business until the hour of 11:30 a.m. Following morning business, the Senate will resume consideration of S. 1745, the Department of Defense authorization bill. At 12 noon, under the previous order, there are expected to be five rollcall votes as follows: First on the passage of the DOD authorization bill, followed by a vote on the motion to invoke cloture on the motion to proceed to S. 1788, the national right-to-work bill, followed by votes on or in relation to the Dorgan amendment, the Kassebaum amendment, and final passage of the TEAM Act.

Following those votes at noon, an additional period of morning business is anticipated and the Senate will begin consideration of the Defense appropriations bill. Therefore, rollcall votes are expected throughout the day and into the evening in an attempt to make substantial progress on the Defense appropriations bill.

MEASURE PLACED ON CALENDAR—S. 1936

Mr. BURNS. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982.

Mr. BURNS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar of general orders.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 11:30 a.m.

The Senator from Montana is recognized.

TRUST

Mr. BURNS. Mr. President, over the Fourth of July, I guess our break was taken a little bit differently. Due to circumstances of a personal matter in both my wife's family and my family, we did not get to spend as much time in our home State of Montana as we would have liked.

Generally, a couple rides on an airplane, but basically we drove across this Nation, across the heartland of this Nation, all the way from the Rocky Mountains back to Washington, DC.

But I flew into California. We were talking yesterday about the encryption issue, an issue that allows people to encode their messages that are sent on the information highway and that there is some reliance that those messages are only received by the folks they are intended for, and when the folks receive those messages, they have confidence that it was sent by the right person and the message has not been tinkered with before they received it.

That happens to be something in this new technology, this information age, that we will be talking a lot about. But as I sat on the airplane, I met a young couple, and I opened the newspaper to the situation with the FBI files at the White House, of which the young woman said, "That doesn't make a lot of difference to me," because she was a supporter of this President and she was going to vote that way anyway. I did not argue with her. She did not know me from Adam, but I asked what she did for a living and she said she was a computer analyst.

I said, "Well, does your company do business with the Government?"

She said, "Yes, we do."

I said, "In sensitive areas like defense or security, or whatever?"

And she said, "Well, I don't know about those things."

I said, "Well, would it make any difference if your records were at the White House?"

All at once, it started to become a thing of conversation. I did not say anything more about it, but she and her husband talked about it for the rest of the trip.

When we talk about this issue of encryption and key escrow and those kinds of new terms that will filter into the conversations of America, we have to talk about trust. That is key—trust.

We look at the situation as it is with our young people today and we say, "Well, maybe midnight basketball didn't work." We know that juvenile crime is on the upswing again. It is up 11 percent. Juvenile murders are up 8 percent. Juvenile robberies are up 16

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

percent. Marijuana use is up 200 percent. That tells me that our young people are in a sense of hopelessness; that we leaders have not talked enough about trust and we have not talked enough about hope and what this great country offers. We only hear that there will not be money for education. They are scared they will not be able to go to school after all the rhetoric that we hear.

We ought to be talking the other way around. It is what we talk about and how we put it. We should talk about hope and opportunity. Only this country offers all kinds of opportunities for young people in today's age. And they yearn for discipline. They want to talk about hope and what is out there, and this new world of technology offers that.

So when we think about encryption, we think about the new technologies, we hear those new words that are going into the conversations, but there is one old standard standby. It is who do we trust and how do we tell our young people today, how do we tell them that there is hope and their opportunities are greater than of any generation, because electronically they open the doors of opportunity around the world and it can be done in 5 seconds. It is trust.

We who are put in positions to represent a constituency teach our young every day. Some days we even use words. Some days we use words, and that is what I think this is about when we start talking about this issue and the issue of what goes on on the floor of the U.S. Senate.

The keyword is an old standby word called trust.

FAREWELL TO LORI STALEY

Mr. BURNS. Mr. President, I rise today to bid farewell to my legislative assistant, Lori Anne Staley. She logged over 4 years time with me and I will certainly miss her.

Lori joined my staff almost in the beginning back in 1989 as a staff assistant. She quickly learned the ropes and helped to keep my office running back in the early days when many of us were still figuring out how to get around the Capitol.

Although she is from Ohio she easily adapted to Montana and soon Montana adopted her. She has worked hard for Montana and Montanans appreciate all that she has done. Her biggest compliment is when people forget she is not a native Montanan.

Lori left my office for a couple of years and then came back, proving that you can come home again. She returned as a legislative correspondent and after 2 months took over international trade and foreign relations as a legislative assistant, continuing to add to her list of duties over the course of 3 years. Today she not only handles trade, foreign relations, and defense issues, but she is also responsible for my duties as a member of the Commerce, Science, and Transportation Committee. She has been willing and able to tackle any issue and has a broad understanding of the way Washington works.

From trains, planes, and space shuttles, to Bosnia-Herzegovina, Haiti, and B-2 bombers, to GATT and NAFTA, Canadian Durum wheat, and product liability reform—Lori knew the issues well and was always able to keep me informed and up-to-date.

She was able to juggle her multiple issues while keeping the big picture in perspective and knowing how Montana fit into it. No matter how big or small the task she had a good sense of how to get the job done right. I teased her as being hard hearted, but I knew I could always count on her for a clear assessment of any issue in a snap.

I admire her energy and devotion to her job and to Montana. We have spent many late nights together as it seems the Senate gets the most work done in the wee hours of the day. Whether preparing for committee hearings or monitoring floor debate I knew she was working overtime to keep things running smoothly.

In her 3 years as part of my legislative team her accomplishments have numbered many. She was instrumental in helping agriculture shippers during the sunsetting of the Interstate Commerce Commission. She planned a small business committee field hearing in Kalispell, MT on proposed OSHA regulations for the timber industry—two issues which she didn't know anything at all about when she started. She has also promoted distance learning which was showcased in a Commerce Subcommittee hearing earlier this year. Whether working with NASA or the Montana Department of Transportation her ability to work through problems and get the job done shone through every time.

We will miss more than just Lori's work around the Office. Even in stressful times she managed to keep her good humor. Everyone on staff knew they could turn to her for an amusing story, some good advice, or a helping hand. Indeed we will also miss her cheerful smile.

Lori has changed a great deal since she first arrived on Capitol Hill 7 years ago and started her first job in my office. I know that neither of us will forget this period of time and I hope that she leaves my office with a feeling of having made a difference. She has done almost every job and covered almost every issue as a part of my staff and every time she goes in with a smile and comes out on top.

Today she is moving on to start a new adventure. I'm certain that she will miss all the people she's worked with here in Washington, DC, and back home in Montana. Everything she has learned and all of her experiences will be a part of her. And in return when she moves to her new job she will leave a little part of herself with us.

In closing, I would like to bid good luck, but not goodbye, to my legislative assistant and friend, Lori Staley. I know she will go far. Lori, thanks for your good work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from New Mexico [Mr. BINGAMAN] is recognized for up to 10 minutes.

Mr. BINGAMAN. Mr. President, I thank you for the time.

TEAM ACT

Mr. BINGAMAN. Mr. President, this debate about the so-called TEAM Act has, unfortunately, produced more heat than light. I first began to focus on the issue several months ago when I visited a small high-technology firm in my State, Lasertechnics, in Albuquerque, NM. Lasertechnics is a very good employer and has on staff about 60 people.

The issues related to unions organizing are far from the minds of anyone in that firm, as far as I can tell. The company has about two dozen different teams discussing many task-oriented items. But some of those teams have the potential of running into subjects considered "terms and conditions of employment," as that phrase is used in the National Labor Relations Act.

Flex time to help bolster Asia-Pacific sales is one example that stands out in my mind. If the owner of that company, Gene Borque, just decides one day to issue flex time schedules or a policy governing flex time, then clearly there is no violation of the law since there is no union in that company. If he has a team decide on a policy, and the team enters into back-and-forth discussions with him on that subject, then according to the NLRB, there probably is a violation of the law as it now stands.

This circumstance should be the focus of our discussion if we are ever able to get into a meaningful discussion about these issues in the future, because, in my view, Gene Borque, the owner of this company, should not be in danger of violating the law by operating as he does today.

The issues being debated are very real. First of all, how can we assure employers the right to organize their companies to get the best effort and sense of ownership from their workers? And at the same time, how can we assure employees that they retain an ability to organize into unions and to bargain on terms and conditions of employment free from the threat of sham unions being established or manipulated by employers? These are both legitimate goals. Several weeks ago it was my hope and my belief that we could develop language to offer as a substitute for S. 295 that would satisfy both of these objectives.

I had hopes of offering an amendment that would substantially improve the TEAM Act so that, first, there would be no ambiguity that workplace teams and nonunion workplaces were permitted under the law, and, second, that we would specify that teams that discuss terms and conditions of employment would have to comply with certain other requirements to assure that company dominated or sham unions could not be established and that workers would have a determinative role in any discussions on those terms and conditions of employment.

Mr. President, after several weeks of trying to find this common ground to propose a substitute for the bill that we are considering, I have concluded that it is not possible at this time. The organization of employers that has been formed to support the TEAM Act has determined to resist amendments and to drive toward passage of S. 295 even though this legislation faces a sure veto by the President. The labor unions, on the other hand, have organized to oppose the TEAM Act. Relying on the President's promised veto, they have determined that the TEAM Act or any substitute for it which amends section 8(a)(2) of the NLRA should be opposed.

In my view, the concerns that the unions have about the TEAM Act that is before us are well founded. I do not want to get into a technical discussion about the legislation, but many people, including the Chairman of the NLRB, Howard Gould, as well as the Dunlop Commission and others have argued that an adjustment is needed in section 8(a)(2) of the National Labor Relations Act because of recent decisions that have blurred the definition of what are considered terms and conditions of employment.

S. 295 tries to remove the ambiguity by providing a sweeping umbrella over all workplace teams and any discussions. In my opinion, this opens the window to the possibility of company dominated or sham unions. I have long believed that we might be able to fix the language of the TEAM Act so as to maintain the flexibility that is required to fit with the highly fluid nature of a modern workplace team and still build in protections for workers' rights and interests in this process.

S. 295 needs to be fixed. We have not been able to do so. Accordingly, I will vote against the bill. I regret that the two sides on this important issue cannot be brought together on common ground. Some of the explanation is in the atmosphere of hostility that has traditionally surrounded labor-management issues in our country. In part, the result flows naturally from the very different views that the two sides have of the relationship between employees and employers. Of course, to some extent, the result is a natural consequence of the political season that we are in.

Although the script for what is to happen with this legislation this year is known to us all, I hope that in the next Congress we can have a more serious and constructive debate about this important set of issues.

In many companies throughout the country, the workplace of 1996 is not the workplace that Congress was reacting to when the Wagner Act was passed in the 1930's. For many, the term "empowering workers" is not just hollow rhetoric. On the other hand, all employers do not concern themselves with the rights and prerogatives of workers. The concerns that unions have raised are well rooted in our Nation's history.

At a future date I hope we can see adoption of some well-reasoned and balanced reforms to the law that clearly is not possible today. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from North Carolina, Senator FAIRCLOTH, for allowing me to go forward for just a few minutes.

I want to follow, very briefly, on what the Senator from New Mexico has said and basically to say that I associate myself with his remarks, as sad as that conclusion is here.

This is a case of the TEAM Act where, it seems to me, both sides, as it were, labor and management, had some merit to their arguments. There should have been a way to put this together and bring about some change in the law that recognizes, respects, and facilitates the extraordinary changes—in some ways the revolution—that have gone on in labor-management circles in this country that the team proposals and programs are part of, and thousands of employers throughout America, and yet to have done that in a way that does not threaten the organized labor movement and does not inadvertently, one hopes, open the door to some of the practices of the past, as Senator BINGAMAN has referred to, such as sham unions or employer dominated unions.

This was a case where reasonable people should have been able to sit down and reach a reasonable conclusion that would have brought about change. I really thank the Senator from New Mexico for the leadership he showed in this in trying to make this happen. He is a consummately reasonable person and has tried to pursue in a rational way that course in this matter. I followed his actions and tried to support them, in terms of the work that he was doing as they were going along.

I regret that in the end he concluded that the amendment that he had prepared really could not be introduced because it was not going to facilitate the kind of movement that is needed here to create change. So the result, unfortunately, in this polarized environment is—polarized for exactly the reasons that the Senator from New Mexico states; one, because the debate over this bill has in some sense continued a kind of labor-management negotiation with mistrust on both sides; and, also, it is obviously an election year.

The result of all this, I presume, is that Congress will pass this bill, but the President will veto it. Then we will be at the status quo, which is not, in this case, terrible because as some I talked to in this debate have said, well, maybe a lot of businesses are running good employer-employee teams in their workplaces who are technically violating the law, but the NLRB is not taking action against them unless, in those relatively few cases, there is a complaint associated with an organization driven by a union, and then the penalty is to order them to stop doing what they are doing.

I wish we could have come to a better result. The truth is that these employer-employee teams—I have seen some of them in Connecticut. When they work well, they work very well. They not only are great for the workers; they are great for the management and great for American competitiveness and great for job creation and the sustaining of existing jobs. However, like everything else, they can be misused. They can be misused in a way that runs right into some of the original goals of section 8(a)(2) of the National Labor Relations Act. Again, there ought to have been a way we could bring this together.

I regret the Senator from New Mexico reached the conclusion he did. I regret that there will not be a proposal here on the floor that I feel I can support. I am very, very sad that we as a body and I as one Senator reach that conclusion. I can only say that I hope that all of us can come back, both sides, outside of the Chamber and all of us inside the Chamber, next year and work with the executive branch at that time to fashion a bill that will acknowledge the extraordinary steps forward in labor-management relations, and yet the continuing need to protect workers, both in their right to organize and in their right to be members of employee management associations that are not employer dominated.

I thank the Chair. Again, I thank Senator FAIRCLOTH. I yield the floor.

The PRESIDING OFFICER. Under a previous order, the Senator from North Carolina, Senator FAIRCLOTH, will be recognized.

THE NATIONAL RIGHT TO WORK ACT

Mr. FAIRCLOTH. Mr. President, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical." At noon today, the U.S. Senate will hold a historic vote on legislation to repeal those provisions of Federal law which require employees to pay union dues or fees as a condition of employment. This vote is long overdue for the working men and women of this country.

Since I introduced the National Right to Work Act, 22 of my Senate colleagues have joined me as cosponsors. We share the belief that compulsory unionism violates a fundamental principle of individual liberty, the very principle upon which this Nation was founded. Compulsory unionism basically says that workers cannot and should not decide for themselves what is in their best interest, that they need a union boss to decide for them. I can think of nothing more offensive to our core founding principles which we celebrated on the Fourth of July, a few days ago, than that principle that the working people of this country do not have the ability to decide for themselves.

With this bill, not a single word is added to Federal law. It simply repeals those sections of the National Labor Relations Act and the Railway Labor Act that authorizes the imposition of forced-dues contracts upon working Americans. It simply does away with the requirement that people have to belong to a union to hold a job.

I believe that every worker must have the right to join and financially support a labor union if that is what they want to do. Every worker should have that right, of his own free will and accord, but he should not be coerced to pay union dues just to keep his job. This bill simply protects that right, and no worker would ever be forced into union membership unless he wants to be.

Union membership should be a choice that an individual makes based upon merits and benefits offered by the union. If a union truly benefits its members, then they would not have to coerce them. If workers had confidence in the union leadership, if the union leadership was honest, upright, and forthright, then they would not need to coerce their members to join. A union freely held together by common interests and desires of those who voluntarily want to be members would be a better union than one in which members were forced to join. If the National Right to Work Act were passed, nothing in Federal law would stop workers from joining a union, participating in union activity, and paying union dues.

Union officials who operate their organizations in a truly representative, honest, democratic manner would find their ranks growing with volunteer members who are attracted by service, benefits, and mutual interests, not because they are forced against their will with no options to be a member of a union and pay union fees in order to hold a job. In addition, voluntary union members would be more enthusiastic about union membership simply because they had the freedom to join and were not forced into it.

When Federal laws authorizing compulsory unionism are overturned, only then will working men and women be free to exercise fully their right to work. When that time comes, they will have the freedom to choose whether they want to accept or reject union representation and union dues without facing coercion, violence, and workplace harassment by overbearing—disreputable, in many cases—union bosses.

A poll taken in 1995 indicates 8 out of 10 Americans oppose compulsory unionism—8 out of 10 Americans do not think you should be forced to belong to a union to hold a job.

At noon today, it is my sincere hope that my colleagues will join me in defending the fundamental individual liberty of the right to work, and will support this bill.

I ask unanimous consent to have printed in the RECORD immediately following my remarks an editorial which appeared in today's Wall Street Journal, setting forth clearly why this bill should pass.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 10, 1996]

LABOR INDEPENDENCE

Today members of the U.S. Senate will be counted on a fundamental issue of individual freedom: the right to work without paying union dues or fees as a condition of employment. It's not likely that the effort to remove sections of the 60-year-old National Labor Relations Act that authorize forced-dues contracts will pass. However, the vote will serve as a useful political marker as to which Senators want individual workers to have a say in whether they should continue to pay the $5 billion a year in dues that private-sector unions collect.

No one argues that unions haven't done a great deal of good in representing their members and in the mutual aid programs they've set up. But that cannot justify allowing the forced collection of union dues from workers who don't want to pay them. In many unions, upward of 75% of the dues money goes for political and other activities that have nothing to do with collective bargaining rights. This year unions didn't bother to consult individual workers before they financed an unprecedented $35 million propaganda campaign against the GOP Congress. In its 1988 Beck decision, liberal Supreme Court Justice William Brennan led the Court in ruling that workers were entitled to a refund of dues money not used to represent them, but the Clinton Administration has acted as if Beck didn't exist. That makes today's vote to put Senators on record on the issue of coerced dues all the more appropriate.

Union leaders themselves were once leery of laws allowing forced membership in their organizations. Samuel Gompers, the father of American labor, warned workers that "compulsory systems" were "not only impractical, but a menace to their rights, welfare and their liberty." Public opposition to compulsory unionism has been so great (upward of 70% in most polls) that 21 states have passed "right-to-work" laws that allow individuals to opt out of union membership. On the national level, however, reform has been blocked by the formidable power of the unions to raise campaign cash to defeat their opponents.

North Carolina Senator Lauch Faircloth says the time is right to test the power of union bosses with his bill to remove language from federal labor law that authorizes forced-dues contracts for workers. For the first time in a generation, Senators from right-to-work states will be required to choose between the political power of the unions and the clearly expressed views of their voters. In the past, even liberal Senators such as George McGovern felt compelled to support their states' right-to-work laws. Today, 25 Republican and 17 Democratic Senators represent states with such laws. If all of them supported Senator Faircloth, his legislation would pass easily. The fact that many will oppose it deserves to be a campaign issue in the 16 right-to-work states with Senate elections this fall.

Compulsory union dues are not merely an esoteric issue of whether employers or unions hold the upper hand in federal labor law. The issue goes to the heart of individual freedom. Thomas Jefferson once wrote that "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." Today we will learn how many Senators agree with Jefferson's sentiment.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. FAIRCLOTH. I am delighted to yield.

Mr. HELMS. I commend the distinguished Senator from North Carolina on his excellent remarks about a very serious subject. I do not know whether this Senate is going to try to act on this bill or not, but I want him to know that I am honored to be a cosponsor of the bill.

Now, did I understand the Senator to say that four-fifths of the American people support the concept that working people should not be forced to associate with or support any organization or class of organization as a condition of getting a job or keeping the job?

Mr. FAIRCLOTH. That is exactly what the American people believe.

Mr. HELMS. Maybe one of these days Congress will pay attention to 80 percent of the people.

Mr. President, the National Right to Work Act stipulates that employers and unions may no longer force American workers to pony up union dues as a condition of keeping their jobs. It is about freedom, purely and simply. It does not discourage union membership. The National Right to Work Act merely says that unions have to garner their support the old-fashioned way—they have to earn it.

Of course, there are those who suggest that this legislation is somehow antiunion, those who parrot the apocalyptic pronouncements of the AFL–CIO that this is union-busting legislation.

Nothing could be further from the truth.

I would suggest that those union bosses opposing the National Right to Work Act are insecure about their ability to earn the support of the workers they purport to represent.

Opponents of the National Right to Work Act may also suggest that it is fair to require employees who enjoy the so-called benefits of union membership to share in their costs. Union leaders will complain that this Congress should not change this policy.

Mr. President, union leaders, having bought the horse, are just complaining about the price of oats.

Union bosses lobbied for and jealously guard the privilege of exclusive representation. They will not give it up. And if you have any doubts about that, then the answer is not to oppose this modest effort to limit union coercion, but to repeal exiting provisions of Federal labor law providing for exclusive representation. I recall that union lobbyists say that this is a free-rider bill. The National Right to Work Act is not so much a free-rider bill as existing Federal labor law is forced-rider legislation.

Doubtless, too, we will hear complaints that there are more important issues facing Americans. There will be claims that this issue is being pursued by a narrow special interest.

My colleagues should bear in mind that polls indicate that fully 76 percent of the American people—including a clear majority of union members—support the principle of right to work. Just yesterday, the administration and various lobbying groups were telling us that an increase in the minimum wage should be passed because 70 percent of the American people support it.

My suspicion is that that they find this high level of support for right to work to be less persuasive, just as they have failed to support our efforts to pass a balanced budget amendment, notwithstanding the support of overwhelming majorities of Americans.

After all, this administration's Secretary of Labor seems more interested in advancing the agenda of organized labor, rather then the rights and interests of all American workers. This is, after all, the administration which attempted to rewrite Federal labor law for Federal contractors, to deny to Federal contractors the right permanently to replace striking employees. The courts have rightly voided this usurpation of congressional authority.

Furthermore, the Secretary of Labor said, and I quote, "In order to maintain themselves, unions have got to have some ability to strap their members to the mast. The only way unions can exercise countervailing power is to hold their members' feet to the fire." Whether or not that mast is attached to a sinking ship in something that the Secretary seems not to have considered.

Make no mistake about it, Mr. President, those who oppose this bill today oppose freedom. They make clear their ratification of Secretary Reich's sentiments, that this Congress believes that union bosses know better than individuals what is in the interests of individual American workers. I would respectfully suggest that this is a concept foreign to the American way of thinking. And does anyone seriously suggest that Republican majorities were sent to both Houses of this Congress in order to perpetuate the power of union bosses to force Americans to support their narrowly radical social and political agenda?

But perhaps there is another explanation. After all, look at the most vocal of opponents to this act. Is it mere coincidence that they benefit from the forced-dues, soft-money political contributions of big labor? Is it just an accident that the bulk of union political activities and contributions benefit my friends on the other side of the aisle almost to the exclusion of contributions to the GOP? Is it surprising that an administration which promises to veto this bill, if passed, has the nearly unanimous support of the leaders of the AFL–CIO?

I urge my colleagues to support the National Right to Work Act because it is the right thing to do. It is a vote for worker freedom, a vote for responsible unions. American workers deserve the protection of a National Right to Work Act, the protection of a basic personal freedom. American working men and women deserve to be able to work and feed their families without paying tribute to anyone, much less a class of specially protected organizations.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1939 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO JUDGE JOSEPH PHELPS

Mr. SHELBY. Mr. President, I rise today in honor of Judge Joseph Phelps who was killed tragically in a car accident on June 22, 1996. Joe retired from his Montgomery circuit judgeship in 1995, after spending 18 years on the bench. He served the State of Alabama, the Alabama judicial system, and our Nation with dignity, prudence, courage, and honor.

Joe received both a bachelor's degree and a law degree from the University of Alabama. Even as a youth, Joe showed character in all that he did providing a glimpse into the future of the wise, Christian adult, leader, and honorable jurist he would later become.

In 1990, Joe was awarded the Alabama Bar Association's Judicial Award of Merit, its highest award for outstanding and constructive service to the legal profession in Alabama.

Joe's Christian values are reflected not only in the way he lived his life, but in the many positive organizations which he led, founded, belonged, and served. He was the past president of the Montgomery County Bar Association, and has served as a member, past president, trustee, and founder. He also served diligently in the YMCA; Montgomery Lion's Club; Lion's Club International Youth Day in Court Program, which he founded; Jimmy Hitchcock Memorial Award; Fellowship of Christian Athletes; Salvation Army; Capitol City Boys Club; STEP Foundation; Blue-Gray Association; Leadership Montgomery; the Governor's Study Task Force on Drugs; Alabama Trial Lawyers' Association; Association of Trial Lawyers of America; American Judicature Society; Montgomery Magnet Grant Review Committee; and numerous other legal, civic, and Christian groups. He was an elder at Trinity Presbyterian Church, where he served on the Christian education committee, congregational involvement committee, and long-range planning committee. Joe also taught ninth grade Sunday School. In 1980, Joe was honored as YMCA Man of the Year in recognition of his service to youth in Montgomery.

Joe's list of accomplishments are reflective of the life he led, the type of friend he was, and the positive contributions he made throughout his life to his community and his fellow Alabamian. Not the least of which was his role as husband and father. My heart goes out to Joe's family.

Joe's lifelong dedication to community and country made our world a better place. His presence will be sorely missed.

1996 JULY QUARTERLY REPORTS

The mailing and filing date of the July Quarterly Report required by the Federal Election Campaign Act, as amended, is Monday, July 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on July 15, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THANKS TO DAVID O. COOKE AT THE PENTAGON FOR HIS CONTINUING SERVICE TO OUR NATION

Mr. NUNN. Mr. President, several months ago, I participated in a ceremony at the Pentagon to open an exhibit honoring the office of the Vice Chairman of the Joint Chiefs of Staff. This was a significant moment in recognizing the remarkable success of the Goldwater—Nichols legislation, which reorganized the Department of Defense. However, this moment would not have been possible without the help of the pentagon's Director of Administration and Management, David O. (Doc) Cooke. Today, I would like to extend my personal appreciation to Doc Cooke for his help in establishing this exhibit but primarily I want to thank him for his long and continuing career in public service.

Mr. President, I ask unanimous consent that an article on Doc Cooke that was published in Government Executive be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, Doc Cooke's association with our Nation's armed services began in World War II, when he served as an officer aboard the battleship U.S.S. *Pennsylvania*. In 1947, he became a civilian employee with the Navy in Washington, DC. He completed his law degree from George Washington University in 1950 and, shortly thereafter, was recalled to active duty during the Korean war as an instructor at the School of Naval Justice. Since that time, Doc Cooke has rendered outstanding service to 14 different Secretaries of Defense. In 1958, he became a member of a task force on Department of Defense reorganization that was led by Secretary of Defense, Neil McElroy. Under Secretary of Defense Robert McNamara, he served on a briefing team that advised the Secretary on issues related to organization and management. In his dual role as the Director of Administration and Management and Director of Washington Headquarters Services, Doc Cooke has oversight responsibilities for more than 1,800 employees throughout an impressive array of offices at the Pentagon, including the Directorate for Organizational and Management Planning, Defense Privacy Office, OSD Historical Office, Quality Management Office, Directorate for Budget and Finance, Directorate for Real Estate and Facilities, Directorate for Correspondence and Directives, Directorate for Personnel and Security, Directorate for Information Operations and Reports, Directorate for Federal Voting Assistance Program, and the Office of General Counsel. The high level of energy and competence that Doc Cooke brings to his job has earned him the title of "Mayor of the Pentagon" from his friends and colleagues.

Doc Cooke has always recognized that people are the driving force behind any organization's successes and shortcomings. His determination to never lose sight of the human factor in dealing with organizational and administrative issues has been a key contributing factor to the success that he has enjoyed throughout his career. Doc's ability and success in communicating with others is evident not only in his profession, but also in his involvement in community service. In 1992, he helped launch a program in Washington, DC, to encourage high school students to pursue careers in public service. This led to the establishment of a Public Service Academy. The Public Service Academy works closely with Federal agencies in planning the school's curriculum, establishing internship opportunities for students, and providing counseling for both students and their families. Last year there were 28 seniors at the Academy. Of that total, 25 were accepted into college and 3 found employment. This type of success is a shining example of the integrity and compassion with which Doc Cooke approaches both his profession and his community.

Last year, Doc Cooke received the Government Executive Leadership Award from the National Capital Area Chapter of the American Society for Public Administration. This award was given in recognition of his strong leadership throughout his outstanding career in the Federal Government. Mr. President, I ask that the Senate join me in thanking Doc Cooke for his continuing service to our Nation. I hope that he will continue to serve for many years to come. We wish him, his wife, Marion, and his entire family every success for the future.

EXHIBIT 1

[From the Government Executive, September 1995]

MAYOR OF THE PENTAGON

(By A.L. Singleton)

David O. Cooke, this year's winner of Government Executive's annual award for leadership during a career in federal service, may have a tough time deciding where to display his plaque. After 37 years in Defense Department management, Cooke has a Pentagon office that is crammed full of trophies and medallions praising his dedication to public service, executive development and good government.

Awards compete for wall space with photographs of Cooke and a variety of associates from pals to presidents. There's a shot of Cooke posing with radio/television personality Willard Scott, each man covering his bald pate with a silly wig. There's a picture of Cooke with President Clinton at the White House.

But perhaps the photograph that best represents Cooke's career shows him seated and grinning broadly in front of 9 of the 14 Secretaries of Defense with whom he has worked.

Cooke is director of administration and management and director of Washington Headquarters Services for DoD. This means, among other things, he is in charge of the operation, maintenance and protection of the Pentagon Reservation, which spans 280 acres on the Virginia side of the Potomac River and includes not only the Pentagon and its power plant but also the Navy Annex and numerous other DoD buildings in the National Capital Region. He oversees some 1,800 employees, controls 20,000 parking spaces, runs a quality-management unit and directs organizational and management planning for the Department of Defense.

Cooke is often called "the mayor of the Pentagon"—a nickname that reflects the power his office wields over day-to-day life in the Defense Department's huge headquarters operations. Beyond the mundane tasks of ensuring adequate cooling and equitable parking, Cooke's job requires a deep understanding of the theory and practice of management in one of the world's most complex enterprises. Yet most people, from the workers who clean his office all the way up to the Secretary of Defense, call him "Doc." A man who doesn't take his many impressive titles too seriously, Cooke enjoys the familiarity.

FROM TEACHING TO TASK FORCES

The Doc Cooke story began 74 years ago in Buffalo, N.Y. His parents were schoolteachers and that was what he also set out to be, receiving his bachelor's and master's degrees from the State University of New York. World War II took him out of the classroom and onto the decks of a battleship, the USS *Pennsylvania*, where he served as an officer throughout the war. Afterward, he returned to Buffalo to teach high school.

Then, in 1947, three events changed his life. He entered law school, met and married fellow law student Marion McDonald and accepted an offer to become a civilian employee of the Navy in Washington, D.C. Once settled in the capital, he resumed law studies at night and received an LL.B. from The George Washington University in 1950.

When the Korean War began, Cooke was recalled to active duty, this time as an instructor at the School of Naval Justice. Thereafter followed a stint as a maritime lawyer for the Navy in New York. In 1957, he was reassigned to the Judge Advocate General's Washington staff and a year later joined a task force on DOD reorganization spearheaded by Secretary Neil McElroy. This was the start of a highly specialized career in military organization and management that would lead him to the top ranks of federal civil service. "I never effectively got back to the Navy," Cooke recalls, even though he remained on active duty for nine more years.

One of Cooke's most vividly remembered assignments of those early years was to Robert McNamara's briefing team on organizational and management issues, which the new Secretary formed in 1961. McNamara intended to institute sweeping changes in Defense organization, and he wanted a small group to advise him.

Led by Solis Horowitz, a Harvard lawyer who eventually became DOD's assistant secretary for administration, the group consisted of Cooke, representing the Navy, Army officer John Cushman and Air Force officer Abbott Greenleaf. Cushman and Greenleaf "both retired as three-star generals," Cooke observes, "so two out of the three became eminently successful, and I was the guy who wasn't."

THE COOKE SCHOOL OF MANAGEMENT

Such self-deprecating wit is classic Cooke. "He might make fun of himself, but not someone else," says DOD historian Alfred Goldberg. "He has a good sense of humor and uses it in dealing effectively with people."

Rossyln Kleeman, a distinguished executive-in-residence at the George Washington University's School of Business and Public Management who has served alongside Cooke in several public-employee organizations, agrees. "I've listened to a lot of Doc's speeches," she says, "and after an opening joke or two, he will invariably have his audiences in stitches."

Cooke readily admits to using humor as a management tool. One of the keys to success, he believes, is "taking your job, but not yourself, very seriously."

Another, Cooke says, is a managerial style based on people. "You can think about an organization in terms of its wiring diagram," Cooke explains, "or its skeletal structure or the task skills you need to make it function the way you want. Or you can think in terms of the people involved. And to loosely paraphrase the apostle Paul, the greatest of these is people.

"When I get complaints, and I get a lot of them, from managers who say that people who work for them aren't doing what they're supposed to be doing, I always ask: 'Have you told these people? Have you explained to them what you expect?' Very often I find they haven't gotten the guidance and direction they should have gotten.

"People constitute our most important resource," Cooke concludes, "and so often, we treat them like dirt."

Cooke practices what he preaches, say three senior executives who have worked at the heart of his 11-member Pentagon management team.

Doc "is very good at getting along with people, no matter who they are," says Arthur H. Ehlers, who recently retired from his post as director of organizational and management planning in Cooke's office after 25 years.

Cooke has always maintained good relationships with members of Congress and with leaders in the executive branch, says Walter Freeman, another longtime top aide who is director of real estate and facilities for DoD, "and it's not because he treats them differently from anyone else."

Leon Kniaz, another key assistant who recently retired after a decade as director of personnel and security, elaborates. Cooke, he says, "has always had an open-door policy and listens well to people. There isn't anybody who walks into that office and talks with Doc who doesn't think that he or she has become a personal friend . . . [Cooke] is people-oriented, and I think that comes through."

Yet Cooke is no pushover. "He doesn't just tell people what they want to hear," says Kniaz. "He knows how to say no, and I've heard him do so in meetings where participants were expecting him to say yes."

And when Cooke is fighting for a cause in which he believes, he fights hard, his associates agree. Perhaps nowhere in his career is this more evident than in the stubborn campaign he waged to launch the current renovation of the Pentagon.

A BUREAUCRATIC COUP

Cracks in the walls, corroded pipes and frequently overloaded electrical circuits attest to 50 years of neglect in the upkeep of the Pentagon by the General Services Administration, the agency charged with maintaining and leasing most federal buildings. (See "Operation Renovate," February.)

"For years," says Freeman, who joined Cooke as a tenant of the Pentagon in 1983, "Doc tried to get GSA to renovate. But it was a very expensive job, and DoD was paying big rent to GSA and was sort of cash cow. So GSA was reluctant." Although the "rent" DoD paid GSA to look after the Pentagon injected hundreds of millions of dollars into the Federal Buildings Fund each year, GSA would not finance the sweeping renovations needed. Cooke saw that the only way out of the dispute was to stage a coup.

"Doc went to Congress and asked that the ownership of the Pentagon be transferred to DoD," recalls Freeman, "so we would be, in effect, our own landlord and could do the job ourselves. He set up what became known as a 'Horror Board,' and took it with him every time he would go up on the Hill to testify."

The Horror Board was a flat panel to which Doc affixed examples of Pentagon decay. "There would be pieces of rusting pipe, damaged wiring, pieces of asbestos and all sorts of things that showed the building was falling apart," Freeman says. "New exhibits would appear periodically, and Doc would point to these things and say: 'Just look at this. See how bad conditions are.' Finally Congress agreed, and one Member said, 'All right, Doc, but you aren't bringing that thing up here again, are you?' "

Now, Freeman points out, the Pentagon Reservation is owned by the Office of the Secretary of Defense, and an orderly, 12-year renovation project is under way. "I can't think of anyone else who could have, or would have, done this," Freeman says. "There's even a special Pentagon Renovation Revolving Fund established to pay for the project." Estimates put the cost of the Pentagon overhaul at $1.2 billion.

AFTER HOURS

Somewhere in between saving the Pentagon's buildings and planning the never-ending reorganizations of Defense management structures, Cooke has found time to be an active member of good-government groups and a leader of community service projects.

He also has played prominent roles in government-wide initiatives. He was, for example, a leader in the President's Council on Management Improvement (PCMI) while that group was active, and he currently chairs the Combined Federal Campaign's Washington-area coordinating committee. For years he's been a supporter of the Public Employee Roundtable—contributing a key staffer through an Intergovernmental Personnel Act assignment—and he often reflects with pride on the Roundtable's success in spreading the annual celebration of Public Service Recognition Week to dozens of communities. Today, if asked, he'll acknowledge with a chuckle the little-known fact that his office provides a good share of the funding for Vice President Gore's National Performance Review.

Cooke has been a leader in two professional groups in the field of public administration—the National Academy of Public Administration (NAPA) and the American Society for Public Administration (ASPA).

Sometimes, with Cooke's encouragement, these groups combine in support of a single project. This was the case with a 1992 initiative to reach out to students at Anacostia High School in one of Washington's poorest areas. The idea was to set up a Public Service Academy, with the goals of sparking students' interest in public service careers—and in their academic work. NAPA the National Capital Area Chapter of ASPA and the PCMI were among those who offered early support. "I'm very pleased with that venture," Cooke says, beaming. "There's nothing else like it in the area."

Federal agencies lend three managers to the Academy each year to work with the faculty in establishing curriculum, arranging visits to and internships at government offices, coordinating special events and offering counseling to students and their families.

While Anacostia High has a graduation rate of only 55 percent, 90 percent of the Academy's students graduate. Of the 28 seniors who matriculated from the Academy this June, 25 were accepted by colleges, and 3 found jobs. "I think that's pretty good, by just about any standards," says Cooke.

Cooke also works to secure further education for government workers. Anita Alpern, a distinguished adjunct professor at American University's School of Public Affairs, notes that Cooke has been a strong supporter of the Federal Executive Institute and of American University's Key Executive Program, a master's program in public administration for government employees. "And," she says, "he does all this as a firm believer that education should not stop after you've got a job, it should continue so you can do that job better."

Cooke explains the volume of his extra curricular commitments: "I don't think you can do the best job if you just put in your 40 hours and go home. I know that I can do better here in my office because of the extra time I spend networking and learning from others outside my office."

THEY CAN KEEP THE GOLD WATCH

For now, Cooke has no plans to retire, which is good news for his friends at the Pentagon. "I don't know anyone who would not shudder at the thought of Doc retiring," says Freeman. "And why should he? He's doing what's fun for him and good for the country. Why should he turn to something that's not so interesting?"

Federal management is still Cooke's passion. "There are not many higher callings," he says. He's passed this belief onto his three children, all of whom have federal careers.

Cooke's response to public cynicism about government is to say that, "on balance, our [governing] system has worked well. There have been enormous innovations, especially at state and local levels. We do face serious problems in our society today, but many of them have little to do with government per se."

Cooke maintains an external optimism. Citing, as he often does, classic philosophical literature, Cooke borrows from Voltaire as he says: "This is the best of all possible worlds because it is the only possible world. We just have to keep working on it."

THE LEADERSHIP AWARD

The NCAC/Government Executive Leadership award was established five years ago to recognize distinguished careers in the federal service. The award is cosponsored by the National Capital Area Chapter of the American Society for Public Administration. The roster of winners:

1995—David O. Cooke, director of administration and management and director of Washington Headquarters Services, Department of Defense

1994—June Gibbs Brown, inspector general, Department of Health and Human Services

1993—Thomas S. McFee, assistant secretary for personnel administration, Department of Health and Human Services

1992—Paul T. Weiss, deputy assistant secretary for administration, Department of Transportation

1991—Robert L. Bombaugh, director, Office of Immigration Litigation, Department of Justice

THE MINIMUM WAGE BILL

Mr. CHAFEE. Mr. President, yesterday, I voted for legislation to increase the minimum wage from $4.25 to $5.15 per hour over the next 2 years. Though this is a necessary increase, regrettably, Senators did not have a chance to vote for an ideal package.

First, it is essential that employers be given adequate time to prepare to implement the proposed increase. For this reason, I voted for the Bond amendment, though I felt delaying the increase to January 1, 1997, was too long. In my view, a reasonable effective date for the increase would have been September 1, 1996.

As passed by the Senate, H.R. 3448 would be effective retroactively to July 1, 1996, leaving employers with no adjustment period. This is unfortunate, in my view.

Second, I also believe a training wage is crucial for those entering the work force, particularly given our efforts to reform the welfare system. While many of my colleagues contend that increasing the minimum wage will encourage welfare recipients to obtain gainful employment, I am afraid the increase will actually reduce the availability of new positions.

Congress has spent the better part of 2 years developing and refining welfare reform legislation. All of the major bills include tough work participation programs. And most would require the States to have 50 percent of their welfare recipients off of the rolls in the next 6 years. Even if another 15 to 20 percent are granted hardship exceptions, the States will still be hard pressed to find enough jobs to meet the strict work requirements imposed by this legislation.

In my State of Rhode Island, approximately 20,000 families are now on public assistance. If 20 percent of these families are exempt from the work requirement, that leaves 16,000 families who must find their way off of welfare in the next 6 years. Even if Rhode Island must find jobs for only half of these families, we are talking about 8,000 entry-level jobs. Given the stagnant economy within my State, that could prove a very difficult requirement to meet.

Despite the fact that these new workers will undergo intensive job training and must also learn important life skills, such as being punctual for work, most former welfare recipients will qualify for no more than entry-level positions. While there may be a few exceptions, most will have to prove themselves before they will be given greater opportunities in the workplace.

To retain some incentive for employers to hire and train welfare recipients, I believe a strong and effective training wage at the current minimum of $4.25 per hour should be included in H.R. 3448.

Despite my concern that the Bond amendment contained a 6-month training wage, which in my view is too long, I voted for it. In contrast, the Kennedy alternative would have provided only a 30-day training wage, limited to those under 20 years of age. This provision would not have given employers the needed incentive to take a chance on hiring a welfare recipient.

As passed by the Senate, the training wage included in H.R. 3448 has a duration of 3 months, but unfortunately is limited to those under 20 years old. I would have preferred no age limitation on the provision to ensure its full utility in moving people from welfare to work.

Third, in my view, small businesses should have some form of exemption from the minimum wage increases proposed in H.R. 3448. Very few employers who own small businesses qualify for the current exemption, which is flawed and unworkable.

For this reason, I voted for the Bond amendment. This amendment would have enabled employers with gross incomes of less than $500,000 to continue paying the current minimum wage of $4.25 per hour, while larger businesses would have been required to comply with the increase.

Regrettably, as approved by the Senate, the final version of H.R. 3448 contained no change in current law with respect to the treatment of small businesses. And hurting America's small businesses, Mr. President, places big hurdles on the road to economic recovery.

In summary, I am hopeful that some of these problems can be reviewed and corrected before H.R. 3448 becomes law.

RIGHT TO WORK FOR LESS

Mr. KERRY. Mr. President, today the Senate will take up the Right to Work Act. This legislation hurts union members by giving nonmembers a free ride to get union-negotiated benefits without contributing their fair share—or any money at all—to defray the costs. By repealing parts of the National Labor Relations Act and the Railway Labor Act which give each State the right to determine whether union security agreements should be permissible in that State, this bill would make such agreements unlawful in all States. Mr. President, this is bad public policy.

Currently, the National Labor Relations Act allows States to prohibit union security clauses but does not preempt State law if a State chooses to allow such agreements. That permits employers and unions to agree, if they wish, that employees will be required to give financial support to the union. My State of Massachusetts has chosen to permit such agreements, and workers are the beneficiaries. What the workers in my State of Massachusetts get from this is higher wages, greater benefits which protect them and their families, and a higher standard of living.

This bill unfairly tilts the playing field in favor of employers and against labor unions. Under Federal law, the union is responsible for representing employees in the bargaining unit even if they pay nothing toward the union's expenses. Under right-to-work legislation, these employees get union-negotiated higher wages and benefits as well as union representation during grievance proceedings without contributing a dime. Giving nonmembers a free ride to get union-negotiated benefits without contributing to defray the costs is unfair, and in the long run will weaken the ability of unions to obtain favorable wages and benefits for all workers in a unionized company.

Republicans are insisting on preempting State law despite the fact that only 21 States have seen fit to enact right-to-work laws since they were deemed lawful, 18 of these prior to 1959. And just last year legislatures in six States, Colorado, Maryland, Montana, New Hampshire, New Mexico, and Oklahoma, defeated statewide right-to-work bills. It is noteworthy that three of these are Republican-controlled legislatures.

Mr. President, my colleagues on the other side of the aisle want to force their sense of judgment and propriety on my State of Massachusetts and take away a free choice that my State ought to have and has always had. Simply speaking, if a State does not want right-to-work laws then these laws should not be imposed on it because some people here in the Senate more greatly value their own judgment on this issue than they do the judgment of the people of Massachusetts. I might point out that most of the Senators voting to do this voted against raising the minimum wage yesterday. This goes too far, Mr. President.

The Republicans' decision to couple the right-to-work bill—which has never been subject to hearings or markup—with the TEAM Act underscores their true disinterest in helping working Americans. And as they decry the role of big government in the lives of working Americans, the Republicans go ahead and tell the people of Massachusetts that they know better, that they know what the people of Lowell or Lawrence or Springfield or Boston or Hyannis want.

Right-to-work laws have not brought economic bonanzas to States that have adopted them. Not 1 of the 21 right-to-work States has a pay level above the national average and not 1 ranks in the top 15 States for annual workers' pay. This bill ought to be called the right-to-work-for-less bill.

Union security clauses are negotiated by a democratically elected union and the employer. Coming on the heels of Independence Day, opposing this bill is the right thing to do for the American worker, and I urge my colleagues to vote against this bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Senate has completed many long hours of debate on S. 1745, the National Defense Authorization Act for fiscal year 1997.

I would like to thank the distinguished ranking member of the Committee on Armed Services, my good friend Senator NUNN, for his insight, wisdom, and devotion to our Nation. He and I have always worked to provide our Armed Forces with the direction and resources they need to carry out their difficult responsibilities. Our future collective efforts will be diminished by his absence.

Senator NUNN was named chairman of the ad hoc Subcommittee on Manpower and Personnel in 1974 and he served in that capacity until 1981. In 1983, he became the ranking minority member and in 1987 he became the chairman of the committee. He served with distinction in that capacity for 8 years, and earned the respect of leaders around the globe for his wisdom, statesmanship, and insight. A hallmark of his tenure, and a basis for his effectiveness, was the trustworthy and bipartisan manner in which he conducted the committee's business. Our Nation owes Senator NUNN its deepest appreciation for his truly distinguished service.

I would also like to recognize the outstanding contributions of Senators COHEN and EXON, who are departing the Senate. They have worked and fought hard to preserve our national security, and provide for the well-being of our men and women in uniform.

Mr. President, I want to extend my deep appreciation also to the distinguished majority leader, Senator LOTT, who has been most helpful in every way in bringing this bill to final passage. He is a fine and able leader of whom the Senate can be proud.

I also want to thank all the members from both sides of the committee, and particularly Senator WARNER and Senator McCAIN, for their leadership and assistance on the floor.

In addition, I would like to commend the entire staff of the Committee on Armed Services for their dedication and support. I would like to recognize each of them individually for their effort on this bill. I will soon ask unanimous consent that a list of the committee staff be printed in the RECORD.

I also want to recognize and thank Greg Scott and Charlie Armstrong, the legislative counsels who crafted the language of this bill.

We have achieved a number of important successes in this bill, and I commend my colleagues for their good judgment. Among these successes are:

Increasing the budget request by $11.2 billion to revitalize the procurement, and research and development accounts, which form the core of future readiness;

Significantly improving quality of life programs for our troops and their families, including funds for housing, facilities, and real property maintenance;

Authorizing a 3-percent pay raise for military members and a 4-percent increase in the basic allowance for quarters, to arrest part of the decline in compensation;

Establishing a dental health care insurance program for military retirees and their families, to keep faith with those who have kept faith with our Nation;

Increasing the level of funding requested in the President's budget for Department of Defense counternarcotics activities, to combat the flow of illegal drugs;

Authorizing increases for the Space and Missile Tracking System, cruise missile defense programs, and ballistic missile defense advanced technologies;

Accelerating the Department of Energy's phased approach to tritium production, and upgrading tritium recycling facilities; and

Providing funding for essential equipment for the Active, Guard, and Reserve components.

These are important achievements that reflect significant bipartisan effort, both within the committee and on the Senate floor. I urge my colleagues to endorse this bill with a solid vote of approval, to support our men and women in uniform who go in harm's way every day to protect our Nation.

I ask unanimous consent that the list of staff I referred to earlier be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ARMED SERVICES COMMITTEE STAFF

MAJORITY

Les Brownlee, Staff Director. Charles S. Abell; Patricia L. Banks; John R. Barnes; Lucia M. Chavez; Christine K. Cimko; Kathie S. Connor; Donald A. Deline; Marie Fabrizio Dickinson; Shawn H. Edwards; Jonathan L. Etherton; Pamela L. Farrell; Cristina W. Fiori; Larry J. Hoag; Melinda M. Koutsoumpas; Lawrence J. Lanzillotta; George W. Lauffer; Paul M. Longsworth; Stephen L. Madey; John Reaves McLeod; John H. Miller; Ann Mary Mittermeyer; Bert K. Mizusawa; Lind B. Morris; Joseph G. Pallone; Cindy Pearson; Sharen E. Reaves; Steven C. Saulnier; Cord Sterling; Eric H. Thoemmes; Roslyne D. Turner; Mary Deas Boykin Wagner; Jennifer Lynn Wallace.

MINORITY

Arnold L. Punaro, Staff Director for the Minority. Christine E. Cowart; Richard D. DeBobes; Andrew S. Effron; Andrew B. Fulford; Daniel B. Ginsberg; Mickie Jan Gordon; Creighton Greene; Patrick T. Henry; William E. Hoehn, Jr.; Maurice Hutchinson; Jennifer Lambert; Michael J. McCord; Frank Norton, Jr.; Julie K. Rief; James R. Thompson III; DeNeige V. Watson.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank Chairman THURMOND very much for his gracious remarks concerning my participation in this bill and also my participation over the last 24 years in the Defense authorization process and matters affecting our national security.

I also say to my friend from South Carolina that I identify with and completely support his remarks about two outstanding members of our committee, Senator EXON on the Democratic side and Senator COHEN on the Republican side. These two individuals have made truly enormous contributions to our Nation's security.

I have worked with Senator EXON on many different matters over the years. He has been a stalwart on strategic matters, and really has made immense contributions to our overall security.

Senator COHEN and I have joined together time after time in working on matters of great importance, including the special operating forces where he truly has been an expert and a leader. Senator COHEN is an expert on Asia and also has all sorts of legislative interests beyond the Defense Committee. But he has made tremendous contributions to the men and women who serve our Nation and to the taxpayers of our Nation. These two individuals, Senator COHEN and Senator EXON, truly will be missed.

In the brief time allotted to us today, I will defer my detailed expression of appreciation to members of the committee and staff for their dedicated service in securing passage of this legislation until we act on the conference report.

But I would like to summarize my thoughts at this time.

First and foremost, I would like to thank our distinguished chairman, Senator THURMOND. Through his leadership, his strength, and his steadfast and dedicated commitment to the national defense, this bill is about to pass. It is my honor and privilege to work with him on all of the committee matters, and indeed have had the great pleasure of working with him over the years. I know that his service will continue with the strength and leadership that he has had in the past.

I am also grateful to all of the other committee members on both sides of the aisle who have dedicated themselves to this important bill. Our subcommittee staff have done yeomen service on this bill. They deserve much credit for the passage of the bill. We brought a sound, good defense bill to the floor.

There were a number of concerns that have now been ironed out. I think of such as demarcation, as in the ballistic missile and theater missile defense area, and also regarding the ABM Treaty; the multilateral provision that was in the bill. Both of those have been greatly improved on the floor. It is my strong impression that this bill will be acceptable to the administration.

We have a real challenge in the House-Senate conference because there are a number of provisions that clearly would not be acceptable to the administration. In the House bill, we have to prevail upon those issues if we are going to have a Defense bill signed into law this year.

The Senate also adopted a provision sponsored by Senator LUGAR, Senator DOMENICI, and myself to bolster our defenses against weapons of mass destruction, including nuclear, chemical, and biological weapons, both at home and abroad. We need no reminder that we are in an era of terrorism now. We spent all day yesterday in the hearing regarding the tragedy that took place in Saudi Arabia. Of course, our heart goes out to all of the families and to the men and women involved in that who were serving our Nation.

The provision that passed the Senate in this bill improved existing programs, such as the Nunn-Lugar program designed to stop proliferation of nuclear, chemical, and biological weapons at its source, primarily the former Soviet Union. But the primary new threat is on domestic preparedness against terrorist use of weapons of mass destruction, such as chemical, biological, and nuclear.

It is very, very clear by the hearings that we have had in the Permanent Subcommittee on Investigations, as well as other hearings, that we are not prepared as a nation to deal with chemical or biological attack. We have a long way to go in the overall area of getting our policemen, our firemen, and our health officials able to handle one of these threats, if it ever comes. But primarily our effort must continue to be to stop the sources of this proliferation at the very beginning before they leave the country where the weapons are, where the scientists are, and where the technology is; and also to make sure, if that does happen, that we stop those weapons at our own borders before we have to deal with the attacks. But we have to have a tiered defense against this growing threat.

I think we will have an even stronger bill in conference since the Senate has taken action on the floor. I urge my colleagues to support this important defense measure.

The cooperation and help exhibited by all Senators, floor staff, parliamentarians, clerks, the Reporters of Debates, attorneys, and the Legislative Counsel's Office is very much appreciated by this manager of the bill. I am sure the chairman feels likewise.

Finally, Mr. President, I have to express my appreciation to the superb committee staff on both sides of the aisle, and to our two staff directors, Les Brownlee with the majority and Arnold Punaro with the minority. They have done a magnificent job of managing and motivating in order to keep this bill on track and moving.

I particularly want to express my appreciation to Les Brownlee, who has just become the staff director, although he has been a stalwart both in his service to our Nation in the Army as well as his service on this committee. But he has truly done a tremendous job as staff director on this bill. We have enjoyed very much working with him in his new capacity, as we did in his former capacity.

I appreciate the hard work of both of the staffs. I will have more to say about them when we get the conference report back. They are not through working yet. So I do not want to overcongratulate them until we get through with the bill and we actually have it ready for conference.

I thank the chairman for his dedication.

I thank all of the members of our staff for their sacrifices which they have endured, and their families, in order to bring this bill to the floor.

Mr. President, as we conclude the debate on the national Defense authorization bill for fiscal year 1997 I would like to take a moment to bring to the Senate's attention recent remarks made by a former Senate colleague and a valued friend, Alan Dixon.

Last year, Alan Dixon had the difficult task of chairing the 1995 Base Closure Commission. While some may not agree with various aspects of the Commission's findings, the Commission, under the tremendous leadership of Alan Dixon, fulfilled its obligation to make fair assessments of Department of Defense recommendations for base closures and realignments, to review additional closure and realignment options, and to make final recommendations to the President on ways in which the Department of Defense must reduce its excess infrastructure.

DOD and the military services are executing these final BRAC decisions and affected local communities are making, plans for reuse and economic development. Mr. President, there is no easy part to base closure—the final recommendations were not easy for the Commission, implementation of the final decisions by the services is not easy, and base reuse by local communities is not easy. Not easy, but a necessary part of the Department's ability to afford modernization and readiness in the future.

Mr. President, Alan Dixon made a speech before the American Logistics Association Conference on June 18 where he summarized the 1995 Base Closure Commission's actions and commented on what should be considered in terms of a future round of base closure. In his remarks, he pointed out, as senior military and civilian defense leaders have also indicated, that excess capacity and infrastructure will remain even after all base realignment and closure actions from the 1988, 1991, 1993, and 1995 rounds have been completed. In order to address this excess infrastructure using the same Commission-type framework, Senator Dixon recommends that Congress authorize another Commission. I believe it is important that Alan Dixon's remarks be made part of the RECORD for all to read and consider.

Mr. President, I commend our former colleague, Alan Dixon, on his leadership and dedicated service on issues of great importance to our national security.

I ask unanimous consent that Senator Dixon's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERSPECTIVE ON FUTURE BASE CLOSINGS

Thank you for the opportunity to speak to your convention today. Throughout my career of public service I was a strong advocate for the readiness of our military services and the quality of life for our military members and their families, so it is a real pleasure for me to be addressing a group that contributes so much to these important goals.

Today I am going to talk a little bit about the base closure process—both the work of the 1995 Base Closure Commission which I chaired and what I see as the future of the base closure process.

Let me start just by giving a quick summary of the work of the 1995 Commission.

The 1995 Commission was actually the fourth—and under current law—the final round of base closing authorized by the Congress to operate under special expedited procedures. The first base closing round was in 1988. In my view this first round was seriously flawed from a procedural point of view. I was one of the principal authors of the 1990 Base Closure legislation that set up the succeeding three base closure rounds, and I think we corrected most of the procedural shortcomings of the 1988 rounds.

Altogether, the 1995 Commission recommended the closure of 79 military installations; the realignment of 26 others; and approved 27 requests from the Defense Department to change recommendations of previous Commissions.

The 1995 Commission rejected only 19 of the 146 closures or realignments proposed by DOD, and we closed or realigned 9 installations not requested by the Pentagon.

Like previous Commissions, the 1995 Commission made changes to the list of closures and realignments proposed by DOD only in those cases where we found that the Secretary of Defense deviated substantially from the force structure plan or the selection criteria. Of the 147 recommendations on Secretary's original list, we approved 123, or 84 percent. This is almost identical to previous Commissions. The 1993 Commission accepted 83 percent of DOD's recommendations, and the 1991 Commission accepted 83 percent.

The 1990 Base Closure Act anticipated that the Commission would give great deference to the Secretary of Defenses's recommendations, and you can see that all three Commissions did that.

I am particularly proud of the fact that the estimated 20-year savings from the 1995 Commission recommendations of just over $19.3 billion were $323 million higher than the revised savings baseline of $19.0 billion projected by DOD. This was the only time in the three closure rounds that the Commission achieved greater savings than contemplated by the Defense Department.

The 1995 Commission also included in our report a set of 20 recommendations for the President, Congress and local communities that suggested ways to improve the process of helping local communities recover from the economic consequences of a base closure.

Finally, and we will talk a little more about this in a moment, the 1995 Commission recommended that Congress authorize another round of base closures in the year 2001.

I think most of you are aware that President Clinton was a little upset with a couple of our recommendations—particularly the ones to close the Air Force Logistics Centers in Sacramento, California and San Antonio, Texas—but ultimately forwarded our recommendations to the Congress.

The Resolution of Disapproval introduced in the House of Representatives was defeated by a vote of 343 to 75 on last September 8.

AFTER FOUR SEPARATE BASE CLOSURE ROUNDS, DO WE NEED TO CLOSE MORE BASES?

In my view, the answer is yes.

In the last 10 years, the defense budget has declined in real terms by almost 40 percent, and current plans call for the defense budget to remain essentially stable through the end of the century. Overall, DOD has reduced the size of the military services by about 30 percent—and some are saying that further reductions in force levels are likely before the end of the decade.

The cumulative reduction in our domestic base structure from the 4 base closures rounds is approximately 21 percent.

I am not saying that there should be a direct correlation between reductions in force levels and reductions in basing structure, but I think we can and should reduce more base structure.

The senior DOD leadership also thinks we need to close more bases.

Secretary of Defense Bill Perry told the Commission last year that DOD would still have excess infrastructure after the 1995 round, and suggested the need for an additional round of closures and realignments in 3 to 4 years.

General Shalikashvili, the Chairman of the Joint Chiefs, agreed with Secretary Perry on the need for additional base closing authority in the future. He told us that opportunities remain in DOD to increase cross-servicing, particularly in the area of joint-use bases and training facilities.

Josh Gotbaum, who at the time was Assistant Secretary of Defense for Economic Security and oversaw the base closure process for OSD, told the Commission that "Even after BRAC 95 has been implemented we will continue to have excess infrastructure. Future base closure authority will be necessary."

HOW MANY ADDITIONAL BASES SHOULD BE CLOSED, AND IN WHICH MILITARY SERVICES?

It was painful enough last year to vote to close specific bases, so I am not about to get in the business of suggesting which ones ought to be closed in a future round. Those decisions can only be made after a thorough review and analysis by the military services and some future Commission.

I will suggest some functional areas that should be looked at, based on the work that the 1995 Commission did.

In general, I would put a premium on retaining operational bases that have unique strategic value or that have good training ranges and airspace that provide opportunities for realistic training. One of the keys to maintaining our qualitative edge over future potential adversaries is to provide our forces frequent, realistic opportunities to train as they would have to fight. So where we have large bases with operational units with access to good training airspace or extensive land for training ground forces, we should think long and hard before closing them.

I think the greatest opportunities for future closures lie in the support infrastructure.

The Defense Department's industrial facilities represent one area where I think further reductions are possible.

Secretary of the Army Togo West told the Commission last year that "our analysis tells us that the Department of Defense is bleeding depot money. We are just spending money on capacity that we simply do not need now."

The Commission on Roles and Missions, chaired by my friend John White who subsequently became the Deputy Secretary of Defense, reached the same conclusion. Their Report in May of last year said that "With proper oversight, private contractors could provide essentially all of the depot-level maintenance services now conducted in government facilities within the United States. . . . We recommend that the Department make the transition to a depot maintenance system relying mostly on the private sector. DOD should retain organic depot capability only where private-sector alternatives are not available and cannot be developed reasonably."

So I think the military services can look at their industrial activities for more closures.

We also found in the 1995 Commission that there was a great deal of overlap and duplication in the area of R&D labs and test and evaluation facilities. In preparing the 1995 recommendations, OSD set up 6 cross-service groups to look at functions across the military services, and we heard testimony from the directors of each of those cross service groups. The leaders of the Labs and Test and Evaluation Facilities Cross Service Group told us that they were frustrated by their inability to achieve any meaningful cross servicing in this area and felt that much more could be done.

Military medical facilities are another area where I think the military services can make some savings without compromising care to military members and their families or to military retirees. Some of the members of the 1995 Commission looked into this, and the Commission concluded in our Report that many opportunities remain for consolidating military medical facilities across service lines and with civilian sector medical resources.

WHAT SHOULD A FUTURE BASE CLOSURE PROCESS LOOK LIKE?

I have never seen a process that can't be improved on, but the fact is that the base closure process set up under the 1990 Base Closure Act worked pretty well. My friend Jim Courter, who chaired the 1991 and 1993 Commissions, deserves a lot of credit for putting in place the policies and procedures that ensured that the process was open, fair and objective.

Communities might disagree with the final recommendations of the Commission, but I don't think any community ever said that they were not given an opportunity to make their case and did not receive a fair hearing.

By the end of the 1995 process, President Clinton was not a big fan of the base closure process, but he said in a letter to me that "The BRAC process is the only way that the Congress and the executive branch have found to make closure decisions with reasonable objectivity and finality." I think the President was right.

Our Commission recommended that Congress authorize another Base Closure Commission for the year 2001 similar to the 1991, 1993 and 1995 Commissions—after the Presidential election in the year 2000. We realized that the Defense Department would have a lot of work to do to implement the closures from the 1995 and prior Commissions through the end of this decade. Since the 1990 Base Closure Act gives DOD 6 years to complete closures, the closures from the 1995 round will not be completed until 2001.

IS CONGRESS LIKELY TO ENACT LEGISLATION SETTING UP ANOTHER BASE CLOSURE ROUND?

When I was Deputy Majority Whip of the United States Senate I had a hard time predicting from one day to the next whether I would be able to have dinner that night with my wife, so I hesitate to predict what Congress is likely to do on this sensitive subject.

There are some who say that Congress will not set up another Base Closure Commission because it is too painful a process to go through. There is no doubt that it was a painful process for members of Congress. We wrote the 1990 Base Closure Act to insulate the process from political and parochial influences as much as possible, and I think we succeeded to a large extent. Our 1995 Commission listened carefully to the view of members of Congress, but these members did not have any more influence on the votes of our Commission and the outcome of the process than the state and local officials and even the individual citizens in the communities affected by our decisions.

I was a member of the United States Senate for 12 years, and I know that members of Congress don't like to be put in the position that reduces their influence over the outcome of a process that could affect the economic well-being of their constituents. In this case, however, I think history shows that the process of closing bases is so politically charged that it has to be put in the hands of an independent Commission that is insulated as much as possible from partisan and parochial influences.

In my view, the defense budget is not likely to get much larger in the next five years, and we still have a requirement to maintain a ready, capable military. I am still convinced that closing military bases is one of the keys to the future readiness and modernization of our military forces.

Ultimately, I think members of Congress realize this. As painful as it is, we need to close more military bases, and I think and hope that Congress will realize this and authorize another Base Closure Commission in the future.

Mr. NUNN. Mr. President, I know Senator PELL is on the floor. I believe Senator HELMS is on the floor. So at this point I yield and reserve any time I have remaining.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I share with the chairman of the Committee on Foreign Relations, the Senator from North Carolina [Mr. HELMS], and the Senator from Maryland [Mr. SARBANES] concerns with regard to section 1005 of the Defense authorization bill. Senator HELMS and I had planned to offer an amendment to delete that section, but, as recess approached, were not able to find an opportunity to do so.

This section of the bill would authorize spending under the Military-to-Military Program for military education and training for military personnel of foreign countries. The program would be in addition to the International Military Education and Training Program now in operation and overseen by the Committee on Foreign Relations, the Committee on Appropriations, and their appropriate subcommittees. This new program would not have the same congressional oversight.

Oversight of the International Military Education and Training [IMET] Program has proved generally valuable in ensuring that the Congress is comfortable with the activities undertaken pursuant to the program. Just this year, for instance, the Department of Defense proposed a program for a troubled country that was not consistent with its needs. In consultation with two members of the Committee on Foreign Relations, I requested that the Defense Security Assistance Agency modify the program. They were quite prepared to consider our views and to meet our request that the program be modified. I would point out that, in that particular case, there has been a continuing and productive dialog to ensure that the program for that nation does not conflict with congressional concerns, but meets the reasonable objectives of the Department of Defense.

There is no reason to conclude that the IMET Program is not supported by the committees of jurisdiction. I would point out that the foreign operations appropriations bill just reported by the Senate Appropriations Committee provides a full $40 million for the IMET Program in the next fiscal year. This sum represents an increase in funding and reflects congressional willingness to back that well-established program.

It makes no sense to create a duplicative military education and training program under the Military-to-Military Contacts Program. The IMET Program and the contacts program have different purposes and goals. The Congress has been very careful to separate the programs to ensure that the Military-to-Military Contacts Program would not be used to circumvent the restrictions of the IMET Program and to prevent duplication and overlaps.

Three provisions were added to prohibit funding for the Military-to-Military Program from being used in countries that are ineligible for IMET to require coordination with the Secretary of State and to prevent the authorities from being used to transfer weapons. It is not at all in the interests of the Congress or the country for the distinction between these two programs to be blurred.

Mr. President, it is not at all clear why this provision is being sought. It was not requested by the Department of Defense and it is opposed by the Department of Defense and it is opposed by the Department of State.

I believe very much that section 1005 has no place in this bill. I hope that, with an eye both to comity and to good sense, it will be dropped in conference.

Thank you, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I believe there are 7½ minutes set aside for me. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. We are supposed to begin voting at 12?

The PRESIDING OFFICER. Correct.

Mr. HELMS. How many votes in tandem, three?

The PRESIDING OFFICER. We will have a series of five votes beginning at 12 o'clock.

Mr. HELMS. I thank the Chair.

Mr. President, I have been around this place for almost 24 years now, and I have never participated in the occasional turf battles that occur, and I do not particularly enjoy making the comments I am about to make but I feel obliged to make them for the record.

Mr. President, S. 1745, as introduced and reported by the Armed Services Committee, contains, in my judgment, several significant provisions falling clearly within the primary jurisdiction of the Foreign Relations Committee. And I have disclosed now my interest in that because I am chairman of the Foreign Relations Committee. I do not think there can be a clearer case of imposing upon the jurisdiction of the Foreign Relations Committee than section 1005 of the bill, entitled "Use of Military-to-Military Contacts Funds for Professional Military Education and Training."

That is a lot of gobbledygook perhaps, but it is a provision that represents an obvious effort by some to commandeer a longstanding foreign policy instrument of the Department of State, that being the International Military Education and Training program known familiarly as IMET.

Section 1005 of this bill does not even pretend to differ substantively from the existing IMET program. The proposed authority would allow the Department of Defense to engage in a back-door foreign assistance program without the supervision of the State Department or the oversight of the Foreign Relations Committee by conducting "military education and training for military and civilian personnel of foreign countries."

Mr. President, why should the United States establish this duplicative program as identical authority already exists under chapter 5 of the Foreign Assistance Act which authorizes the President of the United States to furnish "military education and training to military and related civilian personnel of foreign countries."

Now, again, I am not going to get into any fight about the turf, but I must point out that this is the second year that an attempt has been made to seize foreign policy tools belonging solely to the Secretary of State. At a time when we should be considering consolidating the foreign affairs apparatus of the of the United States into the Department of State, it makes no sense to me to proliferate the number of foreign assistance programs outside the control of the Secretary of State. It makes even less sense in light of the drastic budget cuts undergone by the Department of Defense to pay for foreign aid in the defense budget and from defense funds. The result will be more nondefense spending in the 050 account.

This authority—and I have checked on this—was not requested by the administration. It has not been agreed to in the administration's interagency process, and I daresay that it likely is not supported by the Secretary of State. However, I have not talked with or to Warren Christopher about that. Because this provision falls within the jurisdiction of the Foreign Relations Committee, I respectfully request that this provision be removed from the bill during conference. That action I believe would recognize appropriately the jurisdictional responsibilities of both of our committees.

I thank the Chair, and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, will the Senator from Rhode Island yield me the remainder of his time?

Mr. PELL. I yield the remainder of my time to the Senator from Maryland.

Mr. HELMS. And if I have any time I yield it to the Senator from Maryland.

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. SARBANES. Mr. President, I join in the concerns expressed by Chairman HELMS and by the ranking member of the Foreign Relations Committee, Senator PELL, about section 1005 of this bill. This section would have the effect of creating a second IMET Program, a new aid program for foreign militaries.

IMET, the International Military Education and Training Program, funds tuition for foreign military officers in U.S. professional military training courses, and related activities. It has traditionally been funded through the foreign aid bill.

In fact, the foreign operations appropriations bill reported by the Senate Appropriations Committee provides a full $40 million for IMET in fiscal year 1997. It is one of the only programs in the entire foreign aid budget that is slated to get more money in fiscal year 1997 than in fiscal year 1996 or 1995.

When the Military-to-Military Contacts Program was established in the Defense Department, the justification was used that this would not—would not—be another IMET Program. It was to be something entirely separate. It was not going to duplicate IMET activities.

For that reason it was spelled out exactly what the new Military-to-Military Contact Program was going to be. In the law, there are listed eight specific activities, such as exchanges of personnel, transportation for contact and liaison teams, seminars and conferences, and distribution of publications, all distinct from the IMET activities.

To further ensure that the new Military-to-Military Program would not be used to circumvent the restrictions of the IMET Program, several conditions were added to ensure coordination and prevent overlap.

Because of concerns about the potential for duplication in the two programs, the fiscal year 1995 foreign operations appropriations bill required a report from the Secretary of Defense addressing the future of military training of foreign armed forces. In that report, which was issued with the concurrence of the Secretary of State, the Defense Department concluded:

> The IMET Program and the traditional CINC military-to-military activities are distinct efforts contributing to the achievement of common goals. From the beginning, both programs have commanded close coordination between the Defense and State Departments. Coordination between both departments ensures program uniqueness and the effective utilization of scarce resources in support of broad U.S. foreign policy and national security goals.

Unfortunately, what the bill now before us would do is eliminate all distinctions between the two programs. It would create, in effect, a second IMET Program under different jurisdiction and separate funding.

The Military-to-Military Contacts Program is expected to receive funding of $60 million in each of the fiscal years 1996 and 1997, out of the Services' operations and maintenance accounts. That is on top of the $40 million already going to IMET.

I wish to stress, as have my colleagues, that this authority was not requested by the Defense Department. It is not something they believe is needed. Furthermore, it is opposed by the State Department as well as by the committees of jurisdiction over foreign aid funding.

I very much regret that section 1005 has not been stricken from the bill. I make the observation that it plants the seeds for continuing controversy, which I think is something that is highly undesirable. I very strongly urge that it be dropped in conference.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I am puzzled concerning the objections to the use of Military-to-Military Contacts Program funds for international military education and training [IMET].

The Armed Services Committee is told each year by the commanders in chief of the combatant commands that IMET is the United States' most cost effective program in terms of fostering friendly relations with the foreign militaries. The combatant commanders routinely point out that foreign military officers who have received IMET training come to appreciate American values and the American way of life and that these foreign officers often rise to assume senior positions of leadership within their military and civilian hierarchies.

Pursuant to this testimony, the Armed Services Committee in the Department of Defense Authorization Act for fiscal years 1992 and 1993 specifically authorized the creation of a CINC Initiative Fund to carry out eight types of activities, including military education and training to military and related civilian personnel of foreign countries. The CINC Initiative Fund is designed to provide funding for activities that were not foreseen when the budget request was submitted to Congress and that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds. In the years since this authority was created, the CINC Initiative Fund has only been used to provide IMET on a few occasions. Incidentally, the use of this authority for IMET is limited to $2 million per fiscal year.

The committee's initiative this year seeks to build upon an existing program—the Military-to-Military Contacts Program which is designed to encourage a democratic orientation of defense establishments and military forces of other countries. Under existing law, this program is primarily aimed at in-theater activities and generally involves the establishment of military liaison teams and traveling contact teams in engaging democracies to seek to identify those countries' needs and then seek to design programs that are carried out by visiting experts, seminars, conferences, or exchanges of personnel. When a larger need is identified that would exceed the limited funding for this program, the in-country liaison teams seek to identify programs under the Foreign Assistance Act that can satisfy the need. When it comes to IMET, however, we have found that existing funding for the IMET Program has already been programmed and the traditional IMET Program is unable to meet the need. We have also found that the needs of emerging democracies in Eastern Europe have caused legitimate IMET needs of countries in Latin America, Africa, and Asia to go unfunded. Thus, by adding IMET as one of the activities that can be carried out under the Military-to-Military Contacts Program, we are merely seeking to provide a modest supplement to the traditional IMET Program when a truly pressing need arises. We are, of course, amenable to put funding limits on the use of the military-to-military contacts programs for IMET and that has been communicated to the Foreign Relations Committee.

I hasten to point out that the Secretary of State must approve the conduct of any activity—not just IMET—authorized under this program and that funds cannot be provided for any country that is not eligible for assistance under the Foreign Assistance Act.

In summary, Mr. President, this is a very modest supplement to the traditional IMET Program, it has a precedent in prior congressional action relating to the CINC Initiative Fund, and we are amenable to including reasonable funding limitations to its use for IMET. I urge my colleagues to support S. 1745.

Mr. President, I would simply say that the IMET Program is one of the highest priorities of the commanders in chief we hear from every year around the world. The newly emerging democracies in the former Soviet Union and Eastern Europe have consumed a great deal of those funds, leaving almost nothing for Asia, Africa, and Latin America.

We also take note of the fact that these IMET funds have been cut each and every year, so they do not seem to have a high priority by the Foreign Relations Committee but they do have an enormous priority for our military. So we will be glad to work with our friends on the Foreign Relations Committee to iron out jurisdictional problems with the hope that we can unite behind one of the most important programs we have to have contacts and influence all over the world through military-to-military contacts that can end up bringing peace in areas that otherwise would be in conflict.

So I would take into account what my colleagues have said, but we do have a very high priority on this program and that has been exemplified in testimony year after year after year by all of our military commanders.

Mr. GLENN. Mr. President, I regret that the Senate again has produced a bill that is gravely flawed. It suffers from many of the defects associated with last year's bill. I voted to favorably report the bill out of committee in the hope that the bill would be improved when it was considered on the floor. While agreement was reached to eliminate unacceptable missile defense provisions from the bill, the bill remains fundamentally flawed. As a consequence, I will vote against its final passage.

With respect to missile defense, I am pleased with the agreement announced by the majority leader on June 28th to drop sections 231 and 232 from the bill. These sections related to U.S. compliance policy for the development, testing, and deployment of theater missile defense systems, and to the demarcation between theater and strategic missile systems. I am also grateful to see that the language in the bill in section 233 with respect to the mutilateralization of the ABM Treaty has been dropped and converted into a sense of the Senate.

I understand full well, however, that we will soon be back on the floor debating many of these same ill-advised proposals placed in another bill. I intend to speak in more detail about those proposals at the appropriate time. For now, I would just like to restate my conviction that it would ill serve the interests of our country—and surely not the interests of our taxpayers—to follow the misguided missile defense plan that the majority appears determined to pursue in the weeks ahead. As far as I am concerned, the missile defense language I cited above would have made for bad law if enacted on this bill—simply moving this language into another bill will not change this basic quality of the proposal.

The bill contains more than $11 billion in unrequested funding with huge increases in the procurement and research and development accounts. For the most part, these additions are based on the Services' so-called wish list—lists of programs the Services would like to see funded if additional funding were made available. I agree with some of the spending decisions, but I do not support this approach to defense budgeting. It undermines the objectives of Goldwater-Nichols by encouraging the submission of separate spending priorities for each service that are set without regard to our unified command structure's warfighting needs. Moreover, I cannot support the magnitude of the increase in funding especially when we are spending billions of dollars on programs we do not need now and some we may not need ever.

The additions in procurement include $750 million for the DDG-51 destroyer program, $701 million for the new attack submarine program, $351 million for the V-22 program, $249 million for the C-17 program, $240 million for the E8-B program, $234 million for the F/A-18 C/D program, $204 million for the C-130J program, $183 million for the Apache longbow program, $158.4 million for the Kiowa warrior program, $147 million for the MLRS program and $107 million for the F-16 program.

The additions in research and development include the $885 million for missile defense programs to which I already alluded, $100 million plus-ups for the Comanche Program and Army Force XXI, $305 million for the national defense sealift fund, $147 million for the Arsenal Ship and $116 for advanced submarine technology.

The bill contains more than $600 million in unrequested military construction projects, an annual temptation that Members cannot seem to resist, even though there is no compelling reason to move these projects forward. I think it is particularly damning that at least $200 million of these projects not only did not make the initial cut of the budget request but also did not make the second cut of the services' wish lists. We are authorizing an additional $600 million in military construction projects just so Members can say that they have brought home the bacon.

Another rite of spring, the addition of hundreds of millions of dollars in Guard and Reserve equipment warrants mention. Some progress has been made in avoiding the earmarking problem we had last year. Only about $485 million of the $760 million in funding is earmarked. Unfortunately, no real progress has been made in eliciting a realistic budget request from the Defense Department for Guard and Reserve equipment. This failure invites earmarking funds for programs in Members' districts and as a consequence, the funding decisions that become law only bear relation to the Guard and Reserves' requirements by happenstance. We should not be spending the taxpayers' money in this way.

Several amendments to eliminate some or all of this unrequested funding were offered. Unfortunately, Mr. President, these efforts were defeated.

On other matters, I am concerned about the criteria used in allocating an additional $200 million for DOE's environmental restoration and waste management program. I could support, and, fact, have long advocated increased funding for this program. However, rather than accept the recommendations provided by the Department of Energy which listed projects that, if given increased funding in the near term, could save substantial dollars in the out-years, the bill factors in additional criteria concerning site employment. I have grave concerns that the credibility of the entire DOE cleanup operation will be undermined if it is treated merely as a jobs program. A number of factors should be assessed when deciding to increase funding for cleanup projects such as: reducing the risk to the public, workers and the environment, lessening the long term mortgage costs of the program; mandates and the environment; lessening the long term mortgage costs of the program; mandates from Federal and State laws; and stakeholder input. I do not believe that the effect on a given site's employment should be among these factors.

I disagree with the committee's report language concerning the external regulation of the Department of Energy. I believe Secretary O'Leary's Advisory Committee on External Regulation established credible reasons for moving to external regulation, and I believe that this goal can be accomplished without significant increased costs to the taxpayer and without any detrimental impact on our Nation's security. In my view, the Defense Nuclear Facilities Safety Board will continue to play a key role in ensuring the safe operation of the defense nuclear facilities. Since January of this year, the Department has been carefully reviewing the options available for transitioning to external regulation. A preferred option should be presented to the Secretary within the next several weeks. I believe that the Department should continue planning to move to external regulation for nuclear safety. It is my hope that the plan presented to the Secretary will outline the steps necessary for such a transition, recognizing that such a transition may take several years.

During consideration on the floor, the committee accepted an amendment I offered regarding worker safety and health at DOE's Mound. For too long Congress has done too little to ensure that the workers in our nuclear weapons complex were adequately protected from the many hazards they face on a daily basis. While the situation has improved at many sites, it is unfortunately the case that the Mound facility is still not up to the standards of other DOE facilities, not to mention commercial nuclear facilities. This amendment requires DOE to report to Congress on progress to improve worker health and safety at the facility.

On June 21, 1996, I received a letter from DOE Under Secretary Tom Grumbly. This letter clearly establishes the Department's intent and commitment to seriously and forthrightly address worker safety issues at Mound. The letter lists a series of discrete program improvements that will be taken at the mound site beginning immediately and continuing through 1997. These important upgrades should begin at the earliest possible opportunity. I remain concerned though that we may be forcing a trade off between worker safety and health improvements and the pace of cleanup at the Mound site. In order to avoid such a trade off, it may be necessary to seek an authorization for these activities during conference.

Finally, I would like to mention a special retirement provision for Federal employees who happen to work at military bases where the work will be privatized as part of base closure. The Committee on Armed Services voted 11 to 9 to add nongermane legislation to the bill that appropriately is in the jurisdiction of the Senate Governmental Affairs Committee. This amendment also was recently introduced as a bill, S. 1686, which is pending before the Subcommittee on Post Office and Civil Service of the Governmental Affairs Committee.

Its stated purpose is to make privatization more likely to succeed by giving employees an incentive to stay at the base when a private employer takes over the workload. Under the terms of the amendment, 30 percent of the Federal civilian employees at two DOD bases, one in Indianapolis and one in Louisville, would enjoy civil service retirement system [CSRS] benefits that no other Federal employee enjoys today. I believe the authors of the amendment intended for it to apply to a third base in Newark, OH, but it is unclear whether the workers at the Ohio base will be eligible for the benefit. In addition, it is unclear whether bases in Texas and California will also be covered by the amendment.

Under the terms of the amendment, additional retirement system credits would be given to employees in the civil service retirement system [CSRS] whose jobs are being privatized, and who are not eligible for immediate retirement benefits. The amendment would allow these employees to count their time as a private contract employee as qualifying service toward meeting the eligibility requirements under CSRS. In addition, their current high-3 years of salary would be indexed to general increases in Federal salaries. These benefits are independent of additional subsequent retirement benefits earned by the employees following privatization.

Under current law, the affected employees would be eligible for a CSRS pension at age 62 with the high 3 years based on current employment by the Federal Government. Under the terms of the amendment, these employees could retire at an earlier age and their high-3 years of salary would be at a level indexed during the years of privatization. Of course, they would not even be required to contribute toward the cost of these extra benefits, although Federal employees in CSRS must contribute toward system costs.

While the stated purpose of the amendment is to encourage Navy employees to accept contractor employment in Indianapolis and Louisville, the proposed retirement incentives do not apply to 70 percent of the work force at the two facilities. Nineteen percent of the employees at the two facilities are now eligible to retire under CSRS and therefore, are ineligible for the proposed retirement incentives. Fifty-one percent of the employees are covered under the Federal employees retirement system [FERS] and therefore, are also ineligible for the proposed retirement incentives. Therefore, in terms of increasing their Federal retirement benefits, it would be to the advantage of 70 percent of the work force at the two facilities, to relocate and seek other Federal employment.

Newark Air Force Base in Ohio is privatizing in the same way that the bases in Louisville and Indianapolis are scheduled to proceed, although it is not clear from the legislation whether the employees at Newark would be included in the pilot program. The privatization at Newark has been working because employees want to remain employed and many want to stay in the Newark area. Based upon Newark's experience, it is my view that the amendment, offered by Senator COATS, proposes a solution to a problem that does not really exist. Regrettably, given the nature of the proposed solution, I believe that this legislation will create a host of problems. Problems of equity and fairness that will fall straight into the lap of the Committee on Governmental Affairs, the committee with jurisdiction over Federal employment benefits.

We are in the process of downsizing the Federal Government. I note that through the efforts of the Armed Services and Governmental Affairs Committee and the administration, we have 240,000 fewer Federal employees than when President Clinton took office. Many Federal jobs are being privatized in place. Numerous Federal jobs are also being eliminated. One Ohio constituent recently wrote to me and explained that his job was being eliminated in July. He said that if we could provide him with 4 additional months of service credit, he could apply and be eligible for early retirement under the civil service retirement system. I cannot explain to this constituent why he should not be eligible for an additional 4 months of credit if we are providing years of service credit to other employees who are not even losing their jobs. They have the opportunity to continue working. They will be eligible to accrue private employer pension benefits in addition to the Federal benefits they will have already earned.

Perhaps, the Congress should consider retirement inducements for all employees affected by privatization and downsizing. However, if this is to be done, it should be done in a studied fashion. Changing a system of universal retirement benefits—where everyone previously had participated under the same benefit rules—should be the subject of hearings in a bright light, where we understand exactly what equity problems are created as well as the long-term cost of providing such retirement credits.

My problem with the amendment adopted by the Armed Service Committee is that it is not generous enough to discourage employees from seeking other Federal employment and this is the purported purpose of the legislation. The assumption that a majority of these employees will move onto other Federal employment also assumes that these employees will want to relocate and that they will find jobs through the priority placement program. These are two assumptions that I question. To repeat, the amendment is not generous enough to fulfill its stated purpose, while at the same time it is too generous when one considers that the Government is proposing to do nothing along these lines for other employees being separated from Government employment. It is these sorts of contradictions which should be the subject of congressional hearings before we act.

WESTERN KENTUCKY TRAINING SITE

Mr. FORD. Mr. President, the fiscal year 1997 Department of Defense authorization bill we will pass today contains $10.8 million in authorized funding for phase 3 construction of the Western Kentucky Training Site in Muhlenburg County, KY.

I appreciated the willingness of my colleagues to secure this funding for phase 3 construction at the site and wanted to share with them a recent articles from Soldiers magazine.

This article gives an excellent review of the center's training activities and its importance to our Nation's defense, calling it the training site of choice of units stationed in the Eastern United States.

Again, I would like to thank my colleagues for their support of this military site, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Soldiers magazine, July 1996]

KENTUCKY'S NTC EAST

(By SSgt. David Altom)

Camouflaged soldiers bustle around the airstrip while, in the distance, a formation of helicopters moves slowly across the overcast sky, slingloads of vehicles and equipment swinging beneath them.

A C–130H Hercules transport lands and kicks up a cloud of dust as it taxis to the end of the strip. Turning around in preparation for takeoff, the aircraft is immediately surrounded by a team of soldiers emerging from the nearby tree line.

A Humvee pulling a trailer is quickly offloaded, the soldiers move back into the woods. The C–130 stirs up another dust storm as it roars back down the runway toward home base. The entire operation take less than five minutes.

Welcome to the Western Kentucky Training Site.

Owned and operated by the Kentucky National Guard, the WKYTS is proving popular with active and Reserve soldiers and airmen, making it the training site of choice for units stationed in the eastern United States.

The greatest appeal of the training site is the open terrain. Occupying more than 700,000 acres of reclaimed strip mine property near the western tip of Kentucky, the facility has enough flat and rolling land to give commanders plenty of training options. While nearby Fort Campbell and Fort Knox have live-fire ranges, accommodating everything from M1 Abrams main battle tanks to Multiple Launch Rocket System, the WKYTS has shown itself to be ideal for movement-to-contact exercises and large-scale maneuvers.

The expanse of the WKYTS is a tanker's dream come true, said Lt. Col. Norman Arflack, commander of the Kentucky Army Guard's 1st Battalion, 123rd Armor.

"As a maneuver unit we need to conduct force-on-force training, especially when we go to battalion-on-company tactics," he said. "That's hard to do unless you go some place like Fort Hood. We feel fortunate to have a facility like this so close, especially with training dollars so tight."

Arflack cited last summer's Advanced Warfighter Experiment as an example of the value of the WKYTS. Called Focused Dispatch, the experiment employed the latest developments in satellite communications, global positioning systems and computer technology to link armored vehicles at the Kentucky site to simulations in Fort Knox, Ky., Fort Rucker, Ala., and Fort Bliss, Texas. The result was a series of battles involving both real and simulated tanks, attack helicopters and air defense units.

"This was a great experience for us," said Arflack, whose unit acted as the opposition force during the experiment. "In addition to movement-to-contact missions, we found we were able to complete a tank crew proficiency course during our training period without having to leave the compound. I saw our battalion grow in experience, and we didn't have to travel a great distance or worry about overextending our training budget."

Col. Pat Ritter, director of the Fort Knox Battle Lab, which oversaw Focused Dispatch, held a similar opinion. "If this isn't NTC east," he said, referring to the National Training Center in California. "I don't know what is."

Following the pattern of modernization established at the WKYTS is the recent addition of a new moving target system using a laser interface device, similar to the familiar MILES systems that most crews are already trained to use. Along with various stationary popup targets and a wash rack designed to accommodate the largest military hardware, the training center possesses features of a fully equipped battle training site.

There are plans to station a battalion of M1s at the site this summer for year-round use. Visiting units will have access to this equipment, making it unnecessary to ship their own tanks, increasing training cost-effectiveness.

CWO 4 Joe Wilkins, WKYTS manager, is especially proud of the expansion taking place at the site. Most recent is a $6.5 million project that will house 175 soldiers. Included is a 400-seat dining hall, a drill hall and classrooms for simulator training. Future construction will include additional administration and storage buildings, a physical fitness center and a dispensary.

"It's our goal to create the best military training facility possible," said Wilkins, "not just for the Kentucky Guard, but for anyone who has a need for quality training. We don't like to think of ourselves as being limited in our vision."

The versatility of the WKYTS already pays off. Last fall's Operation Mega Gold, for example, brought together elements of the 101st Airborne Division with assets of the Kentucky Air National Guard's 123rd Airlift Wing. More than 5,000 soldiers and airmen took part in the two-week exercise, culminating in the simulated capture of an airfield behind enemy lines.

Teamwork and high technology are also playing an important part in preserving the ecological stance of the WKYTS. In addition to implementing Army's Integrated Training Area Management Program, site managers have begun working with local universities in creating a comprehensive database listing complete inventories of everything from endangered species to the different types of soils. The goal is to create a complete picture of the natural resources of the WKYTS and, in turn, ensure more efficient management of the site's training environment.

"We want our soldiers to train in a natural environment, not a wasteland," said Faith Fiene, state environmental manager for the Kentucky Department of Military Affairs. "With better identification of training areas and areas of avoidance by our soldiers today, we intend to preserve this training area for future soldiers as well."

In 1994 the site received the Kentucky Governor's Environmental Excellence Awards in Soil Conservation. And an agreement with the state's Department of Fish and Wildlife Resources promises to dramatically expand the training assets that will be available to the military, as well as the recreational assets available to the public.

With its beginnings in 1969 as a 29-acre weekend training site, the WKYTS has grown considerably during its development into what many in the Kentucky Guard hope will prove to be the state-of-the-art battle training center for the 21st century.

Just as the nature of battle is one of constant change, the WKYTS is constantly improving itself, mixing computer simulation technology, satellite positioning systems, and targeting with the mud and the dust of field training—all to prepare today's soldier for tomorrow.

Mrs. FRAHM. Mr. President, I rise today in support of the fiscal year 1997 Defense authorization bill. Through the able guidance of the distinguished chairman, Senator THURMOND, the committee has worked out a strong bill, which not only ensures the readiness of our forces today, but also, through the addition of funds for the procurement and research and development accounts, takes significant steps toward ensuring the future readiness of our military.

The bill currently before us represents the second straight year of Republican leadership on defense—commonsense conservatism correcting the drastic cuts to our defenses imposed by the current administration. Had we simply rubberstamped the administrations request, we would have again placed our military on the path back to a hollow force. Once again, the Republican led congress has taken the leadership in maintaining our Armed Forces preeminence. With additional funding in the so-called investment accounts, increased funding for military construction, and the fully funded pay raise, the Senate has taken steps which will ensure that the men and women of the U.S. military are not only the best trained and equipped, but also that they are provided with an adequate quality of life.

Mr. President, I am also pleased that the bill contains a number of provisions which are important to my State of Kansas. Whether in Wichita, Parsons, or Junction City, this bill has great effects on Kansas. For example, the bill includes funding for construction projects at Fort Riley, McConnell AFB, and the Kansas National Guard. Additionally, it also ensures the efficient procurement of the joint primary aircraft training system, manufactured in Wichita, and the sensor fuzed weapons, a program important to the Kansas Army Ammunition plant.

In closing, Mr. President, as the newest member of the Armed Services Committee, I look forward to working with my colleagues in conference to craft a bill which will pass both Chambers and be presented to the President for his signature. In so doing, we will invite the President to join with us in restoring the U.S. military and ensuring their future preparedness.

Ms. MOSELEY-BRAUN. Mr. President, after much thought and careful consideration of our military obligations and needs, I have, reluctantly, to vote against the National Defense Authorization Act. My decision has been made all the more difficult because the bill two amendments—protection of a woman's marital property rights if a spouse rolls the military pension into a civil service pension and the continuation of funding for the Computer Aided Education and Training Institute —which I authored. This fact notwithstanding, I cannot, in good conscience, vote in favor of the fiscal year 1997 National Defense Authorization Act as reported out by the Armed Services Committee and amended by the Senate.

Mr. President, my reasons for voting against S. 1745 are threefold.

First, and most important, the present bill still exceeds the President and Pentagon's request by $11.3 billion. This includes $7.1 billion for unrequested procurement items—for some unexplained reason, the bill does not provide $1.2 billion for requested procurement projects—and $3.3 billion for weapons and weapon systems that are not a part of the Department of Defense's long-range modernization plans.

Second, the bill includes $3.4 billion for unrequested research and development items, while failing to provide $900 million for research and development projects requested by the President.

These unrequested increases add to the budget deficit and our national debt.

Third, many of the requested weapons and weapons systems, at best, only marginally add to the national security of our Nation. In any case, their cost do not justify their manufacture and implementation.

Mr. President, I believe in a strong defense. I also believe that defense expenditures must be consistent with our military need and obligations and that whatever we purchase it must be affordable. Sadly, the fiscal year 1997 National Defense Authorization Act does not meet either of those criteria.

USUHS

Mr. SARBANES. Mr. President, I want to express my strong support for provisions in this legislation which ensure that our Nation's only military medical school, the Uniformed Services University of the Health Sciences [USUHS] will continue its important military medicine training programs into the 21st century.

Since it was established in 1972, USUHS has played a vital role in providing top-quality medical care to the men and women of our armed services. The institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness.

USUHS provides a unique curriculum that contributes greatly to our military preparedness by providing knowledge that is vastly different from that taught in a civilian medical practice. This training includes such areas as trauma, mass casualties, combat surgery, medical logistics, nuclear medicine, tropical infectious diseases, and medical responses to terrorism.

Over the years, the university's graduates have consistently demonstrated a high level of performance during their various deployments in combat areas and in support missions from Desert Storm to Bosnia and Somalia. This performance based upon their extensive military training has been validated by three Surgeons General, the Assistant Secretary of Defense for Health Affairs, the American Medical Association and the Military Coalition, the Retired Officers Association, the National Association for Uniformed Services and the American Legion, among others. I ask that letters from these organizations attesting to the critical importance of the university be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. I also want to underscore the long-term commitment made by the majority of USUHS graduates to our armed services. Although USUHS graduates are required to serve 7 years of active duty beyond the time they devote to internships and residencies, the average time they serve is actually 18.5 years. Of the 2,304 USUHS graduates-to-date, more than 94 percent are still serving in the Air Force, the Army, the Navy, or the Public Health Service. Even more incredible is the fact that, even those who have completed their required obligation and could leave for private practice, 85 percent continue to serve our Nation.

Mr. President, the continued operation of the Uniformed Services University of the Health Sciences remains critical to our ability to provide a continuous, experienced cadre of military physicians to meet our Nation's special needs of military medicine and medical readiness in the future. I appreciate my colleagues' continued support and commitment in this very important matter.

EXHIBIT 1

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, June 18, 1996.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: The American Medical Association (AMA) is writing to request that the Senate oppose Senator Feingold's anticipated amendment to the FY 1997 Department of Defense Authorization bill (S. 1745) which would phase out the Uniformed Services University of the Health Sciences (USUHS). We urge you to join with your colleagues in the House of Representatives who, on May 15, voted overwhelmingly (343–82) not to close the USUHS.

Our Nation's only military medical school is a national asset which contributes greatly to our military preparedness as a cost effective source of physicians for the Uniformed Services. Military physicians require special training to equip them in handling peace and war time situations that are not taught in traditional medical schools. For example, during recent military deployments in Bosnia, Somalia and the Gulf, the effects of modern weapons, the stress of continuous operations, as well as the noise, toxins and other battlefield hazards were adroitly handled by USUHS-trained physicians. The knowledge imparted to these highly-equipped physicians is vastly different from that taught in a civilian medical practice.

Many are unaware that the USUHS not only educates its own graduates, it also provides special continuing medical education courses for other physicians. Such education includes courses in combat casualty care, tropical medicine, combat stress, disaster medicine, and medical responses to terrorism—courses not available through civilian medical schools.

A 1995 GAO study concluded that the USUHS is cost effective to the federal government by producing medical graduates who consistently meet the special needs of military medicine. This same study acknowledged another telling advantage of USUHS-trained physicians: 43 out of 44 commanders of major military medical units perceived that physicians from the USUHS have a greater overall understanding of the military, greater commitment to the military, better preparation for operational assignments, and better preparation for leadership roles.

The AMA believes that the USUHS's mission and goals are consistent with our national interests and should be allowed to continue. It exemplifies the best in the federal government, and should be identified for recognition and support rather than closure.

We thank you for your consideration of the truly notable contributions that USUHS makes to our military and ultimately to our Nation.

Sincerely,

P. JOHN SEWARD, MD.

THE AMERICAN LEGION,
Washington, DC, June 18, 1996.

DEAR SENATOR: The American Legion urges opposition to any efforts to eliminate the Uniformed Services University of the Health Sciences (USUHS).

This very special institution continues to serve as a valuable source of military physicians for the armed forces of the United States and the Public Health Service. It provides the military with a corps of dedicated career medical officers instilled with a unique degree of commitment and selflessness found in doctors who are trained and skilled in providing combat casualty care. This facility offers a full range of instruction and care in those maladies typically suffered primarily by military personnel. These include tropical, epidemiological and parasitic ailments.

A recent GAO report concluded the total monetary cost for USUHS compared to the Armed Forces Health Professional Scholarship Program (AFHPSP) for civilian institutions are merely identical. However, unlike civilian medical programs, the USUHS provides military doctors well trained in primary care medicine, as well as combat casualty care, tropical medicine, combat stress and other conditions unique to military deployments and combat conditions. According to DoD, the retention rate in the armed forces is eighty-six percent for USUHS graduates compared to fourteen percent for AFHPSP.

Military medical officers serve beside and in support of U.S. service personnel when forces are deployed to a conflict. This environment is harsh, chaotic and demanding. The graduates of USUHS are trained to deal with these extremes and difficult conditions and in fact, work and improvise in some of the most deplorable circumstances where U.S. military forces are stationed.

To eliminate USUHS would be a great disservice to the men and women in the armed forces. We must do everything we can to provide the armed forces with the best health and battle casualty services available.

Once again, The American Legion urges you to oppose any efforts, especially in the FY 1997 DoD Authorization bill, which would eliminate the USUHS. We appreciate your continued support and commitment on important veterans' issues.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

NATIONAL ASSOCIATION FOR
UNIFORMED SERVICES,
Springfield, VA, June 17, 1996.

DEAR SENATOR: As a result of misleading and incomplete information several attempts have been made to close the Uniformed Services University of the Health Sciences (USUHS). The National Association for Uniformed Services once again urges you to support USUHS.

The General Accounting Office (GAO) recently confirmed what we and other military associations have been asserting during the past four consecutive attempts at closure . . . there is NO DIFFERENCE to the federal government in the cost per year of service between USUHS and the scholarship physicians (GAO/HEHS-95-244, page 33 . . . $181,575/USUHS vs. $181,169/Scholarship).

Further, there is a difference between medicine practiced in civilian and military settings. During military deployments to Bosnia, Somalia, Haiti and the Gulf, the effects of modern weapons, the stress of continuous operations, and the noise, toxins, and other hazards of the battlefield were encountered and anticipated. Military physicians had to deal with realities of risk assessment, prevention, medical evacuation, and the clinical management of diseases and injuries; the outstanding performance of deployed USUHS physicians has been recognized and verified by the Surgeons General during Congressional Hearings and by the medical commanders in response to the GAO. It is a fact that "the militarily unique courses provided by USUHS are NOT available through civilian medical schools" (American Medical Association letter of endorsement to the Congress dated May 14, 1996).

USUHS has consistently met, or exceeded, its mission. This excellence in service was recognized in the House of Representatives on May 15, 1996, with 343 votes for the retention of USUHS vs. 82 votes for closure.

We believe that the Senate should reaffirm its decision for the continuation of USUHS as a cost effective source of militarily trained physicians for the Armed Forces. We believe that we owe it to those who serve our Nation in the Uniformed Services to provide them with the best medical support that is available.

Sincerely,

J.C. PENNINGTON,
Major General, USA, Retired,
President.

Mr. PELL. Mr. President, I would like to draw the attention of my fellow Members to a significant nonproliferation amendment now in the defense authorization bill. I am pleased to have joined with the Senator from Ohio [Mr. GLENN] in the provision that would withhold for a period of 1 year Export-Import Bank credits for any entity that knowingly assists a nonnuclear-weapon state to acquire a nuclear explosive device or the special nuclear materials for such a device. I am pleased that the Senator from North Carolina [Mr. HELMS] is joining us as a cosponsor.

This amendment, which has been adopted, represents a significant advance in our efforts to target companies that are profiting from nuclear proliferation. It will strengthen the President's hand in showing U.S. determination to do all that it can to prevent illicit trafficking in nuclear weapons and the materials needed to make them.

Under current law, and subject to a national interest waiver, Eximbank credits are denied to: First, any country that has violated an international nuclear safeguards agreement; second, any country that has violated an agreement for nuclear cooperation with the United States; third, any nonnuclear weapons state that has detonated a nuclear weapon, or fourth, any country that has willfully aided or abetted a nonnuclear weapons state to get nuclear weapons.

This amendment requires the President to apply sanctions against persons, including government-owned entities operating as commercial enterprises, that knowingly aid or abet efforts by a country to acquire a nuclear explosive device or the nuclear material for such a device. The amendment also authorizes the President to terminate sanctions upon receipt of reliable assurances that the effort to aid or abet has ceased and that such country or person will not in the future aid or abet any nonnuclear-weapons state in efforts to acquire nuclear explosives or unsafeguarded materials.

Mr. President, in May the State Department announced that a firm owned by the Chinese Government—CNEIC, China Nuclear Energy Industry Corporation—had sent ring magnets to an unsafeguarded Pakistani nuclear enrichment facility and it had engaged in other undisclosed nuclear cooperation. The law provides for sanctions in such a case against China if the transfer was the result of a willful action by the Government of China. Under this amendment, CNEIC could be sanctioned specifically for its activities for a period of 1 year. With this amendment the United States would move away from a situation in which Exim financing denial must be applied against a whole country, or not at all, which has presented very difficult choices. With this amendment, the denial of Exim financing can be focused on the wrongdoer. This will help us avoid charades in which we desperately avoid facing up to proliferation problems. As a result, companies and countries tempted to misbehave in the proliferation area will know that there is a much more real prospect of penalties that are both painful and appropriate.

This amendment represents a further refinement of an expanding array of sanctions legislation that is steadily evolving in order to make it a more effective instrument of U.S. foreign policy in a bipartisan effort to end the spread of nuclear weapons.

This has included the Glenn and Symington amendments of the mid-1970's, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and the Nuclear Proliferation Prevention Act of 1994 as well as a number of other legislative initiatives.

The Senate has been in the lead of efforts to develop a coherent and effective nonproliferation policy for the United States. At times, those of us most involved have worked closely with the executive branch. At other times we have been at odds, but we have been able to reach reasonable compromises. As a result, the United States has set an example for the rest of the world and has brought other nations along with us. In addition, some of the nations most concerned about proliferation have taken their own initiatives and the result is a world steadily more attuned to the problems posed by nonproliferation and better willing and able to deal with those problems.

DOE NUCLEAR SAFETY

Mr. GLENN. Would the distinguished Senator from the State of Idaho care to engage me in a colloquy concerning the Department of Energy's compliance with its nuclear safety regulations?

Mr. KEMPTHORNE. I would be delighted to. The Idaho National Engineering Laboratory is a key DOE facility located in my State, and I am very concerned that it be operated in as safe a manner as possible with regard to nuclear safety. As a fellow member of the Strategic Forces Subcommittee who has DOE facilities in his own State, I know that the Senator from Ohio shares these concerns.

Mr. GLENN. I certainly do. As the Senator knows, DOE has recently issued regulations pursuant to the Price Anderson Act/Atomic Energy Act. These regulations are entitled Nuclear Safety Management, 10 CFR 830, and Occupational Radiation Protection, 10 CFR 835. A primary purpose of these regulations is to strengthen line management accountability for nuclear safety. These regulations are enforceable with sanctions, such as fines and penalties, as appropriate. The strength of the regulations is enhanced by public accountability, primarily of the DOE contractors, through self-reporting, as well as through DOE inspections. Does the distinguished Senator from Idaho agree that these regulations will enhance the DOE's goal of improving nuclear safety?

Mr. KEMPTHORNE. Absolutely. A key factor in improving nuclear safety at DOE defense nuclear facilities is line management accountability. The Secretary of Energy and Defense Nuclear Facilities Safety Board have repeatedly highlighted this point. In order for Congress to be assured that such accountability is occurring, we should encourage the Department of Energy to provide Congress with regular briefings on the status of its compliance with the important nuclear safety regulations which we have discussed here today.

Mr. GLENN. I agree. Such briefings could include: First, a list of defense nuclear facilities evaluated and a discussion of progress made in meeting the compliance requirements set forth in the Price Anderson nuclear safety regulations; second, a list of noncompliance events and violations of the regulations identified by line management and headquarters oversight;

third, improvements in public safety and worker protection as a result of these regulations; and fourth, any other information which the Department deems important.

Mr. KEMPTHORNE. I believe this is important information for Congress to have as it carries out its responsibilities. I look forward to continuing to work with the Senator from Ohio on this important issue.

Mr. GLENN. I thank the Senator and congratulate him on his leadership on these issues on the Strategic Forces Subcommittee.

Mrs. BOXER. Mr. President, although I support many provisions of the bill, I will vote against the National Defense Authorization Act of 1997.

This bill authorizes more than $10 billion above the funding level requested by the administration and the Joint Chiefs of Staff. This level of funding is simply unwarranted.

The United States spends more on its military than the next five countries combined, most of which are our NATO allies. The Soviet Union is no more and the cold war has been won. Our military must focus on the very real threats of today, not the ghost of the Warsaw Pact.

Furthermore, more than $2 billion of the congressional add-on is earmarked for programs that are not in the Pentagon's 5-year defense plan. These are programs that the Pentagon says it does not need now and will not need for the foreseeable future. Funneling billions of dollars into programs the military has made clear it does not need is bad policy in the extreme.

I am pleased that the managers have agreed to remove objectionable language concerning the ABM Treaty from the bill. While the removal of these legislative riders improves the bill, it still includes an unjustifiable authorization level for ballistic missile defense programs. I vigorously support funding for theater missile defense systems, but oppose the shift in emphasis contained to national missile defense systems. To deploy a national missile defense system as envisioned by the sponsors of this bill could cost up to $60 billion while contributing little to our national security.

The bill contains three amendments that I offered. An amendment offered by Senator GRASSLEY and myself would cap the amount of reimbursable compensation for government contractors at $200,000. This amendment will put an end to the multimillion dollar bonuses that defense executives regularly pay themselves, and then pass the bill to the American taxpayer.

Another amendment I offered would make it easier for civilians to take advantage of the tremendous resources available at the Defense Language Institute. Also, the managers accepted an amendment I offered to extend a pilot program for the purchase of municipal services at the closing Fort Ord. I hope that the managers will work to retain these amendments in conference.

Mr. GORTON. Mr. President, I ask unanimous consent for 1 minute to ask a question of the managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I, too, have an amendment that I would like considered in this bill. I have discussed it with the staff and with the principals. Because they do not want to go back to second reading, they did not want to do it at the present time. But in an amendment which Senator MURRAY and I sponsored with relation to USTF's and medical care, we have a portion of section 722 that the two of us would like deleted. I simply wanted the assurances, which I am sure are there, of the Senators that they will work to do the job right for Seattle and the State of Washington in the course of the conference.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I assure the Senator we will be glad to discuss this matter in conference.

Mr. NUNN. Mr. President, I respond to our friend from Washington that we will be glad to work with him in conference to look at this. We have just not had time to completely diagnose and understand the effects of the amendment at this point, but we will be glad to work with him in conference.

Mr. GORTON. I thank the managers of the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that all remaining votes following the vote on passage of the DOD appropriations bill be limited to 10 minutes in length, and there be 1 minute for explanation to be provided prior to the votes with respect to the Dorgan amendment and the Kassebaum amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, going back to the defense bill, I just want to take this opportunity, although I have had printed the name of every staff member of the Armed Services Committee following my earlier remarks in the RECORD—they all did a fine job—I just want to especially commend the director, Les Brownlee, for the outstanding job he has done. He has done one of the best jobs since I have been in the Senate in connection with a defense bill.

I also would like to commend Arnold Punaro, the director on the minority side, for doing such a fine job. He has been in the Senate since 1973. We have been very fortunate to have Les Brownlee and Arnold Punaro to work with us on this defense bill.

Mr. NUNN. Mr. President, have the yeas and nays been ordered on the bill?

The PRESIDING OFFICER. They have not.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on the passage of S. 1745, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The result was announced, yeas 68, nays 31, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—68

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—31

Baucus
Biden
Boxer
Bradley
Bryan
Bumpers
Byrd
Dorgan
Exon
Feingold
Glenn
Harkin
Hatfield
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—1

Cochran

The bill (S. 1745), as amended, was passed as follows:

S. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1997".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. General limitation.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health program.
Sec. 109. Defense Nuclear Agency.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement of Javelin missile system.
Sec. 112. Army assistance for Chemical Demilitarization Citizens' Advisory Commissions.
Sec. 113. Study regarding neutralization of the chemical weapons stockpile.
Sec. 114. Permanent authority to carry out arms initiative.
Sec. 115. Type classification of Electro Optic Augmentation (EOA) system.
Sec. 116. Bradley TOW 2 Test Program sets.
Sec. 117. Demilitarization of assembled chemical munitions.

Subtitle C—Navy Programs

Sec. 121. EA-6B aircraft reactive jammer program.
Sec. 122. Penguin missile program.
Sec. 123. Nuclear attack submarine programs.
Sec. 124. Arleigh Burke class destroyer program.
Sec. 125. Maritime prepositioning ship program enhancement.
Sec. 126. Additional exception from cost limitation for Seawolf submarine program.
Sec. 127. Radar modernization.

Subtitle D—Air Force Programs

Sec. 131. Multiyear contracting authority for the C-17 aircraft program.

Subtitle E—Reserve Components

Sec. 141. Assessments of modernization priorities of the reserve components.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Defense Nuclear Agency.
Sec. 204. Funds for research, development, test, and evaluation relating to humanitarian demining technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Department of Defense Space Architect.
Sec. 213. Space-based infrared system program.
Sec. 214. Research for advanced submarine technology.
Sec. 215. Clementine 2 micro-satellite development program.
Sec. 216. Tier III minus unmanned aerial vehicle.
Sec. 217. Defense airborne reconnaissance program.
Sec. 218. Cost analysis of F-22 aircraft program.
Sec. 219. F-22 aircraft program reports.
Sec. 220. Nonlethal weapons and technologies programs.
Sec. 221. Counterproliferation support program.
Sec. 222. Federally funded research and development centers and university-affiliated research centers.
Sec. 223. Advanced submarine technologies.
Sec. 224. Funding for basic research in nuclear seismic monitoring.
Sec. 225. Cyclone class craft self-defense.
Sec. 226. Computer-assisted education and training.
Sec. 227. Seamless High Off-Chip Connectivity.
Sec. 228. Cost-benefit analysis of F/A-18E/F aircraft program.
Sec. 229. National Polar-Orbiting Operational Environmental Satellite System.
Sec. 230. Surgical strike vehicle for use against hardened and deeply buried targets.

Subtitle C—Ballistic Missile Defense

Sec. 231. Conversion of ABM treaty to multilateral treaty.
Sec. 232. Funding for upper tier theater missile defense systems.
Sec. 233. Elimination of requirements for certain items to be included in the annual report on the ballistic missile defense program.
Sec. 234. ABM treaty defined.
Sec. 235. Scorpius space launch technology program.
Sec. 236. Corps SAM/MEADS program.
Sec. 237. Annual report on threat of attack by ballistic missiles carrying nuclear, chemical, or biological warheads.
Sec. 238. Air Force national missile defense plan.
Sec. 239. Extension of prohibition on use of funds to implement an international agreement concerning theater missile defense systems.

Subtitle D—Other Matters

Sec. 241. Live-fire survivability testing of F-22 aircraft.
Sec. 242. Live-fire survivability testing of V-22 aircraft.
Sec. 243. Amendment to University Research Initiative Support Program.
Sec. 244. Desalting technologies.

Subtitle E—National Oceanographic Partnership

Sec. 251. Short title.
Sec. 252. National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Defense Nuclear Agency.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.
Sec. 306. SR-71 contingency reconnaissance force.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Funding for second and third maritime prepositioning ships out of National Defense Sealift Fund.
Sec. 312. National Defense Sealift Fund.
Sec. 313. Nonlethal weapons capabilities.
Sec. 314. Restriction on Coast Guard funding.
Sec. 315. Ocenographic ship operations and data analysis.

Subtitle C—Depot-Level Activities

Sec. 321. Department of Defense performance of core logistics functions.
Sec. 322. Increase in percentage limitation on contractor performance of depot-level maintenance and repair workloads.
Sec. 323. Report on depot-level maintenance and repair.
Sec. 324. Depot-level maintenance and repair workload defined.
Sec. 325. Strategic plan relating to depot-level maintenance and repair.
Sec. 326. Annual report on competitive procedures.
Sec. 327. Annual risk assessments regarding private performance of depot-level maintenance work.
Sec. 328. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.
Sec. 329. Limitation on use of funds for F-18 aircraft depot maintenance.
Sec. 330. Depot maintenance and repair at facilities closed by BRAC.

Subtitle D—Environmental Provisions

Sec. 341. Establishment of separate environmental restoration accounts for each military department.
Sec. 342. Defense contractors covered by requirement for reports on contractor reimbursement costs for response actions.
Sec. 343. Repeal of redundant notification and consultation requirements regarding remedial investigations and feasibility studies at certain installations to be closed under the base closure laws.
Sec. 344. Payment of certain stipulated civil penalties.
Sec. 345. Authority to withhold listing of Federal facilities on National Priorities List.
Sec. 346. Authority to transfer contaminated Federal property before completion of required remedial actions.
Sec. 347. Clarification of meaning of uncontaminated property for purposes of transfer by the United States.
Sec. 348. Shipboard solid waste control.
Sec. 349. Cooperative agreements for the management of cultural resources on military installations.
Sec. 350. Report on withdrawal of public lands at El Centro Naval Air Facility, California.
Sec. 351. Use of hunting and fishing permit fees collected at closed military reservations.
Sec. 352. Authority for agreements with Indian tribes for services under Environmental Restoration Program.

Subtitle E—Other Matters

Sec. 361. Firefighting and security-guard functions at facilities leased by the Government.
Sec. 362. Authorized use of recruiting funds.
Sec. 363. Noncompetitive procurement of brand-name commercial items for resale in commissary stores.

Sec. 364. Administration of midshipmen's store and other Naval Academy support activities as nonappropriated fund instrumentalities.
Sec. 365. Assistance to committees involved in inauguration of the President.
Sec. 366. Department of Defense support for sporting events.
Sec. 367. Renovation of building for Defense Finance and Accounting Service Center, Fort Benjamin Harrison, Indiana.
Sec. 368. Computer Emergency Response Team at Software Engineering Institute.
Sec. 369. Reimbursement under agreement for instruction of civilian students at Foreign Language Institute of the Defense Language Institute.
Sec. 370. Authority of Air National Guard to provide certain services at Lincoln Municipal Airport, Lincoln Nebraska.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary flexibility relating to permanent end strength levels.
Sec. 403. Authorized strengths for commissioned officers in grades O–4, O–5, and O–6.
Sec. 404. Extension of requirement for recommendations regarding appointments to joint 4-star officer positions.
Sec. 405. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. Personnel management relating to assignment to service in the Selective Service System.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Extension of authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 502. Exception to baccalaureate degree requirement for appointment in the Naval Reserve in grades above O–2.
Sec. 503. Time for award of degrees by unaccredited educational institutions for graduates to be considered educationally qualified for appointment as Reserve officers in grade O–3.
Sec. 504. Chief Warrant Officer promotions.
Sec. 505. Frequency of periodic report on promotion rates of officers currently or formerly serving in joint duty assignments.
Sec. 506. Grade of Chief of Naval Research.
Sec. 507. Service credit for senior ROTC cadets and midshipmen in simultaneous membership program.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Clarification of definition of active status.
Sec. 512. Amendments to Reserve Officer Personnel Management Act provisions.
Sec. 513. Repeal of requirement for physical examinations of members of National Guard called into Federal service.
Sec. 514. Authority for a Reserve on active duty to waive retirement sanctuary.
Sec. 515. Retirement of Reserves disabled by injury or disease incurred or aggravated during overnight stay between inactive duty training periods.
Sec. 516. Reserve credit for participation in the Health Professions Scholarship and Financial Assistance Program.
Sec. 517. Report on Guard and Reserve force structure.
Sec. 518. Modified end strength authorization for military technicians for the Air National Guard for fiscal year 1997.

Subtitle C—Officer Education Programs

Sec. 521. Increased age limit on appointment as a cadet or midshipman in the Senior Reserve Officers' Training Corps and the service academies.
Sec. 522. Demonstration project for instruction and support of Army ROTC units by members of the Army Reserve and National Guard.
Sec. 523. Prohibition on reorganization of Army ROTC Cadet Command of termination of Senior ROTC units pending report on ROTC.

Subtitle D—Other Matters

Sec. 531. Retirement at grade to which selected for promotion when a physical disability is found at any physical examination.
Sec. 532. Limitations on recall of retired members to active duty.
Sec. 533. Disability coverage for officers granted excess leave for educational purposes.
Sec. 534. Uniform policy regarding retention of members who are permanently nonworldwide assignable.
Sec. 535. Authority to extend period for enlistment in regular component under the delayed entry program.
Sec. 536. Career service reenlistments for members with at least 10 years of service.
Sec. 537. Revisions to missing persons authorities.
Sec. 538. Inapplicability of Soldiers' and Sailors' Civil Relief Act of 1940 to the period of limitations for filing claims for corrections of military records.
Sec. 539. Medal of Honor for certain African-American soldiers who served in World War II.
Sec. 540. Chief and assistant chief of Army Nurse Corps.
Sec. 541. Chief and assistant chief of Air Force Nurse Corps.
Sec. 542. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 543. Military Personnel Stalking Punishment and Prevention Act of 1996.

Subtitle E—Commissioned Corps of the Public Health Service

Sec. 561. Applicability to Public Health Service of prohibition on crediting cadet or midshipmen service at the service academies.
Sec. 562. Exception to grade limitations for Public Health Service officers assigned to the Department of Defense.

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

Sec. 571. Authority to expand law enforcement placement program to include firefighters.
Sec. 572. Troops-to-teachers program improvements.

Subtitle G—Armed Forces Retirement Home

Sec. 581. References to Armed Forces Retirement Home Act of 1991.
Sec. 582. Acceptance of uncompensated services.
Sec. 583. Disposal of real property.
Sec. 584. Matters concerning personnel.
Sec. 585. Fees for residents.
Sec. 586. Authorization of appropriations.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1997.
Sec. 602. Rate of cadet and midshipman pay.
Sec. 603. Pay of senior noncommissioned officers while hospitalized.
Sec. 604. Basic allowance for quarters for members assigned to sea duty.
Sec. 605. Uniform applicability of discretion to deny an election not to occupy Government quarters.
Sec. 606. Family separation allowance for members separated by military orders from spouses who are members.
Sec. 607. Waiver of time limitations for claim for pay and allowances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.
Sec. 614. Increased special pay for dental officers of the Armed Forces.
Sec. 615. Retention special pay for Public Health Service optometrists.
Sec. 616. Special pay for nonphysician health care providers in the Public Health Service.
Sec. 617. Foreign language proficiency pay for Public Health Service and National Oceanic and Atmospheric Administration officers.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Round trip travel allowances for shipping motor vehicles at Government expense.
Sec. 622. Option to store instead of transport a privately owned vehicle at the expense of the United States.
Sec. 623. Deferral of travel with travel and transportation allowances in connection with leave between consecutive overseas tours.
Sec. 624. Funding for transportation of household effects of Public Health Service officers.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 631. Effective date for military retiree cost-of-living adjustment for fiscal year 1998.
Sec. 632. Allotment of retired or retainer pay.
Sec. 633. Cost-of-living increases in SBP contributions to be effective concurrently with payment of related retired pay cost-of-living increases.
Sec. 634. Annuities for certain military surviving spouses.
Sec. 635. Adjusted annual income limitation applicable to eligibility for income supplement for certain widows of members of the uniformed services.
Sec. 636. Prevention of circumvention of court order by waiver of retired pay to enhance civil service retirement annuity.

Subtitle E—Other Matters

Sec. 641. Reimbursement for adoption expenses incurred in adoptions through private placements.
Sec. 642. Waiver of recoupment of amounts withheld for tax purposes from certain separation pay received by involuntarily separated members and former members of the Armed Forces.
Sec. 643. Payment to Vietnamese commandos captured and interned by North Vietnam.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—General

Sec. 701. Implementation of requirement for Selected Reserve dental insurance plan.
Sec. 702. Dental insurance plan for military retirees and certain dependents.
Sec. 703. Uniform composite health care system software.
Sec. 704. Enhancement of third-party collection and secondary payer authorities under CHAMPUS.
Sec. 705. Codification of authority to credit CHAMPUS collections to program accounts.
Sec. 706. Comptroller General review of health care activities of the Department of Defense relating to Persian Gulf illnesses.
Sec. 707. Restoration of previous policy regarding restrictions on use of Department of Defense Medical Facilities.
Sec. 708. Plans for medicare subvention demonstration programs.
Sec. 709. Research and benefits relating to Gulf War service.
Sec. 710. Preventive health care screening for colon and prostate cancer.

Subtitle B—Uniformed Services Treatment Facilities

Sec. 721. Definitions.
Sec. 722. Inclusion of designated providers in uniformed services health care delivery system.
Sec. 723. Provision of uniform benefit by designated providers.
Sec. 724. Enrollment of covered beneficiaries.
Sec. 725. Application of CHAMPUS payment rules.
Sec. 726. Payments for services.
Sec. 727. Repeal of superseded authorities.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Procurement technical assistance programs.
Sec. 802. Extension of pilot mentor-protege program.
Sec. 803. Modification of authority to carry out certain prototype projects.
Sec. 804. Revisions to the program for the assessment of the national defense technology and industrial base.
Sec. 805. Procurements to be made from small arms industrial base firms.
Sec. 806. Exception to prohibition on procurement of foreign goods.
Sec. 807. Treatment of Department of Defense cable television franchise agreements.
Sec. 808. Remedies for reprisals against contractor employee whistleblowers.
Sec. 809. Implementation of information technology management reform.
Sec. 810. Research under transactions other than contracts and grants.
Sec. 811. Reporting requirement under demonstration project for purchase of fire, security, police, public works, and utility services from local Government agencies.
Sec. 812. Test programs for modernization-through-spares.
Sec. 813. Pilot program for transfer of defense technology information to private industry.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

Sec. 901. Repeal of reorganization of Office of Secretary of Defense.
Sec. 902. Codification of requirements relating to continued operation of the Uniformed Services University of the Health Sciences.
Sec. 903. Codification of requirement for United States Army Reserve Command.
Sec. 904. Transfer of authority to control transportation systems in time of war.
Sec. 905. Redesignation of Office of Naval Records and History Fund and correction of related references.
Sec. 906. Role of Director of Central Intelligence in appointment and evaluation of certain intelligence officials.
Sec. 907. Matters to be considered in next assessment of current missions, responsibilities, and force structure of the unified combatant commands.
Sec. 908. Actions to limit adverse effects of establishment of National Missile Defense Joint Program Office on private sector employment.

Subtitle B—National Imagery and Mapping Agency

Sec. 911. Short title.
Sec. 912. Findings.

PART I—ESTABLISHMENT

Sec. 921. Establishment, missions, and authority.
Sec. 922. Transfers.
Sec. 923. Compatibility with authority under the National Security Act of 1947.
Sec. 924. Other personnel management authorities.
Sec. 925. Creditable civilian service for career conditional employees of the Defense Mapping Agency.
Sec. 926. Saving provisions.
Sec. 927. Definitions.
Sec. 928. Authorization of appropriations.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATES

Sec. 931. Redesignation and repeals.
Sec. 932. References.
Sec. 933. Headings and clerical amendments.
Sec. 934. Effective dates.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authority for obligation of certain unauthorized fiscal year 1996 defense appropriations.
Sec. 1003. Authorization of prior emergency supplemental appropriations for fiscal year 1996.
Sec. 1004. Use of funds transferred to the Coast Guard.
Sec. 1005. Use of military-to-military contacts funds for professional military education and training.
Sec. 1006. Payment of certain expenses relating to humanitarian and civic assistance.
Sec. 1007. Reimbursement of Department of Defense for costs of disaster assistance provided outside the United States.
Sec. 1008. Fisher House Trust Fund for the Navy.
Sec. 1009. Designation and liability of disbursing and certifying officials for the Coast Guard.
Sec. 1010. Authority to suspend or terminate collection actions against deceased members of the Coast Guard.
Sec. 1011. Check cashing and exchange transactions with credit unions outside the United States.

Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Authority to transfer naval vessels.
Sec. 1022. Transfer of certain obsolete tugboats of the Navy.
Sec. 1023. Repeal of requirement for continuous applicability of contracts for phased maintenance of AE class ships.
Sec. 1024. Contract options for LMSR vessels.
Sec. 1025. Sense of the Senate concerning USS LCS 102 (LSSL 102).

Subtitle C—Counter-Drug Activities

Sec. 1031. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1032. Limitation on defense funding of the National Drug Intelligence Center.
Sec. 1033. Investigation of the National Drug Intelligence Center.

Subtitle D—Matters Relating to Foreign Countries

Sec. 1041. Agreements for exchange of defense personnel between the United States and foreign countries.
Sec. 1042. Authority for reciprocal exchange of personnel between the United States and foreign countries for flight training.
Sec. 1043. Extension of counterproliferation authorities.
Sec. 1044. Prohibition on collection and release of detailed satellite imagery relating to Israel and other countries and areas.
Sec. 1045. Defense burdensharing.
Sec. 1046. Sense of the Senate concerning export controls.
Sec. 1047. Report on NATO enlargement.

Subtitle E—Miscellaneous Reporting Requirements

Sec. 1051. Annual report on emerging operational concepts.
Sec. 1052. Annual joint warfighting science and technology plan.
Sec. 1053. Report on military readiness requirements of the Armed Forces.
Sec. 1054. Annual report of reserve forces policy board.
Sec. 1055. Information on proposed funding for the Guard and Reserve components in future-years Defense programs.
Sec. 1056. Report on facilities used for testing launch vehicle engines.

Subtitle F—Other Matters

Sec. 1061. Uniform Code of Military Justice amendments.
Sec. 1062. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1063. Correction of references to Department of Defense organizations.
Sec. 1064. Authority of certain members of the Armed Forces to perform notarial or consular acts.
Sec. 1065. Training of members of the uniformed services at non-Government facilities.
Sec. 1066. Third-party liability to United States for tortious infliction of injury or disease on members of the uniformed services.
Sec. 1067. Display of State flags at installations and facilities of the Department of Defense.
Sec. 1068. George C. Marshall European Center for Strategic Security Studies.
Sec. 1069. Authority to award to civilian participants in the defense of Pearl Harbor the Congressional medal previously authorized only for military participants in the defense of Pearl Harbor.
Sec. 1070. Michael O'Callaghan Federal Hospital, Las Vegas, Nevada.
Sec. 1071. Naming of building at the Uniformed Services University of the Health Sciences.
Sec. 1072. Sense of the Senate regarding the United States-Japan semiconductor trade agreement.
Sec. 1073. Food donation pilot program at the service academies.
Sec. 1074. Designation of memorial as National D-Day Memorial.
Sec. 1075. Improvements to National Security Education Program.
Sec. 1076. Reimbursement for excessive compensation of contractor personnel prohibited.
Sec. 1077. Sense of the Senate on Department of Defense sharing of experiences under military youth programs.
Sec. 1078. Sense of the Senate on Department of Defense sharing of experiences with military child care.
Sec. 1079. Increase in penalties for certain traffic offenses on military installations.
Sec. 1080. Pharmaceutical industry special equity.
Sec. 1081. Clarification of national security systems to which the Information Technology Management Reform Act of 1996 applies.
Sec. 1082. Sale of chemicals used to namufacture controlled substances by Federal departments or agencies.
Sec. 1083. Operational support airlift aircraft.
Sec. 1084. Sense of Senate regarding Bosnia and Herzegovina.
Sec. 1085. Strengthening certain sanctions against nuclear proliferation activities.
Sec. 1086. Technical amendment.
Sec. 1087. Facility for military dependent children with disabilities, Lackland Air Force Base, Texas.
Sec. 1088. Prohibition on the distribution of information relating to explosive materials for a criminal purpose.
Sec. 1089. Exemption for savings institutions serving military personnel.

Subtitle G—Review of Armed Forces Force Structures

Sec. 1091. Short title.
Sec. 1092. Findings.
Sec. 1093. Quadrennial Defense Review
Sec. 1094. National Defense Panel.
Sec. 1095. Postponement of deadlines.
Sec. 1096. Definitions.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Personnel Management, Pay, and Allowances

Sec. 1101. Scope of requirement for conversion of military positions to civilian positions.
Sec. 1102. Retention of civilian employee positions at military training bases transferred to National Guard.
Sec. 1103. Clarification of limitation on furnishing clothing or paying a uniform allowance to enlisted National Guard technicians.
Sec. 1104. Travel expenses and health care for civilian employees of the Department of Defense abroad.
Sec. 1105. Travel, transportation, and relocation allowances for certain former nonappropriated fund employees.
Sec. 1106. Employment and salary practices applicable to Department of Defense overseas teachers.
Sec. 1107. Employment and compensation of civilian faculty members at certain Department of Defense schools.
Sec. 1108. Reimbursement of Department of Defense domestic dependent school board members for certain expenses.
Sec. 1109. Extension of authority for civilian employees of Department of Defense to participate voluntarily in reductions in force.
Sec. 1110. Compensatory time off for overtime work performed by wage-board employees.
Sec. 1111. Liquidation of restored annual leave that remains unused upon transfer of employee from installation being closed or realigned.
Sec. 1112. Waiver of requirement for repayment of voluntary separation incentive pay by former Department of Defense employees reemployed by the Government without pay.
Sec. 1113. Federal holiday observance rules for Department of Defense employees.
Sec. 1114. Revision of certain travel management authorities.

Subtitle B—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

Sec. 1121. Pilot programs for defense employees converted to contractor employees due to privatization at closed military installations.
Sec. 1122. Troops-to-teachers program improvements applied to civilian personnel.

Subtitle C—Defense Intelligence Personnel

Sec. 1131. Short title.
Sec. 1132. Civilian intelligence personnel management.
Sec. 1133. Repeals.
Sec. 1134. Clerical amendments.

TITLE XII—FEDERAL CHARTER FOR THE FLEET RESERVE ASSOCIATION

Sec. 1201. Recognition and grant of Federal charter.
Sec. 1202. Powers.
Sec. 1203. Purposes.
Sec. 1204. Service of process.
Sec. 1205. Membership.
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Sec. 2102. Family housing.
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TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
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TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
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TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
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Sec. 2502. Authorization of appropriations, NATO.
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TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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Sec. 2602. Funding for construction and improvement of reserve centers in the State of Washington.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1994 projects.
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Sec. 2823. Land conveyance, Army Reserve Center, Montpelier, Vermont.
Sec. 2824. Land conveyance, former Naval Reserve Facility, Lewes, Delaware.
Sec. 2825. Land conveyance, Radar Bomb Scoring Site, Belle Fourche, South Dakota.
Sec. 2826. Conveyance of primate research complex, Holloman Air Force Base, New Mexico.
Sec. 2827. Demonstration project for installation and operation of electric power distribution system at Youngstown Air Reserve Station, Ohio.
Sec. 2828. Transfer of jurisdiction and land conveyance, Fort Sill, Oklahoma.
Sec. 2829. Renovation of the Pentagon Reservation.
Sec. 2830. Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota.
Sec. 2831. Reaffirmation of land conveyances, Fort Sheridan, Illinois.
Sec. 2832. Land conveyance, Crafts Brothers Reserve Training Center, Manchester, New Hampshire.
Sec. 2833. Land transfer, Vernon Ranger District, Kisatchie National Forest, Louisiana.
Sec. 2834. Land conveyance, Air Force Plant No. 85, Columbus, Ohio.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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Sec. 3135. Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site.
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Subtitle D—Other Matters

Sec. 3151. Requirement for annual five-year budget for the national security programs of the Department of Energy.
Sec. 3152. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1997.
Sec. 3153. Repeal of requirement relating to accounting procedures for Department of Energy funds.
Sec. 3154. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.
Sec. 3155. Update of report on nuclear test readiness postures.
Sec. 3156. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production plants.
Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation agreements.
Sec. 3158. Sense of Congress relating to redesignation of Defense Environmental Restoration and Waste Management Program.
Sec. 3159. Commission on Maintaining United States Nuclear Weapons Expertise.
Sec. 3160. Sense of Senate regarding reliability and safety of remaining nuclear forces.
Sec. 3161. Report on Department of Energy liability at Department superfund sites.
Sec. 3162. Fiscal year 1998 funding for Greenville Road Improvement Project, Livermore, California.
Sec. 3163. Opportunity for review and comment by State of Oregon regarding certain remedial actions at Hanford Reservation, Washington.
Sec. 3164. Sense of Senate on Hanford memorandum of understanding.
Sec. 3165. Foreign environmental technology.
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Subtitle E—Environmental Restoration at Defense Nuclear Facilities

Sec. 3171. Short title.
Sec. 3172. Applicability.
Sec. 3173. Designation of covered facilities as environmental cleanup demonstration areas.
Sec. 3174. Site managers.
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Sec. 3176. Demonstrations of technology for remediation of defense nuclear waste.
Sec. 3177. Reports to Congress.
Sec. 3178. Termination.
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Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act Amendments.

Sec. 3181. Short title and reference.
Sec. 3182. Definitions.
Sec. 3183. Test phase and retrieval plans.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Disposal of certain materials in National Defense Stockpile.
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TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures in accordance with other laws.

TITLE XXXVI—MISCELLANEOUS PROVISION

Sec. 3601. Sense of the Senate regarding the reopening of Pennsylvania Avenue.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Army as follows:

(1) For aircraft, $1,508,515,000.

(2) For missiles, $1,160,829,000.

(3) For weapons and tracked combat vehicles, $1,460,115,000.

(4) For ammunition, $1,156,728,000.

(5) For other procurement, $3,298,940,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Navy as follows:

(1) For aircraft, $6,911,352,000.

(2) For weapons, including missiles and torpedoes, $1,513,263,000.

(3) For shipbuilding and conversion, $6,567,330,000.

(4) For other procurement, $3,005,040,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Marine Corps in the amount of $816,107,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Air Force as follows:

(1) For aircraft, $7,003,528,000.

(2) For missiles, $2,847,177,000.

(3) For other procurement, $5,889,519,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1997 for Defense-wide procurement in the amount of $1,908,012,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $224,000,000.

(2) For the Air National Guard, $305,800,000.

(3) For the Army Reserve, $90,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $40,000,000.

(6) For the Marine Corps Reserve, $60,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1997 the amount of $802,847,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $269,470,000.

SEC. 109. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 104, $7,900,000 shall be available for the Defense Nuclear Agency.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE SYSTEM.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of the Javelin missile system.

SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

Subsections (b) and (f) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2341; 50 U.S.C. 1521 note) are each amended by striking out "Assistant Secretary of the Army (Installations, Logistics and Environment)" and inserting in lieu thereof "Assistant Secretary of the Army (Research, Development and Acquisition)".

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

SEC. 114. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "During fiscal years 1993 through 1996", and inserting in lieu thereof "During fiscal years 1993 through 1998".

SEC. 115. TYPE CLASSIFICATION OF ELECTRO OPTIC AUGMENTATION (EOA) SYSTEM.

(a) REQUIREMENT.—The Secretary of the Army shall type classify the Electro Optic Augmentation (EOA) system.

(b) FUNDING.—Of the amounts authorized to be appropriated for the Army by this division, $100,000 shall made be available to the Armored Systems Modernization Program manager for the type classification required by subsection (a).

SEC. 116. BRADLEY TOW 2 TEST PROGRAM SETS.

Of the funds authorized to be appropriated under section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $6,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

SEC. 117. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado, within one year of the date of enactment of this Act or, thereafter until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) *Provided, however*, That the Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term "assembled chemical munition" means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

Subtitle C—Navy Programs

SEC. 121. EA-6B AIRCRAFT REACTIVE JAMMER PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 102(a)(1) for modifications or upgrades of EA-6B aircraft may be obligated, other than for a reactive jammer program for such aircraft, until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees in writing—

(1) a certification that some or all of such funds have been obligated for a reactive jammer program for EA-6B aircraft; and

(2) a report that sets forth a detailed, well-defined program for—

(A) developing a reactive jamming capability for EA-6B aircraft; and

(B) upgrading the EA-6B aircraft of the Navy to incorporate the reactive jamming capability.

(b) CONTINGENT TRANSFER OF FUNDS TO AIR FORCE.—(1) If the Secretary of the Navy has not submitted the certification and report described in subsection (a) to the congressional defense committees before June 1, 1997, then, on that date, the Secretary of Defense shall transfer to Air Force, out of appropriations available to the Navy for fiscal year 1997 for procurement of aircraft, the amount equal to the amount appropriated to the Navy for fiscal year 1997 for modifications and upgrades of EA-6B aircraft.

(2) Funds transferred to the Air Force pursuant to paragraph (1) shall be available for maintaining and upgrading the jamming capability of EF-111 aircraft.

SEC. 122. PENGUIN MISSILE PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of not more than 106 Penguin missile systems.

(b) LIMITATION ON TOTAL COST.—The total amount obligated or expended for procurement of Penguin missile systems under contracts under subsection (a) may not exceed $84,800,000.

SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized to be appropriated by section 102(a)(3)—

(A) $804,100,000 shall be available for construction of the third vessel (designated SSN-23) in the Seawolf attack submarine class;

(B) $296,200,000 shall be available for long-lead and advance construction and procurement of components for construction of a submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1998 to be built by Electric Boat Division; and

(C) $701,000,000 shall be available for long-lead and advance construction and procurement of components for construction of a second submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1999 to be built by Newport News Shipbuilding.

(2) In addition to the purposes for which the amount authorized to be appropriated by section 102(a)(3) is available under subparagraphs (B) and (C) of paragraph (1), the amounts available under such subparagraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and updated design base.

(b) CONTRACTS AUTHORIZED.—(1) The Secretary of the Navy is authorized, using funds available pursuant to subparagraphs (B) and (C) of subsection (a)(1), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1997 for—

(A) the procurement of long-lead components for the submarines referred to in such subparagraphs; and

(B) advance construction of such components and other components for such submarines.

(2) The Secretary of the Navy may enter into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(B) only if the Secretary enters into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(C).

(c) COMPETITION AND LIMITATIONS ON OBLIGATIONS.—(1)(A) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Secretary of Defense certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines described in subparagraph (B) will be provided for under one or more contracts that are entered into after a competition between Electric Boat Division and Newport News Shipbuilding in which the Secretary of the Navy solicits competitive proposals and awards the contract or contracts on the basis of price.

(B) The submarines referred to in subparagraph (A) are nuclear attack submarines that are to be constructed beginning—

(i) after fiscal year 1999; or

(ii) if four submarines are to be procured as provided for in the plan required under section 131(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 209), after fiscal year 2001.

(2) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Under Secretary of Defense for Acquisition and Technology submits to the committees referred to in paragraph (1) a written report that describes in detail—

(A) the oversight activities undertaken by the Under Secretary up to the date of the report pursuant to section 131(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 207), and the plans for the future development and improvement of the nuclear attack submarine program of the Navy;

(B) the implementation of, and activities conducted under, the program required to be established by the Director of the Defense Advanced Research Projects Agency by section 131(i) of such Act (110 Stat. 210) for the development and demonstration of advanced submarine technologies and a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of such technologies; and

(C) all research, development, test, and evaluation programs, projects, or activities within the Department of Defense which, in the opinion of the Under Secretary, are designed to contribute to the development and demonstration of advanced submarine technologies leading to a more capable, more affordable nuclear attack submarine, together with a specific identification of ongoing involvement, and plans for future involvement, in any such program, project, or activity by Electric Boat Division, Newport News Shipbuilding, or both.

(d) REFERENCES TO SHIPBUILDERS.—For purposes of this section—

(1) the shipbuilder referred to as "Electric Boat Division" is the Electric Boat Division of the General Dynamics Corporation; and

(2) the shipbuilder referred to as "Newport News Shipbuilding" is the Newport News Shipbuilding and Drydock Company.

(e) NEXT ATTACK SUBMARINE AFTER NEW ATTACK SUBMARINE.—The Secretary of Defense shall modify the plan (relating to development of a program leading to production of a more capable and less expensive submarine than the New Attack Submarine) that was submitted to Congress pursuant to section 131(c) of Public Law 104–106 (110 Stat. 208) in order to provide in such plan for selection of a design for a next submarine for serial production not earlier than fiscal year 2000 (rather than fiscal year 2003, as provided in paragraph (3)(B) of such section 131(c)).

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

SEC. 125. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

SEC. 126. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).".

SEC. 127. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE C–17 AIRCRAFT PROGRAM.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may, pursuant to section 2306b of title 10, United States Code (except as provided in subsection (b)(1)), enter into one or more multiyear contracts for the procurement of not more than a total of 80 C–17 aircraft.

(b) CONTRACT PERIOD.—(1) Notwithstanding section 2306b(k) of title 10, United States Code, the period covered by a contract entered into on a multiyear basis under the authority of subsection (a) may exceed five years, but may not exceed seven years.

(2) Paragraph (1) shall not be construed as prohibiting the Secretary of the Air Force from entering into a multiyear contract for a period of less than seven years. In determining to do so, the Secretary shall consider whether—

(A) sufficient funding is provided for in the future-years defense program for procurement, within the shorter period, of the total number of aircraft to be procured (within the number set forth in subsection (a)); and

(B) the contractor is capable of delivering that total number of aircraft within the shorter period.

(c) OPTION TO CONVERT TO ONE-YEAR PROCUREMENTS.—Each multiyear contract for the procurement of C–17 aircraft authorized by subsection (a) shall include a clause that permits the Secretary of the Air Force—

(1) to terminate the contract as of September 30, 1998, without a modification in the price of each aircraft and without incurring any obligation to pay the contractor termination costs; and

(2) to then enter into follow-on one-year contracts with the contractor for the procurement of C–17 aircraft (within the total number of aircraft authorized under subsection (a)) at a negotiated price that is not to exceed the price that is negotiated before September 30, 1998, for the annual production contract for the C–17 aircraft in lot VIII and subsequent lots.

Subtitle E—Reserve Components

SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES OF THE RESERVE COMPONENTS.

(a) ASSESSMENTS REQUIRED.—Not later than December 1, 1996, each officer referred to in subsection (b) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(b) RESPONSIBLE OFFICERS.—The officers required to submit a report under subsection (a) are as follows:

(1) The Chief of the National Guard Bureau.

(2) The Chief of Army Reserve.

(3) The Chief of Air Force Reserve.

(4) The Director of Naval Reserve.

(5) The Commanding General, Marine Forces Reserve.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,958,140,000.

(2) For the Navy, $9,041,534,000.

(3) For the Air Force, $14,786,356,000.

(4) For Defense-wide activities, $9,699,542,000, of which—

(A) $252,038,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $21,968,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1997.—Of the amounts authorized to be appropriated by section 201, $4,005,787,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 201, $221,330,000 shall be available for the Defense Nuclear Agency.

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for space launch modernization for purposes and in amounts as follows:

(1) For the Evolved Expendable Launch Vehicle program, $44,457,000.

(2) For a competitive reusable launch vehicle technology program, $25,000,000.

(b) LIMITATIONS.—(1) Of the funds made available for the reusable launch vehicle technology program pursuant to subsection (a)(2), the total amount obligated for such purpose may not exceed the total amount allocated in the fiscal year 1997 current operating plan of the National Aeronautics and Space Administration for the Reusable Space Launch program of the National Aeronautics and Space Administration.

(2) None of the funds made available for the Evolved Expendable Launch Vehicle program pursuant to subsection (a)(1) may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds, if any, that are made available for the reusable launch vehicle technology program pursuant to subsection (a)(2).

SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.

(a) REQUIRED PROGRAM ELEMENT.—The Secretary of Defense shall include the kinetic energy tactical anti-satellite program of the Department of Defense as an element of the space control architecture being developed by the Department of Defense Space Architect.

(b) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated pursuant to this Act, or otherwise made available to the Department of Defense for fiscal year 1997, may be obligated or expended for the Department of Defense Space Architect until the Secretary of Defense certifies to Congress that—

(1) the Secretary is complying with the requirement in subsection (a);

(2) funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1996 have been obligated in accordance with section 218 of Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(3) the Secretary has made available for obligation the funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1997 in accordance with this Act.

SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:

(1) For Space Segment High, $192,390,000.

(2) For Space Segment Low (the Space and Missile Tracking System), $247,221,000.

(3) For Cobra Brass, $6,930,000.

(b) CONDITIONAL TRANSFER OF MANAGEMENT OVERSIGHT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall transfer the management oversight responsibilities for the Space and Missile Tracking System from the Secretary of the Air Force to the Director of the Ballistic Missile Defense Organization.

(c) CERTIFICATION.—If, within the 30-day period described in subsection (b), the Secretary of Defense submits to Congress a certification that the Secretary has established a program baseline for the Space-Based Infrared System that satisfies the requirements of section 216(a) of Public Law 104–106 (110 Stat. 220), then subsection (b) of this section shall cease to be effective on the date on which the Secretary submits the certification.

SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Section 132 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 210) is repealed.

SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-Earth asteroid interception mission.

(b) LIMITATION.—None of the funds authorized to be appropriated pursuant to this Act for the global positioning system (GPS) Block II F Satellite system may be obligated until the Secretary of Defense certifies to Congress that—

(1) funds appropriated for fiscal year 1996 for the Clementine 2 Micro-Satellite development program have been obligated in accordance with Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

No official of the Department of Defense may enter into a contract for the procurement of (including advance procurement for) a higher number of Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicles than is necessary to complete procurement of a total of three such vehicles until flight testing has been completed.

SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report comparing the Predator unmanned aerial vehicle program with the Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicle program. The report shall contain the following:

(1) A comparison of the capabilities of the Predator unmanned aerial vehicle with the capabilities of the Dark Star unmanned aerial vehicle.

(2) A comparison of the costs of the Predator program with the costs of the Dark Star program.

(3) A recommendation on which program should be funded in the event that funds are authorized to be appropriated, and are appropriated, for only one of the two programs in the future.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Funds appropriated pursuant to section 104 may not be obligated for any contract to be entered into after the date of the enactment of this Act for the procurement of Predator unmanned aerial vehicles until the date that is 60 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 218. COST ANALYSIS OF F-22 AIRCRAFT PROGRAM.

(a) REVIEW OF PROGRAM.—The Secretary of Defense shall direct the Cost Analysis Improvement Group in the Office of the Secretary of Defense to review the F–22 aircraft program, analyze and estimate the production costs of the program, and submit to the Secretary a report on the results of the review. The report shall include—

(1) a comparison of—

(A) the results of the review, with

(B) the results of the last independent estimate of production costs of the program that was prepared by the Cost Analysis Improvement Group in July 1991; and

(2) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (1)(B) was made, including any major change in assumptions regarding the program schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production, together with an assessment of the effects of such changes on the program.

(b) REPORT.—Not later than March 30, 1997, the Secretary shall transmit to the congressional defense committees the report prepared under paragraph (1), together with the Secretary's views on the matters covered by the report.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 92 percent of the funds appropriated for the F–22 aircraft program pursuant to the authorization of appropriations in section 103(1) may be expended until the Secretary of Defense submits the report required by subsection (b).

SEC. 219. F-22 AIRCRAFT PROGRAM REPORTS.

(a) ANNUAL REPORT.—(1) At the same time as the President submits the budget for a fiscal year to Congress pursuant to section

1105(a) of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on event-based decisionmaking for the F-22 aircraft program for that fiscal year. The Secretary shall submit the report for fiscal year 1997 not later than October 1, 1996.

(2) The report for a fiscal year shall include the following:

(A) A discussion of each decision (known as an "event-based decision") that is expected to be made during that fiscal year regarding whether the F-22 program is to proceed into a new phase or into a new administrative subdivision of a phase.

(B) The criteria (known as "exit criteria") to be applied, for purposes of making the event-based decision, in determining whether the F-22 aircraft program has demonstrated the specific progress necessary for proceeding into the new phase or administrative subdivision of a phase.

(b) REPORT ON EVENT-BASED DECISIONS.—Not later than 30 days after an event-based decision has been made for the F-22 aircraft program, the Secretary of Defense shall submit to Congress a report on the decision. The report shall include the following:

(1) A discussion of the commitments made, and the commitments to be made, under the program as a result of the decision.

(2) The exit criteria applied for purposes of the decision.

(3) How, in terms of the exit criteria, the program demonstrated the specific progress justifying the decision.

SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGIES PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(2), $15,000,000 shall be available for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies under the program element established pursuant to subsection (b).

(b) NEW PROGRAM ELEMENT REQUIRED.—The Secretary of Defense shall establish a new program element for the funds authorized to be appropriated under subsection (a). The funds within that program element shall be administered by the executive agent designated for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies.

(c) LIMITATION PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for foreign comparative testing (program element 605130D) may be obligated until the funds authorized to be appropriated in section 219(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 223) are released for obligation by the executive agent referred to in subsection (b).

(2) Not more than 50 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for NATO research and development (program element 603790D) may be obligated until the funds authorized to be appropriated in subsection (a) are released for obligation by the executive agent referred to in subsection (b).

SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $176,200,000 shall be available for the Counterproliferation Support Program, of which $75,000,000 shall be available for a tactical antisatellite technologies program.

(b) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1997 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations transferred under the authority of this subsection may not exceed $50,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

(c) LIMITATION ON USE OF FUNDS FOR TECHNICAL STUDIES AND ANALYSES PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1997 for program element 605104D, relating to technical studies and analyses, may be obligated or expended until the funds referred to in paragraph (2) have been released to the program manager of the tactical anti-satellite technology program for implementation of that program.

(2) The funds for release referred to in paragraph (1) are as follows:

(A) Funds authorized to be appropriated by section 218(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 222) that are available for the program referred to in paragraph (1).

(B) Funds authorized to be appropriated to the Department for fiscal year 1997 by this Act for the Counterproliferation Support Program that are to be made available for that program.

SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1997; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1997.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for FFRDCs and UARCs under section 201 may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).

(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).

(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.

SEC. 223. ADVANCED SUBMARINE TECHNOLOGIES.

(a) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—Of the amount authorized to be appropriated by section 201(2)—

(1) $489,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine; and

(2) $100,000,000 is available to address the inclusion on future nuclear attack submarines of core advanced technologies, category I advanced technologies, and category II advanced technologies, as such advanced technologies are identified by the Secretary of Defense in Appendix C of the report of the Secretary entitled "Report on Nuclear Attack Submarine Procurement and Submarine Technology", submitted to Congress on March 26, 1996.

(b) CERTAIN TECHNOLOGIES TO BE EMPHASIZED.—In using funds made available in accordance with subsection (a)(2), the Secretary of the Navy shall emphasize research, development, test, and evaluation of the technologies identified by the Submarine Technology Assessment Panel (in the final report of the panel to the Assistant Secretary of the Navy for Research, Development, and Acquisition, dated March 15, 1996) as having the highest priority for initial investment.

(c) SHIPYARDS INVOLVED IN TECHNOLOGY DEVELOPMENT.—To further implement the recommendations of the Submarine Technology Assessment Panel, the Secretary of the Navy shall ensure that the shipyards involved in the construction of nuclear attack submarines are also principal participants in the process of developing advanced submarine technologies and including the technologies in future submarine designs. The Secretary shall ensure that those shipyards have access for such purpose (under procedures prescribed by the Secretary) to the Navy laboratories and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secretary) to the Defense Advanced Research Projects Agency.

(d) FUNDING FOR CONTRACTS UNDER 1996 AGREEMENT AMONG THE NAVY AND SHIPYARDS.—In addition to the purposes of which the amount authorized to be appropriated by section 201(2) are available under paragraphs (1) and (2) of subsection (a), the amounts available under such paragraphs are also available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB), and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine", dated April 5, 1996, for research and development activities under that memorandum of agreement.

SEC. 224. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

SEC. 225. CYCLONE CLASS CRAFT SELF-DEFENSE.

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) SOCOM INVOLVEMENT.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

SEC. 226. COMPUTER-ASSISTED EDUCATION AND TRAINING.

Of the amount authorized to be appropriated under section 201(4), $10,000,000 shall be available under program element 0601103D for computer-assisted education and training at the Defense Advanced Research Projects Agency.

SEC. 227. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCC) under the materials and electronic technology program (PE 0602712E).

SEC. 228. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A-18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A-18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No more than 90 percent of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A-18E/F aircraft before the date that is 30 days after the date on which the congressional defense committees receive the report required under subsection (a).

SEC. 229. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.

(a) FUNDS AVAILABLE FOR POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.—Of the amount authorized to be appropriated under section 201(3), $29,024,000 is available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F).

(b) FUNDS AVAILABLE FOR INTERCONTINENTAL BALLISTIC MISSILE.—Of the amount authorized to be appropriated under section 201(3), $212,895,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 0604851F).

SEC. 230. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

(a) AMOUNT AUTHORIZED.—Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program $3,000,000 shall be made available to the Air Combat Command for research and development into the near-term development of a capability to defeat hardened and deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

(b) REQUIREMENTS.—Nothing in this section shall be construed as precluding the application of the requirements of the Competition in Contracting Act.

Subtitle C—Ballistic Missile Defense

SEC. 231. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

(a) FISCAL YEAR 1997.—It is the sense of the Senate that during fiscal year 1997, the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) RELATIONSHIP TO OTHER LAW.—This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

SEC. 232. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.

(a) FUNDING.—Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

(1) For the Theater High Altitude Area Defense (THAAD) System, $621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, $304,171,000.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that—

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

SEC. 233. ELIMINATION OF REQUIREMENTS FOR CERTAIN ITEMS TO BE INCLUDED IN THE ANNUAL REPORT ON THE BALLISTIC MISSILE DEFENSE PROGRAM.

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), is amended—

(1) by striking out paragraphs (3), (4), (7), (9), and (10); and

(2) by redesignating paragraphs (5), (6), and (8), as paragraphs (3), (4), and (5), respectively.

SEC. 234. ABM TREATY DEFINED.

In this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

SEC. 235. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

SEC. 236. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles is a potential threat to the United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries thought to have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries thought to have ballistic missiles, the estimated number of such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapons technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that could result, and an estimate of the value of property that could be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

SEC. 238. AIR FORCE NATIONAL MISSILE DEFENSE PLAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force proposal for a Minuteman based national missile defense system is an important national missile defense option and is worthy of serious consideration; and

(2) the Secretary of Defense should give the Air Force National Missile Defense Proposal full consideration.

(b) REPORT.—Not later than 120 days after the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a report on the following matters in relation to the Air Force National Missile Defense Proposal:

(1) The cost and operational effectiveness of a system that could be developed pursuant to the Air Forces' plan.

(2) The Arms Control implications of such system.

(3) Growth potential to meet future threats.

(4) The Secretary's recommendation for improvements to the Air Force's plan.

SEC. 239. EXTENSION OF PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

Section 235(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended in the matter preceding paragraph (1) by inserting "or 1997" after "fiscal year 1996".

Subtitle D—Other Matters

SEC. 241. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the F-22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered full-scale engineering development.

(b) REPORTING REQUIREMENT.—(1) If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the F–22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that F–22 aircraft components and subsystems be made available for any alternative live-fire test program.

(2) The components and subsystem required by the Secretary to be made available for such a program shall be components that—

(A) could affect the survivability of the F–22 aircraft; and

(B) are sufficiently large and realistic that meaningful conclusions about the survivability of F–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the F–22 aircraft program may be used for carrying out any alternative live-fire testing program for F–22 aircraft.

SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF V-22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the V–22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered engineering and manufacturing development.

(b) ALTERNATIVE SURVIVABILITY TEST REQUIREMENTS.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the V–22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that a sufficient number of components critical to the survivability of the V–22 aircraft be tested in an alternative live-fire test program involving realistic threat environments that meaningful conclusions about the survivability of V–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the V–22 aircraft program may be used for carrying out any alternative live-fire testing program for V–22 aircraft.

SEC. 243. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking out "fiscal years before the fiscal year in which the institution submits a proposal" and inserting in lieu thereof "most recent fiscal years for which complete statistics are available when proposals are requested".

SEC. 244. DESALTING TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to scarce fresh water is likely to be a cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region.

(2) The Middle East is an area of vital and strategic importance to the United States.

(3) The United States has played a military role in the Middle East, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region.

(4) United States troops have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East.

(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent future conflicts in the Middle East, the United States should, in cooperation with its allies, promote and invest in technologies to reduce the costs of converting saline water into fresh water.

(c) FUNDING FOR RESEARCH AND DEVELOPMENT.—Of the amounts authorized to be appropriated by this title, the Secretary shall place greater emphasis on making funds available for research and development into efficient and economical processes and methods for converting saline water into fresh water.

Subtitle E—National Oceanographic Partnership

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "National Oceanographic Partnership Act".

SEC. 252. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) PROGRAM REQUIRED.—(1) Subtitle C of title 10, United States Code, is amended by inserting after chapter 663 the following new chapter:

"CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM

"Sec.
"7901. National Oceanographic Partnership Program.
"7902. National Ocean Research Leadership Council.

"7903. Partnership program projects.

"§7901. National Oceanographic Partnership Program

"(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the 'National Oceanographic Partnership Program'.

"(b) PURPOSES.—The purposes of the program are as follows:

"(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

"(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

"(A) identifying and carrying out partnerships among Federal agencies, institutions of higher education, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

"(B) reporting annually to Congress on the program.

"(c) NATIONAL COASTAL DATA CENTER.—(1) The Secretary of the Navy shall establish a National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

"(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

"(3) The Secretary shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

"§7902. National Ocean Research Leadership Council

"(a) COUNCIL.—There is a National Ocean Research Leadership Council (hereinafter in this chapter referred to as the "Council").

"(b) MEMBERSHIP.—The Council is composed of the following members:

"(1) The Secretary of the Navy who shall be the chairman of the Council.

"(2) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the vice chairman of the Council.

"(3) The Director of the National Science Foundation.

"(4) The Administrator of the National Aeronautics and Space Administration.

"(5) The Commandant of the Coast Guard.

"(6) With their consent, the President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

"(7) Up to five members appointed by the Chairman from among individuals who will represent the views of ocean industries, institutions of higher education, and State governments.

"(c) TERM OF OFFICE.—The term of office of a member of the Council appointed under paragraph (7) of subsection (b) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) ANNUAL REPORT.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

"(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean Research Partnership Coordinating Group (established pursuant to subsection (e)), the Ocean Research Advisory Panel (established pursuant to subsection (f)), and any working groups in existence during the fiscal year covered.

"(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

"(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

"(4) A description of the involvement of the program with Federal interagency coordinating entities.

"(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"(e) OCEAN RESEARCH PARTNERSHIP COORDINATING GROUP.—(1) The Council shall establish an Ocean Research Partnership Coordinating Group consisting of not more than 10 members appointed by the Council from among officers and employees of the Government, persons employed in the maritime industry, educators at institutions of higher education, and officers and employees of State governments.

"(2) The Council shall designate a member of the Coordinating Group to serve as Chairman of the group.

"(3) The Council shall assign to the Coordinating Group responsibilities that the Council considers appropriate. The Coordinating Group shall be subject to the authority, direction, and control of the Council in the performance the assigned responsibilities.

"(f) OCEAN RESEARCH ADVISORY PANEL.—(1) The Council shall establish an Ocean Research Advisory Panel consisting of members appointed by the Council from among persons eminent in the fields of oceanography, ocean sciences, or marine policy (or related fields) who are representative of the interests of governments, institutions of higher education, and industry in the matters covered by the purposes of the National Oceanographic Partnership Program (as set forth in section 7901(b) of this title).

"(2) The Council shall assign to the Advisory Panel responsibilities that the Council consider appropriate. The Coordinating Group shall be subject the authority, direction, and control of the Council to in the performance of the assigned responsibilities.

"§7903. Partnership program projects

"(a) SELECTION OF PARTNERSHIP PROJECTS.—The National Ocean Research Leadership Council shall select the partnership projects that are to be considered eligible for support under the National Oceanographic Partnership Program. A project partnership may be established by any instrument that the Council considers appropriate, including a memorandum of understanding, a cooperative research and development agreement, and any similar instrument.

"(b) CONTRACT AND GRANT AUTHORITY.—(1) The Council may authorize one or more of the departments and agencies of the Federal Government represented on the Council to enter into contracts or to make grants for the support of partnership projects selected under subsection (a).

"(2) Funds appropriated or otherwise made available for the National Oceanographic Partnership Program may be used for contracts entered into or grants awarded under authority provided pursuant to paragraph (1).".

(2) The table of chapters at the beginning of subtitle C of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 663 the following:

"665. National Oceanographic Partnership Program .... 7901".

(b) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Chairman of the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code, as added by subsection (a)(1), shall make the appointments required by subsection (b)(7) of such section not later than December 1, 1996.

(c) FIRST ANNUAL REPORT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The first annual report required by section 7902(d) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to Congress not later than March 1, 1997. The first report shall include, in addition to the information required by such section, information about the terms of office, procedures, and responsibilities of the Ocean Research Advisory Panel established by the Council.

(d) FUNDING.—Of the funds authorized to be appropriated by section 201(2), $13,000,000 shall be available for the National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $18,147,623,000.
(2) For the Navy, $20,298,339,000.
(3) For the Marine Corps, $2,279,477,000.
(4) For the Air Force, $17,949,339,000.
(5) For Defense-wide activities, $9,863,942,000.
(6) For the Army Reserve, $1,094,436,000.
(7) For the Naval Reserve, $851,027,000.
(8) For the Marine Corps Reserve, $110,367,000.
(9) For the Air Force Reserve, $1,493,553,000.
(10) For the Army National Guard, $2,218,477,000.
(11) For the Air National Guard, $2,699,173,000.
(12) For the Defense Inspector General, $136,501,000.
(13) For the United States Court of Appeals for the Armed Forces, $6,797,000.
(14) For Environmental Restoration, Army, $356,916,000.
(15) For Environmental Restoration, Navy, $302,900,000.
(16) For Environmental Restoration, Air Force, $414,700,000.
(17) For Environmental Restoration, Defense-wide, $258,500,000.

(18) For Drug Interdiction and Counter-drug Activities, Defense-wide, $793,824,000.

(19) For Medical Programs, Defense, $9,375,988,000.

(20) For Cooperative Threat Reduction programs, $327,900,000.

(21) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $947,900,000.

(2) For the National Defense Sealift Fund, $1,268,002,000.

SEC. 303. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 301(5), $88,083,000 shall be available for the Defense Nuclear Agency.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1997 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act, $14,526,000 may be made available to the Civil Air Patrol Corporation.

(b) AMOUNT FOR SEARCH AND RESCUE OPERATIONS.—Of the amount made available pursuant to subsection (a), not more than 75 percent of such amount may be available for costs other than the costs of search and rescue missions.

SEC. 306. SR-71 CONTINGENCY RECONNAISSANCE FORCE.

Of the funds authorized to be appropriated by section 301(4), $30,000,000 is authorized to be made available for the SR-71 contingency reconnaissance force.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME PREPOSITIONING SHIPS OUT OF NATIONAL DEFENSE SEALIFT FUND.

(a) NATIONAL DEFENSE SEALIFT FUND.—To the extent provided in appropriations Acts, funds in the National Defense Sealift Fund may be obligated and expended for the purchase and conversion, or construction, of a total of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 302(2), $240,000,000 is authorized to be appropriated for the purpose stated in subsection (a).

SEC. 312. NATIONAL DEFENSE SEALIFT FUND.

Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)(E), by striking out ", but only for vessels built in United States shipyards";

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by striking out "five" and inserting in lieu thereof "ten"; and

(ii) by striking out "(c)(1)" and inserting in lieu thereof "(c)(1)(A)"; and

(B) in paragraph (2), by striking out "(c)(1)" and inserting in lieu thereof "(c)(1)(A)"; and

(3) in subsection (j), by striking out "(c)(1) (A), (B), (C), and (D)" and inserting in lieu thereof "(c)(1) (A), (B), (C), (D), and (E)".

SEC. 313. NONLETHAL WEAPONS CAPABILITIES.

Of the amount authorized to be appropriated under section 301, $5,000,000 shall be available for the immediate procurement of nonlethal weapons capabilities to meet existing deficiencies in inventories of such capabilities, of which—

(1) $2,000,000 shall be available for the Army; and

(2) $3,000,000 shall be available for the Marine Corps.

SEC. 314. RESTRICTION ON COAST GUARD FUNDING.

No funds are authorized by this Act to be appropriated to the Department of Defense for the Coast Guard within budget subfunction 054.

SEC. 315. OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) FUNDS AUTHORIZED.—Of the funds provided by section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the Navy, consistent with Navy's requirements.

(b) PURPOSE.—Such funds identified in subsection (a) shall be in addition to such amounts already provided for this purpose in the budget request.

Subtitle C—Depot-Level Activities

SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF CORE LOGISTICS FUNCTIONS.

Section 2464(a) of title 10, United States Code is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of Defense shall maintain within the Department of Defense those logistics activities and capabilities that are necessary to provide the logistics capability described in paragraph (1). The logistics activities and capabilities maintained under this paragraph shall include all personnel, equipment, and facilities that are necessary to maintain and repair the weapon systems and other military equipment identified under paragraph (3).

"(3) The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall identify the weapon systems and other military equipment that it is necessary to maintain and repair within the Department of Defense in order to maintain within the department the capability described in paragraph (1).

"(4) The Secretary shall require that the core logistics functions identified pursuant to paragraph (3) be performed in Government-owned, Government-operated facilities of the Department of Defense by Department of Defense personnel using Department of Defense equipment.".

SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CONTRACTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

(a) FIFTY PERCENT LIMITATION.—Section 2466(a) of title 10, United States Code, is amended by striking out "40 percent" in the first sentence and inserting in lieu thereof "50 percent".

(b) INCREASE DELAYED PENDING RECEIPT OF STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstanding the first sentence of section 2466(a) of title 10, United States Code (as amended by subsection (a)), until the strategic plan for the performance of depot-level maintenance and repair is submitted under section 325, not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency.

(2) In paragraph (1), the term "depot-level maintenance and repair workload" has the meaning given such term in section 2466(f) of title 10, United States Code.

SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by Federal Government personnel; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads by non-Federal Government personnel.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.

Section 2466 of title 10, United States Code, is amended by adding at the end the following:

"(f) DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.—In this section, the term 'depot-level maintenance and repair workload'—

"(1) means material maintenance requiring major overhaul or complete rebuilding of parts, assemblies, or subassemblies, and testing and reclamation of equipment as necessary, including all aspects of software maintenance;

"(2) includes those portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services described in paragraph (1); and

"(3) does not include ship modernization and other repair activities that—

"(A) are funded out of appropriations available to the Department of Defense for procurement; and

"(B) were not considered to be depot-level maintenance and repair workload activities under regulations of the Department of Defense in effect on February 10, 1996.".

SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) STRATEGIC PLAN REQUIRED.—(1) As soon as possible after the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a strategic plan for the performance of depot-level maintenance and repair.

(2) The strategic plan shall cover the performance of depot-level maintenance and repair for the Department of Defense in fiscal years 1998 through 2007. The plan shall provide for maintaining the capability described in section 2464 of title 10, United States Code.

(b) ADDITIONAL MATTERS COVERED.—The Secretary of Defense shall include in the strategic plan submitted under subsection (a) a detailed discussion of the following matters:

(1) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that are necessary to perform within the Department of Defense in order to maintain the core logistics capability required by section 2464 of title 10, United States Code.

(2) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that the Secretary of Defense plans to perform within the Department of Defense in order to satisfy the requirements of section 2466 of title 10, United States Code.

(3) For the activities identified pursuant to paragraphs (1) and (2), a discussion of which specific existing weapon systems or other existing equipment, and which specific planned weapon systems or other planned equipment, are weapon systems or equipment for which it is necessary to maintain a core depot-level maintenance and repair capability within the Department of Defense.

(4) The core capabilities, including sufficient skilled personnel, equipment, and facilities, that—

(A) are of sufficient size—

(i) to ensure a ready and controlled source of the technical competencies, and the maintenance and repair capabilities, that are necessary to meet the requirements of the national military strategy and other requirements for responding to mobilizations and military contingencies; and

(ii) to provide for rapid augmentation in time of emergency; and

(B) are assigned a sufficient workload to ensure cost efficiency and technical proficiency in peacetime.

(5) The environmental liability issues associated with any projected privatization of the performance of depot-level maintenance and repair, together with detailed projections of the cost to the United States of satisfying environmental liabilities associated with such privatized performance.

(6) Any significant issues and risks concerning exchange of technical data on depot-level maintenance and repair between the Federal Government and the private sector.

(7) Any deficiencies in Department of Defense financial systems that hinder effective evaluation of competitions (whether among private-sector sources or among depot-level activities owned and operated by the Department of Defense and private-sector sources), and merit-based selections (among depot-level activities owned and operated by the Department of Defense), for a depot-level maintenance and repair workload, together with plans to correct such deficiencies.

(9) The type of facility (whether a private sector facility or a Government owned and operated facility) in which depot-level maintenance and repair of any new weapon systems that will reach full scale development is to be performed.

(10) The workloads necessary to maintain Government owned and operated depots at 50 percent, 70 percent, and 85 percent of operating capacity.

(11) A plan for improving the productivity of the Government owned and operated depot maintenance and repair facilities, together with management plans for changing administrative and missions processes to achieve productivity gains, a discussion of any barriers to achieving desired productivity gains at the depots, and any necessary changes in civilian personnel policies that are necessary to improve productivity.

(12) The criteria used to make decisions on whether to convert to contractor performance of depot-level maintenance and repair, the officials responsible for making the decision to convert, and any depot-level maintenance and repair workloads that are proposed to be converted to contractor performance before the end of fiscal year 2001.

(13) A detailed analysis of savings proposed to be achieved by contracting for the performance of depot-level maintenance and repair workload by private sector sources, together with the report on the review of the analysis (and the assumptions underlying the analysis) provided for under subsection (c).

(c) INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—The Secretary shall provide for a public accounting firm (independent of Department of Defense influence) to review the analysis referred to in subsection (b)(13) and the assumptions underlying the analysis for submission to the committees referred to in subsection (a) and to the Comptroller General.

(d) REVIEW BY COMPTROLLER GENERAL.—(1) At the same time that the Secretary of Defense transmits the strategic plan under subsection (a), the Secretary shall transmit a copy of the plan (including the report of the public accounting firm provided for under subsection (c)) to the Comptroller General of the United States and make available to the Comptroller General all information used by the Department of Defense in preparing the plan and analysis.

(2) Not later than 60 days after the date on which the Secretary submits the strategic plan required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the strategic plan.

(e) ADDITIONAL REPORTING REQUIREMENT FOR COMPTROLLER GENERAL.—Not later than February 1, 1997, the Comptroller General shall submit to the committees referred to in subsection (a) a report on the effectiveness of the oversight by the Department of Defense of the management of existing contracts with private sector sources of depot-level maintenance and repair of weapon systems, the adequacy of Department of Defense financial and information systems to support effective decisions to contract for private sector performance of depot-level maintenance and repair workloads that are being or have been performed by Government personnel, the status of reengineering efforts at depots owned and operated by the United States, and any overall management weaknesses within the Department of Defense that would hinder effective use of contracting for the performance of depot-level maintenance and repair.

SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCEDURES.

(a) ANNUAL REPORT.—Section 2469 of title 10, United States Code, is amended by adding at the end the following:

"(d) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a).".

(b) FIRST REPORT.—The first report under subsection (d) of section 2469 of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 1997.

SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§2473. Reports on privatization of depot-level maintenance work

"(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than January 1 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the privatization of the performance of the various depot-level maintenance workloads of the Department of Defense.

"(2) The report shall include with respect to each depot-level maintenance workload the following:

"(A) An assessment of the risk to the readiness, sustainability, and technology of the Armed Forces in a full range of anticipated scenarios for peacetime and for wartime of—

"(i) using public entities to perform the workload;

"(ii) using private entities to perform the workload; and

"(iii) using a combination of public entities and private entities to perform the workload.

"(B) The recommendation of the Joint Chiefs as to whether public entities, private entities, or a combination of public entities and private entities could perform the workload without jeopardizing military readiness.

"(3) Not later than 30 days after receiving the report under paragraph (2)(B), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the recommendation made by the Joint Chiefs pursuant to paragraph (2)(B), the Secretary shall include in the report under this paragraph—

"(A) the recommendation of the Secretary; and

"(B) a justification for the differences between the recommendation of the Joint Chiefs and the recommendation of the Secretary.

"(b) ANNUAL REPORT ON PROPOSED PRIVATIZATION.—(1) Not later than February 28 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on each depot-level maintenance workload of the Department of Defense that the Joint Chiefs believe could be converted to performance by private entities during the next fiscal year without jeopardizing military readiness.

"(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the proposal of the Joint Chiefs in the report, the Secretary shall include in the report under this paragraph—

"(A) each depot-level maintenance workload of the Department that the Secretary proposes to be performed by private entities during the fiscal year concerned; and

"(B) a justification for the differences between the proposal of the Joint Chiefs and the proposal of the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2473. Reports on privatization of depot-level maintenance work.".

SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended by striking out "expires on September 30, 1995" and inserting in lieu thereof "may not be exercised after September 30, 1997".

(b) REVIVAL OF EXPIRED AUTHORITY.—The authority provided in section 1425 of the National Defense Authorization Act for Fiscal Year 1991 may be exercised after September 30, 1995, subject to the limitation in subsection (e) of such section as amended by subsection (a) of this section.

SEC. 329. LIMITATION ON USE OF FUNDS FOR F-18 AIRCRAFT DEPOT MAINTENANCE.

Of the amounts authorized to be appropriated by section 301(2), not more than $5,000,000 may be used for the performance of depot maintenance on F-18 aircraft until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report on aviation depot maintenance. The report shall contain the following:

(1) The results of a competition which the Secretary shall conduct between all Department of Defense aviation depots for selection for the performance of depot maintenance on F-18 aircraft.

(2) An analysis of the total cost of transferring the F-18 aircraft depot maintenance workload to an aviation depot not performing such workload as of the date of the enactment of this Act.

SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILITIES CLOSED BY BRAC.

The Secretary may not contract for the performance by a private sector source of any of the depot maintenance workload performed as of the date of the enactment of this Act at Sacramento Air Logistics Center or the San Antonio Air Logistics Center until the Secretary—

(1) publishes criteria for the evaluation of bids and proposals to perform such workload;

(2) conducts a competition for the workload between public and private entities;

(3) pursuant to the competition, determines in accordance with the criteria published under paragraph (1) that an offer submitted by a private sector source to perform the workload is the best value for the United States; and

(4) submits to Congress the following—

(A) a detailed comparison of the cost of the performance of the workload by civilian employees of the Department of Defense with the cost of the performance of the workload by that source; and

(B) an analysis which demonstrates that the performance of the workload by that source will provide the best value for the United States over the life of the contract.

Subtitle D—Environmental Provisions

SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL RESTORATION ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

"§ 2703. Environmental restoration accounts

"(a) ESTABLISHMENT OF ACCOUNTS.—There are hereby established in the Department of Defense the following accounts:

"(1) An account to be known as the 'Defense Environmental Restoration Account'.

"(2) An account to be known as the 'Army Environmental Restoration Account'.

"(3) An account to be known as the 'Navy Environmental Restoration Account'.

"(4) An account to be known as the 'Air Force Environmental Restoration Account'.

"(b) OBLIGATION OF AUTHORIZED AMOUNTS.—Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law. Funds so authorized shall remain available until expended.

"(c) BUDGET REPORTS.—In proposing the budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amounts requested for environmental restoration programs of the Department of Defense and of each of the military departments under this chapter and under any other Act.

"(d) AMOUNTS RECOVERED.—The following amounts shall be credited to the appropriate environmental restoration account:

"(1) Amounts recovered under CERCLA for response actions.

"(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

"(e) PAYMENTS OF FINES AND PENALTIES.—None of the funds appropriated to the Defense Environmental Restoration Account for fiscal years 1995 through 1999, or to any environmental restoration account of a military department for fiscal years 1997 through 1999, may be used for the payment of a fine or penalty (including any supplemental environmental project carried out as part of such penalty) imposed against the Department of Defense or a military department unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the environmental restoration account concerned and the payment of the fine or penalty has been specifically authorized by law.".

(2) The table of sections at the beginning of chapter 160 of title 10, United States Code, is amended by striking out the item relating to section 2703 and inserting in lieu thereof the following new item:

"2703. Environmental restoration accounts.".

(b) REFERENCES.—Any reference to the Defense Environmental Restoration Account in any Federal law, Executive Order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the appropriate environmental restoration account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(c) CONFORMING AMENDMENT.—Section 2705(g)(1) of title 10, United States Code, is amended by striking out "the Defense Environmental Restoration Account" and inserting in lieu thereof "the environmental restoration account concerned".

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIREMENT FOR REPORTS ON CONTRACTOR REIMBURSEMENT COSTS FOR RESPONSE ACTIONS.

Section 2706(d)(1)(A) of title 10, United States Code, is amended by striking out "100" and inserting in lieu thereof "20".

SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND CONSULTATION REQUIREMENTS REGARDING REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES AT CERTAIN INSTALLATIONS TO BE CLOSED UNDER THE BASE CLOSURE LAWS.

Section 334 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1340; 10 U.S.C. 2687 note) is repealed.

SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PENALTIES.

(a) AUTHORITY.—The Secretary of Defense may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) stipulated civil penalties assessed under CERCLA in amounts, and using funds, as follows:

(1) Using funds authorized to be appropriated to the Army Environmental Restoration Account established under section 2703(a)(1)(B) of title 10, United States Code, as amended by section 341 of this Act, $34,000 assessed against Fort Riley, Kansas, under CERCLA.

(2) Using funds authorized to be appropriated to the Navy Environmental Restoration Account established under section 2703(a)(1)(C) of that title, as so amended, $30,000 assessed against the Naval Education and Training Center, Newport, Rhode Island, under CERCLA.

(3) Using funds authorized to be appropriated to the Air Force Environmental Restoration Account established under section 2703(a)(1)(D) of that title, as so amended—

(A) $550,000 assessed against the Massachusetts Military Reservation, Massachusetts, under CERCLA, of which $500,000 shall be for the supplemental environmental project for a groundwater modeling project that constitutes a part of the negotiated settlement of a penalty against the reservation; and

(B) $10,000 assessed against F.E. Warren Air Force Base, Wyoming, under CERCLA.

(4) Using funds authorized to be appropriated to the Department of Defense Base Closure Account 1990 by section 2406(a)(13) of this Act, $50,000 assessed against Loring Air Force Base, Maine, under CERCLA.

(b) CERCLA DEFINED.—In this section, the term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL FACILITIES ON NATIONAL PRIORITIES LIST.

Section 120(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator"; and

(3) by striking "Such criteria" and all that follows through the end of the subsection and inserting the following:

"(2) APPLICATION OF CRITERIA.—

"(A) IN GENERAL.—Subject to subparagraph (B), the criteria referred to in paragraph (1) shall be applied in the same manner as the criteria are applied to facilities that are owned or operated by persons other than the United States.

"(B) RESPONSE UNDER OTHER LAW.—That the head of the department, agency, or instrumentality that owns or operates a facility has arranged with the Administrator or appropriate State authorities to respond appropriately, under authority of a law other than this Act, to a release or threatened release of a hazardous substance shall be an appropriate factor to be taken into consideration for the purposes of section 105(a)(8)(A).

"(3) COMPLETION.—Evaluation and listing under this subsection shall be completed in accordance with a reasonable schedule established by the Administrator.".

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) IN GENERAL.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesignating subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), and (III), respectively;

(2) by striking "After the last day" and inserting the following:

"(A) IN GENERAL.—After the last day";

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking "For purposes of subparagraph (B)(i)" and inserting the following:

"(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(ii)(I) and (C)(iii)";

(6) in subparagraph (B), as designated by paragraph (5), by striking "subparagraph (B)" each place it appears and inserting "subparagraph (A)(ii)"; and

(7) by adding at the end the following:

"(C) DEFERRAL.—

"(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

"(I) the property is suitable for transfer for the use intended by the transferee;

"(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (ii); and

"(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

"(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

"(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

"(II) provide that there will be restrictions on use necessary to ensure required remedial investigations, remedial actions, and oversight activities will not be disrupted;

"(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

"(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules, subject to congressional authorizations and appropriations.

"(iii) WARRANTY.—When all remedial action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such remedial action has been completed, and the making of the warranty shall be considered to satisfy the requirement of subparagraph (A)(ii)(I).

"(iv) FEDERAL RESPONSIBILITY.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.".

(b) CONTINUED APPLICATION OF STATE LAW.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting "or facilities that are the subject of a deferral under subsection (h)(3)(C)" after "United States".

SEC. 347. CLARIFICATION OF MEANING OF UNCONTAMINATED PROPERTY FOR PURPOSES OF TRANSFER BY THE UNITED STATES.

Section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)) is amended in the first sentence by striking "stored for one year or more, known to have been released," and inserting "known to have been released".

SEC. 348. SHIPBOARD SOLID WASTE CONTROL.

(a) IN GENERAL.—Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended—

(1) in paragraph (1), by striking "Not later than" and inserting "Except as provided in paragraphs (2) and (3), not later than"; and

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, without regard to the special area requirements of Regulation 5 of Annex V to the Convention, the following non-plastic, non-floating garbage:

"(i) A slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

"(ii) Metal and glass that have been shredded and bagged so as to ensure negative buoyancy.

"(B)(i) Garbage described subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

"(ii) Garbage described in subparagraph (A)(ii) may not be discharged within 12 nautical miles of land.

"(C) This paragraph applies to any ship that is owned or operated by the Department of the Navy that, as determined by the Secretary of the Navy—

"(i) has unique military design, construction, manning, or operating requirements; and

"(ii) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

"(3)(A) Not later than December 31, 2000, the Secretary of the Navy shall prescribe and publish in the Federal Register standards to ensure that each ship described in subparagraph (B) is, to the maximum extent practicable without impairing the operations or operational capabilities of the ship, operated in a manner that is consistent with the special area requirements of Regulation 5 of Annex V to the Convention.

"(B) Subparagraph (A) applies to surface ships that are owned or operated by the Department of the Navy that the Secretary plans to decommission during the period beginning on January 1, 2001, and ending on December 31, 2005.

"(C) At the same time that the Secretary publishes standards under subparagraph (A), the Secretary shall publish in the Federal Register a list of the ships covered by subparagraph (B).".

(b) SENSE OF CONGRESS.—

(1) COMPLIANCE WITH ANNEX V.—It is the sense of Congress that it should be an objective of the Navy to achieve full compliance with Annex V to the Convention as part of the Navy's development of ships that are environmentally sound.

(2) DEFINITION.—In this subsection, the terms "Convention" and "ship" have the meanings provided in section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve

full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.".

SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGEMENT OF CULTURAL RESOURCES ON MILITARY INSTALLATIONS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§2694. Cooperative agreements for management of cultural resources on military installations

"(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary of Defense and the Secretaries of the military departments may enter into cooperative agreements with States, local governments, and appropriate public and private entities in order to provide for the preservation, management, maintenance, and rehabilitation of cultural resources on military installations.

"(b) INAPPLICABILITY OF CERTAIN FEDERAL FINANCIAL MANAGEMENT LAWS.—A cooperative agreement under subsection (a) shall not be treated as a cooperative agreement for purposes of chapter 63 of title 31.

"(c) LIMITATION ON AUTHORITY TO CARRY OUT AGREEMENTS.—The authority of the Secretary of Defense or the Secretary of a military department to carry out an agreement entered into under subsection (a) shall be subject to the availability of funds for that purpose.

"(d) DEFINITION.—For purposes of this section, the term 'cultural resource' means any of the following:

"(1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).

"(2) A cultural item as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

"(3) An archaeological resource as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

"(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2694. Cooperative agreements for management of cultural resources on military installations.".

SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT EL CENTRO NAVAL AIR FACILITY, CALIFORNIA.

(a) REPORT.—Not later than March 15, 1997, the Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security, shall submit to the congressional defense committees a report that assesses the effects of the proposed withdrawal of public lands at El Centro Naval Air Facility, California, on the operational and training requirements of the Department of Defense at that facility.

(b) REPORT ELEMENTS.—The report under subsection (a) shall—

(1) describe in detail the operational and training requirements of the Department of Defense at El Centro Naval Air Facility;

(2) assess the effects of the proposed withdrawal on such operational and training requirements;

(3) describe the relationship, if any, of the proposed withdrawal to the withdrawal of other public lands under the California Desert Protection Act of 1994 (Public Law 103–433);

(4) assess the additional responsibilities, if any, of the Navy for land management at the facility as a result of the proposed withdrawal; and

(5) assess the costs, if any, to the Navy resulting from the proposed withdrawal.

SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES COLLECTED AT CLOSED MILITARY RESERVATIONS.

Subparagraph (B) of section 101(b)(4) of the Act of September 15, 1960 (commonly known as the "Sikes Act"; 16 U.S.C. 670a(b)(4)), is amended to read as follows:

"(B) the fees collected under this paragraph—

"(i) shall be expended at the military reservation with respect to which collected; or

"(ii) if collected with respect to a military reservation that is closed, shall be available for expenditure at any other military reservation for purposes of the protection, conservation, and management of fish and wildlife at such reservation.".

SEC. 352. AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out ", or with any State or local government agency," and inserting in lieu thereof ", with any State or local government agency, or with any Indian tribe,"; and

(2) by adding at the end the following:

"(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

Subtitle E—Other Matters

SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNCTIONS AT FACILITIES LEASED BY THE GOVERNMENT.

Section 2465(b) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(4) to a contract to be carried out at a private facility at which a Federal Government activity is located pursuant to a lease of the facility to the Government.".

SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.

(a) AUTHORITY.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

"§520c. Authorized use of recruiting funds

"(a) MEALS AND REFRESHMENTS.—Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments that are provided in the performance of personnel recruiting functions of the armed forces to—

"(1) persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title;

"(2) persons who are objects of armed forces recruiting efforts;

"(3) influential persons in communities when assisting the military departments in recruiting efforts;

"(4) members of the armed forces and Federal Government employees when attending recruiting events in accordance with a requirement to do so; and

"(5) other persons when contributing to recruiting efforts by attending recruiting events.

"(b) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.

"(c) TERMINATION OF AUTHORITY.—(1) The authority in subsection (a) may not be exercised after September 30, 2001.

"(2) No report is required under subsection (b) after 2002.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"520c. Authorized use of recruiting funds.".

SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

(a) CLARIFICATION OF EXCEPTION TO COMPETITIVE PROCUREMENT.—Section 2486 of title 10, United States Code, is amended by adding at the end the following:

"(e) The Secretary of Defense may not, under the exception provided in section 2304(c)(5) of this title, use procedures other than competitive procedures for the procurement of a brand-name commercial item for resale in commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the commercial item will be sold in commissary stores.".

(b) EFFECT ON EXISTING CONTRACTS.—The amendment made by subsection (a) shall not affect the terms, conditions, or duration of any contract entered into by the Secretary of Defense before the date of the enactment of this Act for the procurement of commercial items for resale in commissary stores.

SEC. 364. ADMINISTRATION OF MIDSHIPMEN'S STORE AND OTHER NAVAL ACADEMY SUPPORT ACTIVITIES AS NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—(1) Chapter 603 of title 10, United States Code, is amended by striking out sections 6970 and 6971 and inserting in lieu thereof the following new section:

"§6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy shall administer a nonappropriated fund account for each of the Academy activities referred to in subsection (b).

"(b) ACTIVITIES.—Subsection (a) applies to the following Academy activities:

"(1) The midshipmen's store.

"(2) The barber shop.

"(3) The cobbler shop.

"(4) The tailor shop.

"(5) The dairy.

"(6) The laundry.

"(c) CREDITING OF REVENUE.—The Superintendent shall credit to each account administered with respect to an activity under subsection (a) all revenue received from the activity.".

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 6970 and 6971 and inserting in lieu thereof the following new item:

"6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts.".

(b) EMPLOYMENT STATUS OF EMPLOYEES OF ACTIVITIES.—Section 2105 of title 5, United States Code, is amended by striking out subsection (b).

SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.

(a) IN GENERAL.—Section 2543 of title 10, United States Code, is amended to read to read as follows:

"§2543. Equipment and services: Presidential inaugural committees

"(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide the assistance referred to in subsection (b) to the following committees:

"(1) An Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721).

"(2) A joint committee of the Senate and House of Representatives appointed under section 9 of that Act (36 U.S.C. 729).

"(b) ASSISTANCE.—The following assistance may be provided under subsection (a):

"(1) Planning and carrying out activities relating to security and safety.

"(2) Planning and carrying out ceremonial activities.

"(3) Loan of property.

"(4) Any other assistance that the Secretary considers appropriate.

"(c) REIMBURSEMENT.—(1) An inaugural committee referred to in subsection (a)(1) shall reimburse the Secretary for any costs incurred in connection with the provision to the committee of assistance referred to in subsection (b)(4).

"(2) Costs reimbursed under paragraph (1) shall be credited to the appropriations from which the costs were paid. The amount credited to an appropriation shall be proportionate to the amount of the costs charged to that appropriation.

"(d) LOANED PROPERTY.—(1) Property loaned for a presidential inauguration under subsection (b)(3) shall be returned within nine days after the date of the ceremony inaugurating the President.

"(2) An inaugural committee referred to in subsection (a)(1) shall give good and sufficient bond for the return in good order and condition of property loaned to the committee under subsection (b)(3).

"(3) An inaugural committee referred to in subsection (a)(1) shall—

"(A) indemnify the United States for any loss of, or damage to, property loaned to the committee under subsection (b)(3); and

"(B) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of the property.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 152 of such title is amended by striking out the item relating to section 2543 and inserting in lieu thereof the following:

"2543. Equipment and services: Presidential inaugural committees.".

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS.

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—The Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FINANCE AND ACCOUNTING SERVICE CENTER, FORT BENJAMIN HARRISON, INDIANA.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer funds available to the Department of Defense for the Defense Finance and Accounting Service for a fiscal year for operation and maintenance to the Administrator of General Services for paying the costs of planning, design, and renovation of Building One, Fort Benjamin Harrison, Indiana, for use as a Defense Finance and Accounting Service Center.

(b) AUTHORITY SUBJECT TO AUTHORIZATIONS AND APPROPRIATIONS.—To the extent provided in appropriations Acts—

(1) of funds appropriated for fiscal year 1997, $9,000,000 may be transferred pursuant to subsection (a); and

(2) of funds appropriated for fiscal years 1998, 1999, 2000, and 2001, funds may be transferred pursuant to subsection (a) in such amounts as are authorized to be transferred in an Act enacted after the date of the enactment of this Act.

SEC. 368. COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) CHALLENGE ATHENA PROGRAM.—Funds authorized by section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

SEC. 369. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out "on a cost-reimbursable, space-available basis" and inserting in lieu thereof "on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate".

SEC. 370. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsections (b) and (c), the Nebraska Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Nebraska Air National Guard may not provide services under subsection (a) until the Nebraska Air National Guard and the authority enter into an agreement under which the authority reimburses the Nebraska Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1997, as follows:

(1) The Army, 495,000, of which not more than 80,300 may be commissioned officers.

(2) The Navy, 407,318, of which not more than 56,165 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 381,222, of which not more than 74,445 may be commissioned officers.

SEC. 402. TEMPORARY FLEXIBILITY RELATING TO PERMANENT END STRENGTH LEVELS.

Section 691(d) of title 10, United States Code, is amended by striking out "not more than 0.5 percent" and inserting in lieu thereof "not more than 5 percent".

SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED OFFICERS IN GRADES O–4, O–5, AND O–6.

(a) ARMY, AIR FORCE, AND MARINE CORPS.—The table in section 523(a)(1) of title 10, United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	6,848	5,253	1,613
25,000	7,539	5,642	1,796
30,000	8,231	6,030	1,980
35,000	8,922	6,419	2,163
40,000	9,614	6,807	2,347
45,000	10,305	7,196	2,530
50,000	10,997	7,584	2,713
55,000	11,688	7,973	2,897
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116
Air Force:			
35,000	9,216	7,090	2,125
40,000	10,025	7,478	2,306
45,000	10,835	7,866	2,487
50,000	11,645	8,253	2,668
55,000	12,454	8,641	2,849
60,000	13,264	9,029	3,030
65,000	14,073	9,417	3,211
70,000	14,883	9,805	3,392
75,000	15,693	10,193	3,573
80,000	16,502	10,582	3,754
85,000	17,312	10,971	3,935
90,000	18,121	11,360	4,115
95,000	18,931	11,749	4,296
100,000	19,741	12,138	4,477
105,000	20,550	12,527	4,658
110,000	21,360	12,915	4,838
115,000	22,169	13,304	5,019
120,000	22,979	13,692	5,200
125,000	23,789	14,081	5,381
Marine Corps:			
10,000	2,525	1,480	571
12,500	2,900	1,600	592
15,000	3,275	1,720	613
17,500	3,650	1,840	633
20,000	4,025	1,960	654
22,500	4,400	2,080	675
25,000	4,775	2,200	695".

(b) NAVY.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,331	5,018	2,116
33,000	7,799	5,239	2,223
36,000	8,267	5,460	2,330
39,000	8,735	5,681	2,437
42,000	9,203	5,902	2,544
45,000	9,671	6,123	2,651
48,000	10,139	6,343	2,758
51,000	10,606	6,561	2,864
54,000	11,074	6,782	2,971
57,000	11,541	7,002	3,078
60,000	12,009	7,222	3,185
63,000	12,476	7,441	3,292
66,000	12,944	7,661	3,398
70,000	13,567	7,954	3,541
90,000	16,683	9,419	4,254".

(c) REPEAL OF TEMPORARY AUTHORITY FOR VARIATIONS IN END STRENGTHS.—The following provisions of law are repealed:

(1) Section 402 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1639; 10 U.S.C. 523 note).

(2) Section 402 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2743; 10 U.S.C. 523 note).

(3) Section 402 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 286; 10 U.S.C. 523 note).

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on September 1, 1997.

SEC. 404. EXTENSION OF REQUIREMENT FOR RECOMMENDATIONS REGARDING APPOINTMENTS TO JOINT 4-STAR OFFICER POSITIONS.

Section 604(c) of title 10, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2000".

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

Section 526(a)(4) of title 10, United States Code, is amended by striking out "68" and inserting in lieu thereof "80".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1997, as follows:

(1) The Army National Guard of the United States, 366,758.

(2) The Army Reserve, 214,925.

(3) The Naval Reserve, 96,304.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,904.

(6) The Air Force Reserve, 73,281.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1997, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,798.

(2) The Army Reserve, 11,475.

(3) The Naval Reserve, 16,603.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,403.

(6) The Air Force Reserve, 655.

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting ", subject to subsection (e)," after "to employ such number of civilians, and"; and

(2) by inserting after subsection (d) the following:

"(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

"(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1997 a total of $69,880,430,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1997.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

Section 5721(g) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT IN THE NAVAL RESERVE IN GRADES ABOVE O–2.

Section 12205(b)(3) of title 10, United States Code, is amended by inserting "or the Seaman to Admiral program" after "(NAVCAD) program".

SEC. 503. TIME FOR AWARD OF DEGREES BY UNACCREDITED EDUCATIONAL INSTITUTIONS FOR GRADUATES TO BE CONSIDERED EDUCATIONALLY QUALIFIED FOR APPOINTMENT AS RESERVE OFFICERS IN GRADE O–3.

Section 12205(c)(2)(C) of title 10, United States Code, is amended by striking out "three years" and inserting in lieu thereof "eight years".

SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.

(a) REDUCTION OF MINIMUM TIME IN GRADE REQUIRED FOR CONSIDERATION FOR PROMOTION.—Section 574(e) of title 10, United States Code, is amended by striking out "three years of service" and inserting in lieu thereof "two years of service".

(b) BELOW-ZONE SELECTION.—Section 575(b)(1) of such title is amended by inserting "chief warrant officer, W–3," in the first sentence after "to consider warrant officers for selection for promotion to the grade of".

SEC. 505. FREQUENCY OF PERIODIC REPORT ON PROMOTION RATES OF OFFICERS CURRENTLY OR FORMERLY SERVING IN JOINT DUTY ASSIGNMENTS.

Section 662(b) of title 10, United States Code, is amended by striking out "not less often than every six months" in the parenthetical in the first sentence and inserting in lieu thereof "not less often than every twelve months".

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).".

SEC. 507. SERVICE CREDIT FOR SENIOR ROTC CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(2) Section 2107(g) of such title is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(3) Section 2107a(g) of such title is amended by inserting ", other than enlisted service performed after August 1, 1979, as a member of Selected Reserve" after "service as a cadet or with concurrent enlisted service".

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out "that service after July 31, 1990, that the officer performed while serving on active duty" and inserting in lieu thereof "for service that the officer performed on or after August 1, 1979.".

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STATUS.

Section 101(d)(4) of title 10, United States Code, is amended by striking out "a reserve commissioned officer, other than a commissioned warrant officer," and inserting in lieu thereof the following: "a member of a reserve component".

SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT PROVISIONS.

(a) SERVICE REQUIREMENT FOR RETIREMENT IN HIGHEST GRADE HELD.—Section 1370(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2)(A), by striking out "(A)";

(3) by redesignating paragraph (2)(B) as paragraph (3); and

(4) in paragraph (3), as so redesignated—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second sentence as subparagraph (B) and realigning such subparagraph, as so redesignated, flush to the left margin;

(C) in subparagraph (B), as so redesignated, by striking out "the preceding sentence" and inserting in lieu thereof "subparagraph (A)"; and

(D) by adding at the end the following:

"(C) If a person covered by subparagraph (A) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, then such person may be credited with satisfactory service in that grade, notwithstanding the failure to complete three years of service in that grade.

"(D) To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

"(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been extended temporary Federal recognition as a reserve officer of the Army National Guard in a particular grade under section 308 of title 32 or temporary Federal recognition as a reserve officer of the Air National Guard in a particular grade under such section, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while extended the temporary Federal recognition, but only if the person was subsequently extended permanent Federal recognition as a reserve officer in that grade and also served in that position after being extended the permanent Federal recognition.".

(b) EXCEPTION TO REQUIREMENT FOR RETENTION OF RESERVE OFFICERS UNTIL COMPLETION OF REQUIRED SERVICE.—Section 12645(b)(2) of such title is amended by inserting "or a reserve active-status list" after "active-duty list".

(c) TECHNICAL CORRECTION.—Section 14314(b)(2)(B) of such title is amended by striking out "of the Air Force".

SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATIONS OF MEMBERS OF NATIONAL GUARD CALLED INTO FEDERAL SERVICE.

(a) REPEAL.—Section 12408 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 is amended by striking out the item relating to section 12408.

SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO WAIVE RETIREMENT SANCTUARY.

Section 12686 of title 10, United States Code, is amended—

(1) by inserting "(a) LIMITATION.—" before "Under regulations"; and

(2) by adding at the end the following new subsection:

"(b) WAIVER.—(1) The Secretary concerned may authorize a member described in paragraph (2) to waive the applicability of the limitation under subsection (a) to the member for the period of active duty described in that paragraph. A member shall exercise any such waiver option, if at all, before the period of active duty begins.

"(2) The authority provided in paragraph (1) applies to a member of a reserve component who is on active duty (other than for training) pursuant to an order to active duty under section 12301 of this title that specifies a period of less than 180 days.".

SEC. 515. RETIREMENT OF RESERVES DISABLED BY INJURY OR DISEASE INCURRED OR AGGRAVATED DURING OVERNIGHT STAY BETWEEN INACTIVE DUTY TRAINING PERIODS.

Paragraph (2) of section 1204 of title 10, United States Code, is amended to read as follows:

"(2) the disability is a result of—

"(A) performing active duty or inactive-duty training;

"(B) traveling directly to or from the place at which such duty is performed; or

"(C) an injury, illness, or disease incurred or aggravated while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive duty training, if the site is outside reasonable commuting distance of the member's residence;".

SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) CREDIT AUTHORIZED.—Section 2126 of title 10, United States Code, is amended—

(1) by striking out "Service performed" and inserting in lieu thereof "(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed"; and

(2) by adding at the end the following:

"(b) EXCEPTION.—(1) The Secretary concerned may authorize service performed by a member of the program in pursuit of a course of study under this subchapter to be counted in accordance with this subsection if the member—

"(A) completes the course of study;

"(B) completes the active duty obligation imposed under section 2123(a) of this title; and

"(C) possesses a specialty designated by the Secretary concerned as critically needed in wartime.

"(2) Service credited under paragraph (1) counts only for the following purposes:

"(A) Award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(B) Computation of years of service creditable under section 205 of title 37.

"(3) For purposes of paragraph (2)(A), a member may be credited in accordance with paragraph (1) with not more than 50 points for each year of participation in a course of study that the member satisfactorily completes as a member of the program.

"(4) Service may not be counted under paragraph (1) for more than four years of participation in a course of study as a member of the program.

"(5) A member who is dropped from the program under section 2123(c) of this title may not receive any credit under paragraph (1) for participation in a course of study as a member of the program. Any credit awarded for participation in the program before the member is dropped shall be rescinded.

"(6) A member is not entitled to any retroactive award of, or increase in, pay or allowances under title 37 by reason of an award of service credit under paragraph (1).".

(b) AWARD OF RETIREMENT POINTS.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after clause (C) the following:

"(D) Points credited for the year under section 2126(b) of this title."; and

(B) in the matter following clause (D), as inserted by paragraph (1), by striking out "and (C)" and inserting in lieu thereof "(C), and (D)".

(2) Section 12733(3) of such title is amended by striking out "or (C)" and inserting in lieu thereof "(C), or (D)".

SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUCTURE.

(a) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on the current force structure and the projected force structure of the National Guard and the other reserve components.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The role of specific guard and reserve units in the current force structure of the guard and reserves.

(2) The projected role of specific guard units and reserve units in a major regional contingency.

(3) Whether or not the current force structure of the guard and reserves is excess to the combat readiness requirements of the Armed Forces and, if so, to what extent.

(4) The effect of decisions relating to the force structure of the guard and reserves on combat readiness within the tiered structure of combat readiness applied to the Armed Forces.

SEC. 518. MODIFIED END STRENGTH AUTHORIZATION FOR MILITARY TECHNICIANS FOR THE AIR NATIONAL GUARD FOR FISCAL YEAR 1997.

Section 513(b)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 305; 10 U.S.C. 115 note) is amended to read as follows:

"(3) Air National Guard:

"(A) For fiscal year 1996, 22,906.

"(B) For fiscal year 1997, 22,956.".

Subtitle C—Officer Education Programs

SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A CADET OR MIDSHIPMAN IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS AND THE SERVICE ACADEMIES.

(a) SENIOR RESERVE OFFICERS' TRAINING CORPS.—Section 2107(a) of title 10, United States Code, is amended by striking out "25 years of age" and inserting in lieu thereof "27 years of age".

(b) UNITED STATES MILITARY ACADEMY.—Section 4346(a) of title 10, United States Code, is amended by striking out "twenty-second birthday" and inserting in lieu thereof "twenty-third birthday".

(c) UNITED STATES NAVAL ACADEMY.—Section 6958(a)(1) of title 10, United States Code, is amended by striking out "twenty-second birthday" and inserting in lieu thereof "twenty-third birthday".

(d) UNITED STATES AIR FORCE ACADEMY.—Section 9346(a) of title 10, United States Code, is amended by striking out "twenty-second birthday" and inserting in lieu thereof "twenty-third birthday".

SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION AND SUPPORT OF ARMY ROTC UNITS BY MEMBERS OF THE ARMY RESERVE AND NATIONAL GUARD.

(a) IN GENERAL.—The Secretary of the Army shall carry out a demonstration project in order to assess the feasibility and advisability of providing instruction and similar support to units of the Reserve Officers Training Corps of the Army through members of the Army Reserve (including members of the Individual Ready Reserve) and members of the Army National Guard.

(b) PROJECT REQUIREMENTS.—(1) The Secretary shall carry out the demonstration project at least one institution.

(2) In order to enhance the value of the project, the Secretary may take actions to ensure that members of the Army Reserve and the Army National Guard provide instruction and support under the project in a variety of innovative ways.

(c) INAPPLICABILITY OF LIMITATION ON RESERVES IN SUPPORT OF ROTC.—The assignment of a member of the Army Reserve or the Army National Guard to provide instruction or support under the demonstration project shall not be treated as an assignment of the member to duty with a unit of a Reserve Officer Training Corps program for purposes of section 12321 of title 10, United States Code.

(d) REPORTS.—Not later than February 1 in each of 1998, 1999, 2000, and 2001, the Secretary shall submit to Congress a report assessing the activities under the project during the preceding year. The report submitted in 2000 shall include the Secretary's recommendation as to the advisability of continuing or expanding the authority for the project.

(e) TERMINATION.—The authority of the Secretary to carry out the demonstration project shall expire four years after the date of the enactment of this Act.

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list;

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard; and

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

Subtitle D—Other Matters

SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED FOR PROMOTION WHEN A PHYSICAL DISABILITY IS FOUND AT ANY PHYSICAL EXAMINATION.

Section 1372(3) of title 10, United States Code, is amended by striking out "his physical examination for promotion" and inserting in lieu thereof "a physical examination".

SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS TO ACTIVE DUTY.

(a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—Subsection (c) of section 688 of title 10, United States Code, is amended—

(1) by striking out "(c) Except in time of war, or of national emergency declared by Congress or the President after November 30, 1980, not" and inserting in lieu thereof "(c)(1) Not"; and

(2) by adding at the end the following:

"(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

"(B) In the administration of subparagraph (A), the following officers shall not be counted:

"(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

"(e) The following officers may not be ordered to active duty under this section:

"(1) An officer who retired under section 638 of this title.

"(2) An officer who—

"(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

"(B) was retired pursuant to that request.".

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

"(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.".

(d) WAIVER FOR PERIODS OF WAR OR NATIONAL EMERGENCY.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

"(g)(1) Subsection (c)(1) does not apply in time of war or of national emergency declared by Congress or the President after November 30, 1980.

"(2) Subsections (c)(2), (e), and (f) do not apply in time of war or of national emergency declared by Congress or the President.".

SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED EXCESS LEAVE FOR EDUCATIONAL PURPOSES.

(a) ELIGIBILITY FOR RETIREMENT.—Section 1201 of title 10, United States Code, is amended—

(1) by inserting "(a) RETIREMENT.—" before "Upon a determination";

(2) by striking out "a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days," and inserting in lieu thereof "a member described in subsection (b)";

(3) by inserting after "incurred while entitled to basic pay" the following: "or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)"; and

(4) by adding at the end the following:

"(b) ELIGIBLE MEMBERS.—This section applies to the following members:

"(1) A member of a regular component of the armed forces entitled to basic pay.

"(2) Any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days.

"(3) A member of a regular component of the armed forces who is on active duty but is absent as described in section 502(b) of title 37 to participate in an educational program.".

(b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY DISABILITY RETIREMENT LIST.—Section 1202 of title 10, United States Code, is amended—

(1) by inserting "(a) TEMPORARY RETIREMENT.—" before "Upon a determination"; and

(2) by striking out "a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days," and inserting in lieu thereof "a member described in section 1201(b) of this title".

(c) ELIGIBILITY FOR SEPARATION.—Section 1203 of title 10, United States Code, is amended—

(1) by inserting "(a) SEPARATION.—" before "Upon a determination";

(2) by striking out "a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days," and inserting in lieu thereof "a member described in section 1201(b) of this title"; and

(3) by inserting after "incurred while entitled to basic pay" the following: "or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to physical disabilities incurred on or after such date.

SEC. 534. UNIFORM POLICY REGARDING RETENTION OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) POLICY REQUIRED.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following:

"§ 1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable

"The Secretary of Defense shall prescribe regulations setting forth uniform policies and procedures regarding retention of members of the Army, Navy, Air Force, and Marine Corps who are permanently nonworldwide assignable for medical reasons.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following:

"1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable.".

SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLISTMENT IN REGULAR COMPONENT UNDER THE DELAYED ENTRY PROGRAM.

(a) AUTHORITY.—Section 513(b) of title 10, United States Code, is amended by inserting after the first sentence the following: "The Secretary concerned may extend the 365-day period for a person for up to 180 additional days if the Secretary determines that it is in the best interests of the armed force under the Secretary's jurisdiction to do so.".

(b) TECHNICAL AMENDMENTS.—Section 513(b) of such title, as amended by subsection (a), is further amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the third sentence as paragraph (2) and realigning such paragraph, as so designated, flush to the left margin; and

(3) in paragraph (2), as so designated, by striking out "the preceding sentence" and inserting in lieu thereof "paragraph (1)".

SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEMBERS WITH AT LEAST 10 YEARS OF SERVICE.

Subsection (d) of section 505 of title 10, United States Code, is amended to read as follows:

"(d)(1) The Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for a period determined under this subsection.

"(2) In the case of a member who has less than 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the period for which the member reenlists shall be at least two years but not more than six years.

"(3) In the case of a member who has at least 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the Secretary concerned may accept a reenlistment for either—

"(A) a specified period of at least two years but not more than six years; or

"(B) an unspecified period.

"(4) No enlisted member is entitled to be reenlisted for a period that would expire before the end of the member's current enlistment.".

SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.

(a) REPEAL OF APPLICABILITY OF AUTHORITIES TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for."; and

(B) by striking out subsection (f).

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one individual described in paragraph (2)" and inserting in lieu thereof "one military officer";

(B) by striking out paragraph (2); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(3) Section 1504(d) of such title is amended—

(A) by striking out the text of paragraph (1) and inserting in lieu thereof the following new text: "A board under this section shall be composed of at least three members who are officers having the grade of major or lieutenant commander or above."; and

(B) in paragraph (4), by striking out "section 1503(c)(4)" and inserting in lieu thereof "section 1503(c)(3)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means a member of the armed forces on active duty who is in a missing status.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of title 10, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking out "48 hours" and inserting in lieu thereof "10 days"; and

(ii) by striking out "theater component commander with jurisdiction over the missing person" and inserting in lieu thereof "Secretary concerned";

(B) by striking out subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b), as so redesignated, by striking out the second sentence.

(2) Section 1503(a) of such title is amended by striking out "section 1502(b)" and inserting in lieu thereof "section 1502(a)".

(3) Section 1513 of such title is amended by striking out paragraph (8).

(c) REPEAL OF REQUIREMENTS FOR COUNSELS FOR MISSING PERSONS.—(1) Section 1503 of title 10, United States Code, is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(2) Section 1504 of such title is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (m) as subsections (f) through (l), respectively.

(3) Such section 1503 is further amended—

(A) in subsection (g)(3), as redesignated by paragraph (1)(B) of this subsection, by striking out "subsection (j)" and inserting in lieu thereof "subsection (i)";

(B) in subsection (h)(1), as so redesignated, by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)";

(C) in subsection (i), as so redesignated—

(i) by striking out "subsection (i)" in the matter preceding paragraph (1) and inserting in lieu thereof "subsection (h)"; and

(ii) in paragraph (1)(B), by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)"; and

(D) in subsection (j), as so redesignated, by striking out "subsection (i)" and inserting in lieu thereof "subsection (h)".

(4) Such section 1504 of such title is amended—

(A) in subsection (a), by striking out "section 1503(i)" and inserting in lieu thereof "section 1503(h)";

(B) in subsection (e)(1), by striking out "section 1503(h)" and inserting in lieu thereof "section 1503(g)";

(C) in subsection (f), as redesignated by paragraph (2)(B) of this subsection, by striking out "subsection (i)" each place it appears in paragraphs (4)(D) and (5)(B) and inserting in lieu thereof "subsection (h)";

(D) in subsection (g)(3)(A), as so redesignated, by striking out "and the counsel for the missing person appointed under subsection (f)";

(E) in subsection (j), as so redesignated—

(i) in paragraph (1)—

(I) by striking out "subsection (j)" in the matter preceding subparagraph (A) and inserting in lieu thereof "subsection (i)";

(II) by inserting "and" at the end of subparagraph (A);

(III) by striking out subparagraph (B); and

(IV) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph, as so redesignated, by striking out "subsection (g)(5)" and inserting in lieu thereof "subsection (f)(5)"; and

(ii) in paragraph (2), by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraph (B)";

(F) in subsection (k), as redesignated by paragraph (2)(B) of this subsection, by striking out "subsection (k)" in the matter preceding paragraph (1) and inserting in lieu thereof "subsection (j)"; and

(G) in subsection (l), as so redesignated, by striking out "subsection (k)" and inserting in lieu thereof "subsection (l)".

(5) Section 1505(c) of such title is amended—

(A) in paragraph (2), by striking out "(A) the designated missing person's counsel for that person, and (B)"; and

(B) in paragraph (3), by striking out ", with the advice" and all that follows through "paragraph (2),".

(6) Section 1509(a) of such title is amended by striking out "section 1504(g)" and inserting in lieu thereof "section 1504(f)".

(d) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of title 10, United States Code, is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—The Secretary concerned shall conduct inquiries into the whereabouts and status of a person under subsection (a) upon receipt of information that may result in a change of status of the person. The Secretary concerned shall appoint a board to conduct such inquiries.".

(e) REPEAL OF STATUTORY PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of title 10, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4).

(g) REPEAL OF RIGHT OF JUDICIAL REVIEW.—Section 1508 of title 10, United States Code, is repealed.

(h) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(B) by striking out subsection (c);

(C) by redesignating subsection (d) as subsection (c); and

(D) in subsection (c), as so redesignated—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The section heading of such section is amended by striking out "**, special interest cases**".

(i) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 76 of title 10, United States Code, is amended—

(1) in the item relating to section 1509, by striking out ", special interest cases"; and

(2) by striking out the item relating to section 1509.

SEC. 538. INAPPLICABILITY OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 TO THE PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR CORRECTIONS OF MILITARY RECORDS.

(a) EXTENSION OF PERIOD.—Section 1552(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) Notwithstanding the provisions of section 205 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 525), and any other provision of law, the three-year period for filing a request for correction of records is not extended by reason of military service. However, in determining under paragraph (1) whether it is in the interest of justice to excuse a failure timely to file a request for correction, the board shall consider the claimant's military service and its effect on the claimant's ability to file a claim.".

(b) EFFECTIVE DATE.—Paragraph (2) of section 1552(b) of such title, as added by subsection (a), shall take effect three years after the date of the enactment of this Act.

SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMERICAN SOLDIERS WHO SERVED IN WORLD WAR II.

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor to each person identified in subsection (b), each such person having distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving in the United States Army during World War II.

(b) APPLICABILITY.—The authority in this section applies with respect to the following persons:

(1) Vernon J. Baker, who served as a first lieutenant in the 370th Infantry Regiment, 92nd Infantry Division.

(2) Edward A. Carter, who served as a staff sergeant in the 56th Armored Infantry Battalion, 12th Armored Division.

(3) John R. Fox, who served as a first lieutenant in the 366th Infantry Regiment, 92nd Infantry Division.

(4) Willy F. James, Jr., who served as a private first class in the 413th Infantry Regiment, 104th Infantry Division.

(5) Ruben Rivers, who served as a staff sergeant in the 761st Tank Battalion.

(6) Charles L. Thomas, who served as a first lieutenant in the 614th Tank Destroyer Battalion.

(7) George Watson, who served as a private in the 29th Quartermaster Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Distinguished-Service Cross, or other award, has been awarded.

SEC. 540. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) CHIEF OF ARMY NURSE CORPS.—Subsection (b) of section 3069 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "major" and inserting in lieu thereof "lieutenant colonel";

(2) by inserting after the first sentence the following: "An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general."; and

(3) in the last sentence, by inserting "to the same position" before the period at the end.

(b) ASSISTANT CHIEF.—Subsection (c) of such section is amended by striking out "major" in the first sentence and inserting in lieu thereof "lieutenant colonel".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade

(2) The item relating to such section in the table of sections at the beginning of chapter 307 of title 10, United States Code, is amended to read as follows:

"3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.".

SEC. 541. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) POSITIONS AND APPOINTMENT.—Chapter 807 of title 10, United States Code, is amended by inserting after section 8067 the following:

"§3069. Air Force nurses: Chief and assistant chief; appointment; grade

"(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

"(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

"(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

"3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.".

SEC. 542. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations as described in subsection (b), the award of each such decoration having been determined by the Secretary of the Navy to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II as follows:

(1) FIRST AWARD.—First award, for completion of at least 20 qualifying combat missions, to the following members and former members of the Armed Forces:

Vernard V. Aiken of Wilmington, Vermont.

Ira V. Babcock of Dothan, Georgia.

George S. Barlow of Grafton, Virginia.

Earl A. Bratton of Bodega Bay, California.

Herman C. Edwards of Johns Island, South Carolina.

James M. Fitzgerald of Anchorage, Alaska.

Paul L. Hitchcock of Raleigh, North Carolina.

Harold H. Hottle of Hillsboro, Ohio.

Samuel M. Keith of Anderson, South Carolina.

Otis Lancaster of Wyoming, Michigan.

John B. McCabe of Biglerville, Pennsylvania.

James P. Merriman of Midland, Texas.

The late Michael L. Michalak, formerly of Akron, New York.

The late Edward J. Naparkowsky, formerly of Hartford, Connecticut.

A. Jerome Pfeiffer of Racine, Wisconsin.

Duane L. Rhodes of Earp, California.

Frank V. Roach of Bloomfield, New Jersey.

Arnold V. Rosekrans of Horseheads, New York.

Joseph E. Seaman, Jr. of Bordentown, New Jersey.

Luther E. Thomas of Panama City, Florida.

Merton S. Ward of South Hamilton, Massachusetts.

Simon L. Webb of Magnolia, Mississippi.

Jerry W. Webster of Leander, Texas.

Stanley J. Orlowski of Jackson, Michigan.

(2) SECOND AWARD.—Second award, for completion of at least 40 qualifying combat missions, to the following members and former members of the Armed Forces:

Ralph J. Deceuster of Dover, Ohio.

Elbert J. Kimble of San Francisco, California.

George W. Knauff of Monument, Colorado.

John W. Lincoln of Rockland, Massachusetts.

Alan D. Marker of Sonoma, California.

Joseph J. Oliver of White Haven, Pennsylvania.

Arthur C. Adair of Grants Pass, Oregon.

Daniel K. Connors of Hampton, New Hampshire.

Glen E. Danielson of Whittier, California.

Prescott C. Jernegan of Hemet, California.

Stephen K. Johnson of Englewood, Florida.

Warren E. Johnson of Vista, California.

Albert P. Emsley of Bothell, Washington.

Robert B. Carnes of West Yarmouth, Massachusetts.

Urbain J. Fournier of Houma, Louisiana.

John B. Tagliapiri of St. Helena, California.

Ray B. Stiltner of Centralia, Washington.

(3) THIRD AWARD.—Third award, for completion of at least 60 qualifying combat missions, to the following members and former members of the Armed Forces:

Glenn Bowers of Dillsburg, Pennsylvania.

Arthur C. Casey of Irving, California.

Robert J. Larsen of Gulf Breeze, Florida.

William A. Nickerson of Portland, Oregon.

David Mendoza of McAllen, Texas.

(4) FOURTH AWARD.—Fourth award, for completion of at least 80 qualifying combat missions, to the following members and former members of the Armed Forces:

Arvid L. Kretz of Santa Rosa, California.

George E. McClane of Cocoa Beach, Florida.

Robert Bair of Ontario, California.

(5) FIFTH AWARD.—Fifth award, for completion of at least 100 qualifying combat missions, to the following members and former members of the Armed Forces:

William A. Baldwin of San Clemente, California.

George Bobb of Blackwood, New Jersey.

John R. Conrad of Hot Springs, Arkansas.

Herbert R. Hetrick of Roaring Springs, Pennsylvania.

William L. Wells of Cordele, Georgia.

(6) SIXTH AWARD.—Sixth award, for completion of at least 120 qualifying combat missions, to Richard L. Murray of Dallas, Texas.

SEC. 543. MILITARY PERSONNEL STALKING PUNISHMENT AND PREVENTION ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the "Military Personnel Stalking Punishment and Prevention Act of 1996".

(b) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

"§ 2261A. Stalking of members of the Armed Forces of the United States

"(a) IN GENERAL.—Whoever, within the special maritime and territorial jurisdiction of the United States or in the course of interstate travel, with the intent to injure or harass any military person, places that military person in reasonable fear of the death of, or serious bodily injury to, that military person or a member of the immediate family of that military person shall be punished as provided in section 2261.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'immediate family' has the same meaning as in section 115; and

"(2) the term 'military person' means—

"(A) any member of the Armed Forces of the United States (including a member of any reserve component); and

"(B) any member of the immediate family of a person described in subparagraph (A).".

(c) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting "or section 2261A" after "this section".

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking "offender's spouse or intimate partner" each place it appears and inserting "victim".

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting "**AND STALKING**" after "**VIOLENCE**".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

"2261A. Stalking of members of the Armed Forces of the United States.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the day after the date of enactment of this Act.

Subtitle E—Commissioned Corps of the Public Health Service

SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF PROHIBITION ON CREDITING CADET OR MIDSHIPMEN SERVICE AT THE SERVICE ACADEMIES.

Section 971(b) of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: "or an officer in the Commissioned Corps of the Public Health Service"; and

(2) in subsection (b)—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(4) no officer in the Commissioned Corps of the Public Health Service may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.".

SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC HEALTH SERVICE OFFICERS ASSIGNED TO THE DEPARTMENT OF DEFENSE.

Section 206 of the Public Health Service Act (42 U.S.C. 207 et seq.) is amended by adding at the end thereof the following new subsection:

"(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFICERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In computing the maximum number of commissioned officers of the Public Health Service authorized by law to hold a grade which corresponds to the grade of captain, major, lieutenant colonel, or colonel, there may be excluded from such computation officers who hold such a grade while the officers are assigned to duty in the Department of Defense.".

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE FIREFIGHTERS.

Section 1152(g) of title 10, United States Code, is amended—

(1) by striking out "(g) CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIREFIGHTERS.—(1) Subject to paragraph (2), the" and inserting in lieu thereof "(g) AUTHORITY TO EXPAND PLACEMENT TO INCLUDE FIREFIGHTERS.—The"; and

(2) in paragraph (2), by striking out the first sentence.

SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS.

(a) SEPARATED MEMBERS OF THE ARMED FORCES.—(1) Subsection (a) of section 1151 of title 10, United States Code, is amended by striking out "may establish" and inserting in lieu thereof "shall establish".

(2) Such section is further amended—

(A) in subsection (f)(2), by striking out "five school years" in subparagraphs (A) and (B) and inserting in lieu thereof "two school years"; and

(B) in subsection (h)(3)(A), by striking out "five consecutive school years" and inserting in lieu thereof "two consecutive school years".

(3) Subsection (g)(2) of such section is amended—

(A) by striking out the comma after "section 1174a of this title" and inserting in lieu thereof "or"; and

(B) by striking out ", or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102–484; 10 U.S.C. 1293 note)".

(4) Subsection (h)(3)(B) of such section is amended—

(A) in clause (i), by striking out "$25,000" and inserting in lieu thereof "$17,000";

(B) in clause (ii)—

(i) by striking out "40 percent" and inserting in lieu thereof "25 percent"; and

(ii) by striking out "$10,000" and inserting in lieu thereof "$8,000"; and

(C) by striking out clauses (iii), (iv), and (v).

(b) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1151 of title 10, United States Code, before the date of the enactment of this Act.

Subtitle G—Armed Forces Retirement Home

SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.

(a) AUTHORITY.—Part A is amended by adding at the end the following:

"SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPENSATED SERVICES.

"(a) AUTHORITY TO ACCEPT SERVICES.—Subject to subsection (b) and notwithstanding section 1342 of title 31, United States Code, the Chairman of the Retirement Home Board or the Director of each establishment of the Retirement Home may accept from any person voluntary personal services or gratuitous services unless the acceptance of the voluntary services is disapproved by the Retirement Home Board.

"(b) REQUIREMENTS AND LIMITATIONS.—(1) The Chairman of the Retirement Home Board or the Director of the establishment accepting the services shall notify the person of the scope of the services accepted.

"(2) The Chairman or Director shall—

"(A) supervise the person providing the services to the same extent as that official would supervise a compensated employee providing similar services; and

"(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

"(3) A person providing services accepted under subsection (a) may not—

"(A) serve in a policymaking position of the Retirement Home; or

"(B) be compensated for the services by the Retirement Home.

"(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.—The Chairman of the Retirement Home Board or the Director of an establishment of the Retirement Home may recruit and train persons to provide services authorized to be accepted under subsection (a).

"(d) STATUS OF PERSONS PROVIDING SERVICES.—(1) Subject to paragraph (3), while providing services accepted under subsection (a) or receiving training under subsection (c), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

"(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

"(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

"(2) A person providing services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) only with respect to services that are within the scope of the services accepted.

"(3) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code (pursuant to this subsection) to a person providing services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

"(A) the average monthly number of hours that the person provided the services, by

"(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

"(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Chairman of the Retirement Board or the Director of the establishment accepting services under subsection (a) may provide for reimbursement of a person for incidental expenses incurred by the person in providing the services accepted under subsection (a). The Chairman or Director shall determine which expenses qualify for reimbursement under this subsection.".

(b) FEDERAL STATUS OF RESIDENTS PAID FOR PART-TIME OR INTERMITTENT SERVICES.—Paragraph (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to read as follows:

"(2) being an employee of the United States for any purpose other than—

"(A) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries); and

"(B) chapter 171 of title 28, United States Code (relating to claims for damages or loss).".

SEC. 583. DISPOSAL OF REAL PROPERTY.

(a) DISPOSAL AUTHORIZED.—Notwithstanding title II the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), title VIII of such Act (40 U.S.C. 531 et seq.), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), or any other provision of law relating to the management and disposal of real property by the United States, but subject to subsection (d), the Retirement Home Board may, by sale or otherwise, convey all right, title, and interest of the United States in a parcel of real property, including improvements thereof, consisting of approximately 49 acres located in Washington, District of Columbia, east of North Capitol Street, and recorded as District Parcel 121/19.

(b) MANNER, TERMS, AND CONDITIONS OF DISPOSAL.—The Retirement Home may determine—

(1) the manner for the disposal of the real property under subsection (a); and

(2) the terms and conditions for the conveyance of that property, including any terms and conditions that the Board considers necessary to protect the interests of the United States.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Board. The cost of the survey shall be borne by the party or parties to which the property is to be conveyed.

(d) CONGRESSIONAL NOTIFICATION.—(1) Before disposing of real property under subsection (a), the Board shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed disposal. The Board may not dispose of the real property until the later of—

(A) the date that is 60 days after the date on which the notification is received by the committees; or

(B) the date of the next day following the expiration of the first period of 30 days of continuous session of Congress that follows the date on which the notification is received by the committees.

(2) For the purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

SEC. 584. MATTERS CONCERNING PERSONNEL.

(a) TERMS OF APPOINTMENT TO GOVERNING BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking out "subsection (f)" and inserting in lieu thereof "paragraph (2)";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by adding after paragraph (1) the following new paragraphs:

"(2)(A) In the case of a member of a board who is appointed or designated under subsection (b) or (c) on the basis of a particular status described in a paragraph under that subsection, the appointment or designation of that member terminates on the date on which the member ceases to hold that status. The preceding sentence applies only to members of the Armed Forces on active duty and employees of the United States.

"(B) Paragraph (1) does not apply with respect to an appointment or designation of a member of a board for a term of less than five years that is made in accordance with subsection (f).

"(3) A member of the Retirement Home Board and a member of a Local Board may be reappointed for one consecutive term by the Chairman of that board.".

(b) DUAL COMPENSATION.—(1) Section 1517 (24 U.S.C. 417) is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection (f):

"(f) DUAL COMPENSATION.—(1) The Retirement Home Board may waive the application of section 5532 of title 5, United States Code, to the Director of an establishment of the Retirement Home or any employee of the Retirement Home (to the extent that such section would otherwise apply to the Director or employee by reason of the employment as Director or employee). The Chairman of the Board shall notify the Secretary of the Treasury of any waiver exercised under the preceding sentence and the effective date of the waiver.

"(2) If the application of section 5532 of title 5, United States Code, to a Director or employee is waived under paragraph (1), the rate of pay payable out of the Retirement Home Trust Fund for the Director or employee shall be the amount equal to the excess, if any, of the periodic rate of pay fixed for the position of the Director or employee over the amount by which the retired or retainer pay payable to the Director or employee would have been reduced (computed on the basis of that periodic rate of pay for that position) if section 5532 of title 5, United States Code, had not been waived.

"(3)(A) In the case of a Director or employee paid at a rate of pay that is reduced under paragraph (2), the amounts deducted and withheld from pay for purposes of chapter 81, subchapter III of chapter 83, chapter 84, chapter 87, or chapter 89 of title 5, United States Code, all agency contributions required under such provisions of law, the maximum amount of contributions that may be made to the Thrift Saving Fund under subchapter III of chapter 84 of title 5, United States Code, the rate of disability compensation payable under subchapter I of chapter 81 of such title, the levels of life insurance coverage provided under chapter 87 of such title, and the amounts of annuities under subchapter III of chapter 83 of such title and subchapter II of chapter 84 of such title shall be computed as if the Director or employee were paid the full rate of pay fixed for the position of the Director or employee for the period for which the Director was paid at the reduced rate of pay under that paragraph.

"(B) If the amount payable to a Director or employee under paragraph (2) is less than the total amount required to be deducted and withheld from the pay of the Director or employee under a provision of law referred to in subparagraph (A), the amount of the deficiency shall be paid by the Director or employee. The participation or benefits available to a Director or employee who fails to pay a deficiency promptly shall be restricted in accordance with regulations which the Director of the Office of Personnel Management shall prescribe.

"(4) In this section, the term 'retired or retainer pay' has the meaning given such term in section 5531 of title 5, United States Code.".

(2) Section 1516(f) (24 U.S.C. 416(f)) is amended—

(A) by inserting "(1)" after "(f) ANNUAL REPORT.—"; and

(B) by adding at the end the following:

"(2) In addition to other matters covered by the annual report for a fiscal year, the annual report shall identify each Director or employee, if any, whose pay was reduced for any period during that fiscal year pursuant to an exercise of the waiver authority under section 1517(f), and shall include a discussion that demonstrates that the unreduced rate of pay established for the position of that Director or employee is comparable to the prevailing rates of pay provided for personnel in the retirement home industry who perform functions similar to those performed by the Director or employee.".

(3) Subsection (f) of section 1517 (as added by paragraph (1)(B)) and subsection (f)(2) of section 1516 (as added by paragraph (2)(B)) shall apply with respect to pay periods beginning on or after January 1, 1997.

SEC. 585. FEES FOR RESIDENTS.

(a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW FEE STRUCTURE.—(1) Subsection (d)(2) of section 371 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2735; 24 U.S.C. 414 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1998".

(2) Subsection (b)(2)(B) of such section is amended by striking out "1998", "1999", and "2000" in paragraphs (1) and (2) of the subsection (d) that is set forth in such subsection (b)(2)(B) as an amendment to section 1514 of the Armed Forces Retirement Home Act of 1991 and inserting in lieu thereof "1999", "2000", and "2001", respectively.

(b) REPORT ON FUNDING THE ARMED FORCES RETIREMENT HOME.—(1) Not later than March 3, 1997, the Secretary of Defense shall submit to Congress a report on meeting the funding needs of the Armed Forces Retirement Home in a manner that is fair and equitable to the residents and to the members of the Armed Forces who provide required monthly contributions for the home.

(2) The report shall include the following:

(A) The increment between levels of income of a resident of the Armed Forces Retirement Home that is appropriate for applying the next higher monthly fee to a resident under a monthly fee structure for the residents of the home.

(B) The categories of income and disability payments that should generally be considered as monthly income for the purpose of determining the fee applicable to a resident and the conditions under which each such category should be considered as monthly income for such purpose.

(C) The degree of flexibility that should be provided the Armed Forces Retirement Home Board for the setting of fees for residents.

(D) A discussion of whether the Armed Forces Retirement Home Board has and should have authority to vary the fee charged a resident under exceptional circumstances, together with any recommended legislation regarding such an authority.

(E) A discussion of how to ensure fairness and equitable treatment of residents and of warrant officers and enlisted members of the Armed Forces in meeting the funding needs of the Armed Forces Retirement Home.

(F) The advisability of exercising existing authority to increase the amount deducted from the pay of warrant officers and enlisted personnel for the Armed Forces Retirement Home under section 1007(i) of title 37, United States Code.

(G) Options for ways to meet the funding needs of the Armed Forces Retirement Home without increasing the amount deducted from pay under section 1007(i) of title 37, United States Code.

(H) Any other matters that the Secretary of Defense, after the consultation required by paragraph (3), considers appropriate regarding funding of the Armed Forces Retirement Home.

(3) The Secretary shall consult the Armed Forces Retirement Home Board and the secretaries of the military departments in preparing the report under this subsection.

SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 1997 from the Armed Forces Retirement Home Trust Fund the sum of $57,345,000 for the operation of the Armed Forces Retirement Home.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1997 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective January 1, 1997, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3.0 percent.

(c) INCREASE IN BAQ.—Effective January 1, 1997, the rates of basic allowance for quarters of members of the uniformed services are increased by 4.0 percent.

SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.

Section 203(c) of title 37, United States Code, is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1), by striking out "(1)".

SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHILE HOSPITALIZED.

(a) IN GENERAL.—Section 210 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) A senior enlisted member of an armed force shall continue to be entitled to the rate of basic pay authorized for the senior enlisted member of that armed force while the member is hospitalized, beginning on the day of the hospitalization and ending on the day the member is discharged from the hospital, but not for more than 180 days.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of title 10, United States Code, is amended to read as follows:

"210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.".

SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS ASSIGNED TO SEA DUTY.

(a) ENTITLEMENT OF SINGLE MEMBERS ABOVE GRADE E-5.—Section 403(c)(2) of title 37, United States Code, is amended by striking out the second sentence.

(b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN GRADE E-5.—Section 403(c)(2) of such title, as amended by subsection (a), is further amended by adding at the end the following: "However, the Secretary concerned may authorize payment of the basic allowance for quarters to members of a uniformed service without dependents who are in pay grade E-5, are on sea duty, and are not provided Government quarters ashore.".

(c) ENTITLEMENT WHEN BOTH SPOUSES IN GRADES BELOW GRADE E-6 ARE ASSIGNED TO SEA DUTY.—Section 403(c)(2) of such title, as amended by subsections (a) and (b), is further amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following: "Notwithstanding section 421 of this title, two members of the uniformed services in pay grades below E-6 who are married to each other, have no dependent other than the spouse, and are simultaneously assigned to sea duty on ships are jointly entitled to one basic allowance for quarters at the rate provided for members with dependents in the highest pay grade in which either spouse is serving.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1996.

SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO DENY AN ELECTION NOT TO OCCUPY GOVERNMENT QUARTERS.

Section 403(b)(3) of title 37, United States Code, is amended by striking out "A member" and inserting in lieu thereof "Subject to the provisions of subsection (j), a member".

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS SEPARATED BY MILITARY ORDERS FROM SPOUSES WHO ARE MEMBERS.

Section 427(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(D) the member is married to a member of a uniformed service, the member has no dependent other than the spouse, the two members are separated by reason of the execution of military orders, and the two members were residing together immediately before being separated by reason of execution of military orders."; and

(2) by adding at the end the following:

"(5) Section 421 of this title does not apply to bar an entitlement to an allowance under paragraph (1)(D). However, not more than one monthly allowance may be paid with respect to a married couple under paragraph (1)(D) for any month.".

SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR PAY AND ALLOWANCES.

Section 3702 of title 31, United States Code, is amended by adding at the end the following:

"(e)(1) Upon the request of the Secretary concerned (as defined in section 101 of title 37), the Comptroller General may waive the time limitations set forth in subsection (b) or (c) in the case of a claim for pay or allowances provided under title 37 and, subject to paragraph (2), settle the claim.

"(2) Payment of a claim settled under paragraph (1) shall be subject to the availability of appropriations for payment of that particular claim.

"(3) This subsection does not apply to a claim in excess of $25,000.".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) Special Pay for Critically Short Wartime Health Specialists in the Selected Reserves.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(d) Special Pay for Enlisted Members of the Selected Reserve Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(g) Prior Service Enlistment Bonus.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998,".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(c) Enlistment Bonuses for Critical Skills.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(d) Special Pay for Nuclear Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(e) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

(f) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1998".

(g) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1998".

SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS OF THE ARMED FORCES.

(a) Increased Rates.—Section 302b(a) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking out "$1,200" and inserting in lieu thereof "$3,000";

(B) in subparagraph (B), by striking out "$2,000" and inserting in lieu thereof "$7,000"; and

(C) in subparagraph (C), by striking out "$4,000" and inserting in lieu thereof "$7,000";

(2) in paragraph (4), by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively, and by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) $4,000 per year, if the officer has less than three years of creditable service."; and

(3) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking out "$2,000" and inserting in lieu thereof "$2,500"; and

(ii) by striking out "12 years" and inserting in lieu thereof "10 years";

(B) in subparagraph (B)—

(i) by striking out "$3,000" and inserting in lieu thereof "$3,500"; and

(ii) by striking out "12 but less than 14 years" and inserting in lieu thereof "10 but less than 12 years"; and

(C) in subparagraph (C), by striking out "14 or more years" and inserting in lieu thereof "12 or more years".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1996.

SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH SERVICE OPTOMETRISTS.

Section 302a(b) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out "an armed force" in the matter preceding subparagraph (A) and inserting in lieu thereof "a uniformed service"; and

(B) by striking out "of the military department" in subparagraph (C); and

(2) in paragraph (4), by striking out "of the military department".

SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS IN THE PUBLIC HEALTH SERVICE.

Section 302c(d) of title 37, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary concerned"; and

(2) in paragraph (1)—

(A) by striking out "or" the third place it appears; and

(B) by inserting before the period at the end the following: ", or an officer in the Regular or Reserve Corps of the Public Health Service".

SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OFFICERS.

(a) Eligibility.—Section 316 of title 37, United States Code, is amended in subsection (a)—

(1) in the matter preceding paragraph (1), by striking out "armed forces" and inserting in lieu thereof "uniformed services";

(2) in paragraph (2)—

(A) by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary concerned"; and

(B) by inserting "or public health" after "national defense"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking out "military" and inserting in lieu thereof "uniformed services";

(B) in subparagraph (C), by striking out "military"; and

(C) in subparagraph (D)—

(i) by striking out "Department of Defense" and inserting in lieu thereof "uniformed service"; and

(ii) by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary concerned".

(b) Administration.—Subsection (d) of such section is amended—

(1) by striking out "his jurisdiction and" and inserting in lieu thereof "the Secretary's jurisdiction,"; and

(2) by inserting before the period at the end ", by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary

of Commerce for the National Oceanic and Atmospheric Administration".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1996, and apply with respect to months beginning on or after such date.

Subtitle C—Travel and Transportation Allowances

SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIPPING MOTOR VEHICLES AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Section 406(b)(1)(B) of title 37, United States Code, is amended as follows—

(1) in clause (i)(I), by inserting ", including return travel to the old duty station," after "nearest the old duty station"; and

(2) in clause (ii), by inserting ", including travel from the new duty station to the port of debarkation to pick up the vehicle" after "to the new duty station".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 1, 1997.

SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A PRIVATELY OWNED VEHICLE AT THE EXPENSE OF THE UNITED STATES.

(a) IN GENERAL.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (g);

(2) by transferring subsection (g), as so redesignated, to the end of such section; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) When a member is ordered to make a change of permanent station to a foreign country and the member is authorized under subsection (a) to have a vehicle transported under that subsection, the Secretary may authorize the member to store the vehicle (instead of having it transported) if restrictions imposed by the foreign country or the United States preclude entry of the vehicle into that country or require extensive modification of the vehicle as a condition for entry of the vehicle into the country. The cost of the storage of the vehicle, and costs associated with the delivery of the vehicle for storage and removal of the vehicle for delivery from storage shall be paid by the United States. Costs paid under this subsection may not exceed reasonable amounts, as determined under regulations prescribed by the Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).".

(b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B) of section 406 of title 37, United States Code, is amended to read as follows:

"(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned by the member (or a dependent of a member) and is for his dependent's personal use to that location by means of transportation authorized under section 2634 of title 10, or authorize storage of such motor vehicle if the storage of the motor vehicle is otherwise authorized under that section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANSPORTATION ALLOWANCES IN CONNECTION WITH LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

(a) AUTHORITY FOR ADDITIONAL DEFERRAL OF TRAVEL.—Section 411b(a)(2) of title 37, United States Code, is amended by adding at the end the following: "A member may defer the travel for one additional year if, due to participation in a contingency operation, the member is unable to commence the travel within the one-year period provided for under the preceding sentence.".

(b) EFFECTIVE DATE.—The amendment made by subsection shall (a) take effect as of November 1, 1995, and shall apply with respect to members of the uniformed services who, on or after that date, participate in critical operational missions, as determined under the third sentence of section 411b(a)(2) of title 37, United States Code (as added by subsection (a)).

SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD EFFECTS OF PUBLIC HEALTH SERVICE OFFICERS.

Section 406(j)(1) of title 37, United States Code, is amended in the first sentence—

(1) by inserting ", and appropriations available to the Department of Health and Human Services for providing transportation of household effects of members of the Commissioned Corps of the Public Health Service under subsection (b)," after "members of the armed forces under subsection (b)"; and

(2) by striking out "of the military department".

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 1998.

(a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE FOR FISCAL YEAR 1998.—Section 1401a(b)(2)(B) of title 10, United States Code, is amended—

(1) by striking out "(B) SPECIAL RULES" and all that follows through "In the case of" in clause (i) and inserting in lieu thereof "(B) SPECIAL RULE FOR FISCAL YEAR 1996.—In the case of"; and

(2) by striking out clause (ii).

(b) REPEAL OF CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—Section 631 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 364) is amended by striking out subsection (b).

SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.

(a) AUTHORITY.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 71 the following new chapter:

"CHAPTER 72—MISCELLANEOUS RETIRED AND RETAINER PAY AUTHORITIES

"Sec.
"1421. Allotments.

"§ 1421. Allotments

"(a) AUTHORITY.—Subject to such conditions and restrictions as may be provided in regulations prescribed under subsection (b), a member or former member of the armed forces entitled to retired or retainer pay may transfer or assign the member or former member's retired or retainer pay account when due and payable.

"(b) REGULATIONS.—The Secretaries of the military departments and the Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy) shall prescribe uniform regulations for the administration of subsection (a).".

(2) The tables of chapters at the beginning of subtitle A of such title and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

"72. Miscellaneous retired and retainer pay authorities .... 1421".

(b) IMPLEMENTATION.—(1) Notwithstanding section 1421 of title 10, United States Code (as added by subsection (a)), a person entitled to retired or retainer pay may not initiate a transfer or assignment of retired or retainer pay under such section until regulations prescribed under subsection (b) of such section take effect.

(2) The Secretaries of the military departments and the Secretary of Transportation shall prescribe regulations under subsection (b) of such section that ensure that, beginning not later than October 1, 1997, a person may make up to six transfers or assignments of the person's retired or retainer pay account when due and payable for payment of any financial obligations.

SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBUTIONS TO BE EFFECTIVE CONCURRENTLY WITH PAYMENT OF RELATED RETIRED PAY COST-OF-LIVING INCREASES.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following new subsection:

"(2)(A) Notwithstanding paragraph (1), when the initial payment of an increase in retired pay under section 1401a of this title (or any other provision of law) to a person is later than the effective date of that increase by reason of the application of subsection (b)(2)(B) of such section (or section 631(b) of Public Law 104–106 (110 Stat. 364)), then the amount of the reduction in the person's retired pay shall be effective on the date of that initial payment of the increase in retired pay rather than the effective date of the increase in retired pay.

"(B) Subparagraph (A) may not be construed as delaying, for purposes of determining the amount of a monthly annuity under section 1451 of this title, the effective date of an increase in a base amount under subsection (h) of such section from the effective date of an increase in retired pay under section 1401a of this title to the date on which the initial payment of that increase in retired pay is made in accordance with subsection (b)(2)(B) of such section 1401a.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to retired pay payable for months beginning on or after the date of the enactment of this Act.

SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the

amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month referred to in paragraph (1).

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLICABLE TO ELIGIBILITY FOR INCOME SUPPLEMENT FOR CERTAIN WIDOWS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 4 of Public Law 92-425 (10 U.S.C. 1448 note) is amended by striking out "$2,340" in subsection (a)(3) and in the first sentence of subsection (b) and inserting in lieu thereof "$5,448".

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

Subtitle E—Other Matters

SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES INCURRED IN ADOPTIONS THROUGH PRIVATE PLACEMENTS.

(a) DEPARTMENT OF DEFENSE.—Section 1052(g)(1) of title 10, United States Code, is amended by striking out "adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption" and inserting in lieu thereof "adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law".

(b) COAST GUARD.—Section 514(g)(1) of title 14, United States Code, is amended by striking out "adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption" and inserting in lieu thereof "adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law".

SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITHHELD FOR TAX PURPOSES FROM CERTAIN SEPARATION PAY RECEIVED BY INVOLUNTARILY SEPARATED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1174(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "(less the amount of Federal income tax withheld from such pay)" before the period at the end; and

(2) in paragraph (2), by inserting "(less the amount of Federal income tax withheld from such pay)" before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996, and shall apply to payments of separation pay, severance pay, or readjustment pay that are made after October 1, 1996.

SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAPTURED AND INTERNED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to any person who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered into the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(2) No payment may be made under this section to any individual who the Secretary of Defense determines, based on the available evidence, served in the Peoples Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be made to survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(b) AMOUNT PAYABLE.—The amount payable to or with respect to a person under this section is $40,000.

(c) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section—

(A) the claimant's eligibility for payment of the claim under subsection (a) shall be determined; and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) SUBMISSION AND DETERMINATION OF CLAIMS.—The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this section. Such regulations shall be issued within 6 months of the date of enactment of this Act.

(2) PAYMENT OF CLAIMS.—The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under section 301, $20,000,000 is available for payments under this section. Notwithstanding section 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) PAYMENT IN FULL SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.—The acceptance of payment by an individual under this section shall be in full satisfaction of all claims by or on behalf of that individual against the United States arising from operations under OPLAN 34A or its predecessor.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this section, more than ten percent of a payment made under this section on such claim.

(h) NO RIGHT TO JUDICIAL REVIEW.—All determinations by the Secretary of Defense pursuant to this section are final and conclusive, notwithstanding any other provision of law. Claimants under this program have no right to judicial review, and such review is specifically precluded.

(i) REPORTS.—(1) No later than 24 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—General

SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SELECTED RESERVE DENTAL INSURANCE PLAN.

(a) IMPLEMENTATION BY CONTRACT.—Section 1076b(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a) AUTHORITY TO ESTABLISH PLAN.—";

(2) by designating the third sentence as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following:

"(2) The Secretary shall provide benefits under the plan through one or more contracts awarded after full and open competition.".

(b) SCHEDULE FOR IMPLEMENTATION.—Section 705(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 373; 10 U.S.C. 1076b note) is amended—

(1) by striking out "Beginning not later than October 1, 1996" in the first sentence and inserting in lieu thereof "During fiscal year 1997";

(2) by striking out "fiscal year 1996" both places it appears and inserting in lieu thereof "fiscal years 1996 and 1997"; and

(3) in the second sentence, by striking out "by that date" and inserting in lieu thereof "during fiscal year 1997".

SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIREES AND CERTAIN DEPENDENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076b the following new section:

"§ 1076c. Military retirees' dental insurance plan

"(a) REQUIREMENT.—(1) The Secretary of Defense shall establish a dental insurance plan for—

"(A) members and former members of the armed forces who are entitled to retired or retainer pay;

"(B) members of the Retired Reserve who, except for not having attained 60 years of age, would be entitled to retired pay; and

"(C) eligible dependents of members and former members covered by the enrollment of such members or former members in the plan.

"(2) The dental insurance plan shall provide for voluntary enrollment of participants and shall authorize a member or former member to enroll for self only or for self and eligible dependents.

"(3) The plan shall be administered under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation.

"(b) PREMIUMS.—(1) Subject to paragraph (2), a member or former member enrolled in the dental insurance plan shall pay the premiums charged for the insurance coverage. The amount of the premiums payable by a member or former member entitled to retired or retainer pay shall be deducted and withheld from the retired or retainer pay and shall be disbursed to pay the premiums. The regulations prescribed under subsection (a)(3) shall specify the procedures for payment of the premiums by other enrolled members and former members.

"(2) The Secretary of Defense may provide for premium-sharing between the Department of Defense and the members and former members enrolled in the plan.

"(c) BENEFITS AVAILABLE UNDER PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services (including endodontics), surgical services, and emergency services.

"(d) COVERAGE.—(1) The Secretary shall prescribe a minimum required period for enrollment by a member or former member in the dental insurance plan established under subsection (a).

"(2) The Secretary shall terminate the enrollment in the plan of any member or former member, and any dependents covered by the enrollment, upon the occurrence of one of the following events:

"(A) Termination of the member or former member's entitlement to retired pay or retainer pay.

"(B) Termination of the member or former member's status as a member of the Retired Reserve.

"(e) CONTINUATION OF DEPENDENTS' ENROLLMENT UPON DEATH OF ENROLLEE.—Coverage of a dependent under an enrollment of a member or former member who dies during the period of enrollment shall continue until the end of that period, except that the coverage may be terminated on any earlier date when the premiums paid are no longer sufficient to cover continuation of the enrollment. The Secretary shall prescribe in regulations the parties responsible for paying the remaining premiums due on the enrollment and the manner for collection of the premiums.

"(f) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076b the following new item:

"1076c. Military retirees' dental insurance plan.".

(b) IMPLEMENTATION.—Beginning not later than October 1, 1997, the Secretary of Defense shall offer members and former members of the Armed Forces referred to in subsection (a)(1) of section 1076c of title 10, United States Code (as added by subsection (a)(1) of this section), the opportunity to enroll in the dental insurance plan required under such section and to receive the benefits under the plan immediately upon enrollment.

SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM SOFTWARE.

(a) REQUIREMENT FOR USE OF UNIFORM SOFTWARE.—The Secretary of Defense, in consultation with the other administering Secretaries, shall take such action as is necessary promptly—

(1) to provide a uniform software package for use by providers of health care under the TRICARE program and by military treatment facilities for the computerized processing of information; and

(2) to require such providers to use the uniform software package in connection with providing health care under the TRICARE program or otherwise under chapter 55 of title 10, United States Code.

(b) CONTENT OF UNIFORM SOFTWARE PACKAGE.—The uniform software package required to be used under subsection (a) shall, at a minimum, provide for processing of the following information:

(1) TRICARE program enrollment.

(2) Determinations of eligibility for health care.

(3) Provider network information.

(4) Eligibility of beneficiaries to receive health benefits from other sources.

(5) Appointment scheduling.

(c) MODIFICATION OF CONTRACTS.—Notwithstanding any other provision of law, the Secretary may modify any existing contract with a health care provider under the TRICARE program as necessary to require the health care provider to use the uniform software package required under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

(2) The term "military treatment facility"—

(A) means a facility of the uniformed services in which health care is provided under chapter 55 of title 10, United States Codes; and

(B) includes a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

(3) The term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 704. ENHANCEMENT OF THIRD-PARTY COLLECTION AND SECONDARY PAYER AUTHORITIES UNDER CHAMPUS.

(a) RETENTION AND USE BY TREATMENT FACILITIES OF AMOUNTS COLLECTED.—Subsection (g)(1) of section 1095 of title 10, United States Code, is amended by inserting "or through" after "provided at".

(b) EXPANSION OF DEFINITION OF THIRD PARTY PAYER.—Subsection (h) of such section is amended—

(1) in the first sentence of paragraph (1), by inserting "and a workers' compensation program or plan" before the period; and

(2) in paragraph (2)—

(A) by striking out "organization and" and inserting in lieu thereof a "organization,"; and

(B) by inserting ", and a personal injury protection plan or medical payments benefit plan for personal injuries resulting from the operation of a motor vehicle" before the period.

(c) APPLICABILITY OF SECONDARY PAYER REQUIREMENT.—Section 1079(j)(1) of such title is amended by inserting ", including any plan offered by a third party payer (as defined in section 1095(h)(1) of this title)," after "or health plan".

SEC. 705. CODIFICATION OF AUTHORITY TO CREDIT CHAMPUS COLLECTIONS TO PROGRAM ACCOUNTS.

(a) CREDITS TO CHAMPUS ACCOUNTS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following:

"§ 1079a. Crediting of CHAMPUS collections to program accounts

"All refunds and other amounts collected by or for the United States in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to the appropriation available for that program for the fiscal year in which collected.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079 the following new item:

"1079a. Crediting of CHAMPUS collections to program accounts.".

SEC. 706. COMPTROLLER GENERAL REVIEW OF HEALTH CARE ACTIVITIES OF THE DEPARTMENT OF DEFENSE RELATING TO PERSIAN GULF ILLNESSES.

(a) MEDICAL RESEARCH AND CLINICAL CARE PROGRAMS.—The Comptroller General shall analyze the effectiveness of the medical research programs and clinical care programs of the Department of Defense that relate to illnesses that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(b) EXPERIMENTAL DRUGS.—The Comptroller General shall analyze the scope and effectiveness of the policies of the Department of Defense with respect to the investigational use of drugs, the experimental use of drugs, and the use of drugs not approved by the Food and Drug Administration to treat illnesses referred to in subsection (a).

(c) ADMINISTRATION OF MEDICAL RECORDS.—The Comptroller General shall analyze the administration of medical records by the military departments in order to assess the extent to which such records accurately reflect the pre-deployment medical assessments, immunization records, informed consent releases, complaints during routine sick call, emergency room visits, visits with unit medics during deployment, and other relevant medical information relating to the members and former members referred to in subsection (a) with respect to the illnesses referred to in that subsection.

(d) REPORTS.—The Comptroller General shall submit to Congress a separate report on each of the analyses required under subsections (a), (b), and (c). The Comptroller General shall submit the reports not later than March 1, 1997.

SEC. 707. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) RESTRICTION ON USE OF FUNDS.—".

SEC. 708. PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 6, 1996, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the Tricare program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) As assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASABILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301, $75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the One Hundred Fourth Congress.

SEC. 709. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term "Gulf War veteran" means a veteran of Gulf War service.

(B) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term "child" means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

SEC. 710. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting "(1)" before "Female"; and

(ii) by adding at the end the following new paragraph:

"(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate."; and

(B) in subsection (b), by adding at the end the following new paragraph:

"(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).".

(2)(A) The heading of such section is amended to read as follows:

"§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1074d. Primary and preventive health care services.".

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.".

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting "the schedule and method of colon and prostate cancer screenings," after "pap smears and mammograms,"; and

(B) in subparagraph (B), by inserting "or colon and prostate cancer screenings" after "pap smears and mammograms".

Subtitle B—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term "administering Secretaries" means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services.

(2) The term "agreement" means the agreement required under section 722(b) between the Secretary of Defense and a designated provider.

(3) The term "capitation payment" means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(4) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(5) The term "designated provider" means a public or nonprofit private entity that was a transferee of a Public Health Service hospital or other station under section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 603) and that, before the date of the enactment of this Act, was deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code. The term includes any legal successor in interest of the transferee.

(6) The term "enrollee" means a covered beneficiary who enrolls with a designated provider.

(7) The term "health care services" means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(8) The term "Secretary" means the Secretary of Defense.

(9) The term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) INCLUSION IN SYSTEM.—The health care delivery system of the uniformed services shall include the designated providers.

(b) AGREEMENTS TO PROVIDE MANAGED HEALTH CARE SERVICES.—(1) After consultation with the other administering Secretaries, the Secretary of Defense shall negotiate and enter into an agreement with each designated provider, under which the designated provider will provide managed health care services to covered beneficiaries who enroll with the designated provider.

(2) The agreement shall be entered into on a sole source basis. The Federal Acquisition Regulation, except for those requirements regarding competition, issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to the agreements as acquisitions of commercial items.

(3) The implementation of an agreement is subject to availability of funds for such purpose.

(c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider, the agreement shall take effect upon the later of the following:

(A) The date on which a managed care support contract under the TRICARE program is implemented in the service area of the designated provider.

(B) October 1, 1997.

(2) Notwithstanding paragraph (1), the designated provider whose service area includes Seattle, Washington, shall implement its agreement as soon as the agreement permits.

(d) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—The Secretary shall extend the participation agreement of a designated provider in effect immediately before the date of the enactment of this Act under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) until the agreement required by this section takes effect under subsection (c).

(e) SERVICE AREA.—The Secretary may not reduce the size of the service area of a designated provider below the size of the service area in effect as of September 30, 1996.

(f) COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS.—(1) Unless otherwise agreed upon by the Secretary and a designated provider, the designated provider shall comply with necessary and appropriate administrative requirements established by the Secretary for other providers of health care services and requirements established by the Secretary of Health and Human Services for risk-sharing contractors under section 1876 of the Social Security Act (42 U.S.C. 1395mm). The Secretary and the designated provider shall determine and apply only such administrative requirements as are minimally necessary and appropriate. A designated provider shall not be required to comply with a law or regulation of a State government requiring licensure as a health insurer or health maintenance organization.

(2) A designated provider may not contract out more than five percent of its primary care enrollment without the approval of the Secretary, except in the case of primary care contracts between a designated provider and a primary care contractor in force on the date of the enactment of this Act.

SEC. 723. PROVISION OF UNIFORM BENEFIT BY DESIGNATED PROVIDERS.

(a) UNIFORM BENEFIT REQUIRED.—A designated provider shall offer to enrollees the health benefit option prescribed and implemented by the Secretary under section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 1073 note), including accompanying cost-sharing requirements.

(b) TIME FOR IMPLEMENTATION OF BENEFIT.—A designated provider shall offer the health benefit option described in subsection (a) to enrollees upon the later of the following:

(1) The date on which health care services within the health care delivery system of the uniformed services are rendered through the TRICARE program in the region in which the designated provider operates.

(2) October 1, 1996.

(c) ADJUSTMENTS.—The Secretary may establish a later date under subsection (b)(2) or prescribe reduced cost-sharing requirements for enrollees.

SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.

(a) FISCAL YEAR 1997 LIMITATION.—(1) During fiscal year 1997, the number of covered beneficiaries who are enrolled in managed care plans offered by designated providers may not exceed the number of such enrollees as of October 1, 1995.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary determines that additional enrollment authority for a designated provider is required to accommodate covered beneficiaries who are dependents of members of the uniformed services entitled to health care under section 1074(a) of title 10, United States Code.

(b) PERMANENT LIMITATION.—For each fiscal year after fiscal year 1997, the number of enrollees in managed care plans offered by designated providers may not exceed 110 percent of the number of such enrollees as of the first day of the immediately preceding fiscal year. The Secretary may waive this limitation as provided in subsection (a)(2).

(c) RETENTION OF CURRENT ENROLLEES.—An enrollee in the managed care program of a designated provider as of September 30, 1997, or such earlier date as the designated provider and the Secretary may agree upon, shall continue receiving services from the designated provider pursuant to the agreement entered into under section 722 unless the enrollee disenrolls from the designated provider. Except as provided in subsection (e), the administering Secretaries may not disenroll such an enrollee unless the disenrollment is agreed to by the Secretary and the designated provider.

(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other covered beneficiaries may also receive health care services from a designated provider, except that the designated provider may market such services to, and enroll, only those covered beneficiaries who—

(1) do not have other primary health insurance coverage (other than medicare coverage) covering basic primary care and inpatient and outpatient services; or

(2) are enrolled in the direct care system under the TRICARE program, regardless of whether the covered beneficiaries were users of the health care delivery system of the uniformed services in prior years.

(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENEFICIARIES.—If a covered beneficiary who desires to enroll in the managed care program of a designated provider is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), the covered beneficiary shall elect whether to receive health care services as an enrollee or under part A of title XVIII of the Social Security Act. The Secretary may disenroll an enrollee who subsequently violates the election made under this subsection and receives benefits under part A of title XVIII of the Social Security Act.

(f) INFORMATION REGARDING ELIGIBLE COVERED BENEFICIARIES.—The Secretary shall provide, in a timely manner, a designated provider with an accurate list of covered beneficiaries within the marketing area of the designated provider to whom the designated provider may offer enrollment.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.

(a) APPLICATION OF PAYMENT RULES.—Subject to subsection (b), the Secretary shall require a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services to apply the payment rules described in section 1074(c) of title 10, United States Code, in imposing charges for health care that the private facility or provider provides to enrollees of a designated provider.

(b) AUTHORIZED ADJUSTMENTS.—The payment rules imposed under subsection (a) shall be subject to such modifications as the Secretary considers appropriate. The Secretary may authorize a lower rate than the maximum rate that would otherwise apply under subsection (a) if the lower rate is agreed to by the designated provider and the private facility or health care provider.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section after consultation with the other administering Secretaries.

(d) CONFORMING AMENDMENT.—Section 1074 of title 10, United States Code, is amended by striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.

(a) FORM OF PAYMENT.—Unless otherwise agreed to by the Secretary and a designated provider, the form of payment for services provided by a designated provider shall be full risk capitation. The capitation payments shall be negotiated and agreed upon by the Secretary and the designated provider. In addition to such other factors as the parties may agree to apply, the capitation payments shall be based on the utilization experience of enrollees and competitive market rates for equivalent health care services for a comparable population to such enrollees in the area in which the designated provider is located.

(b) LIMITATION ON TOTAL PAYMENTS.—Total capitation payments to a designated provider shall not exceed an amount equal to the cost that would have been incurred by the Government if the enrollees had received their care through a military treatment facility, the TRICARE program, or the medicare program, as the case may be.

(c) ESTABLISHMENT OF PAYMENT RATES ON ANNUAL BASIS.—The Secretary and a designated provider shall establish capitation payments on an annual basis, subject to periodic review for actuarial soundness and to adjustment for any adverse or favorable selection reasonably anticipated to result from the design of the program.

(d) ALTERNATIVE BASIS FOR CALCULATING PAYMENTS.—After September 30, 1999, the Secretary and a designated provider may mutually agree upon a new basis for calculating capitation payments.

SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d).

(3) Section 718(c) of the National Defense Authorization Act for Fiscal year 1991 (Public Law 101–510; 42 U.S.C. 248c note).

(4) Section 726 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 248c note).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1997 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 802. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1995" and inserting in lieu thereof "1998"; and

(2) in paragraph (2), by striking out "1996" and inserting in lieu thereof "1999".

SEC. 803. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AUTHORIZED OFFICIALS.—(1) Subsection (a) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1547; 10 U.S.C. 2371 note) is amended by inserting ", the Secretary of a military department, or any other official designated by the Secretary of Defense" after "Agency".

(2) Subsection (b)(2) of such section is amended to read as follows:

"(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under subsection (a).".

(b) EXTENSION OF AUTHORITY.—Subsection (c) of such section is amended by striking out "terminate" and all that follows and inserting in lieu thereof "terminate at the end of September 30, 2001.".

SEC. 804. REVISIONS TO THE PROGRAM FOR THE ASSESSMENT OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.—Section 2503 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council" in paragraph (1) and inserting in lieu thereof "The Secretary of Defense, in consultation with the Secretary of Commerce"; and

(B) by striking out paragraphs (2), (3), and (4); and

(2) in subsection (c)(3)(A)—

(A) by striking out "the National Defense Technology and Industrial Base Council in" and inserting in lieu thereof "the Secretary of Defense for"; and

(B) by striking out "and the periodic plans required by section 2506 of this title".

(b) PERIODIC DEFENSE CAPABILITY ASSESSMENTS.—(1) Section 2505 of title 10, United States Code, is amended to read as follows:

"§2505. National technology and industrial base: periodic defense capability assessments

"(a) PERIODIC ASSESSMENT.—Each fiscal year, the Secretary of Defense shall prepare selected assessments of the capability of the national technology and industrial base to attain the national security objectives set forth in section 2501(a) of this title.

"(b) ASSESSMENT PROCESS.—The Secretary of Defense shall ensure that technology and industrial capability assessments—

"(1) describe sectors or capabilities, their underlying infrastructure and processes;

"(2) analyze present and projected financial performance of industries supporting the sectors or capabilities in the assessment; and

"(3) identify technological and industrial capabilities and processes for which there is potential for the national industrial and technology base not to be able to support the achievement of national security objectives.

"(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessments, the Secretary shall include considerations of foreign dependency.

"(d) INTEGRATED PROCESS.—The Secretary of Defense shall ensure that consideration of the technology and industrial base assessments is integrated into the overall budget, acquisition, and logistics support decision processes of the Department of Defense.".

(2) Section 2502(b) of title 10, United States Code, is amended—

(A) by striking out "the following responsibilities:" and all that follows through "effective cooperation" and inserting in lieu thereof "the responsibility to ensure effective cooperation"; and

(B) by striking out paragraph (2); and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and adjusting the margin of such paragraphs two ems to the left.

(c) REPEAL OF REQUIREMENT FOR PERIODIC DEFENSE CAPABILITY PLAN.—Section 2506 of title 10, United States Code, is repealed.

(d) DEPARTMENT OF DEFENSE TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE.—Subchapter II of chapter 148 of title 10, United States Code, is amended by inserting after section 2505 the following new section 2506:

"§ 2506. Department of Defense technology and industrial base policy guidance

"(a) DEPARTMENTAL GUIDANCE.—The Secretary of Defense shall prescribe departmental guidance for the attainment of each of the national security objectives set forth in section 2501(a) of this title. Such guidance shall provide for technological and industrial capability considerations to be integrated into the budget allocation, weapons acquisition, and logistics support decision processes.

"(b) REPORT TO CONGRESS.—The Secretary of Defense shall report on the implementation of the departmental guidance in the annual report to Congress submitted pursuant to section 2508 of this title.".

(e) ANNUAL REPORT TO CONGRESS.—Such subchapter is amended by inserting after section 2507 the following new section:

"§ 2508. Annual report to Congress

"The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives by March 1 of each year a report which shall include the following information:

"(1) A description of the departmental guidance prepared pursuant to section 2506 of this title.

"(2) A description of the methods and analyses being undertaken by the Department of Defense alone or in cooperation with other Federal agencies, to identify and address concerns regarding technological and industrial capabilities of the national technology and industrial base.

"(3) A description of the assessments prepared pursuant to section 2505 of this title and other analyses used in developing the budget submission of the Department of Defense for the next fiscal year.

"(4) Identification of each program designed to sustain specific essential technological and industrial capabilities and processes of the national technology and industrial base.".

(f) REPEAL OF REQUIREMENT TO COORDINATE THE ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH THE COUNCIL.—Subsection 2514(c) of title 10, United States Code, is amended by striking out paragraph (5).

(g) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter II of chapter 148 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2506 and inserting in lieu thereof the following:

"2506. Department of Defense technology and industrial base policy guidance.";

and

(2) by adding at the end the following:

"2508. Annual report to Congress.".

(h) REPEAL OF SUPERSEDED AND EXECUTED LAW.—Sections 4218, 4219, and 4220 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2505 note and 2506 note) are repealed.

SEC. 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS INDUSTRIAL BASE FIRMS.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

"§ 2473. Procurements from the small arms industrial base

"(a) AUTHORITY TO DESIGNATE EXCLUSIVE SOURCES.—To the extent that the Secretary of Defense determines necessary to preserve the part of the national technology and industrial base that supplies property and services described in subsection (b), the Secretary may require that the procurements of such items for the Department of Defense be made only from the firms listed in the plan entitled 'Preservation of Critical Elements of the Small Arms Industrial Base', dated January 8, 1994, that was prepared by an independent assessment panel of the Army Science Board.

"(b) COVERED ITEMS.—The authority provided in subsection (a) applies to the following property and services:

"(1) Repair parts for small arms.

"(2) Modifications of parts to improve small arms used by the armed forces.

"(3) Overhaul of unserviceable small arms of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2473. Procurements from the small arms industrial base.".

SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT OF FOREIGN GOODS.

Section 2534(d)(3) of title 10, United States Code, is amended by inserting "or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into under section 2531 of this title," after "a foreign country,".

SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

(a) TREATMENT AS CONTRACT FOR TELECOMMUNICATIONS SERVICES.—Subject to subsection (b), a cable television franchise agreement for the Department of Defense shall be considered a contract for telecommunications services for purposes of part 49 of the Federal Acquisition Regulation.

(b) LIMITATION.—The treatment of a cable television franchise agreement as a contract for telecommunications services shall be subject to such terms, conditions, limitations, restrictions, and requirements relating to the power of the executive branch to treat such an agreement as such a contract as are identified in the advisory opinion required under section 823 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399).

(c) APPLICABILITY.—This section applies to cable television franchise agreements for the Department of Defense only if the United States Court of Federal Claims states in an advisory opinion referred to in subsection (b) that it is within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.).

SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRACTOR EMPLOYEE WHISTLEBLOWERS.

Section 2409(c)(1) of title 10, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) Order the contractor either—

"(i) to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken; or

"(ii) without reinstating the person, to pay the person an amount equal to the compensation (including back pay) that, if the reprisal had not been taken, would have been paid the person in that position up to the date on which the head of the agency determines that the person has been subjected to a reprisal prohibited under subsection (a).".

SEC. 809. IMPLEMENTATION OF INFORMATION TECHNOLOGY MANAGEMENT REFORM.

(a) REPORT.—(1) The Secretary of Defense shall include in the report submitted in 1997 under section 381 of Public Law 103–337 (108 Stat. 2739) a discussion of the following matters relating to information resources management by the Federal Government:

(A) The progress made in implementing the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(B) The progress made in implementing the strategy for the development or modernization of automated information systems for the Department of Defense, as required by section 366 of Public Law 104–106 (110 Stat 275; 10 U.S.C. 113 note).

(C) Plans of the Department of Defense for establishing an integrated framework for management of information resources within the department.

(2) The discussion of matters under paragraph (1) shall specifically include a discussion of the following:

(A) The status of the implementation of a set of strategic, outcome-oriented performance measures.

(B) The specific actions being taken to link the proposed performance measures to the planning, programming, and budgeting system of the Department of Defense and to the life-cycle management processes of the department.

(C) The results of pilot program testing of proposed performance measures.

(D) The additional training necessary for the implementation of performance-based information management.

(E) Plans for integrating management improvement programs of the Department of Defense.

(F) The department-wide actions that are necessary to comply with the requirements of the following provisions of law:

(i) The amendments made by the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(ii) The Information Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(iii) Title V of the Federal Acquisition Management Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3349) and the amendments made by that title.

(iv) The Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838) and the amendments made by that Act.

(G) A strategic information resources plan for the Department of Defense that is based on the strategy of the Secretary of Defense for support of the department's overall strategic goals by the core and supporting processes of the department.

(b) YEAR 2000 SOFTWARE CONVERSION.—(1) The Secretary of Defense shall ensure that all information technology acquired by the Department of Defense pursuant to contracts entered into after September 30, 1996, have the capabilities that comply with time and date standards established by the National Institute of Standards and Technology or, if there is no such standard, generally accepted industry standards for providing fault-free processing of date and date-related data in 2000.

(2) The Secretary, acting through the chief information officers within the department (as designated pursuant to section 3506 of title 44, United States Code), shall assess all information technology within the Department of Defense to determine the extent to which such technology have the capabilities to operate effectively with technology that meet the standards referred to in paragraph (1).

(3) Not later than January 1, 1997, the Secretary shall submit to Congress a detailed plan for eliminating any deficiencies identified pursuant to paragraph (2). The plan shall include—

(A) a prioritized list of all affected programs;

(B) a description of how the deficiencies could affect the national security of the United States; and

(C) an estimate of the resources that are necessary to eliminate the deficiencies.

SEC. 810. RESEARCH UNDER TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

(a) CONDITIONS FOR USE OF AUTHORITY.—Subsection (e) of section 2371 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "and" after the semicolon at the end of subparagraph (A), as so redesignated;

(3) by striking out "; and" at the end of subparagraph (B), as so redesignated, and inserting in lieu thereof a period;

(4) by inserting "(1)" after "(e) CONDITIONS.—"; and

(5) by striking out paragraph (3) and inserting in lieu thereof the following:

"(2) A cooperative agreement containing a clause under subsection (d) or a transaction authorized under subsection (a) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.".

(b) REVISED REQUIREMENT FOR ANNUAL REPORT.—Section 2371 of such title is amended by striking out subsection (h) and inserting in lieu thereof the following:

"(h) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on Department of Defense use during such fiscal year of—

"(A) cooperative agreements authorized under section 2358 of this title that contain a clause under subsection (d); and

"(B) transactions authorized under subsection (a).

"(2) The report shall include, with respect to the cooperative agreements and other transactions covered by the report, the following:

"(A) The technology areas in which research projects were conducted under such agreements or other transactions.

"(B) The extent of the cost-sharing among Federal Government and non-Federal sources.

"(C) The extent to which the use of the cooperative agreements and other transactions—

"(i) has contributed to a broadening of the technology and industrial base available for meeting Department of Defense needs; and

"(ii) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

"(D) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report pursuant to a clause described in subsection (d) that was included in the cooperative agreements and transactions, and the amount of such payments, if any, that were credited to each account established under subsection (f).".

(c) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—Such section, as amended by subsection (b), is further amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2) Paragraph (1) applies to the following information in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the submitters, of a cooperative agreement that includes a clause described in subsection (d) or other transaction authorized under subsection (a):

"(A) Proposals, proposal abstracts, and supporting documents.

"(B) Business plans submitted on a confidential basis.

"(C) Technical information submitted on a confidential basis.".

(d) DIVISION OF SECTION INTO DISTINCT PROVISIONS BY SUBJECT MATTER.—(1) Chapter 139 of title 10, United States Code, is amended—

(A) by inserting before the last subsection of section 2371 (relating to cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980) the following:

"§2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980";

(B) by striking out "(i) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS UNDER STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—"; and

(C) in the table of sections at the beginning of such chapter, by inserting after the item relating to section 2371 the following:

"2371a. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980.".

(2) Section 2358(d) of such title is amended by striking out "section 2371" and inserting in lieu thereof "sections 2371 and 2371a".

SEC. 811. REPORTING REQUIREMENT UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820) is amended by striking out "1996" and inserting in lieu thereof "1998".

SEC. 812. TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—

(1) the competition requirements in section 2304 of title 10;

(2) the core logistics requirements in section 2464 of title 10;

(3) the public-private competition requirements in section 2469 of title 10; and

(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and 15(l) of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.

SEC. 813. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an eligible institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(c) PARTNERSHIP NETWORK.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several eligible institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(d) ELIGIBLE INSTITUTIONS.—For the purposes of this section, an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.

(e) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (without or without modification).

(f) DEFINITIONS.—In this section:

(1) The term "Small Business Development Center" means a small business development center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

(2) The term "defense technology" means a technology designated by the Secretary of Defense under subsection (d).

(3) The term "partnership" means an agreement entered into under subsection (c).

(g) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 201(4) for university research initiatives, $3,000,000 is available for the pilot program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SECRETARY OF DEFENSE.

Sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399 and 401) are repealed.

SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO CONTINUED OPERATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CODIFICATION OF EXISTING LAW.—(1) Chapter 104 of title 10, United States Code, is amended by inserting after section 2112 the following:

"§ 2112a. Continued operation of University

"(a) CLOSURE PROHIBITED.—The University may not be closed.

"(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1996, the personnel staffing levels for the University may not be reduced below the personnel staffing levels for the University on October 1, 1993.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2112 the following:

"2112a. Continued operation of University.".

(b) REPEAL OF SUPERSEDED LAW.—(1) Section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C. 2112 note) is amended by striking out subsection (a).

(2) Section 1071 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 445; 10 U.S.C. 2112 note) is amended by striking out subsection (b).

SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED STATES ARMY RESERVE COMMAND.

(a) REQUIREMENT FOR ARMY RESERVE COMMAND.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3074 the following:

"§ 3074a. United States Army Reserve Command

"(a) COMMAND.—The United States Army Reserve Command is a separate command of the Army commanded by the Chief of Army Reserve.

"(b) CHAIN OF COMMAND.—Except as otherwise prescribed by the Secretary of Defense, the Secretary of the Army shall prescribe the chain of command for the United States Army Reserve Command.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Army—

"(1) shall assign to the United States Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

"(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces of the Army Reserve to the commander of the United States Atlantic Command.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3074 the following:

"3074a. United States Army Reserve Command.".

(b) REPEAL OF SUPERSEDED LAW.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074 note) is repealed.

SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANSPORTATION SYSTEMS IN TIME OF WAR.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 4742 of title 10, United States Code, is amended by striking out "Secretary of the Army" and inserting in lieu thereof "Secretary of Defense".

(b) TRANSFER OF SECTION.—Such section, as amended by subsection (a), is transferred to the end of chapter 157 of such title and is redesignated as section 2644.

(c) CONFORMING AMENDMENT.—Section 9742 of such title is repealed.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2643 the following new item:

"2644. Control of transportation systems in time of war.".

(2) The table of sections at the beginning of chapter 447 of such title is amended by striking out the item relating to section 4742.

(3) The table of sections at the beginning of chapter 947 of such title is amended by striking out the item relating to section 9742.

SEC. 905. REDESIGNATION OF OFFICE OF NAVAL RECORDS AND HISTORY FUND AND CORRECTION OF RELATED REFERENCES.

(a) NAME OF FUND.—Subsection (a) of section 7222 of title 10, United States Code, is amended by striking out "'Office of Naval Records and History Fund'" in the second sentence and inserting in lieu thereof "'Naval Historical Center Fund'".

(b) CORRECTION OF REFERENCE TO ADMINISTERING OFFICE.—Subsection (a) of such section, as amended by subsection (a), is further amended by striking out "Office of Naval Records and History" in the first sentence and inserting in lieu thereof "Naval Historical Center".

(c) CONFORMING REFERENCE.—Subsection (c) of such section is amended by striking out "Office of Naval Records and History Fund" in the second sentence and inserting in lieu thereof "Naval Historical Center Fund".

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7222. Naval Historical Center Fund".

(2) The item relating to such section in the table of sections at the beginning of chapter 631 of title 10, United States Code, is amended to read as follows:

"7222. Naval Historical Center Fund.".

SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT AND EVALUATION OF CERTAIN INTELLIGENCE OFFICIALS.

(a) IN GENERAL.—Section 201 of title 10, United States Code, is amended to read as follows:

"§ 201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance

"(a) CONSULTATION REGARDING APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.

"(b) CONCURRENCE IN APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(c) PERFORMANCE EVALUATIONS.—(1) The Director of Central Intelligence shall provide annually to the Secretary of Defense, for the Secretary's consideration, an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.

"(2) The positions referred to in paragraph (1) are the following:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(C) The Director of the National Imagery and Mapping Agency.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by striking out the item relating to section 201 and inserting in lieu thereof the following new item:

"201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance.".

SEC. 907. MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF THE UNIFIED COMBATANT COMMANDS.

The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

(1) For each Area of Responsibility of the regional unified combatant commands—

(A) the foremost threats to United States or allied security in the near- and long-term;

(B) the total area of ocean and total area of land encompassed; and

(C) the number of countries and total population encompassed.

(2) Whether any one Area of Responsibility encompasses a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

(3) The other factors used to establish the current Areas of Responsibility.

(4) Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

(5) Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including—

(A) a total of five or fewer commands, all of which are regional;

(B) an eastward-oriented command, a westward-oriented command, and a central command; or

(C) a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistics command, a special contingencies command, and a strategic command.

(6) Whether any missions, staff, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

(7) Whether warfighting requirements are adequate to justify the current functional commands.

(8) Whether the exclusion of Russia from a specific Area of Responsibility presents any difficulties for the unified combatant commands with respect to contingency planning for that area and its periphery.

(9) Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

SEC. 908. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment of that office does not make it necessary for a Federal Government contractor to reduce the number of persons employed by the contractor for supporting the national missile defense development program at any particular location outside the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code).

Subtitle B—National Imagery and Mapping Agency

SEC. 911. SHORT TITLE.

This subtitle may be cited as the "National Imagery and Mapping Agency Act of 1996".

SEC. 912. FINDINGS.

Congress makes the following findings:

(1) There is a need within the Department of Defense and the Intelligence Community of the United States to provide a single agency focus for the growing number and diverse types of customers for imagery and geospatial information resources within the Government, to ensure visibility and accountability for those resources, and to harness, leverage, and focus rapid technological developments to serve the imagery, imagery intelligence, and geospatial information customers.

(2) There is a need for a single Government agency to solicit and advocate the needs of that growing and diverse pool of customers.

(3) A single combat support agency dedicated to imagery, imagery intelligence, and geospatial information could act as a focal point for support of all imagery intelligence and geospatial information customers, including customers in the Department of Defense, the Intelligence Community, and related agencies outside of the Department of Defense.

(4) Such an agency would best serve the needs of the imagery, imagery intelligence, and geospatial information customers if it were organized—

(A) to carry out its mission responsibilities under the authority, direction, and control of the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff; and

(B) to carry out its responsibilities to national intelligence customers in accordance with policies and priorities established by the Director of Central Intelligence.

PART I—ESTABLISHMENT

SEC. 921. ESTABLISHMENT, MISSIONS, AND AUTHORITY.

(a) ESTABLISHMENT IN TITLE 10, UNITED STATES CODE.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 22 as chapter 23; and

(2) by inserting after chapter 21 the following new chapter 22:

"CHAPTER 22—NATIONAL IMAGERY AND MAPPING AGENCY

"Subchapter	Sec.
"I. Establishment, Missions, and Authority	441
"II. Maps, Charts, and Geodetic Products	451
"III. Personnel Management	461
"IV. Definitions	471

"SUBCHAPTER I—ESTABLISHMENT, MISSIONS, AND AUTHORITY

"Sec.
"441. Establishment.
"442. Missions.
"443. Imagery intelligence and geospatial information support for foreign countries
"444. Support from Central Intelligence Agency.
"445. Protection of agency identifications and organizational information.

"§ 441. Establishment

"(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

"(b) DIRECTOR.—(1) The Director of the National Imagery and Mapping Agency is the head of the agency. The President shall appoint the Director.

"(2)(A) Upon a vacancy in the position of Director, the Secretary of Defense shall recommend to the President an individual for appointment to the position.

"(B) The Secretary shall seek the concurrence of the Director of Central Intelligence in recommending an individual for appointment under subparagraph (A). If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

"(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

"(c) COLLECTION TASKING AUTHORITY.—The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.

"§ 442. Missions

"(a) DEPARTMENT OF DEFENSE MISSIONS.—The National Imagery and Mapping Agency shall—

"(1) provide timely, relevant, and accurate imagery, imagery intelligence, and geospatial information in support of the national security objectives of the United States;

"(2) improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally; and

"(3) prepare and distribute maps, charts, books, and geodetic products as authorized under subchapter II of this chapter.

"(b) NATIONAL MISSION.—The National Imagery and Mapping Agency shall also have national missions as specified in section 120(a) of the National Security Act of 1947.

"(c) LIFE CYCLE SUPPORT.—The National Imagery and Mapping Agency may, in furtherance of a mission of the agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

"(1) the armed forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

"(2) to any other department or agency of the United States.

"§ 443. Imagery intelligence and geospatial information support for foreign countries

"(a) APPROPRIATED FUNDS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to provide foreign countries with imagery intelligence and geospatial information support.

"(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—(1) Subject to paragraphs (2), (3), and (4), the Director is also authorized to use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support.

"(2) Funds other than appropriated funds may not be expended, in whole or in part, by or for the benefit of the National Imagery and Mapping Agency for a purpose for which Congress had previously denied funds.

"(3) Proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold.

"(4) Funds other than appropriated funds may not be expended to acquire items or services for the principal benefit of the United States.

"(5) The authority to use funds other than appropriated funds under this section may be exercised notwithstanding provisions of law relating to the expenditure of funds of the United States.

"(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

"(d) COORDINATION WITH DIRECTOR OF CENTRAL INTELLIGENCE.—The Director shall coordinate with the Director of Central Intelligence any action under this section that involves imagery intelligence or intelligence products or involves providing support to an intelligence or security service of a foreign country.

"§ 444. Support from Central Intelligence Agency

"(a) SUPPORT AUTHORIZED.—The Director of Central Intelligence may provide support in accordance with this section to the Director of the National Imagery and Mapping Agency. The Director of the National Imagery and Mapping Agency may accept support provided under this section.

"(b) ADMINISTRATIVE AND CONTRACT SERVICES.—(1) In furtherance of the national intelligence effort, the Director of Central Intelligence may provide administrative and contract services to the National Imagery and Mapping Agency as if that agency were an organizational element of the Central Intelligence Agency.

"(2) Services provided under paragraph (1) may include the services of security police. For purposes of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o), an installation of the National Imagery and Mapping Agency provided security police services under this section shall be considered an installation of the Central Intelligence Agency.

"(3) Support provided under this subsection shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of Central Intelligence.

"(c) DETAIL OF PERSONNEL.—The Director of Central Intelligence may detail Central Intelligence Agency personnel indefinitely to the National Imagery and Mapping Agency without regard to any limitation on the duration of interagency details of Federal Government personnel.

"(d) REIMBURSABLE OR NONREIMBURSABLE SUPPORT.—Support under this section may be provided and accepted on either a reimbursable basis or a nonreimbursable basis.

"(e) AUTHORITY TO TRANSFER FUNDS.—(1) The Director of the National Imagery and Mapping Agency may transfer funds available for the agency to the Director of Central Intelligence for the Central Intelligence Agency.

"(2) The Director of Central Intelligence—

"(A) may accept funds transferred under paragraph (1); and

"(B) shall expend such funds, in accordance with the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), to provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency under this section.

"§ 445. Protection of agency identifications and organizational information

"(a) UNAUTHORIZED USE OF AGENCY NAME, INITIALS, OR SEAL.—(1) Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following:

"(A) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

"(B) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.

"(C) Any colorable imitation of such words, initials, or seals.

"(2) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to a hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(b) PROTECTION OF ORGANIZATIONAL INFORMATION.—Notwithstanding any other provision of law, the Director of the National Imagery and Mapping Agency is not required to disclose the organization of the agency, any function of the agency, any information with respect to the activities of the agency, or the names, titles, salaries, or number of the persons employed by the agency. This subsection does not apply to disclosures of information to Congress.

"SUBCHAPTER II—MAPS, CHARTS, AND GEODETIC PRODUCTS

"Sec.

"451. Maps, charts, and books.

"452. Pilot charts.

"453. Prices of maps, charts, and navigational publications.

"454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations

"455. Maps, charts, and geodetic data: public availability; exceptions.

"456. Civil actions barred.

"SUBCHAPTER III—PERSONNEL MANAGEMENT

"Sec.

"461. Civilian personnel management generally.

"462. National Imagery and Mapping Senior Executive Service.

"463. Management rights.

"§ 461. Civilian personnel management generally

"(a) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of Federal employees—

"(1) establish such excepted service positions for employees in the National Imagery and Mapping Agency as the Secretary considers necessary to carry out the functions of those agencies, including positions designated under subsection (f) as National Imagery and Mapping Senior Level positions;

"(2) appoint individuals to those positions; and

"(3) fix the compensation for service in those positions.

"(b) AUTHORITY TO FIX RATES OF BASIC PAY AND OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.

"(2) The Secretary of Defense may provide employees in positions of the National Imagery and Mapping Agency compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

"(c) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the National Imagery and Mapping Agency may employ individuals described in section 5342(a)(2)(A) of such title.

"(d) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under subsection (b), employees of the National Imagery and Mapping Agency described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

"(2) Such allowance shall be based on—

"(A) living costs substantially higher than in the District of Columbia;

"(B) conditions of environment which—

"(i) differ substantially from conditions of environment in the continental United States; and

"(ii) warrant an allowance as a recruitment incentive; or

"(C) both of those factors.

"(3) This subsection applies to employees who—

"(A) are citizens or nationals of the United States; and

"(B) are stationed outside the continental United States or in Alaska.

"(e) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the National Imagery and Mapping Agency if the Secretary—

"(A) considers such action to be in the interests of the United States; and

"(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

"(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

"(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

"(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

"(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the Director of the National Imagery and Mapping Agency. An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

"(f) NATIONAL IMAGERY AND MAPPING SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as National Imagery and Mapping Senior Level positions.

"(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

"(3) Positions that may be designated as National Imagery and Mapping Senior Level positions are positions in the National Imagery and Mapping Agency that (A) are classified above the GS–15 level, (B) emphasize function expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the National Imagery and Mapping Senior Executive Service.

"(4) Positions referred to in paragraph (3) include National Imagery and Mapping Senior Technical positions and National Imagery and Mapping Senior Professional positions. For purposes of this subsection National Imagery and Mapping Senior Technical positions are positions covered by paragraph (3) if—

"(A) the positions involve—

"(i) research and development;

"(ii) test and evaluation;

"(iii) substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields; or

"(iv) intelligence disciplines including production, collection, and operations in close association with any of the activities described in clauses (i), (ii), and (iii) or related activities; or

"(B) the positions emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.

"(g) 'EMPLOYEE' DEFINED AS INCLUDING OFFICERS.—In this section, the term 'employee', with respect to the National Imagery and Mapping Agency, includes any civilian officer of that agency.

"§ 462. National Imagery and Mapping Senior Executive Service

"(a) ESTABLISHMENT.—The Secretary of Defense may establish a National Imagery and Mapping Senior Executive Service for senior civilian personnel within the National Imagery and Mapping Agency.

"(b) REQUIREMENTS FOR THE SERVICE.—In establishing a National Imagery and Mapping Senior Executive Service the Secretary shall—

"(1) meet the requirements set forth for the Senior Executive Service in section 3131 of title 5;

"(2) ensure that the National Imagery and Mapping Senior Executive Service positions satisfy requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

"(3) prescribe rates of pay for the National Imagery and Mapping Senior Executive Service that are not in excess of the maximum rate of basic pay, nor less than the minimum rate of basic pay, established for the Senior Executive Service under section 5382 of title 5;

"(4) provide for adjusting the rates of pay at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

"(5) provide a performance appraisal system for the National Imagery and Mapping Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

"(6) provide for removal consistent with section 3592 of title 5, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the National Imagery and Mapping Senior Executive Service is entitled shall be held or decided pursuant to procedures established by the Secretary of Defense);

"(7) permit the payment of performance awards to members of the National Imagery and Mapping Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5;

"(8) provide that members of the National Imagery and Mapping Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5; and

"(9) provide for the recertification of members of the National Imagery and Mapping Senior Executive Service consistent with the provisions of section 3393a of title 5.

"(c) AUTHORITY.—Except as otherwise provided in subsection (b), the Secretary of Defense may—

"(1) make applicable to the National Imagery and Mapping Senior Executive Service any of the provisions of title 5 that are applicable to applicants for or members of the Senior Executive Service; and

"(2) appoint, promote, and assign individuals to positions established within the National Imagery and Mapping Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

"(d) AWARD OF RANK.—The President, based on the recommendations of the Secretary of Defense, may award ranks to individuals who occupy positions in the National Imagery and Mapping Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

"(e) DETAILS AND ASSIGNMENTS.—Notwithstanding any other provisions of this section, the Secretary of Defense may detail or assign any member of the National Imagery and Mapping Senior Executive Service to serve in a position outside the National Imagery and Mapping Agency in which the member's expertise and experience may be of benefit to the National Imagery and Mapping Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the National Imagery and Mapping Senior Executive Service.

"§ 463. Management rights

"(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Imagery and Mapping Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Imagery and Mapping Agency.

"(b) BARGAINING UNITS.—The National Imagery and Mapping Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the National Imagery and Mapping Agency Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997).

"(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Imagery and Mapping Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

"(2) A determination described in paragraph (1) that is made by the Director of the National Imagery and Mapping Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

"SUBCHAPTER IV—DEFINITIONS

"Sec.

"471. Definitions.

"§ 471. Definitions

"In this chapter:

"(1) The term 'function' means any duty, obligation, responsibility, privilege, activity, or program.

"(2)(A) The term 'imagery' means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

"(i) products produced by space-based national intelligence reconnaissance systems; and

"(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

"(B) The term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

"(3) The term 'imagery intelligence' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

"(4) The term 'geospatial information' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

"(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies;

"(B) mapping, charting, and geodetic data; and

"(C) geodetic products, as defined in section 455(c) of this title.".

(b) TRANSFER OF CHAPTER 167 PROVISIONS.—Sections 2792, 2793, 2794, 2795, 2796, and 2798 of title 10, United States Code, are transferred to subchapter II of chapter 22 of such title, as added by subsection (a), are inserted in that sequence in such subchapter following the table of sections, and are redesignated in accordance with the following table:

Section transferred	Section as redesignated
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

(c) OVERSIGHT OF AGENCY AS A COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by striking out the caption and inserting in lieu thereof "REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY.—";

(B) in paragraph (1)—

(i) by inserting "and the National Imagery and Mapping Agency" after "the National Security Agency"; and

(ii) by striking out "the Agency" and inserting in lieu thereof "that the agencies"; and

(C) in paragraph (2), by inserting "and the National Imagery and Mapping Agency" after "the National Security Agency";

(2) in subsection (e)—

(A) by striking out "DIA AND NSA" in the caption and inserting in lieu thereof the following: "DIA, NSA, AND NIMA.—"; and

(B) by striking out "and the National Security Agency" and inserting in lieu thereof ", the National Security Agency, and the National Imagery and Mapping Agency"; and

(3) in subsection (f), by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) The National Imagery and Mapping Agency.".

(d) SPECIAL PRINTING AUTHORITY FOR AGENCY.—(1) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note) is amended by inserting "National Imagery and Mapping Agency," after "Defense Intelligence Agency,".

(2) Section 1336 of title 44, United States Code, is amended—

(A) by striking out "Secretary of the Navy" and inserting in lieu thereof "Director of the National Imagery and Mapping Agency"; and

(B) by striking out "United States Naval Oceanographic Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

SEC. 922. TRANSFERS.

(a) DEPARTMENT OF DEFENSE.—The missions and functions of the following elements of the Department of Defense are transferred to the National Imagery and Mapping Agency:

(A) The Defense Mapping Agency.

(B) The Central Imagery Office.

(C) Other elements of the Department of Defense as provided in the classified annex to this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—The missions and functions of the following elements of the Central Intelligence Agency are transferred to the National Imagery and Mapping Agency:

(A) The National Photographic Interpretation Center.

(B) Other elements of the Central Intelligence Agency as provided in the classified annex to this Act.

(c) PERSONNEL AND ASSETS.—(1) Subject to paragraphs (2) and (3), the personnel, assets, unobligated balances of appropriations and authorizations of appropriations, and, to the extent jointly determined appropriate by the Secretary of Defense and Director of Central Intelligence, obligated balances of appropriations and authorizations of appropriations employed, used, held, arising from, or available in connection with the missions and functions transferred under subsection (a) or (b) are transferred to the National Imagery and Mapping Agency. A transfer may not be made under the preceding sentence for any program or function for which funds are not appropriated to the National Imagery and Mapping Agency for fiscal year 1997. Transfers of appropriations from the Central Intelligence Agency under this paragraph shall be made in accordance with section 1531 of title 31, United States Code.

(2) Not earlier than two years after the effective date of this subtitle, the Secretary of Defense and the Director of Central Intelligence shall determine which, if any, positions and personnel of the Central Intelligence Agency are to be transferred to the National Imagery and Mapping Agency. The positions to be transferred, and the employees serving in such positions, shall be transferred to the National Imagery and Mapping Agency under terms and conditions prescribed by the Secretary of Defense and the Director of Central Intelligence.

(3) If the National Photographic Interpretation Center of the Central Intelligence Agency or any imagery-related activity of the Central Intelligence Agency authorized to be performed by the National Imagery and Mapping Agency is not completely transferred to the National Imagery and Mapping Agency, the Secretary of Defense and the Director of Central Intelligence shall—

(A) jointly determine which, if any, contracts, leases, property, and records employed, used, held, arising from, available to, or otherwise relating to such Center or activity is to be transferred to the National Imagery and Intelligence Agency; and

(B) provide by written agreement for the transfer of such items.

SEC. 923. COMPATIBILITY WITH AUTHORITY UNDER THE NATIONAL SECURITY ACT OF 1947.

(a) AGENCY FUNCTIONS.—Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403–5(b)) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) through the National Imagery and Mapping Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

"(A) for carrying out tasking of imagery collection;

"(B) for the coordination of imagery processing and exploitation activities;

"(C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and

"(D) notwithstanding any other provision of law, for—

"(i) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and

"(ii) developing and fielding systems of common concern related o imagery intelligence and geospatial information;".

(b) NATIONAL MISSION.—Title I of such Act (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"NATIONAL MISSION OF NATIONAL IMAGERY AND MAPPING AGENCY

"SEC. 120. (a) IN GENERAL.—In addition to the Department of Defense missions set forth in section 442 of title 10, United States Code, the National Imagery and Mapping Agency shall also support the imagery requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

"(b) REQUIREMENTS AND PRIORITIES.—The Director of Central Intelligence shall establish requirements and priorities governing the collection of national intelligence by the National Imagery and Mapping Agency under subsection (a).

"(c) CORRECTION OF DEFICIENCIES.—The Director of Central Intelligence shall develop and implement such programs and policies as the Director and the Secretary jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.".

(c) TASKING OF IMAGERY ASSETS.—Title I of such Act is further amended by adding at the end the following:

"COLLECTION TASKING AUTHORITY

"SEC. 121. The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.".

(d) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after section 109 the following new items:

"Sec. 120. National mission of National Imagery and Mapping Agency.
"Sec. 121. Collection tasking authority.".

SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.

(a) COMPARABLE TREATMENT WITH OTHER INTELLIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United States Code, is amended as follows:

(1) In section 2108(3), by inserting "the National Imagery and Mapping Senior Executive Service," after "the Senior Cryptologic Executive Service," in the matter following subparagraph (F)(iii).

(2) In section 6304(f)(1), by—

(A) by striking out "or" at the end of subparagraph (D);

(B) by striking out the period at the end of in subparagraph (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(F) the National Imagery and Mapping Senior Executive Service."; and

(3) In sections 8336(h)(2) and 8414(a)(2), by striking out "or the Senior Cryptologic Executive Service" and inserting in lieu thereof ", the Senior Cryptologic Executive Service, or the National Imagery and Mapping Senior Executive Service".

(b) CENTRAL IMAGERY OFFICE PERSONNEL MANAGEMENT AUTHORITIES.—

(1) NONDUPLICATION OF COVERAGE BY DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Section 1601 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and the Central Imagery Office";

(B) in subsection (d), by striking out "or the Central Imagery Office in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency, the Central Imagery Office," in the first sentence and inserting in lieu thereof "in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency"; and

(C) in subsection (e), by striking out "and the Central Imagery Office" in the first sentence.

(2) MERIT PAY.—Section 1602 of such title is amended by striking out "and Central Imagery Office".

(3) MISCELLANEOUS AUTHORITIES.—Subsection 1604 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking out "and the Central Imagery Office"; and

(ii) by striking out "and Office";

(B) in subsection (b)—

(i) in paragraph (1), by striking out "or the Central Imagery Office" in the second sentence; and

(ii) in paragraph (2), by striking out "and the Central Imagery Office";

(C) in subsection (c), by striking out "or the Central Imagery Office";

(D) in subsection (d)(1), by striking out "and the Central Imagery Office";

(E) in subsection (e)—

(i) in paragraph (1), by striking out "or the Central Imagery Office"; and

(ii) in paragraph (5) by striking out ", the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office)" and inserting in lieu thereof "and the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency)";

(F) in subsection (f)(3), by striking out "and Central Imagery Office"; and

(G) in subsection (g)—

(i) by striking out "or the Central Imagery Office"; and

(ii) by striking out "or Office".

(c) APPLICABILITY OF FEDERAL LABOR-MANAGEMENT RELATIONS SYSTEM.—Section 7103(a)(3) of title 5, United States Code is amended—

(1) by inserting "or" at the end of subparagraph (F);

(2) by striking out "; or" at the end of subparagraph (G) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (H).

(d) APPLICABILITY OF AUTHORITY AND PROCEDURES FOR IMPOSING CERTAIN ADVERSE ACTIONS.—Section 7511(b)(8) of title 5, United States Code, is amended by striking out "Central Imagery Office".

SEC. 925. CREDITABLE CIVILIAN SERVICE FOR CAREER CONDITIONAL EMPLOYEES OF THE DEFENSE MAPPING AGENCY.

In the case of an employee of the National Imagery and Mapping Agency who, on the day before the effective date of this subtitle, was an employee of the Defense Mapping Agency in a career-conditional status, the continuous service of that employee as an employee of the National Imagery and Mapping Agency on and after such date shall be considered creditable service for the purpose of any determination of the career status of the employee.

SEC. 926. SAVING PROVISIONS.

(a) CONTINUING EFFECT ON LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, international agreements, grants, contracts, leases, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in connection with any of the functions which are transferred under this subtitle or any function that the National Imagery and Mapping Agency is authorized to perform by law, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this subtitle and are to become effective on or after the effective date of this subtitle,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Defense, the Director of the National Imagery and Mapping Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This subtitle and the amendments made by this subtitle shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an element of the Department of Defense or Central Intelligence Agency at the time this subtitle takes effect, with respect to function of that element transferred by section 922, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(c) SEVERABILITY.—If any provision of this subtitle (or any amendment made by this subtitle), or the application of such provision (or amendment) to any person or circumstance is held unconstitutional, the remainder of this subtitle (or of the amendments made by this subtitle) shall not be affected by that holding.

SEC. 927. DEFINITIONS.

In this part, the terms "function", "imagery", "imagery intelligence", and "geospatial information" have the meanings given those terms in section 461 of title 10, United States Code, as added by section 921.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for the National Imagery and Mapping Agency for fiscal year 1997 in amounts and for purposes, and subject to the terms, conditions, limitations, restrictions, and requirements, that are set forth in the Classified Annex to this Act.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 931. REDESIGNATION AND REPEALS.

(a) REDESIGNATION.—Chapter 23 of title 10, United States Code (as redesignated by section 921(a)(1)) is amended by redesignating the section in that chapter as section 481.

(b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of such title, as amended by section 921(b), is repealed.

SEC. 932. REFERENCES.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In sections 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)), 5342(a)(1)(L), 6339(a)(1)(E), and 7323(b)(2)(B)(i)(XIII), by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(2) DIRECTOR, CENTRAL IMAGERY OFFICE.—In section 6339(a)(2)(E), by striking out "Central Imagery Office, the Director of the Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency".

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In section 1599(f)(4), by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(2) DEFENSE MAPPING AGENCY.—In sections 451(1), 452, 453, 454, and 455 (in subsections (a) and (b)(1)(C)), and 456, as redesignated by section 921(b), by striking out "Defense Mapping Agency" each place it appears and inserting in lieu thereof "National Imagery and Mapping Agency".

(c) OTHER LAWS.—

(1) NATIONAL SECURITY ACT OF 1947.—Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E) is amended by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(2) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a) of the Ethics in Government Act of 1978 (Public Law 95-521; 5 U.S.C. App. 4) is amended by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(3) EMPLOYEE POLYGRAPH PROTECTION ACT.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (Public Law 100-347; 29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking out "Central Imagery Office" and inserting in lieu thereof "National Imagery and Mapping Agency".

(d) CROSS REFERENCE.—Section 82 of title 14, United States Code, is amended by striking out "chapter 167" and inserting in lieu thereof "subchapter II of chapter 22".

SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—

(1) HEADING.—The heading of chapter 83 of title 10, United States Code, is amended to read as follows:

"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL".

(2) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, is amended—

(i) by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

"22. National Imagery and Mapping Agency 441
"23. Miscellaneous Studies and Reports .... 471";

(ii) by striking out the item relating to chapter 83 and inserting in lieu thereof the following:

"83. Defense Intelligence Agency Civilian Personnel .... 1601";

and

(iii) by striking out the item relating to chapter 167.

(B) The table of chapters at the beginning of part I of such subtitle is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

"22. National Imagery and Mapping Agency 441
"23. Miscellaneous Studies and Reports .... 471";

(C) The item relating to chapter 83 in the table of chapters at the beginning of part II of such subtitle is amended to read as follows:

"83. Defense Intelligence Agency Civilian Personnel .... 1601".

(D) The table of chapters at the beginning of part IV of such subtitle is amended by striking out the item relating to chapter 167.

(E) The item in the table of sections at the beginning of chapter 23 of title 10, United States Code (as redesignated by section 921), is amended to read as follows:

"481. Racial and ethnic issues; biennial survey; biennial report.".

(b) TITLE 44, UNITED STATES CODE.—

(1) SECTION HEADING.—The heading of section 1336 of title 44, United States Code, is amended to read as follows:

"§ 1336. National Imagery and Mapping Agency: special publications".

(2) CLERICAL AMENDMENT.—The item relating to such section in the tables of sections at the beginning of chapter 13 of such title is amended to read as follows:

"1336. National Imagery and Mapping Agency: special publications.".

SEC. 934. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the later of October 1, 1996, or the date of the enactment of an Act appropriating funds for fiscal year 1997 for the National Imagery and Mapping Agency.

(b) EXCEPTION.—Section 928 shall take effect on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1997 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1996 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1996 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1996 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1996 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1996 DEFENSE APPROPRIATIONS.—The term "fiscal year 1996 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1996 in the Department of Defense Appropriations Act, 1996 (Public Law 104–61).

(2) FISCAL YEAR 1996 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1996 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1996.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134).

SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST GUARD.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1997 that are transferred to the Coast Guard may be used only for the performance of national security functions of the Coast Guard in support of the Department of Defense.

(b) CERTIFICATION REQUIRED.—Funds described in subsection (a) may not be transferred to the Coast Guard until the Secretary of Defense and the Secretary of Transportation jointly certify to Congress that the funds so transferred will be used only as described in subsection (a).

(c) GAO AUDIT.—The Comptroller General of the United States shall—

(1) audit, from time to time, the use of funds transferred to the Coast Guard from appropriations for the Department of Defense for fiscal year 1997 in order to verify that the funds are being used in accordance with the limitation in subsection (a); and

(2) notify the congressional defense committees of any use of such funds that, in the judgment of the Comptroller General, is a significant violation of such limitation.

SEC. 1005. USE OF MILITARY-TO-MILITARY CONTACTS FUNDS FOR PROFESSIONAL MILITARY EDUCATION AND TRAINING.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following:

"(9) Military education and training for military and civilian personnel of foreign countries (including transportation expenses, expenses for translation services, and administrative expenses to the extent that the expenses are related to the providing of such education and training to such personnel).".

SEC. 1006. PAYMENT OF CERTAIN EXPENSES RELATING TO HUMANITARIAN AND CIVIC ASSISTANCE.

Section 401(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) Expenses covered by paragraph (1) include the following expenses incurred in the providing of assistance described in subsection (e)(5):

"(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing the assistance.

"(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting activities described in such subsection (e)(5), including any nonlethal, individual or small-team landmine cleaning equipment or supplies that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

"(C) The cost of any equipment, services, or supplies provided pursuant to subparagraph (B) may not exceed $5,000,000 each year.".

SEC. 1007. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR COSTS OF DISASTER ASSISTANCE PROVIDED OUTSIDE THE UNITED STATES.

Section 404 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REIMBURSEMENT POLICY.—It is the sense of Congress that, whenever the President directs the Secretary of Defense to provide disaster assistance outside the United States under subsection (a)—

"(1) the President should direct the Administrator of the Agency for International Development to reimburse the Department of Defense for the cost to the Department of Defense of the assistance provided; and

"(2) a reimbursement by the Administrator should be paid out of funds available under chapter 9 of part I of the Foreign Assistance Act of 1961 for international disaster assistance for the fiscal year in which the cost is incurred.".

SEC. 1008. FISHER HOUSE TRUST FUND FOR THE NAVY.

(a) AUTHORITY.—Section 2221 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(3) The Fisher House Trust Fund, Department of the Navy.";

(2) in subsection (c)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) Amounts in the Fisher House Trust Fund, Department of the Navy, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Navy."; and

(3) in subsection (d)(1), by striking out "or the Air Force" and inserting in lieu thereof ", the Air Force, or the Navy".

(b) CORPUS OF TRUST FUNDS.—The Secretary of the Navy shall transfer to the Fisher House Trust Fund, Department of the

Navy, established by section 2221(a)(3) of title 10, United States Code (as added by subsection (a)(1)), all amounts in the accounts for Navy installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses, as defined in section 2221(d) of such title.

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(94) Fisher House Trust Fund, Department of the Navy."; and

(2) in subsection (b)(2), by adding at the end the following:

"(D) Fisher House Trust Fund, Department of the Navy.".

SEC. 1009. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS FOR THE COAST GUARD.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by adding at the end the following:

"(3) The Department of Transportation (with respect to public money available for expenditure by the Coast Guard when it is not operating as a service in the Navy).".

(2)(A) Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§673. Designation, powers, and accountability of deputy disbursing officials

"(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

"(A) to make payments as the agent of the disbursing official;

"(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

"(C) to carry out other duties required under law.

"(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Transportation (when the Coast Guard is not operating as a service in the Navy).

"(b)(1) If a disbursing official of the Coast Guard dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the second month after the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

"(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.

"(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard when section 2773 of title 10 applies to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

"(2) A designation of a deputy disbursing official under subsection (a) that is made while the Coast Guard is not operating as a service in the Navy continues in effect for purposes of section 2773 of title 10 while the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or an official authorized to approve such a designation under subsection (a)(3) of such section.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"673. Designation, powers, and accountability of deputy disbursing officials.".

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended by striking out "members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so" and inserting in lieu thereof "members of the armed forces may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation".

(c) CONFORMING AMENDMENTS.—(1) Section 1007(a) of title 37, United States Code, is amended by inserting after "Secretary of Defense" the following: "(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)".

(2) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) in subparagraph (A)(i), by inserting after "Department of Defense" the following: "(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)"; and

(B) in subparagraph (B), by inserting after "or the Secretary of the appropriate military department" the following: "(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)".

SEC. 1010. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS OF THE COAST GUARD.

Section 3711(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "or Marine Corps" and inserting in lieu thereof "Marine Corps, or Coast Guard";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary of Transportation may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Coast Guard if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.".

SEC. 1011. CHECK CASHING AND EXCHANGE TRANSACTIONS WITH CREDIT UNIONS OUTSIDE THE UNITED STATES.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(7) a Federal credit union (as defined in section 101(1) of the Federal Credit Union Act (12 U.S.C. 1752(1)) that is operating at Department of Defense invitation in a foreign country where contractor-operated military banking facilities are not available.".

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) EGYPT.—The Secretary of the Navy may transfer to the Government of Egypt the "OLIVER HAZARD PERRY" frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(b) MEXICO.—The Secretary of the Navy may transfer to the Government of Mexico the "KNOX" class frigates STEIN (FF 1065) and MARVIN SHIELDS (FF 1066). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) NEW ZEALAND.—The Secretary of the Navy may transfer to the Government of New Zealand the "STALWART" class ocean surveillance ship TENACIOUS. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(d) PORTUGAL.—The Secretary of the Navy may transfer to the Government of Portugal the "STALWART" class ocean surveillance ship AUDACIOUS. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy may transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the following:

(1) The "KNOX" class frigates AYLWIN (FF 1081), PHARRIS (FF 1094), and VALDEZ (FF 1096). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) The "NEWPORT" class tank landing ship NEWPORT (LST 1179). Such transfer shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(f) THAILAND.—The Secretary of the Navy may transfer to the Government of Thailand the "KNOX" class frigate OUELLET (FF 1077). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(g) COSTS OF TRANSFER.—Any expense of the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(h) REPAIR AND REFURBISHMENT OF VESSELS.—The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(i) EXPIRATION OF AUTHORITY.—Any authority for transfer granted by this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin, if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal

Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence shall be made without reimbursement to the United States.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF–105, ATF–110, ATF–149, ATF–158, ATF–159, and ATF–160.

(c) CONDITION RELATING TO ENVIRONMENTAL COMPLIANCE.—The Secretary shall require as a condition of the transfer of a vessel under subsection (a) that use of the vessel by the Commission not commence until the terms of any necessary environmental compliance letter or agreement with respect to that vessel have been complied with.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions (including a requirement that the transfer be at no cost to the Government) in connection with the transfers required by subsection (a) as the Secretary considers appropriate.

SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS APPLICABILITY OF CONTRACTS FOR PHASED MAINTENANCE OF AE CLASS SHIPS.

Section 1016 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425) is repealed.

SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress reaffirms the findings set forth in section 1013(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 422), and makes the following modifications and supplemental findings:

(1) Since the findings set forth in section 1013(a) of such Act were originally formulated, the Secretary of the Navy has exercised options for the acquisition of two of the six additional large, medium-speed, roll-on/roll-off (LMSR) vessels that may be acquired by exercise of options provided for under contracts covering the acquisition of a total of 17 LMSR vessels.

(2) Therefore, under those contracts, the Secretary has placed orders for the acquisition of 13 LMSR vessels and has remaining options for the acquisition of four more LMSR vessels, all of which would be new construction vessels.

(3) The remaining options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1996, and December 31, 1997, respectively.

(b) SENSE OF CONGRESS.—Congress also reaffirms its declaration of the sense of Congress, as set forth in section 1013(b) of Public Law 104–106, that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the report entitled "Mobility Requirements Study Bottom-Up Review Update", submitted by the Secretary of Defense to Congress in April 1995), rather than only 17 such vessels (which is the number of vessels under contract as of April 1996).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(1) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise not earlier than fiscal year 1998, subject to the availability of funds authorized and appropriated for such purpose. Nothing in this subsection shall be construed to preclude the Secretary of the Navy from competing the award of the two options between the two shipyards holding new construction contracts referred to in subsection (a)(1).

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1997, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

(e) REPEAL OF SUPERSEDED PROVISION.—Section 1013 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 422) is amended by striking out subsection (c).

SEC. 1025. SENSE OF THE SENATE CONCERNING USS LCS 102 (LSSL 102).

It is the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return, upon completion of service, of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

Subtitle C—Counter-Drug Activities

SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsections (e) and (f), the Secretary of Defense may, during fiscal year 1997, provide the Government of Mexico the support described in subsection (b) for the counter-drug activities of the Government of Mexico. Such support shall be in addition to support provided the Government of Mexico under any other provision of law.

(b) TYPES OF SUPPORT.—The Secretary may provide the following support under subsection (a):

(1) The transfer of spare parts and non-lethal equipment and materiel, including radios, night vision goggles, global positioning systems, uniforms, command, control, communications, and intelligence (C^3I) integration equipment, detection equipment, and monitoring equipment.

(2) The maintenance and repair of equipment of the Government of Mexico that is used for counter-narcotics activities.

(c) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) shall apply to the provision of support under this section.

(d) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1997 for the Department of Defense for drug interdiction and counter-drug activities, not more than $10,000,000 shall be available in that fiscal year for the provision of support under this section.

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by that government.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equivalent to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Foreign Relations of the Senate.

(B) The Committees on National Security and International Relations of the House of Representatives.

(f) PROHIBITION ON PROVISION OF CERTAIN MILITARY EQUIPMENT.—The Secretary may not provide as support under this section—

(1) any article of military equipment for which special export controls are warranted because of the substantial military utility or capability of such equipment;

(2) any military equipment identified on the United States Munitions List; or

(3) any of the following military equipment (whether or not the equipment has been equipped, re-equipped, or modified for military operations):

(A) Cargo aircraft bearing "C" designations, including aircraft with designations C–45 through C–125, C–131 aircraft, and aircraft bearing "C" designations that use reciprocating engines.

(B) Trainer aircraft bearing "T" designations, including aircraft bearing such designations that use reciprocating engines or turboprop engines delivering less than 600 horsepower.

(C) Utility aircraft bearing "U" designations, including UH-1 aircraft and UH/EH-60 aircraft and aircraft bearing such designations that use reciprocating engines.

(D) Liaison aircraft bearing "L" designations.

(E) Observation aircraft bearing "O" designations, including OH–58 aircraft and aircraft bearing such designations that use reciprocating engines.

(F) Truck, tractors, trailers, and vans, including all vehicles bearing "M" designations.

SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense, the Inspector General of the Department of Justice, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the United States shall—

(1) jointly investigate the operations of the National Drug Intelligence Center, Johnstown, Pennsylvania; and

(2) not later than March 31, 1997, jointly submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the investigation.

(b) CONTENT OF REPORT.—The joint report shall contain a determination regarding whether there is a significant likelihood that the funding of the operation of the National Drug Intelligence Center, a domestic law enforcement program, through an appropriation under the control of the Director of Central Intelligence will result in a violation of the National Security Act of 1947 or Executive Order 12333.

Subtitle D—Matters Relating to Foreign Countries

SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) EXCHANGE AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350l. Exchange of defense personnel between the United States and foreign countries

"(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—The Secretary of Defense is authorized to enter into agreements with the governments of allies of the United States and other friendly foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries of such foreign governments.

"(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to an agreement entered into under subsection (a), personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in the defense ministry of that foreign government. Positions to which exchanged personnel are assigned may include positions of instructors.

"(2) An agreement for the exchange of personnel engaged in research and development activities may provide for assignment of Department of Defense personnel to positions in private industry that support the defense ministry of the host foreign government.

"(3) A specific position and the individual to be assigned to that position shall be acceptable to both governments.

"(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

"(d) PAYMENT OF PERSONNEL COSTS.—(1) Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.

"(2) The requirement in paragraph (1) does not apply to the following costs:

"(A) Cost of temporary duty directed by the host government.

"(B) Costs of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the exchanged personnel's assignments.

"(C) Costs incident to the use of host government facilities in the performance of assigned duties.

"(e) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to an agreement under this section may take or be required to take an oath of allegiance to the host country or to hold an official capacity in the government of such country.

"(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section limits any authority of the secretaries of the military departments to enter into an agreement with the government of a foreign country to provide for exchange of members of the armed forces and military personnel of the foreign country except that subsections (c) and (d) shall apply in the exercise of that authority. The Secretary of Defense may prescribe regulations for the application of such subsections in the exercise of such authority.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350l. Exchange of defense personnel between the United States and foreign countries.".

SEC. 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES FOR FLIGHT TRAINING.

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended—

(1) by inserting ", and for attendance of foreign military personnel at flight training schools or programs (including test pilot schools) in the United States," after "(other than service academies)"; and

(2) by striking out "and comparable institutions" and inserting in lieu thereof " or flight training schools or programs, as the case may be, and comparable institutions, schools, or programs".

SEC. 1043. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 104–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3)—

(A) by striking out "fiscal year 1995, or" and inserting in lieu thereof "fiscal year 1995,"; and

(B) by inserting before the period at the end the following: ", $15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998"; and

(2) in subsection (f), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1998".

SEC. 1044. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

SEC. 1045. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990–1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the United States shoulders an unfair share of the burden of the common defense.

(10) Japan now pays over 75 percent of the nonpersonnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(11) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(12) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicate more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) Increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

SEC. 1046. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding "Weapons of Mass Destruction", and "declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons".

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

SEC. 1047. REPORT ON NATO ENLARGEMENT.

(a) REPORT.—Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the

House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with—

(A) enlargement of NATO;

(B) further delays in the process of NATO enlargement; and

(C) a failure to enlarge NATO.

(2) Additional NATO and United States military expenditures requested by prospective NATO members to facilitate their admission into NATO.

(3) Modifications necessary in NATO's military strategy and force structure required by the inclusion of new members and steps necessary to integrate new members, including the role of nuclear and conventional capabilities, reinforcement, force deployments, prepositioning of equipment, mobility, and headquarter locations.

(4) The relationship between NATO enlargement and transatlantic stability and security.

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement.

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight.

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reduce tensions, and mechanisms for the peaceful resolution of border disputes.

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area.

(9) The effect of NATO enlargement on the political, economic, and security conditions of European Partnership for Peace nations not among the first new NATO members.

(10) The relationship between NATO enlargement and EU enlargement and the costs and benefits of both.

(11) The relationship between NATO enlargement and treaties relevant to United States and European security, such as the Conventional Armed Forces in Europe Treaty.

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian foreign and defense policies and the costs and benefits of a security relationship between NATO and Russia.

(b) INDEPENDENT ASSESSMENT.—Not later than 15 days after enactment of this Act, the Majority Leader of the Senate and the Speaker of the House of Representatives shall appoint a chairman and two other Members and the Minority Leaders of the Senate and House of Representatives shall appoint two Members to serve on a bipartisan review group of nongovernmental experts to conduct an independent assessment of NATO enlargement, including a comprehensive review of the issues in subsection (a) (1) through (12) above. The report of the review group shall be completed no later than December 1, 1996. The Secretary of Defense shall furnish the review group administrative and support services requested by the review group. The expenses of the review group shall be paid out of funds available for the payment of similar expenses incurred by the Department of Defense.

(c) INTERPRETATION.—Nothing in this section should be interpreted or construed to affect the implementation of the NATO Participation Act of 1994, as amended (Public Law 103–447), or any other program or activity which facilitates or assists prospective NATO members.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the Chairman of the Joint Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on emerging operational concepts. The report shall contain a description, for the year preceding the year in which submitted, of the following:

(1) The process undertaken in each of the Army, Navy, Air Force, and Marine Corps to define and develop doctrine, operational concepts, organizational concepts, and acquisition strategies based on—

(A) the potential of emerging technologies for significantly improving the operational effectiveness of that armed force;

(B) changes in the international order that may necessitate changes in the operational capabilities of that armed force;

(C) emerging capabilities of potential adversary states; and

(D) changes in defense budget projections that put existing acquisition programs of the service at risk.

(2) The manner in which the process undertaken in each of the Army, Navy, Air Force, and Marine Corps is harmonized with a joint vision and with the similar processes of the other armed forces to ensure that there is a sufficient consideration of the development of joint doctrine, operational concepts, and acquisition strategies.

(3) The manner in which the process undertaken by each of the Army, Navy, Air Force, and Marine Corps is coordinated through the Joint Requirements Oversight Council or another entity to ensure that the results of the process are considered in the planning, programming, and budgeting process of the Department of Defense.

(4) Proposals under consideration by the Joint Requirements Oversight Council or other entity within the Department of Defense to modify the roles and missions of any of the Army, Navy, Air Force, and Marine Corps as a result of the processes described in paragraph (1).

(b) FIRST REPORT.—The first report under this section shall be submitted not later than March 1, 1997.

(c) TERMINATION OF REQUIREMENT AFTER FOURTH REPORT.—Notwithstanding subsection (a), no report is required under this section after 2000.

SEC. 1052. ANNUAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) ANNUAL PLAN REQUIRED.—On March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for ensuring that the science and technology program of the Department of Defense supports the development of the future joint warfighting capabilities identified as priority requirements for the Armed Forces.

(b) FIRST PLAN.—The first plan shall be submitted not later than March 1, 1997.

SEC. 1053. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT.—Not later than January 31, 1997, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) OFFICERS.—The report required by subsection (a) shall be prepared jointly by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Commander of the Special Operations Command.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario based on the following assumptions:

(1) The conflict is in a generic theater of operations located anywhere in the world and does not exceed the notional limits for a major regional contingency.

(2) The forces available for deployment include the forces described in the Bottom Up Review force structure, including all planned force enhancements.

(3) Assistance is not available from allies.

(d) ASSESSMENT ELEMENTS.—The report shall identify by unit type, and assess the readiness requirements of, all active and reserve component units. Each such unit shall be categorized within one of the following classifications:

(1) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(A) Force units that are routinely deployed forward at sea or on land outside the United States.

(B) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(C) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(2) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(3) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(4) All other active and reserve component force units which are not categorized within a classification described in paragraph (1), (2), or (3).

(e) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

SEC. 1054. ANNUAL REPORT OF RESERVE FORCES POLICY BOARD.

Section 113(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (1), (2), and (4) as subparagraphs (A), (B), and (C), respectively;

(3) by inserting "(1)" after "(c)";

(4) by inserting "and" at the end of subparagraph (B), as redesignated by paragraph (2); and

(5) by adding at the end the following:

"(2) At the same time that the Secretary submits the annual report under paragraph (1), the Secretary shall transmit to the President and Congress a separate report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense and on any other matters that the Reserve Forces Policy Board considers appropriate to include in the report.".

SEC. 1055. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

SEC. 1056. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

Subtitle F—Other Matters

SEC. 1061. UNIFORM CODE OF MILITARY JUSTICE AMENDMENTS.

(a) TECHNICAL AMENDMENT REGARDING FORFEITURES DURING CONFINEMENT ADJUDGED BY A COURT-MARTIAL.—(1) Section 858b(a)(1) of title 10, United States Code (article 58b(a)(1) of the Uniform Code of Military Justice), is amended—

(A) in the first sentence, by inserting "(if adjudged by a general court-martial)" after "all pay and"; and

(B) in the third sentence, by striking out "two-thirds of all pay and allowances" and inserting in lieu thereof "two-thirds of all pay".

(2) The amendments made by paragraph (1) shall take effect as of April 1, 1996, and shall apply to any case in which a sentence is adjudged by a court-martial on or after that date.

(b) EXCEPTED SERVICE APPOINTMENTS TO CERTAIN NONATTORNEY POSITIONS OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES..—(1) Subsection (c) of section 943 of title 10, United States Code (article 143(c) of the Uniform Code of Military Justice) is amended in paragraph (1), by inserting after the first sentence the following: "A position of employment under the Court that is provided primarily for the service of one judge of the court, reports directly to the judge, and is a position of a confidential character is excepted from the competitive service.".

(2) The caption for such subsection is amended by striking out "ATTORNEY" in the subsection caption and inserting in lieu thereof "CERTAIN".

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out "to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—" and all that follows and inserting in lieu thereof "to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.".

(2) Subsection (e)(1) of such section is amended by striking out "each judge" and inserting in lieu thereof "a judge".

SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1997 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997, the Secretary of Defense may waive the application of the limitation under paragraphs (2), (3), and (4) of subsection (a) to Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles, and Peacekeeper intercontinental ballistic missiles, respectively, to the extent that the Secretary determines necessary in order to implement the treaty.

(c) START II TREATY DEFINED.—In this section, the term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103-1):

(1) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(2) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(3) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

(d) RETENTION OF B-52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B-52H bomber aircraft.

(2) For purposes of carrying out upgrades of B-52H bomber aircraft during fiscal year 1997, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the five-year period beginning on October 1, 1996.

SEC. 1063. CORRECTION OF REFERENCES TO DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) NORTH AMERICAN AEROSPACE DEFENSE COMMAND.—Section 162 of title 10, United States Code, is amended in paragraphs (1), (2), and (3) of subsection (a) by striking out "North American Air Defense Command" and inserting in lieu thereof "North American Aerospace Defense Command".

(b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—The Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104-106; 110 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by striking out "Anniston Army Depot" each place it appears in the following provisions and inserting in lieu thereof "Defense Distribution Depot, Anniston":

(1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

(2) Section 1616(b) (36 U.S.C. 5506(b)).

(3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE ARMED FORCES TO PERFORM NOTARIAL OR CONSULAR ACTS.

Section 1044a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "on active duty or performing inactive-duty for training" and inserting in lieu thereof "of the armed forces, including members of reserve components who are judge advocates (whether or not in a duty status)";

(2) in paragraph (3), by striking out "adjutants on active duty or performing inactive-duty training" and inserting in lieu thereof "adjutants, including members of reserve components acting as such an adjutant (whether or not in a duty status)"; and

(3) in paragraph (4), by striking out "persons on active duty or performing inactive-duty training" and inserting in lieu thereof "members of the armed forces, including members of reserve components (whether or not in a duty status).".

SEC. 1065. TRAINING OF MEMBERS OF THE UNIFORMED SERVICES AT NON-GOVERNMENT FACILITIES.

(a) USE OF NON-GOVERNMENT FACILITIES.—Section 4105 of title 5, United States Code, is amended—

(1) by inserting "and members of a uniformed service under the jurisdiction of the head of the agency" after "employees of the agency"; and

(2) by adding at the end the following: "For the purposes of this section, the term 'agency' includes a military department.".

(b) EXPENSES OF TRAINING.—Section 4109 of such title is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking out "under regulations prescribed under section 4118(a)(8) of this title and";

(B) in paragraph (1), by inserting after "an employee of the agency" the following: ", or the pay of a member of a uniformed service within the agency, who is"; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "or member of a uniformed service" after "reimburse the employee";

(ii) in subparagraph (A), by striking out "commissioned officers of the National Oceanic and Atmospheric Administration" and inserting in lieu thereof "a member of a uniformed service"; and

(iii) in subparagraph (B), by striking out "commissioned officers of the National Oceanic and Atmospheric Administration" and inserting in lieu thereof "a member of a uniformed service"; and

(2) by adding at the end the following:

"(d) In the exercise of authority under subsection (a) with respect to an employee of an agency, the head of the agency shall comply with regulations prescribed under section 4118(a)(8) of this title.

"(e) For the purposes of this section, the term 'agency' includes a military department.".

SEC. 1066. THIRD-PARTY LIABILITY TO UNITED STATES FOR TORTIOUS INFLICTION OF INJURY OR DISEASE ON MEMBERS OF THE UNIFORMED SERVICES.

(a) RECOVERY OF PAY AND ALLOWANCES.—Section 1 of Public Law 87-693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting "or pay for" after "required by law to furnish"; and

(B) by striking out "or to be furnished" each place that phrase appears and inserting in lieu thereof ", to be furnished, paid for, or to be paid for";

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a), the following new subsections:

"(b) If a member of the uniformed services is injured, or contracts a disease, under circumstances creating a tort liability upon a third person (other than or in addition to the United States and except employers of seamen referred to in subsection (a)) for damages for such injury or disease and the member is unable to perform the member's regular military duties as a result of the injury or disease, the United States shall have a right (independent of the rights of the member) to recover from the third person or an insurer of the third person, or both, the amount equal to the total amount of the pay that accrues and is to accrue to the member for the period for which the member is unable to perform such duties as a result of the injury or disease and is not assigned to perform other military duties.

"(c)(1) If, pursuant to the laws of a State that are applicable in a case of a member of the uniformed services who is injured or contracts a disease as a result of tortious conduct of a third person, there is in effect for such a case (as a substitute or alternative for compensation for damages through tort liability) a system of compensation or reimbursement for expenses of hospital, medical, surgical, or dental care and treatment or for lost pay pursuant to a policy of insurance, contract, medical or hospital service agreement, or similar arrangement, the United States shall be deemed to be a third-party beneficiary of such a policy, contract, agreement, or arrangement.

"(2) For the purposes of paragraph (1)—

"(A) the expenses incurred or to be incurred by the United States for care and treatment for an injured or diseased member as described in subsection (a) shall be deemed to have been incurred by the member;

"(B) the cost to the United States of the pay of the member as described in subsection (b) shall be deemed to have been pay lost by the member as a result of the injury or disease; and

"(C) the United States shall be subrogated to any right or claim that the injured or diseased member or the member's guardian, personal representative, estate, dependents, or survivors have under a policy, contract, agreement, or arrangement referred to in paragraph (1) to the extent of the reasonable value of the care and treatment and the total amount of the pay deemed lost under subparagraph (B).";

(4) in subsection (d), as redesignated by paragraph (2), by inserting "or paid for" after "treatment is furnished"; and

(5) by adding at the end the following:

"(f)(1) Any amounts recovered under this section for medical care and related services furnished by a military medical treatment facility or similar military activity shall be credited to the appropriation or appropriations supporting the operation of that facility or activity, as determined under regulations prescribed by the Secretary of Defense.

"(2) Any amounts recovered under this section for the cost to the United States of pay of an injured or diseased member of the uniformed services shall be credited to the appropriation that supports the operation of the command, activity, or other unit to which the member was assigned at the time of the injury or illness, as determined under regulations prescribed by the Secretary concerned.

"(g) For the purposes of this section:

"(A) The term 'uniformed services' has the meaning given such term in section 1072(1) of title 10, United States Code.

"(B) The term 'tortious conduct' includes any tortious omission.

"(C) The term 'pay', with respect to a member of the uniformed services, means basic pay, special pay, and incentive pay that the member is authorized to receive under title 37, United States Code, or any other law providing pay for service in the uniformed services.

"(D) The term 'Secretary concerned' means—

"(i) the Secretary of Defense, with respect to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy);

"(ii) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy;

"(iii) the Secretary of Health and Human Services, with respect to the Commissioned Corps of the Public Health Service; and

"(iv) the Secretary of Commerce, with respect to the Commissioned Corps of the National Oceanic and Atmospheric Administration.".

(b) CONFORMING AMENDMENTS.—Section 1 of Public Law 87-693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting "(independent of the rights of the injured or diseased person)" after "a right to recover"; and

(B) by inserting ", or that person's insurer," after "from said third person";

(2) in subsection (d), as redesignated by subsection (a)(2)—

(A) by striking out "such right," and inserting in lieu thereof "a right under subsections (a), (b), and (c)"; and

(B) by inserting ", or the insurance carrier or other entity responsible for the payment or reimbursement of medical expenses or lost pay," after "the third person who is liable for the injury or disease" each place that it appears.

(c) APPLICABILITY.—The authority to collect pursuant to the amendments made by this section shall apply to expenses described in the first section of Public Law 87-693 (as amended by this section) that are incurred, or are to be incurred, by the United States on or after the date of the enactment of this Act, whether the event from which the claim arises occurred before, on, or after that date.

SEC. 1067. DISPLAY OF STATE FLAGS AT INSTALLATIONS AND FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be used to adopt or enforce any rule or other prohibition that discriminates against the display of the official flag of a particular State, territory, or possession of the United States at an official ceremony at any installation or other facility of the Department of Defense at which the official flags of the other States, territories, or possessions of the United States are being displayed.

(b) POSITION AND MANNER OF DISPLAY.—The display of an official flag referred to in subsection (a) at an installation or other facility of the Department shall be governed by the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178).

SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FUNDS, MATERIALS, AND SERVICES.—(1) The Secretary of Defense may, on behalf of the George C. Marshall European Center for Strategic Security Studies, accept gifts or donations of funds, materials (including research materials), property, and services (including lecture services and faculty services) from foreign governments, foundations and other charitable organizations in foreign countries, and individuals in foreign countries in order to defray the costs of the operation of the Center.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the George C. Marshall European Center for Strategic Security Studies. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and same period as the appropriations with which merged.

(b) PARTICIPATION OF FOREIGN NATIONS OTHERWISE PROHIBITED.—(1) The Secretary may permit representatives of a foreign government to participate in a program of the George C. Marshall European Center for Strategic Security Studies, notwithstanding any other provision of law that would otherwise prevent representatives of that foreign government from participating in the program. Before doing so, the Secretary shall determine, in consultation with the Secretary of State, that the participation of representatives of that foreign government in the program is in the national interest of the United States.

(2) Not later than January 31 of each year, the Secretary of Defense shall, with the assistance of the Director of the Center, submit to Congress a report setting forth the

foreign governments permitted to participate in programs of the Center during the preceding year under the authority provided in paragraph (1).

(c) WAIVER OF CERTAIN REQUIREMENTS FOR BOARD OF VISITORS.—(1) The Secretary may waive the application of any financial disclosure requirement imposed by law to a foreign member of the Board of Visitors of the Center if that requirement would otherwise apply to the member solely by reason of the service as a member of the Board. The authority under the preceding sentence applies only in the case of a foreign member who serves on the Board without compensation.

(2) Notwithstanding any other provision of law, a member of the Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR THE CONGRESSIONAL MEDAL PREVIOUSLY AUTHORIZED ONLY FOR MILITARY PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR.

(a) AUTHORITY.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of Congress, a bronze medal provided for under section 1492 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1721) to any person who meets the eligibility requirements set forth in subsection (d) of that section other than the requirement for membership in the Armed Forces, as certified under subsection (e) of that section or under subsection (b) of this section.

(b) CERTIFICATION.—The Secretary of Defense shall, not later than 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of persons who are eligible for award of the medal under this Act and have not previously been certified under section 1492(e) of the National Defense Authorization Act for Fiscal Year 1991.

(c) APPLICATIONS.—Subsections (d)(2) and (f) of section 1492 of the National Defense Authorization Act for Fiscal Year 1991 shall apply in the administration of this Act.

(d) ADDITIONAL STRIKING AUTHORITY.—The Secretary of the Treasury shall strike such additional medals as may be necessary for presentation under the authority of subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.

(f) RETROACTIVE EFFECTIVE DATE.—The authority under subsection (a) shall be effective as of November 5, 1990.

SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL, LAS VEGAS, NEVADA.

(a) FINDINGS.—Congress makes the following findings:

(1) Michael O'Callaghan, former Governor of the State of Nevada, served in three branches of the Armed Forces of the United States, namely, the Army, the Air Force, and the Marine Corps.

(2) At 16 years of age, Michael O'Callaghan enlisted in the United States Marine Corps to serve during the end of World War II.

(3) During the Korean conflict, Michael O'Callaghan served successively in the Air Force and the Army and, during such service, suffered wounds in combat that necessitated the amputation of his left leg.

(4) Michael O'Callaghan was awarded the Silver Star, the Bronze Star with Valor Device, and the Purple Heart for his military service.

(5) In 1963, Michael O'Callaghan became the first director of the Health and Welfare Department of the State of Nevada.

(6) In 1970, Michael O'Callaghan became Governor of the State of Nevada and served in that position through 1978, making him one of only five two-term governors in the history of the State of Nevada.

(7) In 1982, Michael O'Callaghan received the Air Force Exceptional Service Award.

(8) It is appropriate to name the Nellis Federal Hospital, Las Vegas, Nevada, a hospital operated jointly by the Department of Defense, through Nellis Air Force Base, and the Department of Veterans Affairs, through the Las Vegas Veterans Affairs Outpatient Clinic, after Michael O'Callaghan, a man who (A) has served his country with honor in three branches of the Armed Forces, (B) as a disabled veteran knows personally the tragic sacrifices that are so often made in the service of his country in the Armed Forces, and (C) has spent his entire career working to improve the lives of all Nevadans.

(b) DESIGNATION OF MICHAEL O'CALLAGHAN FEDERAL HOSPITAL.—The Nellis Federal Hospital, a Federal building located at 4700 North Las Vegas Boulevard, Las Vegas, Nevada, is designated as the "Michael O'Callaghan Federal Hospital".

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (b) shall be deemed to be a reference to the "Michael O'Callaghan Federal Hospital".

SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

It is the sense of the Senate that the Secretary of Defense should name Building A at the Uniformed Services University of the Health Sciences as the "David Packard Building".

SEC. 1072. SENSE OF THE SENATE REGARDING THE UNITED STATES-JAPAN SEMICONDUCTOR TRADE AGREEMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(4) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(5) The United States-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector.

(6) The mechanisms include joint calculation of foreign market share, deterrence of dumping, and promotion of industrial cooperation in the design of foreign semiconductor devices.

(7) Because of these actions under the United States-Japan Semiconductor Trade Agreement, the United States and Japan today enjoy trade in semiconductors which is mutually beneficial, harmonious, and free from the friction that once characterized the semiconductor industry.

(8) Because of structural barriers in Japan, a gap still remains between the share of the world market for semiconductor products outside Japan that the United States and other foreign semiconductor sources are able to capture through competitiveness and the share of the Japanese semiconductor market that the United States and those other sources are able to capture through competitiveness, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications.

(9) The competitiveness and health of the United States semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

(10) The economic interests of both the United States and Japan are best served by well functioning, open markets, deterrence of dumping, and continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy and military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement's expiration on July 31, 1996.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in United States-Japan semiconductor trade.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996; and

(2) the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(c) DEFINITION.—As used in this section, the term "United States-Japan Semiconductor Trade Agreement" refers to the agreement between the United States and Japan concerning trade in semiconductor products, with arrangement, done by exchange of letters at Washington on June 11, 1991.

SEC. 1073. FOOD DONATION PILOT PROGRAM AT THE SERVICE ACADEMIES.

(a) PROGRAM AUTHORIZED.—The Secretaries of the military departments and the Secretary of Transportation may each carry out a food donation pilot program at the service academy under the jurisdiction of the Secretary.

(b) DONATIONS AND COLLECTIONS OF FOOD AND GROCERY PRODUCTS.—Under the pilot program, the Secretary concerned may donate to, and permit others to collect for, a nonprofit organization any food or grocery product that—

(1) is—

(A) an apparently wholesome food;

(B) an apparently fit grocery product; or

(C) a food or grocery product that is donated in accordance with section 402(e) of the National and Community Service Act of 1990 (42 U.S.C. 12672(e));

(2) is owned by the United States;

(3) is located at a service academy under the jurisdiction of the Secretary; and

(4) is excess to the requirements of the academy.

(c) PROGRAM COMMENCEMENT.—The Secretary concerned shall commence carrying out the pilot program, if at all, during fiscal year 1997.

(d) APPLICABILITY OF GOOD SAMARITAN FOOD DONATION ACT..—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) shall apply to donations and collections of food and grocery products under the pilot program without regard to section 403 of such Act (42 U.S.C. 12673).

(e) REPORTS.—(1) Each Secretary that carries out a pilot program at a service academy under this section shall submit to Congress an interim report and a final report on the pilot program.

(2) The Secretary concerned shall submit the interim report not later than one year after the date on which the Secretary commences the pilot program at a service academy.

(3) The Secretary concerned shall submit the final report not later than 90 days after the Secretary completes the pilot program at a service academy.

(4) Each report shall include the following:

(A) A description of the conduct of the pilot program.

(B) A discussion of the experience under the pilot program.

(C) An evaluation of the extent to which section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) has been effective in protecting the United States and others from liabilities associated with actions taken under the pilot program.

(D) Any recommendations for legislation to facilitate donations or collections of excess food and grocery products of the United States or others for nonprofit organizations.

(f) DEFINITIONS.—In this section:

(1) The term "service academy" means each of the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(D) The United States Coast Guard Academy.

(2) The term "Secretary concerned" means the following:

(A) The Secretary of the Army, with respect to the United States Military Academy.

(B) The Secretary of the Navy, with respect to the United States Naval Academy.

(C) The Secretary of the Air Force, with respect to the United States Air Force Academy.

(D) The Secretary of Transportation, with respect to the United States Coast Guard Academy.

(3) The terms "apparently fit grocery product", "apparently wholesome food", "donate", "food", and "grocery product" have the meanings given those terms in section 402(b) of the National and Community Service Act of 1990 (42 U.S.C. 12672(b)).

SEC. 1074. DESIGNATION OF MEMORIAL AS NATIONAL D-DAY MEMORIAL.

(a) DESIGNATION.—The memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, is hereby designated as a national memorial to be known as the "National D-Day Memorial". The memorial shall serve to honor the members of the Armed Forces of the United States who served in the invasion of Normandy, France, in June 1944.

(b) PUBLIC PROCLAMATION.—The President is requested and urged to issue a public proclamation acknowledging the designation of the memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, as the National D-Day Memorial.

(c) MAINTENANCE OF MEMORIAL.—All expenses for maintenance and care of the memorial shall be paid for with non-Federal funds, including funds provided by the National D-Day Memorial Foundation. The United States shall not be liable for any expense incurred for the maintenance and care of the memorial.

SEC. 1075. IMPROVEMENTS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship".

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career

in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

SEC. 1076. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF CONTRACTOR PERSONNEL PROHIBITED.

(a) ARMED SERVICES PROCUREMENTS.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

(b) CIVILIAN AGENCY PROCUREMENTS.—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $200,000.".

SEC. 1077. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

SEC. 1078. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

SEC. 1079. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

"SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

"(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.".

SEC. 1080. PHARMACEUTICAL INDUSTRY SPECIAL EQUITY.

(a) SHORT TITLE.—This section may be cited as the "Pharmaceutical Industry Special Equity Act of 1996".

(b) APPROVAL OF GENERIC DRUGS.—

(1) IN GENERAL.—With respect to any patent, the term of which is modified under section 154(c)(1) of title 35, United States Code, as amended by the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983), the remedies of section 271(e)(4) of title 35, United States Code, shall not apply if—

(A) such patent is the subject of a certification described under—

(i) section 505 (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV)); or

(ii) section 512(n)(1)(H)(iv) of such Act (21 U.S.C. 360b(n)(1)(H)(iv));

(B) on or after the date of enactment of this section, such a certification is made in an application that was filed under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act and accepted for filing by the Food and Drug Administration prior to June 8, 1995; and

(C) a final order, from which no appeal is pending or may be made, has been entered in an action brought under chapter 28 or 29 of title 35, United States Code—

(i) finding that the person who submitted such certification made a substantial investment of the type described under section 154(c)(2) of title 35, United States Code, as amended by the Uruguay Round Agreements Act; and

(ii) establishing the amount of equitable remuneration of the type described under section 154(c)(3) of title 35, United States Code, as amended by the Uruguay Round Agreements Act, that is required to be paid by the person who submitted such certification to the patentee for the product that is the subject of the certification.

(2) DETERMINATION OF SUBSTANTIAL INVESTMENT.—In determining whether a substantial investment has been made in accordance with this section, the court shall find that—

(A) a complete application submitted under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act was found by the Secretary of Health and Human Services on or before June 8, 1995 to be sufficiently complete to permit substantive review; and

(B) the total sum of the investment made by the person submitting such an application—

(i) is specifically related to the research, development, manufacture, sale, marketing, or other activities undertaken in connection with, the product covered by such an application; and

(ii) does not solely consist of that person's expenditures related to the development and submission of the information contained in such an application.

(3) EFFECTIVE DATE OF APPROVAL OF APPLICATION.—In no event shall the Food and Drug Administration make the approval of an application under sections 505 or 512 of the Federal Food, Drug, and Cosmetic Act, which is subject to the provisions of this section, effective prior to the entry of the order described in paragraph (1)(C).

(4) APPLICABILITY.—The provisions of this subsection shall not apply to any patent the term of which, inclusive of any restoration period provided under section 156 of title 35, United States Code, would have expired on or after June 8, 1998, under the law in effect on the date before December 8, 1994.

(c) APPLICATION OF CERTAIN BENEFITS AND TERM EXTENSIONS TO ALL PATENTS IN FORCE ON A CERTAIN DATE.—For the purposes of this section and the provisions of title 35, United States Code, all patents in force on June 8, 1995, including those in force by reason of section 156 of title 35, United States Code, are entitled to the full benefit of the Uruguay Round Agreements Act of 1994 and any extension granted before such date under section 156 of title 35, United States Code.

(d) EXTENSION OF PATENTS RELATING TO NONSTEROIDAL ANTI-INFLAMMATORY DRUGS.—

(1) IN GENERAL.—Notwithstanding section 154 of title 35, United States Code, the term of patent shall be extended for any patent which encompasses within its scope of composition of matter known as a nonsteroidal anti-inflammatory drug if—

(A) during the regulatory review of the drug by the Food and Drug Administration the patentee—

(i) filed a new drug application in 1982 under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355); and

(ii) awaited approval by the Food and Drug Administration for at least 96 months; and

(B) such new drug application was approved in 1991.

(2) TERM.—The term of any patent described in paragraph (1) shall be extended from its current expiration date for a period of 2 years.

(3) NOTIFICATION.—No later than 90 days after the date of enactment of this section, the patentee of any patent described in paragraph (1) shall notify the Commissioner of Patents and Trademarks of the number of any patent extended under such paragraph. On receipt of such notice, the Commissioner shall confirm such extension by placing a notice thereof in the official file of such patent and publishing an appropriate notice of such extension in the Official Gazette of the Patent and Trademark Office.

(e) EXPEDITED PROCEDURES FOR CIVIL ACTIONS.—

(1) APPLICATION.—(A) This subsection applies to any civil action in a court of the United States brought to determine the rights of the parties under this section, including any determination made under subsection (b).

(B) For purposes of this subsection the term "civil action" refers to a civil action described under subparagraph (A).

(2) SUPERSEDING PROVISIONS.—Procedures adopted under this subsection shall supersede any provision of title 28, United States Code, the Federal Rules of Civil Procedure, or the Federal Rules of Appellate Procedure to the extent of any inconsistency.

(3) PROCEDURES IN DISTRICT COURT.—No later than 60 days after the date of the enactment of this Act, each district court of the United States shall adopt procedures to—

(A) provide for priority in consideration of civil actions on an expedited basis, including consideration of determinations relating to substantial investment, equitable remuneration, and equitable compensation;

(B) provide that—

(i) no later than 10 days after a party files an answer to a complaint filed in a civil action the court shall order that all discovery (including a hearing on any discovery motions) shall be completed no later than 60 days after the date on which the court enters the order; and

(ii) the court may grant a single extension of the 60-day period referred to under clause (i) for an additional period of no more than 30 days upon a showing of good cause;

(C) require any dispositive motion in a civil action to be filed no later than 30 days after completion of discovery;

(D) require that—

(i) if a dispositive motion is filed in a civil action, the court shall rule on such a motion no later than 30 days after the date on which the motion is filed;

(ii) the court shall begin the trial of a civil action no later than 60 days after the later of—

(I) the date on which discovery is completed in accordance with subparagraph (B); or

(II) the last day of the 30-day period referred to under clause (i), if a dispositive motion is filed;

(E) require that if a person does not hold the patent which is the subject of a civil action and is the prevailing party in the civil action, the court shall order the nonprevailing party to pay damages to the prevailing party;

(F) the damages payable to such persons shall include—

(i) the costs resulting from the delay caused by the civil action; and

(ii) lost profits from such delay; and

(G) provide that the prevailing party in a civil action shall be entitled to recover reasonable attorney's fees and court costs.

(4) PROCEDURES IN FEDERAL CIRCUIT COURT.—No later than 60 days after the date of the enactment of this Act, the United States Court of Appeals for the Federal Circuit shall adopt procedures to provide for expedited considerations of civil actions brought under this Act.

SEC. 1081. CLARIFICATION OF NATIONAL SECURITY SYSTEMS TO WHICH THE INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1996 APPLIES.

Section 5142(b) of the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 689; 40 U.S.C. 1452(b)) is amended—

(1) by striking out "(b) LIMITATION.—" and inserting in lieu thereof "(b) LIMITATIONS.—(1)"; and

(2) by adding at the end the following:

"(2) Notwithstanding any other provision of this section or any other provision of law, for the purposes of this subtitle, a system that, in function, operation, or use, involves the storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information shall be considered as a national security system under the definition in subsection (a) only if the function, operation, or use of the system—

"(A) involves activities described in paragraph (1), (2), or (3) of subsection (a);

"(B) involves equipment described in paragraph (4) of subsection (a); or

"(C) is critical to an objective described in paragraph (5) of subsection (a) and is not excluded by paragraph (1) of this subsection.".

SEC. 1082. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.

A Federal department or agency may not sell from the stocks of the department or agency any chemical which, as determined by the Administrator of the Drug Enforcement Agency, could be used in the manufacture of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) unless the Administrator certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance.

SEC. 1083. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.

(a) STATUS OF EXCESS AIRCRAFT.—Operational support airlift aircraft excess to the requirements of the Department of Defense shall be placed in an inactive status and stored at Davis-Monthan Air Force Base, Arizona, pending the completion of any study or analysis of the costs and benefits of disposing of or operating such aircraft that precedes a decision to dispose of or continue to operate such aircraft.

(b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DEFINED.—In this section, the term "operational support airlift aircraft" has the meaning given such term in section 1086(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 458).

SEC. 1084. SENSE OF SENATE REGARDING BOSNIA AND HERZEGOVINA.

It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in section 540 of the Foreign Operations Act of 1996 (Public Law 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other United States Government program.

SEC. 1085. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after "any country has willfully aided or abetted" the following: ", or any person has knowingly aided or abetted,";

(2) by striking "or countries" and inserting ", countries, person, or persons";

(3) by inserting after "United States exports to such country" the following: "or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,";

(4) by inserting "(A)" immediately after "(4)";

(5) by inserting after "United States exports to such country" the second place it appears the following: ", except as provided in subparagraph (B),"; and

(6) by adding at the end the following:

"(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

"(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

"(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

"(C) For purposes of subparagraphs (A) and (B)—

"(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

"(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

"(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.".

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

SEC. 1086. TECHNICAL AMENDMENT.

Paragraph (3) of section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended—

(1) by striking "2000 and such number equals or exceeds 15" and inserting "1000 or such number equals or exceeds 10"; and

(2) by inserting ", except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense" before the period.

SEC. 1087. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1088. PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.".

(b) PENALTY.—Section 844(a) of title 18, United States Code, is amended—

(1) by striking "(a) Any person" and inserting "(a)(1) Any person"; and

(2) by adding at the end the following:

"(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both.".

SEC. 1089. EXEMPTION FOR SAVINGS INSTITUTIONS SERVING MILITARY PERSONNEL.

Section 10(m)(3)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

"(F) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) does not apply to a savings association subsidiary of a savings and loan holding company if not less than 90 percent of the customers of the savings and loan holding company and the subsidiaries and affiliates of such company are active or former officers in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such officers.".

Subtitle G—Review of Armed Forces Force Structures

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the "Armed Forces Force Structures Review Act of 1996".

SEC. 1092. FINDINGS.

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the "Base Force" assessment) and the assessment by the Clinton Administration (known as the "Bottom-Up Review") were intended to reassess the force structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(4) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997.

(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

SEC. 1093. QUADRENNIAL DEFENSE REVIEW.

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

SEC. 1094. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—Not later than December 1, 1996, the Secretary of Defense shall establish a non-partisan, independent panel to be known as the National Defense Panel (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the review under section 1083 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) ALTERNATIVE FORCE STRUCTURE ASSESSMENT.—(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The purpose of the assessment is to develop proposals for an "above the line" force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Panel.

(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces, including the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(e) REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b)(1) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in

lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

SEC. 1095. POSTPONEMENT OF DEADLINES.

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

SEC. 1096. DEFINITIONS.

In this subtitle:

(1) The term "'above the line' force structure of the Armed Forces" means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term "Commission on Roles and Missions of the Armed Forces" means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term "military operation other than war" means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counterterrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term "peace operations" means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Personnel Management, Pay, and Allowances

SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 429; 10 U.S.C. 129a note) is amended—

(1) by striking out the text of paragraph (1) and inserting in lieu thereof the following: "By September 30, 1996, the Secretary of Defense shall convert at least 3,000 military positions to civilian positions.";

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS AT MILITARY TRAINING BASES TRANSFERRED TO NATIONAL GUARD.

(a) MILITARY TRAINING INSTALLATIONS AFFECTED.—This section applies with respect to each military training installation that—

(1) was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(2) is scheduled for transfer to National Guard operation and control; and

(3) will continue to be used, after such transfer, to provide training support to active and reserve components of the Armed Forces.

(b) RETENTION OF EMPLOYEE POSITIONS.—In the case of a military training installation described in subsection (a), the Secretary of Defense may retain civilian employee positions of the Department of Defense at the installation after transfer to the National Guard of a State in order to facilitate active and reserve component training at the installation. The Secretary, in consultation with the Adjutant General of the National Guard of that State, shall determine the extent to which positions at that installation are to be retained as positions in the Department of Defense.

(c) MAXIMUM NUMBER OF POSITIONS RETAINED.—The maximum number of civilian employee positions retained at an installation under this section shall not exceed 20 percent of the Federal civilian workforce employed at the installation as of September 8, 1995.

(d) REMOVAL OF POSITION.—The decision to retain civilian employee positions at an installation under this section shall cease to apply to a position so retained on the date on which the Secretary certifies to Congress that it is no longer necessary to retain the position in order to ensure that effective support is provided at the installation for active and reserve component training.

SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING CLOTHING OR PAYING A UNIFORM ALLOWANCE TO ENLISTED NATIONAL GUARD TECHNICIANS.

Section 418(c) of title 37, United States Code, is amended by striking out "for which a uniform allowance is paid under section 415 or 416 of this title" and inserting in lieu thereof "for which clothing is furnished or a uniform allowance is paid under this section".

SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ABROAD.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599b. Employees abroad: travel expenses; health care

"(a) IN GENERAL.—The Secretary of Defense may provide civilian employees, and members of their families, abroad with benefits that are comparable to certain benefits that are provided by the Secretary of State to members of the Foreign Service and their families abroad as described in subsections (b) and (c). The Secretary may designate the employees and members of families who are eligible to receive the benefits.

"(b) TRAVEL AND RELATED EXPENSES.—The Secretary of Defense may pay travel expenses and related expenses for purposes and in amounts that are comparable to the purposes for which, and the amounts in which, travel and related expenses are paid by the Secretary of State under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

"(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of that Act (22 U.S.C. 4084).

"(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Federal Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

"(e) ABROAD DEFINED.—In this section, the term 'abroad' means outside—

"(1) the United States; and

"(2) the territories and possessions of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1599a the following new item:

"1599b. Employees abroad: travel expenses; health care.".

SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION ALLOWANCES FOR CERTAIN FORMER NONAPPROPRIATED FUND EMPLOYEES.

(a) IN GENERAL.—(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

"An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.".

(2) The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 5735 the following new item:

"5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.".

(b) APPLICABILITY.—Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.

SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLICABLE TO DEPARTMENT OF DEFENSE OVERSEAS TEACHERS.

(a) EXPANSION OF SCOPE OF EDUCATORS COVERED.—Section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901) is amended—

(1) in subparagraph (A) of paragraph (1), by inserting ", or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense" after "Defense,"; and

(2) by striking out subparagraph (C) of paragraph (2) and inserting in lieu thereof the following:

"(C) who is employed in a teaching position described in paragraph (1).".

(b) TRANSFER OF RESPONSIBILITY FOR EMPLOYMENT AND SALARY PRACTICES.—Section 5 of such Act (20 U.S.C. 903) is amended—

(1) in subsection (a)—

(A) by striking out "secretary of each military department in the Department of Defense" and inserting in lieu thereof "Secretary of Defense"; and

(B) by striking out "his military department" and inserting in lieu thereof "the Department of Defense";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking out "secretary of each military department—" and inserting in lieu thereof "Secretary of Defense—"; and

(B) in paragraph (1), by striking out "his military department," and inserting in lieu thereof "the Department of Defense";

(3) in subsection (c)—

(A) by striking out "Secretary of each military department" and inserting in lieu thereof "Secretary of Defense"; and

(B) by striking out "his military department" and inserting in lieu thereof "the Department of Defense"; and

(4) in subsection (d), by striking out "Secretary of each military department" and inserting in lieu thereof "Secretary of Defense".

SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.

(a) FACULTIES.—Section 1595(c) of title 10, United States Code, is amended by inserting after paragraph (3) the following new paragraph (4):

"(4) The English Language Center of the Defense Language Institute.

"(5) The Asia-Pacific Center for Security Studies.".

(b) CERTAIN ADMINISTRATORS.—Such section 1595 is amended by adding at the end the following:

"(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.".

SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOL BOARD MEMBERS FOR CERTAIN EXPENSES.

Section 2164(d) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Secretary may provide for reimbursement of a school board member for expenses incurred by the member for travel, transportation, program fees, and activity fees that the Secretary determines are reasonable and necessary for the performance of school board duties by the member.".

SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 2001".

SEC. 1110. COMPENSATORY TIME OFF FOR OVERTIME WORK PERFORMED BY WAGE-BOARD EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following:

"(c) The head of an agency may, on request of an employee, grant the employee compensatory time off from the employee's scheduled tour of duty instead of payment under section 5544 of this title or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.".

SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE THAT REMAINS UNUSED UPON TRANSFER OF EMPLOYEE FROM INSTALLATION BEING CLOSED OR REALIGNED.

(a) LUMP-SUM PAYMENT REQUIRED.—Section 5551 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) Annual leave that is restored to an employee of the Department of Defense under section 6304(d) of this title by reason of the operation of paragraph (3) of such section and remains unused upon the transfer of the employee to a position described in paragraph (2) shall be liquidated by payment of a lump-sum for such leave to the employee upon the transfer.

"(2) A position referred to in paragraph (1) is a position in a department or agency of the Federal Government outside the Department of Defense or a Department of Defense position that is not located at a Department of Defense installation being closed or realigned as described in section 6304(d)(3) of this title.".

(b) APPLICABILITY.—Subsection (c) of section 5551 of title 5, United States Code (as added by subsection (a)), shall apply with respect to transfers described in such subsection (c) that take effect on or after the date of the enactment of this Act.

SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAY BY FORMER DEPARTMENT OF DEFENSE EMPLOYEES REEMPLOYED BY THE GOVERNMENT WITHOUT PAY.

Section 5597(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(5) If the employment is without compensation, the appointing official may waive the repayment.".

SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR DEPARTMENT OF DEFENSE EMPLOYEES.

(a) HOLIDAYS OCCURRING ON NONWORKDAYS.—Section 6103(b) of title 5, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

"(3) In the case of a full-time employee of the Department of Defense, the following rules apply:

"(A) When a legal public holiday occurs on a Sunday that is not a regular weekly workday for an employee, the employee's next workday is the legal public holiday for the employee.

"(B) When a legal public holiday occurs on a regular weekly nonworkday that is administratively scheduled for an employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

"(C) When a legal public holiday occurs on an employee's regular weekly nonworkday immediately following a regular weekly nonworkday that is administratively scheduled for the employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

"(D) When a legal public holiday occurs on an employee's regular weekly nonworkday that is not a nonworkday referred to in subparagraph (A), (B), or (C), the employee's preceding workday is the legal public holiday for the employee.

"(E) The Secretary concerned (as defined in section 101(a) of title 10) may schedule a legal public holiday for an employee to be on a different day than the one that would otherwise apply for the employee under subparagraph (A), (B), (C), or (D).

"(F) If a legal public holiday for an employee would be different under paragraph (1) or (2) than the day determined under this paragraph, the legal public holiday for the employee shall be the day that is determined under this paragraph.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6103(b) of such title, as amended by subsection (a), is further amended—

(1) in paragraph (1), by striking out "legal public holiday for—" and all that follows through the period and inserting in lieu thereof "legal public holiday for employees whose basic workweek is Monday through Friday."; and

(2) in the matter following paragraph (3), by striking out "This subsection, except subparagraph (B) of paragraph (1)," and inserting in lieu thereof "Paragraphs (1) and (2)".

SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT AUTHORITIES.

(a) REPEAL OF REQUIREMENTS RELATING TO FIRE-SAFE ACCOMMODATIONS.—(1) Section 5707 of title 5, United States Code, is amended by striking out subsection (d).

(2) Subsection (b) of section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391; 104 Stat. 751; 5 U.S.C. 5707 note) is repealed.

(b) REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES OF DEPARTMENT OF DEFENSE EMPLOYEES AND OTHER CIVILIANS WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.—(1) Section 1589 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to such section.

Subtitle B—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 1121. PILOT PROGRAMS FOR DEFENSE EMPLOYEES CONVERTED TO CONTRACTOR EMPLOYEES DUE TO PRIVATIZATION AT CLOSED MILITARY INSTALLATIONS.

(a) PILOT PROGRAMS AUTHORIZED.—(1) The Secretary of Defense, after consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Director of the Office of Personnel Management, may establish a pilot program under which Federal retirement benefits are provided in accordance with this section to persons who convert from Federal employment in the Department of the Navy or the Department of the Air Force to employment by a Department of Defense contractor in connection with the privatization of the performance of functions at selected military installations being closed under the base closure and realignment process.

(2) The Secretary of Defense shall select the installations to be covered by a pilot program under this section.

(b) ELIGIBLE TRANSFERRED EMPLOYEES.—(1) A person is a transferred employee eligible for benefits under this section if the person is a former employee of the Department of Defense (other than a temporary employee) who—

(A) while employed by the Department of Defense in a function recommended to be privatized as part of the closure and realignment of military installations pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and while covered under the Civil Service Retirement System, separated from Federal service after being notified that the employee would be separated in a reduction-in-force resulting from conversion from performance of a function by Department of Defense employees at that military installation to performance of that function by a defense contractor at that installation or in the vicinity of that installation;

(B) is employed by the defense contractor within 60 days following such separation to perform substantially the same function performed before the separation;

(C) remains employed by the defense contractor (or a successor defense contractor) or subcontractor of the defense contractor (or successor defense contractor) until attaining early deferred retirement age (unless the employment is sooner involuntarily terminated for reasons other than performance or conduct of the employee);

(D) at the time separated from Federal service, was not eligible for an immediate annuity under the Civil Service Retirement System; and

(E) does not withdraw retirement contributions under section 8342 of title 5, United States Code.

(2) A person who, under paragraph (1), would otherwise be eligible for an early deferred annuity under this section shall not be eligible for such benefits if the person received separation pay or severance pay due to a separation described in subparagraph (A) of that paragraph unless the person repays the full amount of such pay with interest (computed at a rate determined appropriate by the Director of the Office of Personnel Management) to the Department of Defense before attaining early deferred retirement age.

(c) RETIREMENT BENEFITS OF TRANSFERRED EMPLOYEES.—In the case of a transferred employee covered by a pilot program under this section, payment of a deferred annuity for which the transferred employee is eligible under section 8338(a) of title 5, United States Code, shall commence on the first day of the first month that begins after the date on which the transferred employee attains early deferred retirement age, notwithstanding the age requirement under that section.

(d) COMPUTATION OF AVERAGE PAY.—(1)(A) This paragraph applies to a transferred employee who was employed in a position classified under the General Schedule immediately before the employee's covered separation from Federal service.

(B) Subject to subparagraph (C), for purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that rates of basic pay are increased under section 5303 of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(C) The average pay of a transferred employee, as adjusted under subparagraph (B), may not exceed the amount to which an annuity of the transferred employee could be increased under section 8340 of title 5, United States Code, in accordance with the limitation in subsection (g)(1) of such section (relating to maximum pay, final pay, or average pay).

(2)(A) This paragraph applies to a transferred employee who was a prevailing rate employee (as defined under section 5342(2) of title 5, United States Code) immediately before the employee's covered separation from Federal service.

(B) For purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that pay rates for positions that are in the same area as, and are comparable to, the last position the transferred employee held as a prevailing rate employee, are increased under section 5343(a) of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(e) PAYMENT OF UNFUNDED LIABILITY.—(1) The military department concerned shall be liable for that portion of any estimated increase in the unfunded liability of the Civil Service Retirement and Disability Fund established under section 8348 of title 5, United States Code, which is attributable to any benefits payable from such Fund to a transferred employee, and any survivor of a transferred employee, when the increase results from—

(A) an increase in the average pay of the transferred employee under subsection (d) upon which such benefits are computed; and

(B) the commencement of an early deferred annuity in accordance with this section before the attainment of 62 years of age by the transferred employee.

(2) The estimated increase in the unfunded liability for each department referred to in paragraph (1), shall be determined by the Director of the Office of Personnel Management. In making the determination, the Director shall consider any savings to the Fund as a result of the program established under this section. The Secretary of the military department concerned shall pay the amount so determined to the Director in 10 equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in average pay under subsection (d) becomes effective.

(f) CONTRACTOR SERVICE NOT CREDITABLE.—Service performed by a transferred employee for a defense contractor after the employee's covered separation from Federal service is not creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code.

(g) RECEIPT OF BENEFITS WHILE EMPLOYED BY A DEFENSE CONTRACTOR.—A transferred employee may commence receipt of an early deferred annuity in accordance with this section while continuing to work for a defense contractor.

(h) LUMP-SUM CREDIT PAYMENT.—If a transferred employee dies before attaining early deferred retirement age, such employee shall be treated as a former employee who dies not retired for purposes of payment of the lump-sum credit under section 8342(d) of title 5, United States Code.

(i) CONTINUED FEDERAL HEALTH BENEFITS COVERAGE.—Notwithstanding section 5905a(e)(1)(A) of title 5, United States Code, the continued coverage of a transferred employee for health benefits under chapter 89 of such title by reason of the application of section 8905a of such title to such employee shall terminate 90 days after the date of the employee's covered separation from Federal employment. For the purposes of the preceding sentence, a person who, except for subsection (b)(2), would be a transferred employee shall be considered a transferred employee.

(j) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of each pilot program, if any, established under this section and submit a report on the pilot program to Congress not later than two years after the date on which the program is established. The report shall contain the following:

(1) A review and evaluation of the program, including—

(A) an evaluation of the success of the privatization outcomes of the program;

(B) a comparison and evaluation of such privatization outcomes with the privatization outcomes with respect to facilities at other military installations closed or realigned under the base closure laws;

(C) an evaluation of the impact of the program on the Federal workforce and whether the program results in the maintenance of a skilled workforce for defense contractors at an acceptable cost to the military department concerned; and

(D) an assessment of the extent to which the pilot program is a cost-effective means of facilitating privatization of the performance of Federal activities.

(2) Recommendations relating to the expansion of the program to other installations and employees.

(3) Any other recommendation relating to the program.

(k) IMPLEMENTING REGULATIONS.—Not later than 30 days after the Secretary of Defense notifies the Director of the Office of Personnel Management of a decision to establish a pilot program under this section, the Director shall prescribe regulations to carry out the provisions of this section with respect to that pilot program. Before prescribing the regulations, the Director shall consult with the Secretary.

(l) DEFINITIONS.—In this section:

(1) The term "transferred employee" means a person who, pursuant to subsection (b), is eligible for benefits under this section.

(2) The term "covered separation from Federal service" means a separation from Federal service as described under subsection (b)(1)(A).

(3) The term "Civil Service Retirement System" means the retirement system under subchapter III of chapter 83 of title 5, United States Code.

(4) The term "defense contractor" means any entity that—

(A) contracts with the Department of Defense to perform a function previously performed by Department of Defense employees;

(B) performs that function at the same installation at which such function was previously performed by Department of Defense employees or in the vicinity of that installation; and

(C) is the employer of one or more transferred employees.

(5) The term "early deferred retirement age" means the first age at which a transferred employee would have been eligible for immediate retirement under subsection (a) or (b) of section 8336 of title 5, United States Code, if such transferred employee had remained an employee within the meaning of section 8331(1) of such title continuously until attaining such age.

(6) The term "severance pay" means severance pay payable under section 5595 of title 5, United States Code.

(7) The term "separation pay" means separation pay payable under section 5597 of title 5, United States Code.

(m) EFFECTIVE DATE.—This section shall take effect on August 1, 1996, and shall apply to covered separations from Federal service on or after that date.

SEC. 1122. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS APPLIED TO CIVILIAN PERSONNEL.

(a) SEPARATED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—(1) Subsection (a) of section 1598 of title 10, United States Code, is amended by striking out "may establish" and inserting in lieu thereof "shall establish".

(2) Subsection (d)(2) of such section is amended by striking out "five school years" in subparagraphs (A) and (B) and inserting in lieu thereof "two school years".

(b) DISPLACED DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES.—Section 2410j(f)(2) of such title is amended by striking out "five school years" in subparagraphs (A) and (B) and inserting in lieu thereof "two school years".

(c) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1598 or 2410j of title 10, United States Code, before the date of the enactment of this Act.

Subtitle C—Defense Intelligence Personnel

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the "Department of Defense Civilian Intelligence Personnel Reform Act of 1996".

SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.

Section 1590 of title 10, United States Code, is amended to read as follows:

"§ 1590. Management of civilian intelligence personnel of the Department of Defense

"(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees—

"(1) establish—

"(A) as positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components, but not to exceed in number the number of the defense intelligence component positions established as of January 1, 1996; and

"(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

"(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

"(3) fix the compensation of such individuals for service in such positions.

"(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

"(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

"(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

"(ii) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

"(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

"(2) The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of such title.

"(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefits, incentives, and allowances, in accordance with this subsection if, and to the extent, authorized in regulations prescribed by the Secretary of Defense.

"(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

"(3)(A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

"(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

"(i) living costs substantially higher than in the District of Columbia;

"(ii) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(iii) both of the factors described in clauses (i) and (ii).

"(C) An allowance under subparagraph (A) may not exceed an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

"(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—(1) The Secretary of Defense may establish an Intelligence Senior Executive Service for defense intelligence component positions established pursuant to subsection (a) that are equivalent to Senior Executive Service positions.

"(2) The Secretary of Defense shall prescribe regulations for the Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Intelligence Senior Executive Service is entitled shall be held or decided pursuant to the regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

"(e) AWARD OF RANK TO MEMBERS OF THE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of that section.

"(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, designate as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

"(1) is classifiable above grade GS-15 of the General Schedule;

"(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

"(3) has no more than minimal supervisory responsibilities.

"(g) TIME LIMITED APPOINTMENTS.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments to defense intelligence component positions specified in the regulations.

"(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretary.

"(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

"(4) In this subsection, the term 'time limited appointment' means an appointment (subject to the condition in paragraph (2)) for a period not to exceed two years.

"(h) TERMINATION OF CIVILIAN INTELLIGENCE EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence component position if the Secretary—

"(A) considers such action to be in the interests of the United States; and

"(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

"(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

"(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

"(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

"(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

"(i) REDUCTIONS AND OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, in a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

"(2) The regulations shall give effect to—

"(A) tenure of employment;

"(B) military preference, subject to sections 3501(a)(3) and 3502(b) of title 5;

"(C) the veteran's preference under section 3502(b) of title 5;

"(D) performance; and

"(E) length of service computed in accordance with the second sentence of section 3502(a) of title 5.

"(2) The regulations relating to removal from the Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

"(3)(A) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

"(B) Notwithstanding subparagraph (A), a preference eligible referred to in section 7511(a)(1)(B) of title 5 may appeal to the Merit Systems Protection Board any personnel action taken under the regulations. Section 7701 of title 5 shall apply to any such appeal.

"(j) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this section.

"(k) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

"(l) NOTIFICATION OF CONGRESS.—At least 60 days before the effective date of regulations prescribed to carry out this section, the Secretary of Defense shall submit the regulations to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(m) DEFINITIONS.—In this section:

"(1) The term 'defense intelligence component position' means a position of civilian employment as an intelligence officer or employee of a defense intelligence component.

"(2) The term 'defense intelligence component' means each of the following components of the Department of Defense:

"(A) The National Security Agency.

"(B) The Defense Intelligence Agency.

"(C) The Central Imagery Office.

"(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

"(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

"(F) Any successor to a component listed in, or designated pursuant to, this paragraph.

"(3) The term 'Intelligence Senior Level position' means a defense intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (f).

"(4) The term 'excepted service' has the meaning given such term in section 2103 of title 5.

"(5) The term 'preference eligible' has the meaning given such term in section 2108(3) of title 5.

"(6) The term 'Senior Executive Service position' has the meaning given such term in section 3132(a)(2) of title 5.

"(7) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5.".

SEC. 1133. REPEALS.

(a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

SEC. 1134. CLERICAL AMENDMENTS.

(a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

"1590. Management of civilian intelligence personnel of the Department of Defense.".

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

TITLE XII—FEDERAL CHARTER FOR THE FLEET RESERVE ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Fleet Reserve Association, a nonprofit corporation organized under the laws of the State of Delaware, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Fleet Reserve Association (in this title referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Aiding and maintaining an adequate naval defense for the United States.

(3) Assisting the recruitment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard.

(4) Providing for the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard.

(5) Continuing to serve loyally the United States Navy, United States Marine Corps, and United States Coast Guard.

(6) Preserving the spirit of shipmanship by providing assistance to shipmates and their families.

(7) Instilling love of the United States and the flag and promoting soundness of mind and body in the youth of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such officers shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividend.

(d) FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the State of Delaware.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State in which it is incorporated.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(77) Fleet Reserve Association.".

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS.

The association shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION.

For purposes of this title, the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States Of Micronesia, the Republic of Palau, and any other territory or possession of the United States.

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Against Weapons of Mass Destruction Act of 1996".

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological, and chemical weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

(16) Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

(17) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

(20) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(21) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

(22) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed

serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(25) Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(26) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1303. DEFINITIONS.

In this title:

(1) The term "weapon of mass destruction" means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U-235.

Subtitle A—Domestic Preparedness

SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the "lead official".

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a "hot line") to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as "Metropolitan Medical Strike Force Teams") to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

"§ 382. Emergency situations involving chemical or biological weapons of mass destruction

"(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

"(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

"(1) that poses a serious threat to the interests of the United States; and

"(2) in which—

"(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

"(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

"(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

"(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

"(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

"(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

"(i) Arrest.

"(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

"(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

"(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

"(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

"(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

"(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

"(f) DELEGATIONS OF AUTHORITY.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

"(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"382. Emergency situations involving chemical or biological weapons of mass destruction.".

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.—Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: "The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.".

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

"§175a. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

"175a. Requests for military assistance to enforce prohibition in certain emergencies.".

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

"§2332d. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

"2332d. Requests for military assistance to enforce prohibition in certain emergencies.".

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1321. UNITED STATES BORDER SECURITY.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;

(B) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and

(C) materials and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1322. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.

(a) ACTIVITIES AUTHORIZED.—The Secretary of Defense and the Secretary of Energy are each authorized to carry out research on and development of technical means for detecting the presence, transportation, production, and use of weapons of mass destruction and technologies and materials that are precursors of weapons of mass destruction.

(b) FUNDING.—(1)(A) There is authorized to be appropriated for the Department of Defense for fiscal year 1997, $10,000,000 for research and development carried out by the Secretary of Defense pursuant to subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development carried out by the Secretary of Energy pursuant to subsection (a).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out "importation or exportation of," and inserting in lieu thereof "importation, exportation, or attempted importation or exportation of,"; and

(2) in subsection (b)(3), by striking out "importation from any country, or the exportation" and inserting in lieu thereof "importation or attempted importation from any country, or the exportation or attempted exportation".

SEC. 1324. CRIMINAL PENALTIES.

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

SEC. 1325. INTERNATIONAL BORDER SECURITY.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting ", fissile material suitable for use in nuclear weapons," after "other weapons".

SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk-7 and Krasnoyarsk-26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the "Demilitarization Enterprise Fund" under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.

(a) PROGRAM EXPANSION AUTHORIZED.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) PLAN REQUIRED.—(1) The Secretary shall develop and periodically update a plan for the cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the Joint Chiefs of Staff in the coordination.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program under paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.

(a) FUNDING.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military programs of the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. TRANSFER AUTHORITY.

(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) DUTIES.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, $2,000,000 is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the "Committee") is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

SEC. 1353. ADDITIONAL CERTIFICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) OPERATIONS AND MAINTENANCE, DEFENSE-WIDE.—The total amount authorized to be appropriated under section 301(5) is reduced by $85,000,000.

TITLE XIV—FEDERAL EMPLOYEE TRAVEL REFORM

SEC. 1401. SHORT TITLE.

This title may be cited as the "Travel Reform and Savings Act of 1996".

Subtitle A—Relocation Benefits

SEC. 1411. MODIFICATION OF ALLOWANCE FOR SEEKING PERMANENT RESIDENCE QUARTERS.

Section 5724a of title 5, United States Code, is amended to read as follows:

"§ 5724a. Relocation expenses of employees transferred or reemployed

"(a) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, a per diem allowance or the actual subsistence expenses, or a combination thereof, of the immediate family of the employee for en route travel of the immediate family between the employee's old and new official stations.

"(b)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States—

"(A) the expenses of transportation, and either a per diem allowance or the actual subsistence expenses, or a combination thereof, of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station; or

"(B) the expenses of transportation, and an amount for subsistence expenses in lieu of a per diem allowance or the actual subsistence expenses or a combination thereof, authorized in subparagraph (A) of this paragraph.

"(2) Expenses authorized under this subsection may be allowed only for one round trip in connection with each change of station of the employee.".

SEC. 1412. MODIFICATION OF TEMPORARY QUARTERS SUBSISTENCE EXPENSES ALLOWANCE.

Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

"(c)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government—

"(A) actual subsistence expenses of the employee and the employee's immediate family for a period of up to 60 days while occupying temporary quarters when the new official station is located within the United States as defined in subsection (d) of this section; or

"(B) an amount for subsistence expenses instead of the actual subsistence expenses authorized in subparagraph (A) of this paragraph.

"(2) The period authorized in paragraph (1) of this subsection for payment of expenses for residence in temporary quarters may be extended up to an additional 60 days if the head of the agency concerned or the designee of such head of the agency determines that there are compelling reasons for the continued occupancy of temporary quarters.

"(3) The regulations implementing paragraph (1)(A) shall prescribe daily rates and amounts for subsistence expenses per individual.".

SEC. 1413. MODIFICATION OF RESIDENCE TRANSACTION EXPENSES ALLOWANCE.

(a) EXPENSES OF SALE.—Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

"(d)(1) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station and purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States.

"(2) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government from a post of duty located outside the United States to an official station within the United States (other than the official station within the United States from which the employee was transferred when assigned to the foreign tour of duty)—

"(A) expenses required to be paid by the employee of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station from which the employee was transferred when the employee was assigned to the post of duty located outside the United States; and

"(B) expenses required to be paid by the employee of the purchase of a residence at the new official station within the United States.

"(3) Reimbursement of expenses under paragraph (2) of this subsection shall not be allowed for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to official notification that the employee's return to the United States would be to an official station other than the official station from which the employee was transferred when assigned to the post of duty outside the United States.

"(4) Reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection may not exceed those customarily charged in the locality where the residence is located.

"(5) Reimbursement may not be made under this subsection for losses incurred by the employee on the sale of the residence.

"(6) This subsection applies regardless of whether title to the residence or the unexpired lease is—

"(A) in the name of the employee alone;

"(B) in the joint names of the employee and a member of the employee's immediate family; or

"(C) in the name of a member of the employee's immediate family alone.

"(7)(A) In connection with the sale of the residence at the old official station, reimbursement under this subsection shall not exceed 10 percent of the sale price.

"(B) In connection with the purchase of a residence at the new official station, reimbursement under this subsection shall not exceed 5 percent of the purchase price.

"(8) For purposes of this subsection, the term 'United States' means the several States of the United States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).".

(b) RELOCATION SERVICES.—Section 5724c of title 5, United State Code, is amended to read as follows:

"§ 5724c. Relocation services

"Under regulations prescribed under section 5737, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence.".

SEC. 1414. AUTHORITY TO PAY FOR PROPERTY MANAGEMENT SERVICES.

Section 5724a of title 5, United States Code, is further amended—

(1) in subsection (d) (as added by section 1413 of this title)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, instead of expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence."; and

(2) by adding at the end the following new subsection:

"(e) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, the expenses of property management services when the employee transfers to a post of duty outside the United States as defined in subsection (d) of this section. Such payment shall terminate upon return of the employee to an official station within the United States as defined in subsection (d) of this section.".

SEC. 1415. AUTHORITY TO TRANSPORT A PRIVATELY OWNED MOTOR VEHICLE WITHIN THE CONTINENTAL UNITED STATES.

(a) IN GENERAL.—Section 5727 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) Under regulations prescribed under section 5737, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government."; and

(3) in subsection (e) (as so redesignated), by striking "subsection (b) of this section" and by inserting "subsection (b) or (c) of this section".

(b) AVAILABILITY OF APPROPRIATIONS.—(1) Section 5722(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c).".

(2) Section 5723(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" after the semicolon at the end of paragraph (2); and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c);".

SEC. 1416. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5736. Relocation expenses of an employee who is performing an extended assignment

"(a) Under regulations prescribed under section 5737, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

"(1) Travel expenses to and from the assignment location in accordance with section 5724.

"(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

"(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724a(a).

"(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724a(b).

"(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c).

"(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

"(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

"(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

"(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724(a).

"(10) Expenses of property management services.

"(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5735 the following new item:

"5736. Relocation expenses of an employee who is performing an extended assignment.".

SEC. 1417. AUTHORITY TO PAY A HOME MARKETING INCENTIVE.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5756. Home marketing incentive payment

"(a) Under such regulations as the Administrator of General Services may prescribe, an agency may pay to an employee who transfers in the interest of the Government an amount, not to exceed a maximum payment amount established by the Administrator in consultation with the Director of the Office of Management and Budget, to encourage the employee to aggressively market the employee's residence at the old official station when—

"(1) the residence is entered into a program established under a contract in accordance with section 5724c of this chapter, to arrange for the purchase of the residence;

"(2) the employee finds a buyer who completes the purchase of the residence through the program; and

"(3) the sale of the residence to the individual results in a reduced cost to the Government.

"(b) For fiscal years 1997 and 1998, the Administrator shall establish a maximum payment amount of 5 percent of the sales price of the residence.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting at the end the following:

"5756. Home marketing incentive payment.".

SEC. 1418. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsections:

"(g)(1) Subject to paragraph (2), an employee who is reimbursed under subsections (a) through (f) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses—

"(A) not to exceed 2 weeks' basic pay, if such employee has an immediate family; or

"(B) not to exceed 1 week's basic pay, if such employee does not have an immediate family.

"(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS–13 of the General Schedule.

"(h) A former employee separated by reason of reduction in force or transfer of function who within 1 year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred, may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) through (g) of this section, in the same manner as though such employee had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

"(i) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section shall not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

"(j) Subsections (a), (b), and (c) shall be implemented under regulations issued under section 5737.".

(2) Section 3375 of title 5, United States Code, is amended—

(A) in subsection (a)(3), by striking "section 5724a(a)(1) of this title" and inserting "section 5724a(a) of this title";

(B) in subsection (a)(4), by striking "section 5724a(a)(3) of this title" and inserting "section 5724a(c) of this title"; and

(C) in subsection (a)(5), by striking "section 5724a(b) of this title" and inserting "section 5724a(g) of this title".

(3) Section 5724(e) of title 5, United States Code, is amended by striking "section 5724a(a), (b) of this title" and inserting "section 5724a(a) through (g) of this title".

(b) MISCELLANEOUS.—(1) Section 707 of title 38, United States Code, is amended—

(A) in subsection (a)(6), by striking "Section 5724a(a)(3)" and inserting "Section 5724a(c)"; and

(B) in subsection (a)(7), by striking "Section 5724a(a)(4)" and inserting "section 5724a(d)".

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) in subsection (g)(2)(A), by striking "5724a(a)(1)" and inserting "5724a(a)"; and

(B) in subsection (g)(2)(A), by striking "5724a(a)(3)" and inserting "5724a(c)".

(3) Section 925 of the Public Health Service Act (42 U.S.C. 299c–4) is amended—

(A) in subsection (f)(2)(A), by striking "5724a(a)(1)" and inserting "5724a(a)"; and

(B) in subsection (f)(2)(A), by striking "5724a(a)(3)" and inserting "5724a(c)".

Subtitle B—Miscellaneous Provisions

SEC. 1431. REPEAL OF THE LONG-DISTANCE TELEPHONE CALL CERTIFICATION REQUIREMENT.

Section 1348 of title 31, United States Code, is amended—

(1) by striking the last sentence of subsection (a)(2);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1432. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

"§ 5737. Regulations

"(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

"(2) Notwithstanding any limitation of this subchapter, in promulgating regulations under paragraph (1) of this subsection, the Administrator of General Services shall include a provision authorizing the head of an agency or his designee to waive any limitation of this subchapter or in any implementing regulation for any employee relocating to or from a remote or isolated location who would otherwise suffer hardship.

"(b) The Administrator of General Services shall prescribe regulations necessary for the implementation of section 5724b of this subchapter in consultation with the Secretary of the Treasury.

"(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this subchapter.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is further amended by inserting after the item relating to section 5736 the following new item:

"5737. Regulations.".

(c) CONFORMING AMENDMENTS.—(1) Section 5722 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe", and inserting "Under regulations prescribed under section 5737 of this title".

(2) Section 5723 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe", and inserting "Under regulations prescribed under section 5737 of this title".

(3) Section 5724 of title 5, United States Code, is amended—

(A) in subsections (a) through (c), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title";

(B) in subsections (c) and (e), by striking "under regulations prescribed by the President" and inserting "under regulations prescribed under section 5737 of this title"; and

(C) in subsection (f), by striking "under the regulations of the President" and inserting "under regulations prescribed under section 5737 of this title".

(4) Section 5724b of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

(5) Section 5726 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "as the President may by regulation authorize" and inserting "as authorized under regulations prescribed under section 5737 of this title"; and

(B) in subsections (b) and (c), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "under regulations prescribed under section 5737 of this title".

(6) Section 5727(b) of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title".

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title".

(9) Section 5731 of title 5, United States Code, is amended by striking "in accordance with regulations prescribed by the President" and inserting "in accordance with regulations prescribed under section 5737 of this title".

SEC. 1433. REPORT ON ASSESSMENT OF COST SAVINGS.

No later than 1 year after the effective date of the final regulations issued under section 1434(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

SEC. 1434. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1997".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Total
Alabama	Fort Rucker	$3,250,000
California	Camp Roberts	$5,500,000
	Naval Weapons Station, Concord	$27,000,000
Colorado	Fort Carson	$13,000,000
District of Columbia	Fort McNair	$6,900,000
Georgia	Fort Benning	$53,400,000
	Fort McPherson	$3,500,000
	Fort Stewart	$6,000,000
Hawaii	Schofield Barracks	$16,500,000
Kansas	Fort Riley	$29,350,000
Kentucky	Fort Campbell	$67,600,000
	Fort Knox	$13,000,000
Louisiana	Fort Polk	$4,800,000
New Mexico	White Sands Missile Range	$10,000,000
New York	Fort Drum	$6,500,000
Texas	Fort Hood	$40,900,000
	Fort Sam Houston	$3,100,000
Virginia	Fort Eustis	$3,550,000
Washington	Fort Lewis	$54,600,000
CONUS Classified	Classified Locations	$4,600,000
	Total:	$373,050,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Total
Germany	Spinellii Barracks, Mannheim	$8,100,000
	Taylor Barracks, Mannheim	$9,300,000
Italy	Camp Ederle	$3,100,000
Korea	Camp Casey	$16,000,000
	Camp Red Cloud	$14,000,000
Overseas Classified	Classified Locations	$64,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$134,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Total
Hawaii	Schofield Barracks	54 Units	$10,000,000
North Carolina	Fort Bragg	88 Units	$9,800,000

Army: Family Housing—Continued

State	Installation	Purpose	Total
Texas	Fort Hood	140 Units	$18,500,000
		Total:	$38,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,083,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $109,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,910,897,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $373,050,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $134,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,748,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $152,133,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,212,466,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$3,920,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$4,020,000
	Marine Corps Air Station, Camp Pendleton	$6,240,000
	Marine Corps Base, Camp Pendleton	$51,630,000
	Marine Corps Recruit Depot, San Diego	$8,150,000
	Naval Air Station, North Island	$76,872,000
	Naval Facility, San Clemente Island	$17,000,000
	Naval Station, San Diego	$7,050,000
	Naval Command Control & Ocean Surveillance Center, San Diego	$1,960,000
Connecticut	Naval Submarine Base, New London	$13,830,000
District of Columbia	Naval District, Commandant, Washington	$19,300,000
Florida	Naval Air Station, Key West	$2,250,000
Hawaii	Naval Station, Pearl Harbor	$19,600,000
	Naval Submarine Base, Pearl Harbor	$35,890,000
Idaho	Naval Surface Warfare Center, Bayview	$7,150,000
Illinois	Naval Training Center, Great Lakes	$22,900,000
Maryland	Naval Air Warfare Center, Patuxent River	$1,270,000
	United States Naval Academy	$10,480,000
Mississippi	Naval Station, Pascagoula	$4,990,000
	Stennis Space Center	$7,960,000
Nevada	Naval Air Station, Fallon	$20,600,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,630,000
	Marine Corps Air Station, New River	$17,040,000
	Marine Corps Base, Camp LeJeune	$20,750,000
Rhode Island	Naval Undersea Warfare Center	$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Island	$2,550,000
Texas	Naval Station, Ingleside	$16,850,000
	Naval Air Station, Kingsville	$1,810,000
Virginia	Armed Forces Staff College, Norfolk	$12,900,000
	Marine Corps Combat Development Command, Quantico	$14,570,000
	Naval Station, Norfolk	$47,920,000
	Naval Surface Warfare Center, Dahlgren	$8,030,000
Washington	Naval Station, Everett	$25,740,000
	Total:	$521,752,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	$5,980,000
Greece	Naval Support Activity, Souda Bay	$7,050,000
Italy	Naval Air Station, Sigonella	$15,700,000
	Naval Support Activity, Naples	$8,620,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
Puerto Rico	Naval Station, Roosevelt Roads	$23,600,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$4,700,000
	Total:	$65,650,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
Arizona	Marine Corps Air Station, Yuma	Community Center	$709,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Community Center	$1,982,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	Housing Office	$956,000
	Marine Corps Base, Camp Pendleton	128 Units	$19,483,000
	Naval Air Station, Lemoore	276 Units	$39,837,000
	Navy Public Works Center, San Diego	366 Units	$48,719,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	54 Units	$11,676,000
	Navy Public Works Center, Pearl Harbor	264 Units	$52,586,000
Maryland	Naval Air Warfare Center, Patuxent River	Community Center	$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune	Community Center	$845,000
Virginia	AEGIS Combat Systems Center, Wallops Island	20 Units	$2,975,000
	Naval Security Group Activity, Northwest	Community Center	$741,000
Washington	Naval Station, Everett	100 Units	$15,015,000
	Naval Submarine Base, Bangor	Housing Office	$934,000
		Total:	$197,691,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $23,142,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $189,383,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at various locations in the amount of $300,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,054,793,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $515,952,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $65,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,115,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,519,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $300,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $410,216,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,014,241,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,000,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$7,875,000
Alaska	Eielson Air Force Base	$3,900,000
	Elmendorf Air Force Base	$21,530,000
	King Salmon Air Force Base	$5,700,000
Arizona	Davis–Monthan Air Force Base	$9,920,000
Arkansas	Little Rock Air Force Base	$18,105,000
California	Beale Air Force Base	$14,425,000
	Edwards Air Force Base	$20,080,000
	Travis Air Force Base	$14,980,000
	Vandenberg Air Force Base	$3,290,000
Colorado	Buckley Air National Guard Base	$17,960,000
	Falcon Air Force Station	$2,095,000
	Peterson Air Force Base	$20,720,000
	United States Air Force Academy	$12,165,000
Delaware	Dover Air Force Base	$19,980,000
Florida	Eglin Air Force Base	$4,590,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Eglin Auxiliary Field 9	$6,825,000
	Patrick Air Force Base	$10,495,000
	Tyndall Air Force Base	$3,600,000
Georgia	Moody Air Force Base	$3,350,000
	Robins Air Force Base	$25,045,000
Idaho	Mountain Home Air Force Base	$15,945,000
Kansas	McConnell Air Force Base	$25,830,000
Louisiana	Barksdale Air Force Base	$4,890,000
Maryland	Andrews Air Force Base	$8,140,000
Mississippi	Keesler Air Force Base	$14,465,000
Montana	Malmstrom Air Force Base	$6,300,000
Nevada	Indian Springs Air Force Auxiliary Air Field	$4,690,000
	Nellis Air Force Base	$14,700,000
New Jersey	McGuire Air Force Base	$8,080,000
New Mexico	Cannon Air Force Base	$7,100,000
	Kirtland Air Force Base	$16,300,000
North Carolina	Pope Air Force Base	$5,915,000
	Seymour Johnson Air Force Base	$11,280,000
North Dakota	Grand Forks Air Force Base	$12,470,000
	Minot Air Force Base	$3,940,000
Ohio	Wright–Patterson Air Force Base	$7,400,000
Oklahoma	Tinker Air Force Base	$9,880,000
South Carolina	Charleston Air Force Base	$43,110,000
	Shaw Air Force Base	$14,465,000
South Dakota	Ellsworth Air Force Base	$4,150,000
Tennessee	Arnold Engineering Development Center	$6,781,000
Texas	Dyess Air Force Base	$5,895,000
	Kelly Air Force Base	$3,250,000
	Lackland Air Force Base	$9,413,000
	Sheppard Air Force Base	$9,400,000
Utah	Hill Air Force Base	$3,690,000
Virginia	Langley Air Force Base	$8,005,000
Washington	Fairchild Air Force Base	$18,155,000
	McChord Air Force Base	$57,065,000
	Total:	$607,334,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$5,370,000
	Spangdahlem Air Base	$1,890,000
Italy	Aviano Air Base	$10,066,000
Korea	Osan Air Base	$9,780,000
Turkey	Incirlik Air Base	$7,160,000
United Kingdom	Croughton Royal Air Force Base	$1,740,000
	Lakenheath Royal Air Force Base	$17,525,000
	Mildenhall Royal Air Force Base	$6,195,000
Overseas Classified	Classified Locations	$18,395,000
	Total:	$78,115,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alaska	Eielson Air Force Base	72 units	$21,127,000
		Fire Station	$2,950,000
California	Beale Air Force Base	56 units	$8,893,000
	Travis Air Force Base	70 units	$8,631,000
	Vandenberg Air Force Base	112 units	$20,891,000
District of Columbia	Bolling Air Force Base	40 units	$5,000,000
Florida	Eglin Auxiliary Field 9	1 unit	$249,000
	MacDill Air Force Base	56 units	$8,822,000
	Patrick Air Force Base	Housing Maintenance Facility.	$853,000
		Housing Support & Storage Facility.	$756,000
		Housing Office	$821,000
Louisiana	Barksdale Air Force Base	80 units	$9,570,000
Massachusetts	Hanscom Air Force Base	32 units	$5,100,000
Missouri	Whiteman Air Force Base	68 units	$9,600,000
Montana	Malmstrom Air Force Base	20 units	$5,242,000
New Mexico	Kirtland Air Force Base	87 units	$11,850,000
North Dakota	Grand Forks Air Force Base	66 units	$7,784,000
	Minot Air Force Base	46 units	$8,740,000
Texas	Lackland Air Force Base	50 units	$6,500,000
		Housing Office	$450,000
		Housing Maintenance Facility.	$350,000
Washington	McChord Air Force Base	40 units	$5,659,000
United Kingdom	Lakenheath Royal Air Force Base	Family Housing, Phase I	$8,300,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
		Total:	$158,138,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,350,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $94,550,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,844,786,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $607,334,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $78,115,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,328,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $53,497,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $265,038,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $829,474,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Munitions Destruction.		
	Pueblo Army Depot, Colorado	$179,000,000
Defense Finance & Accounting Service.		
	Norton Air Force Base, California	$13,800,000
	Naval Training Center, Orlando, Florida	$2,600,000
	Rock Island Arsenal, Illinois	$14,400,000
	Loring Air Force Base, Maine	$6,900,000
	Offutt Air Force Base, Nebraska	$7,000,000
	Griffiss Air Force Base, New York	$10,200,000
	Gentile Air Force Station, Ohio	$11,400,000
	Charleston, South Carolina	$6,200,000
Defense Intelligence Agency.		
	Bolling Air Force Base, District of Columbia	$6,790,000
	National Ground Intelligence Center, Charlottesville, Virginia	$2,400,000
Defense Logistics Agency.		
	Elmendorf Air Force Base, Alaska	$21,000,000
	Defense Distribution, San Diego, California	$15,700,000
	Naval Air Facility, El Centro, California	$5,700,000
	Travis Air Force Base, California	$15,200,000
	McConnell Air Force Base, Kansas	$2,200,000
	Barksdale Air Force Base, Louisiana	$4,300,000
	Andrews Air Force Base, Maryland	$12,100,000
	Naval Air Station, Fallon, Nevada	$2,100,000
	Defense Construction Supply Center, Columbus, Ohio	$600,000
	Altus Air Force Base, Oklahoma	$3,200,000
	Shaw Air Force Base, South Carolina	$2,900,000
	Naval Air Station, Oceana, Virginia	$1,500,000
Defense Medical Facility Office.		
	Maxwell Air Force Base, Alabama	$25,000,000
	Marine Corps Base, Camp Pendleton, California	$3,300,000
	Naval Air Station, Lemoore, California	$38,000,000
	Naval Air Station, Key West, Florida	$15,200,000
	Andrews Air Force Base, Maryland	$15,500,000
	Fort Bragg, North Carolina	$11,400,000
	Charleston Air Force Base, South Carolina	$1,300,000
	Fort Bliss, Texas	$6,600,000
	Fort Hood, Texas	$1,950,000
	Naval Air Station, Norfolk, Virginia	$1,250,000
Special Operations Command.		
	Naval Amphibious Base, Coronado, California	$7,700,000
	Naval Station, Ford Island, Pearl Harbor, Hawaii	$12,800,000
	Fort Campbell, Kentucky	$4,200,000
	Fort Bragg, North Carolina	$14,000,000
	Total:	$505,390,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.		

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Defense Medical Facility Office.	Naval Air Station, Sigonella, Italy	$6,100,000
	Moron Air Base, Spain	$12,958,000
	Administrative Support Unit, Bahrain, Bahrain	$4,600,000
	Total:	$23,658,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $500,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,871,000.

SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.

(a) AVAILABILITY OF FUNDS FOR CREDIT TO FAMILY HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(15)(C) shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR CREDIT TO UNACCOMPANIED HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(14) shall be available for crediting to the Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of title 10, United States Code.

(c) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title with respect to military family housing and may use funds credited to the Department of Defense Military Unaccompanied Housing Improvement Fund under subsection (b) to carry out any activities authorized by that subchapter with respect to military unaccompanied housing.

SEC. 2405. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $3,399,166,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $340,287,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $23,658,000.

(3) For military construction projects at Naval Hospital, Portsmouth, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $24,000,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $92,000,000.

(5) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $89,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), $46,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (108 Stat. 3040), $64,000,000.

(8) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $20,822,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,500,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,874,000.

(11) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $14,239,000.

(12) For energy conservation projects under section 2865 of title 10, United States Code, $47,765,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,507,476,000.

(14) For credit to the Department of Defense Military Unaccompanied Housing Improvement Fund as authorized by section 2404(b) of this Act, $5,000,000.

(15) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,371,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $30,963,000, of which not more than $25,637,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2404(a) of this Act, $20,000,000.

(D) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $36,181,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $161,503,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Pueblo Army Depot, Colorado); and

(3) $1,600,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a replacement facility for the medical and dental clinic, Key West Naval Air Station, Florida).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Security Investment program as authorized by section 2501, in the amount of $172,000,000.

SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE PROGRAM.

(a) REDESIGNATION.—Subsection (b) of section 2806 of title 10, United States Code, is amended by striking out "North Atlantic Treaty Organization Infrastructure program" and inserting in lieu thereof "North Atlantic Treaty Organization Security Investment program".

(b) REFERENCES.—Any reference to the North Atlantic Treaty Organization Infrastructure program in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the North Atlantic Treaty Organization Security Investment program.

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"§ 2806. Contributions for North Atlantic Treaty Organizations Security Investment".

(2) The table of sections at the beginning of subchapter I of chapter 169 of title 10, United

States Code, is amended by striking out the item relating to section 2806 and inserting in lieu thereof the following:

"2806. Contributions for North Atlantic Treaty Organizations Security Investment.".

(d) CONFORMING AMENDMENTS.—(1) Section 2861(b)(3) of title 10, United States Code, is amended by striking out "North Atlantic Treaty Organization Infrastructure program" and inserting in lieu thereof "North Atlantic Treaty Organization Security Investment program".

(2) Section 21(h)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(B)) is amended by striking out "North Atlantic Treaty Organization Infrastructure Program" and inserting in lieu thereof "North Atlantic Treaty Organization Security Investment program".

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1996, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $94,528,000: Notwithstanding any other provision of this Act, none of the funds authorized for construction, phase I, of a combined support maintenance shop at Camp Guernsey, Wyoming may be obligated until the Secretary of Defense certifies to Congress that the project is in the future years defense plan; and

(B) for the Army Reserve, $59,174,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $32,743,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $209,884,000; and

(B) for the Air Force Reserve, $54,770,000.

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

"(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2000.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2000 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
New Jersey	Picatinny Arsenal	Advance Warhead Development Facility.	$4,400,000
North Carolina	Fort Bragg	Land Acquisition	$15,000,000
Wisconsin	Fort McCoy	Family Housing Construction (16 units).	$2,950,000

Navy: Extension of 1994 Project Authorizations

State or Location	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000
New Jersey	Earle Naval Weapons Station	Explosives Holding Yard	$1,290,000
Virginia	Oceana Naval Air Station	Jet Engine Test Cell Replacement.	$5,300,000
Various Locations	Various Locations	Land Acquisition Inside the United States.	$540,000
Various Locations	Various Locations	Land Acquisition Outside the United States.	$800,000

Air Force: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Upgrade Water Treatment Plant.	$3,750,000
	Elmendorf Air Force Base	Corrosion Control Facility	$5,975,000
California	Beale Air Force Base	Educational Center	$3,150,000
Florida	Tyndall Air Force Base	Base Supply Logistics Center.	$2,600,000
Mississippi	Keesler Air Force Base	Upgrade Student Dormitory	$4,500,000
North Carolina	Pope Air Force Base	Add To and Alter Dormitories.	$4,300,000
Virginia	Langley Air Force Base	Fire Station	$3,850,000

Army National Guard: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Birmingham	Aviation Support Facility	$4,907,000
Arizona	Marana	Organization Maintenance Shop.	$553,000
	Marana	Dormitory/Dining Facility	$2,919,000
California	Fresno	Organization Maintenance Shop Modification.	$905,000
	Van Nuys	Armory Addition	$6,518,000
New Mexico	White Sands Missile Range	Organization Maintenance Shop.	$2,940,000
	White Sands Missile Range	Tactical Site	$1,995,000
	White Sands Missile Range	Mobilization and Training Equipment Site.	$3,570,000
Pennsylvania	Indiantown Gap	State Military Building	$9,200,000
	Johnstown	Armory Addition/Flight Facility.	$5,004,000
	Johnstown	Armory	$3,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

Air Force: Extension of 1993 Project Authorization

Country	Installation or location	Project	Amount
Portugal	Lajes Field	Water Wells	$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Tuscaloosa	Armory	$2,273,000
	Union Springs	Armory	$813,000

SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047) and section 2703(a) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2705. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECT.—Subsection (a) applies to the following military construction project:

(1) Phase II, Construction, Consolidated Education Center, Fort Campbell, Kentucky.

(2) Phase III, Construction, Western Kentucky Training Site.

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) O&M FUNDING FOR PROJECTS.—Section 2805(c)(1)(B) of title 10, United States Code, is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

(b) O&M FUNDING FOR RESERVE COMPONENT FACILITIES.—Subsection (b) of section 18233a of such title is amended by striking out "$300,000" and inserting in lieu thereof "$500,000".

(c) NOTIFICATION FOR EXPENDITURES AND CONTRIBUTIONS FOR RESERVE COMPONENT FACILITIES.—Subsection (a)(1) of such section 18233a is amended by striking out "$400,000" and inserting in lieu thereof "$1,500,000".

SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE MILITARY FAMILY HOUSING.

(a) EXCLUSION OF MINOR MAINTENANCE AND REPAIR.—Subsection (a)(2) of section 2825 of title 10, United States Code, is amended by inserting "(other than day-to-day maintenance or repair work)" after "work".

(b) APPLICABILITY OF LIMITATION ON FUNDS FOR IMPROVEMENTS.—Subsection (b)(2) of such section is amended—

(1) by striking out "the cost of repairs" and all that follows through "in connection with" and inserting in lieu thereof "of the unit or units concerned the cost of maintenance or repairs undertaken in connection with the improvement of the unit or units and any cost (other than the cost of activities undertaken beyond a distance of five feet from the unit or units) in connection with"; and

(2) by inserting ", drives," after "roads".

SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-OF-WAY.

(a) EASEMENTS FOR ELECTRIC POLES AND LINES AND FOR COMMUNICATIONS LINES AND FACILITIES.—Section 2668(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (13); and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) poles and lines for the transmission or distribution of electric power;

"(11) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals);

"(12) structures and facilities for the transmission, reception, and relay of such signals; and".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3), by striking out ", telephone lines, and telegraph lines,"; and

(2) in paragraph (13), as redesignated by subsection (a)(2), by striking out "or by the Act of March 4, 1911 (43 U.S.C. 961)".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE CLOSURE LAW TO TRANSFER PROPERTY AND FACILITIES TO OTHER ENTITIES IN THE DEPARTMENT OF DEFENSE.

(a) RESTORATION OF AUTHORITY.—Section 204(b)(2) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) The Secretary may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.".

(b) RATIFICATION OF TRANSFERS—Any transfer by the Secretary of Defense of real property or facilities at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) to a military department or other entity of the Department of Defense or the Coast Guard during the period beginning on November 30, 1993, and ending on the date of the enactment of this Act is hereby ratified.

SEC. 2812. AGREEMENTS FOR SERVICES AT INSTALLATIONS AFTER CLOSURE.

(a) 1988 LAW.—Section 204(b)(8)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by inserting ", or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this title," after "under this title".

(b) 1990 LAW.—Section 2905(b)(8)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting ", or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this part," after "under this part".

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled "Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial";

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

(b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1) The Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 2.43 acres, located in the Memorial Drive entrance area to Arlington National Cemetery.

(2)(A) The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 0.17 acres, located at Arlington National Cemetery, and known as the Old Administrative Building site. The site is part of the original reservation of Arlington National Cemetery.

(B) In connection with the transfer under subparagraph (A), the Secretary of the Army shall grant to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred under that subparagraph.

(3) The exact acreage and legal descriptions of the lands to be transferred pursuant to this subsection shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army. The costs of such surveys shall be borne by the Secretary of the Army.

SEC. 2822. LAND TRANSFER, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—Subject to subsection (b), the Secretary of the Navy shall transfer, without consideration other than the reimbursement provided for in subsection (d), to the United States Institute of Peace (in this section referred to as the "Institute") administrative jurisdiction over a parcel of real property, including any improvements thereon, consisting of approximately 3 acres, at the northwest corner of Twenty-third Street and Constitution Avenue, Northwest, District of Columbia, the site of the Potomac Annex.

(b) CONDITION.—The Secretary may not make the transfer specified in subsection (a) unless the Institute agrees to provide the Navy a number of parking spaces at or in the vicinity of the headquarters to be constructed on the parcel transferred equal to the number of parking spaces available to the Navy on the parcel as of the date of the transfer.

(c) REQUIREMENT RELATING TO TRANSFER.—The transfer specified in subsection (a) may not occur until the Institute obtains all permits, approvals, and site plan reviews required by law with respect to the construction on the parcel of a headquarters for operations of the Institute.

(d) COSTS.—The Institute shall reimburse the Secretary for the costs incurred by the Secretary in carrying out the transfer specified in subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be transferred under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Institute.

SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER, MONTPELIER, VERMONT.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may convey, without consideration, to the City of Montpelier, Vermont (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.3 acres and located on Route 2 in Montpelier, Vermont, the site of the Army Reserve Center, Montpelier, Vermont.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION.—The conveyance authorized under subsection (a) shall be subject to the condition that the City agree to lease to the Civil Air Patrol, at no rental charge to the Civil Air Patrol, the portion of the real property and improvements located on the parcel to be conveyed that the Civil Air Patrol leases from the Secretary as of the date of the enactment of this Act.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE FACILITY, LEWES, DELAWARE.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the State of Delaware (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 16.8 acres at the site of the former Naval Reserve Facility, Lewes, Delaware.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(d) REVERSION.—If the Secretary of the Interior determines at any time that the real property conveyed pursuant to this section is not being used for a purpose specified in subsection (b), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the State.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, RADAR BOMB SCORING SITE, BELLE FOURCHE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Air Force may convey, without consideration, to the Belle Fourche School District, Belle Fourche, South Dakota (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 37 acres located in Belle Fourche, South Dakota, which has served as the location of a support complex and housing facilities for Detachment 21 of the 554th Range Squadron, an Air Force radar bomb scoring site. The conveyance may not include any portion of the radar bomb scoring site located in the State of Wyoming.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the District—

(1) use the property and facilities conveyed under that subsection for education, economic development, or housing purposes; or

(2) enter into an agreement with an appropriate public or private entity to sell or lease the property and facilities to such entity for such purposes.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. CONVEYANCE OF PRIMATE RESEARCH COMPLEX, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), or any regulations prescribed thereunder, the Secretary of the Air Force may convey all right, title, and interest of the United States in and to the primate research complex at Holloman Air Force Base, New Mexico. The conveyance shall include the colony of chimpanzees owned by the Air Force that are housed at or managed from the primate research complex. The conveyance may not include the real property on which the primate research complex is located.

(b) COMPETITIVE PROCEDURES REQUIRED.—The Secretary shall use competitive procedures in selecting the person or entity to which to make the conveyance authorized by subsection (a).

(c) STANDARDS TO BE USED IN SOLICITATION OF BIDS.—The Secretary shall develop standards for the care and use of the primate research complex, and of chimpanzees, to be used in soliciting bids for the conveyance authorized by subsection (a). The Secretary shall develop such standards in consultation with the Secretary of Agriculture and the Director of the National Institutes of Health.

(d) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the followings conditions:

(1) That the recipient of the primate research complex—

(A) utilize any chimpanzees included in the conveyance only for scientific research or medical research purposes; or

(B) retire and provide adequate care for such chimpanzees.

(2) That the recipient of the primate research complex assume from the Secretary any leases at the primate research complex that are in effect at the time of the conveyance.

(e) DESCRIPTION OF COMPLEX.—The exact legal description of the primate research complex to be conveyed under subsection (a) shall be determined by a survey or other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the recipient of the primate research complex.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. DEMONSTRATION PROJECT FOR INSTALLATION AND OPERATION OF ELECTRIC POWER DISTRIBUTION SYSTEM AT YOUNGSTOWN AIR RESERVE STATION, OHIO.

(a) AUTHORITY.—The Secretary of the Air Force may carry out a demonstration project to assess the feasibility and advisability of permitting private entities to install, operate, and maintain electric power distribution systems at military installations. The Secretary shall carry out the demonstration project through an agreement under subsection (b).

(b) AGREEMENT.—(1) In order to carry out the demonstration project, the Secretary shall enter into an agreement with an electric utility or other company in the Youngstown, Ohio, area under which the utility or company, as the case may be, installs, operates, and maintains (in a manner satisfactory to the Secretary and the utility or company) an electric power distribution system at Youngstown Air Reserve Station, Ohio.

(2) The Secretary may not enter into an agreement under this subsection until—

(A) the Secretary submits to the congressional defense committees a report on the agreement to be entered into, including the costs to be incurred by the United States under the agreement; and

(B) a period of 21 days has elapsed from the date of the receipt of the report by the committees.

(c) LICENSES AND EASEMENTS.—In order to facilitate the installation, operation, and maintenance of the electric power distribution system under the agreement under subsection (b), the Secretary may grant the utility or company with which the Secretary enters into the agreement such licenses, easements, and rights-of-way as the Secretary and the utility or company, as the case may be, jointly determine necessary for such purposes.

(d) OWNERSHIP OF SYSTEM.—The agreement between the Secretary and the utility or company under subsection (b) may provide that the utility or company, as the case may be, shall own the electric power distribution system installed under the agreement.

(e) RATES.—The rates charged by the utility or company for providing and distributing electric power at Youngstown Air Reserve Station through the electric power distribution system installed under the agreement under subsection (b) may not include the costs, including the amortization of any costs, incurred by the utility or company, as the case may be, in installing the system.

(f) REPORTS.—Not later than February 1, 1997, and February 1 of each year following a year in which the Secretary carries out the demonstration project under this section, the Secretary shall submit to the congressional defense committees a report on the project. The report shall include the Secretary's current assessment of the project and the recommendations, if any, of the Secretary of extending the authority with respect to the project to other facilities and installations of the Department of Defense.

(g) FUNDING.—In order to pay the costs of the United States under the agreement under subsection (b), the Secretary may use funds authorized to be appropriated by section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 540) for the purpose of rebuilding the electric power distribution system at the Youngstown Air Reserve Station that were appropriated for that purpose by the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 283) and that remain available for obligation for that purpose as of the date of the enactment of this Act.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the agreement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT SILL, OKLAHOMA.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—

(1) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 400 acres and comprising a portion of Fort Sill, Oklahoma.

(2) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under paragraph (1) as a national cemetery under chapter 24 of title 38, United States Code.

(3) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under paragraph (1) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the recipient of the real property.

SEC. 2829. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

SEC. 2830. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

SEC. 2831. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

SEC. 2832. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled "Fort Polk Military Installation map", dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

SEC. 2834. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the "airport parcel" in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the "Alliance"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under law applicable regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in paragraph (1) the property conveyed under this section, all rights, title, and interest in and to the property shall revert to the United States and the United States shall have immediate rights of entry thereon.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the "Bioplex", and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) SALE OF PROPERTY BY ALLIANCE.—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) MISSILE RANGE.—The term "missile range" means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term "monument" means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled "White

Sands National Monument, Boundary Proposal", numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. 2837. BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the "monument") are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprising approximately 4.47 acres depicted on the map entitled "Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,636,767,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,112,570,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,337,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,250,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,100,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $14,100,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $17,100,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $7,787,000.

(2) For inertial fusion, $366,460,000, to be allocated as follows:

(A) For operation and maintenance, $234,560,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 96–D–111, national ignition facility, location to be determined, $131,900,000.

(3) For technology transfer and education, $69,400,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $1,988,831,000, to be allocated as follows:

(1) For operation and maintenance, $1,894,470,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $94,361,000, to be allocated as follows:

Project 97–D–121, consolidated pit packaging system, Pantex Plant, Amarillo, Texas, $870,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $1,400,000.

Project 97–D–124, steam plant waste water treatment facility upgrade, Y–12 plant, Oak Ridge, Tennessee, $600,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $100,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 plant, Oak Ridge, Tennessee, $7,000,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $3,825,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 plant, Oak Ridge, Tennessee, $10,900,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 plant, Oak Ridge, Tennessee, $4,900,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,200,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,200,000.

Project 93–D–122, life safety upgrades, Y–12 plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, non-nuclear reconfiguration, complex-21, various locations, $14,487,000.

Project 88–D–122, facilities capability assurance program, various locations, $21,940,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $9,739,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out weapons activities necessary for national security programs in the amount of $323,404,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,777,194,000.

(b) WASTE MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,601,653,000, to be allocated as follows:

(1) For operation and maintenance, $1,513,326,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related

thereto), $88,327,000, to be allocated as follows:

Project 97–D–402, tank restoration and safe operations, Richland, Washington, $7,584,000.

Project 96–D–408, waste management upgrades, various locations, $11,246,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $752,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $200,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $6,345,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,600,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $8,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $20,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $10,000,000.

(c) Technology Development.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $328,771,000.

(d) Nuclear Materials and Facilities Stabilization.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $994,821,000, to be allocated as follows:

(1) For operation and maintenance, $909,664,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $85,157,000, to be allocated as follows:

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $7,900,000.

Project 97–D–451, B–plant safety class ventilation upgrades, Richland, Washington, $1,500,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $60,672,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,440,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,645,000.

(e) Policy and Management.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 policy and management activities (including development and direction of policy, training and education, and management) in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $26,155,000.

(f) Site Operations.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for site operations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $363,469,000, to be allocated as follows:

(1) For operation and maintenance, $331,054,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $32,415,000, to be allocated as follows:

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $6,790,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $2,500,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,541,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 95–E–600, hazardous materials management and emergency response training center, Richland, Washington, $7,900,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $4,137,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $547,000.

(g) Environmental Science and Risk Policy.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental science and risk policy activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $52,136,000.

(h) Environmental Management Privatization.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental management privatization activities in carrying out environmental restoration and waste management necessary for national security programs in the amount of $185,000,000.

(i) Program Direction.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $436,511,000.

(j) Adjustments.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (i) reduced by the sum of—

(1) $150,400,000, for use of prior year balances; and

(2) $8,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for other defense activities in carrying out programs necessary for national security in the amount of $1,560,700,000, to be allocated as follows:

(1) For verification and control technology, $456,348,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $204,919,000.

(B) For arms control, $216,244,000.

(C) For intelligence, $35,185,000.

(2) For nuclear safeguards and security, $47,208,000.

(3) For security investigations, $22,000,000.

(4) For environment, safety, and health, defense, $53,094,000.

(5) For program direction, environment, safety, and health, defense, $10,706,000.

(6) For worker and community transition assistance, $62,659,000.

(7) For program direction, worker and community transition assistance, $4,341,000.

(8) For fissile materials $93,796,000, to be allocated as follows:

(A) For control and disposition, $73,163,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 97–D–140, consolidated special nuclear materials storage plant, location to be determined, $17,000,000.

(C) For program direction, $3,633,000.

(9) For emergency management, $16,794,000.

(10) For program direction, nonproliferation and national security, $90,622,000.

(11) For naval reactors development, $681,932,000, to be allocated as follows:

(A) For operation and infrastructure, $649,330,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $13,700,000, to be allocated as follows:

Project 97–D–201, advanced test reactor secondary coolant system upgrades Idaho National Engineering Laboratory, Idaho, $400,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $4,800,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $8,000,000.

(C) For program direction, $18,902,000.

(12) For international nuclear safety, $15,200,000.

(13) For nuclear security, $6,000,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $200,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) In General.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TRITIUM PRODUCTION.

(a) ACCELERATION OF TRITIUM PRODUCTION.—(1) The Secretary of Energy shall, during fiscal year 1997, make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements of the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the new tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department relating to the evaluation and demonstration of technologies under the accelerator reactor program and the commercial light water reactor program.

(b) REPORT.—(1) Not later than April 15, 1997, the Secretary shall submit to the Congress a report that sets forth the final decision of the Secretary under subsection (a)(1). The report shall set forth in detail—

(A) the technologies decided on under that subsection; and

(B) the accelerated schedule for the production of tritium decided on under that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1), the Secretary shall submit to Congress on that date a report that explains in detail why the final decision cannot be made by that date.

(c) NEW TRITIUM PRODUCTION FACILITY.—The Secretary shall commence planning and design activities and infrastructure development for a new tritium production facility.

(d) IN-REACTOR TESTS.—The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(e) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101(b)(1)—

(1) not more than $45,000,000 shall be available for research, development, and technology demonstration activities and other activities relating to the production of tritium in accelerators;

(2) not more than $15,000,000 shall be available for the commercial light water reactor project, including activities relating to target development, extraction capability, and reactor acquisition or initial tritium operations; and

(3) not more than $100,000,000 shall be available for other tritium production research activities.

SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall carry out activities to modernize and consolidate the facilities for recycling tritium for weapons at the Savannah River Site, South Carolina, so as to ensure that such facilities have a capacity to recycle tritium from weapons that is adequate to meet the tritium requirements for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(b) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $6,000,000 shall be available for activities under subsection (a).

SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) GENERAL PROGRAM REQUIREMENTS.—Subsection (a) of section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

(1) by inserting "(1)" before "The Secretary of Energy";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; and

(3) by adding at the end the following:

"(2) The purpose of the program carried out under paragraph (1) shall also be to develop manufacturing capabilities and capacities necessary to meet the requirements specified in the annual Nuclear Weapons Stockpile Review.".

(b) REQUIRED CAPABILITIES.—Subsection (b)(3) of such section is amended to read as follows:

"(3) The capabilities of the Savannah River Site relating to tritium recycling and fissile materials components processing and fabrication.".

(c) PLAN AND REPORT.—Not later than March 1, 1997, the Secretary of Energy shall submit to Congress a report containing a plan for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended by this section. The report shall set forth the obligations that the Secretary has incurred, and proposes to incur, during fiscal year 1997 in carrying out the program.

(d) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 shall be available for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as so amended.

SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

(a) LIMITATION.—No funds appropriated or otherwise made available to the Department of Energy for fiscal year 1997 under section 3101 may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(b) ANNUAL REPORT.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the funds expended during the preceding fiscal year on activities under the Department of Energy Laboratory Directed Research and Development Program. The purpose of the report is to permit an assessment of the extent to which such activities support the national security mission of the Department of Energy.

(2) Each report shall be prepared by the officials responsible for Federal oversight of the funds expended on activities under the program.

(3) Each report shall set forth the criteria utilized by the officials preparing the report in determining whether or not the activities reviewed by such officials support the national security mission of the Department.

SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT THE DEFENSE WASTE PROCESSING FACILITY, SAVANNAH RIVER SITE.

The Secretary of Energy shall accelerate the schedule for the isolation of high-level nuclear waste in glass canisters at the Defense Waste Processing Facility at the Savannah River Site if the Secretary determines that the acceleration of such schedule—

(1) will achieve long-term cost savings to the Federal Government; and

(2) could accelerate the removal and isolation of high-level nuclear waste from long-term storage tanks at the site.

SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) IN GENERAL.—In order to provide for an effective response to requirements for managing spent nuclear fuel that is sent to Department of Energy consolidation sites pursuant to the Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement, dated April 1995, there shall be available to the Secretary of Energy, from amounts authorized to be appropriated pursuant to section 3102(b), the following amounts for the purposes stated:

(1) Not more than $65,700,000 for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with Department of Energy aluminum clad spent fuel rods and foreign spent fuel rods in the H-canyon facility and F-canyon facility.

(2) Not more than $80,000,000 for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste associated with Department of Energy non-aluminum clad spent nuclear fuel rods (including naval spent nuclear fuel) for interim storage and final disposition.

(b) UPDATE OF IMPLEMENTATION PLAN.—Not later than April 30, 1997, the Secretary shall submit to Congress a plan which updates the five-year plan required by section 3142(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 622). The updated plan shall include—

(1) the matters required by paragraphs (1) through (4) of such section, current as of the date of the updated plan; and

(2) the assessment of the Secretary of the progress made in implementing the program covered by the plans.

SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 may be used for conducting the fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex required by section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

(b) NOTICE AND WAIT.—The Secretary of Energy may not obligate or expend funds under subsection (a) for the fellowship program referred to in that subsection until—

(1) the Secretary submits to Congress a report setting forth—

(A) the steps the Department has taken to implement the fellowship program;

(B) the amount the Secretary proposes to obligate; and

(C) the purposes for which such amount will be obligated; and

(2) a period of 21 days elapses from the date of the receipt of the report by Congress.

SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.

Notwithstanding any other provision of law and effective as of September 30, 1996, the costs associated with operating and maintaining the infrastructure at the Nevada Test Site, Nevada, with respect to any activities initiated at the site after that date by the Department of Defense pursuant to a work for others agreement may be paid for from funds authorized to be appropriated to the Department of Energy for activities at the Nevada Test Site.

Subtitle D—Other Matters

SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET FOR THE NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

(a) REQUIREMENT.—The Secretary of Energy shall prepare each year a budget for the national security programs of the Department of Energy for the five-year period beginning in the year the budget is prepared. Each budget shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs during the five-year period covered by the budget and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMITTAL.—The Secretary shall submit each year to the congressional defense committees the budget required under subsection (a) in that year at the same time as the President submits to Congress the budget for the coming fiscal year pursuant to such section 1105.

SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1997.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy for any fiscal year after fiscal year 1997 shall—

(1) set forth with respect to each of the activities under the budget (including stockpile stewardship, stockpile management, and program direction) the funding requested to carry out each project or activity that is necessary to meet the requirements of the Nuclear Weapons Stockpile Memorandum; and

(2) identify specific infrastructure requirements arising from the Nuclear Posture Review, the Nuclear Weapons Stockpile Memorandum, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 1997 that is submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

(1) A long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(2) An assessment of the effects of the plans referred to in paragraph (1) on each nuclear weapons laboratory and each nuclear weapons production plant.

(c) DEFINITIONS.—In this section:

(1) The term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

(2) The term "nuclear weapons laboratory" means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(3) The term "nuclear weapons production plant" means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y-12 Plant, Oak Ridge, Tennessee.

SEC. 3153. REPEAL OF REQUIREMENT RELATING TO ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

Section 3151 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3089) is repealed.

SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR MATERIALS AND CLEAN UP NUCLEAR WASTE AT THE SAVANNAH RIVER SITE.

(a) NEAR-TERM PLAN FOR PROCESSING SPENT FUEL RODS.—(1) Not later than March 15, 1997, the Secretary of Energy shall submit to Congress a plan for a near-term program to process the spent nuclear fuel rods described in paragraph (2) in the H-canyon facility and the F-canyon facility at the Savannah River Site. The plan shall include cost projections and resource requirements for the program and identify program milestones for the program.

(2) The spent nuclear fuel rods to be processed under the program referred to in paragraph (1) are the following:

(A) Spent nuclear fuel rods produced at the Savannah River Site.

(B) Spent nuclear fuel rods being sent to the site from other Department of Energy facilities for processing, interim storage, and other treatment.

(C) Foreign nuclear spent fuel rods being sent to the site for processing, interim storage, and other treatment.

(b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—The Secretary shall develop and implement a multi-year plan for the clean-up of nuclear waste at the Savannah River Site that results, or has resulted, from the following:

(1) Nuclear weapons activities carried out at the site.

(2) The processing of Department of Energy domestic and foreign spent nuclear fuel rods at the site.

(c) REQUIREMENT FOR CONTINUING OPERATIONS.—The Secretary shall continue operations and maintain a high state of readiness at the H-canyon facility and the F-canyon facility at the Savannah River Site, and shall provide technical staff necessary to operate and so maintain such facilities, pending the development and implementation of the plan referred to in subsection (b).

SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1997, the Secretary of Energy shall submit to Congress a report which updates the report submitted by the Secretary under section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623). The updated report shall include the matters specified under such section, current as of the date of the updated report.

SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS.

(a) REPORTS BY HEADS OF LABORATORIES AND PLANTS.—In the event of a difficulty at a nuclear weapons laboratory or a nuclear weapons production plant that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or plant, as the case may be, shall submit to the Assistant Secretary of Energy for Defense Programs a report on the difficulty. The head of the laboratory or plant shall submit the report as soon as practicable after discovery of the difficulty.

(b) TRANSMITTAL BY ASSISTANT SECRETARY.—As soon as practicable after receipt of a report under subsection (a), the Assistant Secretary shall transmit the report (together with the comments of the Assistant Secretary) to the congressional defense committees and to the Secretary of Energy and the Secretary of Defense.

(c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—Section 179 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) In addition to the responsibilities set forth in subsection (d), the Council shall also submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.".

(d) DEFINITIONS.—In this section:

(1) The term "nuclear weapons laboratory" means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(2) The term "nuclear weapons production plant" means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y-12 Plant, Oak Ridge, Tennessee.

SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.

Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is amended by striking out "October 1, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program of known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Maintaining United States Nuclear Weapons Expertise" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters relating to nuclear weapons as follows:

(i) Two shall be appointed by the Majority Leader of the Senate (in consultation with the Minority Leader of the Senate).

(ii) One shall be appointed by the Minority Leader of the Senate (in consultation with the Majority Leader of the Senate).

(iii) Two shall be appointed by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives).

(iv) One shall be appointed by the Minority Leader of the House of Representatives (in consultation with the Speaker of the House of Representatives).

(v) Three shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission appointed under subparagraph (A) by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall develop a plan for recruiting and retaining within the Department of Energy nuclear weapons complex such scientific, engineering, and technical personnel as the Commission determines appropriate in order to permit the Department to maintain over the long term a safe and reliable nuclear weapons stockpile without engaging in underground testing.

(2) In developing the plan, the Commission shall—

(A) identify actions that the Secretary may undertake to attract qualified scientific, engineering, and technical personnel to the nuclear weapons complex of the Department; and

(B) review and recommend improvements to the on-going efforts of the Department to attract such personnel to the nuclear weapons complex.

(d) REPORT.—Not later than March 15, 1998, the Commission shall submit to the Secretary and to Congress a report containing the plan developed under subsection (c). The report may include recommendations for legislation and administrative action.

(e) COMMISSION PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties. The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more than $1,000,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY AND SAFETY OF REMAINING NUCLEAR FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is committed to proceeding with a robust science-based stockpile stewardship program with respect to production of nuclear weapons, and to maintaining nuclear weapons production capabilities and capacities, that are adequate—

(A) to ensure the safety, reliability, and performance of the United States nuclear arsenal; and

(B) to meet such changing national security requirements as may result from international developments or technical problems with nuclear warheads.

(2) The United States is committed to reestablishing and maintaining production of nuclear weapons at levels that are sufficient—

(A) to satisfy requirements for the safety, reliability, and performance of United States nuclear weapons; and

(B) to demonstrate and sustain production capabilities and capacities.

(3) The United States is committed to maintaining the nuclear weapons laboratories and protecting core nuclear weapons competencies.

(4) The United States is committed to ensuring the rapid access to a new production source of tritium within the next decade, as it currently has no meaningful capability to produce tritium, a component that is essential to the performance of modern nuclear weapons.

(5) The United States reserves the right, consistent with United States law, to resume underground nuclear testing to maintain confidence in the United States' stockpile of nuclear weapons if warhead design flaws or aging of nuclear weapons result in problems that a robust stockpile stewardship program cannot solve.

(6) The United States is committed to funding the Nevada Test Site at a level that maintains the ability of the United States to resume underground nuclear testing within one year after a national decision to do so is made.

(7) The United States reserves the right to invoke the supreme national interest of the United States and withdraw from any future arms control agreement to limit underground nuclear testing.

(b) SENSE OF THE SENATE REGARDING PRESIDENTIAL CONSULTATION WITH CONGRESS.—It is the sense of the Senate that the President should consult closely with Congress regarding United States policy and practices to ensure confidence in the safety and reliability of the nuclear stockpile of the United States.

(c) SENSE OF THE SENATE REGARDING NOTIFICATION AND CONSULTATION.—It is the sense of the Senate that, upon a determination by the President that a problem with the safety or reliability of the nuclear stockpile has occurred and that the problem cannot be corrected within the stockpile stewardship program, the President shall—

(1) immediately notify Congress of the problem; and

(2) submit to Congress in a timely manner a plan for corrective action with respect to the problem, including—

(A) a technical description of the activities required under the plan; and

(B) if underground testing of nuclear weapons would assist in such corrective action, an assessment of advisability of withdrawing from any treaty that prohibits underground testing of nuclear weapons.

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C)) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

SEC. 3162. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget, a request for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

SEC. 3163. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to

the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3164. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

SEC. 3165. FOREIGN ENVIRONMENTAL TECHNOLOGY.

Section 2536(b) of title 10, United States Code, is amended to read as follows:

(b) WAIVER AUTHORITY.—(1) The Secretary concerned may waive the application of subsection (a) to a contract award if—

(A) the Secretary concerned determines that the waiver is essential to the national security interests of the United States; or

(B) in the case of a Department of Energy contract awarded for environmental restoration, remediation, or waste management at a Department of Energy facility—

(i) the Secretary determines that the waiver will advance the environmental restoration, remediation, or waste management objectives of the Department of Energy and will not harm the national security interests of the United States; and

(ii) the entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

(2) The Secretary of Energy shall notify the appropriate committees of Congress of any decision to grant a waiver under paragraph (1)(B). The contract may be executed only after the end of the 45-day period beginning on the date the notification is received by the committees.

SEC. 3166. STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of projects and programs to improve worker safety and health at the Mound Facility in Miamisburg, Ohio.

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996;

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the "Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996".

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) Demonstration Program.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) Follow-on Contracts.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) Safe Harbors.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term "Department" means the Department of Energy.

(2) The term "defense nuclear facility" has the meaning given the term "Department of Energy defense nuclear facility" in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term "Hanford" means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term "Secretary" means the Secretary of Energy.

Subtitle F—Waste Isolation Pilot Plant Land Withdrawal Act Amendments.

SEC. 3181. SHORT TITLE AND REFERENCE.

(a) Short Title.—This subtitle may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Amendment Act".

(b) Reference.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579).

SEC. 3182. DEFINITIONS.

Paragraphs (18) and (19) of section 2 are repealed.

SEC. 3183. TEST PHASE AND RETRIEVAL PLANS.

Section 5 and the item relating to such section in the table of contents are repealed.

SEC. 3184. MANAGEMENT PLAN.

Section 4(b)(5)(B) is amended by striking "or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)".

SEC. 3185. TEST PHASE ACTIVITIES.

Section 6 is amended—

(1) by repealing subsections (a) and (b),

(2) by repealing paragraph (1) of subsection (c),

(3) by redesignating subsection (c) as subsection (a) and in that subsection—

(A) by repealing subparagraph (A) of paragraph (2),

(B) by striking the subsection heading and the matter immediately following the subsection heading and inserting "Study.—The following study shall be conducted:",

(C) by striking "(2) Remote-handled waste.—",

(D) by striking "(B) Study.—",

(E) by redesignating clauses (i), (ii), and (iii) as paragraphs (1), (2), and (3), respectively, and

(F) by realigning the margins of such clauses to be margins of paragraphs,

(4) in subsection (d), by striking ", during the test phase, a biennial" and inserting "a" and by striking ", consisting of a documented analysis of" and inserting "as necessary to demonstrate", and

(5) by redesignating subsection (d) as subsection (b).

SEC. 3186. DISPOSAL OPERATIONS.

Section 7(b) is amended to read as follows:

"(b) Requirements for Commencement of Disposal Operations.—The Secretary may commence emplacement of transuranic waste underground for disposal at WIPP only upon completion of—

"(1) the Administrator's certification under section 8(d)(1) that the WIPP facility will comply with the final disposal regulations;

"(2) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines, under section 4(b)(5), that such acquisition is not required; and,

"(3) the expiration of the 30-day period beginning on the date on which the Secretary notifies Congress that the requirements of section 9(a)(1) have been met.".

SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL REGULATIONS.

(a) Section 8(d)(1).—Section 8(d)(1) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) Application for compliance.—Within 30 days after the date of the enactment of the Waste Isolation Pilot Plant Land Withdrawal Amendment Act, the Secretary shall provide to Congress a schedule for the incremental submission of chapters of the application to the Administrator beginning no later than 30 days after such date. The Administrator shall review the submitted chapters and provide requests for additional information from the Secretary as needed for completeness within 45 days of the receipt of each chapter. The Administrator shall notify Congress of such requests. The schedule shall call for the Secretary to submit all chapters to the Administrator no later than October 31, 1996. The Administrator may at any time request additional information from the Secretary as needed to certify, pursuant to subparagraph (B), whether the WIPP facility will comply with the final disposal regulations."; and

(2) in subparagraph (D), by striking "after the application is" and inserting "after the full application has been".

(b) Section 8(d) (2) and (3).—Section 8(d) is amended by striking paragraphs (2) and (3), by striking "(1) Compliance with disposal regulations.—", and by redesignating subparagraphs (A), (B), (C), and (D) of paragraph (1) as paragraph (1), (2), (3), and (4), respectively.

(c) Section 8(g).—Section 8(g) is amended to read as follows:

"(g) Engineered and Natural Barriers, Etc.—The Secretary shall use both engineered and natural barriers and any other measures (including waste form modifications) to the extent necessary at WIPP to comply with the final disposal regulations.".

SEC. 3188. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS.

(a) Section 9(a)(1).—Section 9(a)(1) is amended by adding after and below subparagraph (H) the following: "With respect to transuranic mixed waste designated by the Secretary for disposal at WIPP, such waste is exempt from treatment standards promulgated pursuant to section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) and shall not be subject to the land disposal prohibitions in section 3004(d), (e), (f), and (g) of the Solid Waste Disposal Act.".

(b) Section 9(b).—Subsection (b) of section 9 is repealed.

(c) Section 9(c)(2).—Subsection (c)(2) of section 9 is repealed.

(d) Section 14.—Section 14 is amended—

(1) in subsection (a), by striking "No provision" and inserting "Except for the exemption from the land disposal restrictions described in section 9(a)(1), no provision"; and

(2) in subsection (b)(2), by striking "including all terms and conditions of the No-Migration Determination" and inserting "except that the transuranic mixed waste designated by the Secretary for disposal at WIPP is exempt from the land disposal restrictions described in section 9(a)(1)".

SEC. 3189. RETRIEVABILITY.

(a) Section 10.—Section 10 is amended to read as follows:

"SEC. 10. TRANSURANIC WASTE.

"It is the intent of Congress that the Secretary will complete all actions required under section 7(b) to commence emplacement of transuranic waste underground for disposal at WIPP no later than November 30, 1997.".

(b) Conforming Amendment.—The item relating to section 10 in the table of contents is amended to read as follows:

"Sec. 10. Transuranic waste.".

SEC. 3190. DECOMMISSIONING OF WIPP

Section 13 is amended—

(1) by repealing subsection (a), and

(2) in subsection (b), by striking "(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the" and inserting "The".

SEC. 3191. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) Section 15(a) is amended by adding at the end the following: "An appropriation to the State shall be in addition to any appropriation for WIPP.".

(b) $20,000,000 is authorized to be appropriated in fiscal year 1997 to the Secretary for payment to the State of New Mexico for road improvements in connection with the WIPP.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1997, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—The President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $338,000,000 during the five-fiscal year period ending on September 30, 2001; and

(2) $649,000,000 during the seven-fiscal year period ending on September 30, 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds contained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

(c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) and except as provided in paragraph (2), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(2) Funds received as a result of such disposal in excess of the amount of receipts specified in subsection (a)(2) shall be deposited in the National Defense Stockpile Transaction Fund established by section 9(a) of that Act.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) DEFINITION.—The term "National Defense Stockpile" means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $110,000,000 during the five-fiscal year period ending September 30, 2001;

(2) $260,000,000 during the seven-fiscal year period ending September 30, 2003; and

(3) $440,000,000 during the nine-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons
Cobalt	9,902,774 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	91,542 carats
Diamond, Stone	3,029,413 carats
Germanium	28,207 kilograms
Indium	15,205 troy ounces
Palladium	1,249,601 troy ounces
Platinum	442,641 troy ounces
Rubber	567 long tons
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,748,947 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	36,830 short tons
Tungsten	76,358,235 pounds
Tungsten, Carbide	2,032,942 pounds
Tungsten, Metal Powder	1,181,921 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury and used to offset the revenues lost as a result of the amendments made by subsection (a) of section 4303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 658).

(2) This section shall be treated as qualifying offsetting legislation for purposes of subsection (b) of such section 4303.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) DEFINITION.—The term "National Defense Stockpile" means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(g) ADDITIONAL LIMITATION.—Of the amounts listed in the table in subsection (b), titanium sponge may be sold only to the extent necessary to attain the level of receipts specified in subsection (a), after taking into account the estimated receipts from the other materials in such table.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $149,500,000 for fiscal year 1997 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1997".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, to be derived from the Panama Canal Commission Revolving Fund, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1997.

(b) LIMITATIONS.—For fiscal year 1997, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $73,000 for reception and representation expenses, of which—

(1) not more than $18,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any provision of law relating to purchase of vehicles by agencies of the Federal Government, funds available to the Panama Canal Commission shall be available for the purchase of, and for transportation to the Republic of Panama of, passenger motor vehicles, including large, heavy-duty vehicles.

SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

TITLE XXXVI—MISCELLANEOUS PROVISION

SEC. 3601. SENSE OF THE SENATE REGARDING THE REOPENING OF PENNSYLVANIA AVENUE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street".

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; "the People's House" is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people: *Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SHELBY). Under the previous order, the Senate now proceeds en bloc to the consideration of S. 1762, S. 1763, and S. 1764. All after the enacting clause of each bill is stricken and the appropriate text of S. 1745, as amended, is inserted in lieu thereof.

The Senate bills are considered read the third time and passed, and the motion to reconsider the vote on passage is laid upon the table.

Under the previous order, the Senate will now proceed to consideration of H.R. 3230. All after the enacting clause is stricken, and the text of S. 1745, as amended, is inserted in lieu thereof. The bill is read the third time and passed, and the motion to reconsider the vote on passage is laid upon the table.

Under the previous order, the Senate insists on its amendment, and requests a conference with the House.

The PRESIDING OFFICER (Mr. SHELBY) appointed Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs. HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, conferees on the part of the Senate.

NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT AMENDMENT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the cloture motion on the motion to proceed to S. 1788.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1788, the National Right To Work Act:

Trent Lott, Orrin Hatch, Paul Coverdell, Judd Gregg, Jesse Helms, Lauch Faircloth, Connie Mack, John Warner, Don Nickles, Robert F. Bennett, Hank

Brown, Phil Gramm, Strom Thurmond, Kay Bailey Hutchison, Richard Shelby, Bob Smith

Mr. KENNEDY. Mr. President, I ask unanimous consent that we proceed for 1 minute of debate, and the time be divided equally between those in support of cloture and those opposed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this bill has a simple message. It would give people the benefits of collective bargaining without having to pay their fair share. It ought to be called the national freeloaders bill. We have no business telling the States that we know better than they how they should manage their affairs. This is a direct attack on the ability of working people to protect their economic interests. I urge that the Senate reject cloture and protect the rights of working families in State after State, in order to protect their economic interests.

Mr. GRAMM. Mr. President, there is no issue that better defines the differences that exist between the two parties than the issue that is now before the Senate. It is a simple, straightforward issue that many Members of the Senate hope the public does not understand. Should a man or a woman in the greatest and freest country in the history of the world be forced to join a union in order to have the right to work? That is the issue.

If, in order to exercise one of our basic rights—the right to contract our labor—we are forced to pay an institution that we do not wish to join, are we free, or is our freedom abridged? That is the question that is before the Senate, and I think the American people understand it.

Mr. BYRD. Mr. President, the Senate is set to vote on a motion to invoke cloture on the motion to proceed to S. 1788, the National Right to Work Act. This measure was introduced on May 21 of this year, and it is my understanding that there have been no committee hearings or reports on the bill in the Senate. In addition, we are now preparing to vote to limit debate before having begun to debate this measure on the Senate floor. This does not convey a sense of responsible legislating.

Mr. President, I am opposed to federal right-to-work legislation. Let me first say that right-to-work is a concept that is often believed to mean "equal opportunity," when it really does not extend to anyone a "right" that he or she does not already have. The National Labor Relations Act of 1935 set forth a worker's right to belong to a union of his or her choice, as determined by democratic balloting. Under this arrangement, unions and management were free to negotiate collective bargaining agreements which included a security clause. Essentially, these clauses, which could not be approved without the consent of both labor and management, required all employees of a unionized company to pay dues to cover the costs of their representation. However, in 1947, the Congress approved the Taft-Hartley Act, which gave each State the option to make its own determination on the so-called right-to-work issue. Currently, 21 States have approved right-to-work legislation, effectively outlawing union security clauses. Workers in these States are not required to pay dues toward the cost of their union's representation. However, 29 States continue to have free collective bargaining. If we approve this legislation, we will be imposing a Federal mandate on those States, including my home State of West Virginia, that have chosen not to restrict union security clauses.

Mr. President, the right-to-work issue has become an emotional debate, and this is the wrong debate. We should focus on the economics of the issue. There is no evidence that supports the argument that right-to-work will improve the wages, benefits, and working conditions of our Nation's workers. A report issued just last week by the Congressional Research Service concluded that right-to-work States have a mean manufacturing wage of $10.91, compared to $12.56 for non-right-to-work States. Approving this legislation now will not demonstrably improve the conditions of workers in those States that currently protect free collective bargaining, and it may in fact lower their wages. This will not help workers in my State of West Virginia. Right-to-work is not a panacea for declining real wages for workers. In fact, the evidence suggests that it may be a contributor to lower wages because it undermines organized labor's ability to bargain effectively on behalf of its workers. While organized labor has made mistakes, it has also accomplished a great deal for all working people, union and non-union. What my State needs in order to create a favorable economic climate and higher wages is to foster positive labor-management relations—not to restrict labor and management from freely entering into collective bargaining contracts. As such, I cannot support the proposal before us today.

Mr. DORGAN. Mr. President, today the Senate will vote on legislation which undermines the basic principles of State rights and workplace democracy. S. 1788 would require all States to permit workers to receive the benefits of collective bargaining without sharing in the cost of union representation.

Under current Federal law, States decide for themselves whether or not to require all workers in unionized workplaces to share in the costs of union representation. My State of North Dakota is one of 21 States that have enacted so-called right-to-work statutes permitting workers to elect not to pay union dues.

In the remaining 29 States with no similar statutes, unions and employers negotiate to determine whether all workers will be required to share the costs of union representation. There is no general requirement, even in these States, that all workers must pay union dues.

I support the ability of States to choose whether to enact laws permitting workers to opt out of paying union dues, or whether to permit workers and employers to negotiate freely on this issue during the collective bargaining process. I do not support the legislation before us, which preempts the State's role in this important policy decision.

For these reasons, I oppose the legislation before us today.

Mr. DODD. Mr. President, I rise today to voice my strong opposition to the National Right-to-Work Act.

Today's legislation, coming on the heels of yesterday's unsuccessful effort to eviscerate the minimum wage, is simply one more example of the Republican Party's systematic and unremitting attack on America's labor unions.

Yesterday, my Republican colleagues fought against giving working Americans a much needed helping hand, with a minimum wage increase. Today, they've brought to the floor a bill that would fundamentally undermine union efforts to genuinely represent and assist working families.

At a time when we have many vital issues before this body, including genuine health insurance reform—which remains mired in partisan conflict—the last thing the Senate should be doing is spending our time debating this hasty and blatantly antiunion legislation.

Now, this bill was neither marked up nor reported out of the Labor and Human Resources Committee. In fact, I wonder how many of my colleagues have even had the opportunity to thoroughly understand this legislation.

We've heard no testimony and we've held no hearings on this bill, even though it represents a major override of the laws in 29 States—including my home State of Connecticut—which reject right-to-work legislation.

Now, since 1959, only three States have seen the need to enact right-to-work laws. In fact, over the past year, six State legislatures rejected such forms of right-to-work legislation.

But, at a time when I constantly hear talk from my colleagues across the aisle about the need to shift responsibility to the States, this legislation would fundamentally change numerous State laws governing labor relations—laws that have remained largely unchanged over the past 37 years.

It would undermine our time-honored system of free collective bargaining by imposing unnecessary Government interference in the rights of labor and management to negotiate fair and agreed-upon collective bargaining agreements.

But, this bill is more than just a usurpation of State's rights. It would also outlaw any form of collectively bargained union security provisions. These are commonsense provisions that require nonunion workers to pay their fair share for the costs of union representation.

It would say to nonunion members: "You can receive the benefits of union representation without having to foot the bill."

In my view, these provisions are antiunion, anti-worker, and frankly antidemocratic. When it comes to the question of union benefits, no American deserves something for nothing. But, that's exactly what this bill would do.

These provisions undermine the fundamental rights of employees who have voted to unionize their workplace and I urge all my colleagues to reject this legislation and vote against cloture.

Mr. LOTT. Mr. President, before the Senate votes on cloture on my motion to proceed to S. 1788, the National Right to Work Act, I want to give credit where due.

This bill represents the determination of Senator LAUCH FAIRCLOTH to bring to the national agenda a critically important issue. That issue is the question of whether an American worker can be compelled to join a union and pay dues to it.

The right to join a union is secured by law, as indeed it should be. The right not to join is another matter.

Language to that effect in the National Labor Relations Act of 1935 was vitiated in the same legislation by a provision permitting union officials to secure contracts requiring union membership as a condition of employment.

It is long past time for us to rectify that mistake.

I emphasize that this is not a matter of being pro-union or anti-union. My father was a union pipefitter in a Mississippi shipyard, and I can personally appreciate the importance of union membership to millions of our fellow Americans.

But the American people do not like compulsion, whether it is directed against them or against their neighbors. Although we are a nation of joiners, we like to join groups and organizations of our own volition, not because someone in authority tells us to do so.

That principle is especially important when it comes to earning a living for yourself and your family. We should not tolerate efforts to hinder any American from that goal.

Twenty-one States have now enshrined that principle in their own laws, to protect workers from compulsory unionism. In the remaining States, entrenched interests have thus far staved off reform efforts.

I believe it is time to give all American workers the same right, whether they live in 1 of those 21 States or in a State without a right-to-work law.

So I urge a vote for cloture on the pending motion to proceed, so that the Senate can at last reconsider the issue of compulsory unionism, and vote on it, and do right by the working men and women of this country.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1788, the National Right to Work Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The yeas and nays resulted—yeas 31, nays 68, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—31

Bennett
Brown
Burns
Coats
Coverdell
Craig
Faircloth
Frahm
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
Nickles
Pressler
Shelby
Simpson
Smith
Thomas
Thompson
Thurmond
Warner

NAYS—68

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grams
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Snowe
Specter
Stevens
Wellstone
Wyden

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 295, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 295) to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan modified amendment No. 4437, of a perfecting nature.

Kassebaum amendment No. 4438, of a perfecting nature.

Mr. PELL. Mr. President, I have many times made statements about my long interest in developing improved avenues of communication between employees and their bosses, often referred to as codetermination. My statement therefore, will be brief today.

When employees and employers decide to enter into workplace committees to discuss workplace-related issues, both sides must place a great amount of trust and faith in the other. But society has instilled in workers the idea that employers are not allies but adversaries. Employers, who must be concerned about the health of the company, often view their employees in a similarly skeptical fashion.

For that reason, labor and management should always be commended when they join together in sincere cooperation for the benefit of all concerned. It is, however, important that the two be really interested in cooperating with the other and that the cooperation be sincere. Both employees and employers must trust the other and be sure that their views matter to the other.

While I do not see the need to create a strict framework for these conversations to take place, I do believe it is vital that employees feel confident they will not be punished for sharing their honest views with their employer. Workers must also feel that their views and thoughts are honestly being represented by those employee members of a workplace committee.

For that reason, I strongly oppose S. 295. Workers cannot be expected to take part in any committee under the total control of their boss. In any competitive job market, what right-minded worker would take the risk of sharing unpopular views about his workplace when the boss has complete control of the work committee?

During the 103d Congress, I introduced legislation outlining my views on this issue. During Labor Committee consideration of S. 295, I worked to develop compromise legislation to allow employees to select their representatives for workplace committees, to ensure that committee agendas are open to amendment by both labor and management and to prohibit unilateral termination of a workplace committee.

Teamwork is important on the playing field or in the workplace. As a old

Princeton rugby player, I know you don't win the scrum unless you and your teammates have confidence in each other and work for the benefit of all.

Mrs. MURRAY. Mr. President, I rise today in full support of teams and yet, must voice my concerns with the proposed TEAM Act. It is very difficult not to support the initial goals of S. 295.

Who doesn't want cooperation between employees and their managers? I have met with countless companies from across Washington State who have boasted of increased productivity and efficiency from these teams. Their results have been impressive and have encouraged initiative and employee participation.

However, these cooperative partnerships are currently in place and functioning without disruption. Teams today, throughout my State and across American are succeeding and thriving. In fact, 96 percent of large employers and 75 percent of all employers report using such teams and employee involvement programs. These facts lead to my confusion over the need for additional legislation.

Employee committees, work teams, and quality circles that discuss questions of efficiency, productivity, quality, and work practices are currently allowed. Nothing prevents these teams from existing today and their growing popularity in corporations everywhere is proof of their strong existence.

I am most concerned about the delicate balance between management and employees established by the National Labor Relations Act and enforced by the National Labor Relations Board. This board has been charged with investigating possible section 8(a)(2) violations which have averaged just three violations per year for the last 22 years. In fact 20 years ago, the NLRB ruled against 29 section 8(a)(2) violations. Last year, the NLRB ruled against just 24 violations. There is no growing trend to stop these partnerships. There are no attempts by the NLRB to seek out and prevent these law-abiding employee-employer teams.

These cases can be compared to the 7,478 cases in 1995 which forced employers to hire back unlawfully discharged employees and the 8,987 cases last year in which employers had to provide employees back pay.

I wholeheartedly support the cooperation fostered through teams in companies both large and small. Washington State has witnessed enormous benefits from these employee committees that discuss issued from efficiency to quality of life. Let's continue this cooperation without tipping the scale and sacrificing workplace democracy.

If the employer chooses committee representatives to discuss issues of wages and hours, we will lose the entire management-employee balance. Mr. President, I have spoken with Secretary Reich about this issue after several meetings with concerned Washington State companies. I am confident that the teams now in place will remain in place and continue to prosper.

Let's maintain this current system, which is working, without jeopardizing these critical relationships.

Mr. HATFIELD. Mr. President, I rise to speak in support of the Teamwork for Employees and Management Act, S. 295, better known as the TEAM Act. I firmly believe that to be competitive in today's marketplace managers and employees need to have open lines of communication. The TEAM Act would amend the National Labor Relations Act [NLRA] to clarify that an employer may establish and participate in worker-management organization to address matters of mutual interest; quality, productivity, and efficiency. In addition, the bill would not allow the entity to negotiate or enter into collective-bargaining agreements.

Many American businesses have discovered that including their employees in workplace decisionmaking has increased their productivity. Unfortunately, a series of rulings by the National Labor Relations Board [NLRB] has prohibited employers from meeting with employees to discuss issues such as productivity, safety, and quality. While the NLRB made a decision based upon a fair interpretation which takes into account current law, this law was written at a time when company unions were commonly used to avoid unionization. However, I do point to the NLRA's failure to account for today's work force situations where there is an honest effort to increase productivity, safety, and quality among employees and employers.

Mr. President, in my home State of Oregon we have seen tremendous growth and development, much of it attributed to the influence of the electronics industry. To be competitive in today's international electronics market, employees must act in partnership with management. These partnerships succeed in a cooperative rather than an adversarial environment. However, under the specter of litigation, companies are fearful of implementing employee involvement programs [EI] or have stopped them altogether. Under the current National Labor Relations Board interpretation of the law, the definitions are so broad as to prohibit or restrict implementing these employee involvement programs. Again, many of our Federal labor laws were written in the 1930's, at time when employers used company unions or sham unions to avoid negotiating with representatives of employee selected unions. Labor laws such as Davis-Bacon were written in the 1930's and we know that it is in dire need of reform. These laws need to be updated and employers must be able to discuss the workplace environment without the fear of litigation or violating the National Labor Relations Act.

I believe that the TEAM Act will update and improve existing law to address the issue of legitimate company efforts to include employee input and increase competition in the marketplace. As written, S. 295 only amends the section of the NLRA which prohibits employer-dominated labor organizations and specifically provides that all other rights under the NLRA remain intact. Organizations do not have the authority to enter into or negotiate collective-bargaining agreements or to amend existing agreements and the TEAM Act certainly does not affect an employee's right to choose union representation. If workers choose to work through union representation, the employer must recognize and then arbitrate with the union.

Mr. President, my father was a longshoreman and I am an advocate for the common worker. Yet, I support the TEAM Act. It is not a contradiction to support labor and management when both mutually agree to improve work force efficiency, safety, and productivity; benefiting all those involved in the process. Give credit to today's workers who know their options and know when they are being treated fairly or unfairly. The TEAM Act secures an innovative opportunity for workers to contribute to the success of their companies. Let us ensure that workers have that option by passing the TEAM Act.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in opposition to the TEAM Act.

The future prosperity of the United States depends, in no small part, on fostering a cooperative partnership between labor and management, so that we can continue to produce the best products, provide the best services, and develop the best work force in the world. This partnership is built on the principal of equality.

The United States is founded on this principal of equality. We, as a Nation, have a strong sense of fair play and of the importance of a level playing field. Allowing workers a real opportunity to unionize, to elect representation, and to bargain collectively is an important and basic part of these values.

In the 1920's and 1930's companies routinely used company unions or employee representation plans, as they were called to rebuff attempts by legitimate unions to organize and seek election by the workers within the company.

These company unions were created and controlled by management and could be disbanded or disregarded at the convenience of the company. The employee representatives were handpicked so that workers would not democratically elect their own representatives.

The company unions ended with the enactment of section 8(a)(2) of the National Labor Relations Act in 1935. Section 8(a)(2) was enacted to provide workers with the opportunity to be represented by someone who was not selected by the company, but rather someone who was democratically elected. The TEAM Act erodes that essential protection, and therefore represents a step back toward the days of company unions.

Current law does not prevent any worker from discussing any subject with management. The law merely prohibits a worker or workers from acting as the representative of the employees, in an employer dominated committee, to make decisions regarding wages, hours, and conditions of employment. Workers can meet individually, in small groups, or as a whole with management to talk, express opinions, or give suggestions.

What Section 8(2)(a) prohibits is employer creation and domination of employee groups where terms and conditions of employment are worked out. This falls under the prohibition that a company may not dominate or interfere with the formation or administration of any labor organization.

The fear of a return to company unions as a means of preventing union representation is very real. In fact, a company called Executive Enterprises is holding conferences across the country this summer entitled, "How to Stay Union-Free Into the 21st Century." At a session called "What Your Company Can Do Now to Preserve its Union-Free Status Before Organizing Starts," the brochure tells participants they will learn—how your employee participation and empowerment programs can be successfully modified to avoid unfair labor practices and aid in union avoidance. The intent could not be more clear, nor could a better argument be made against this legislation.

The legislation we are considering today was written based on the false premise that the protections provided to workers under section 8(a)(2) of the National Labor Relations Act prevent cooperation in the workplace. Proponents argue that the National Labor Relations Act does not allow modern management to work with employees in a cooperative manner or in teams within the workplace.

In fact, section 8(a)(2) does not need to be weakened in order for this cooperation or these teams to exist. Under the current protections provided for in the National Labor Relations Act teams are flourishing throughout the country.

There are teams operating in companies across my State of Illinois. I have had the pleasure of talking with CEO's of Illinois companies who highlighted the excellent results of having workers come together on teams to address production problems and quality problems.

Under current law, companies are allowed to delegate significant managerial responsibilities to employee work teams. Employers can put together employee committees to consider quality, efficiency, and productivity. Employers can use employee expertise to help them create better, higher quality products in less time and with less cost, so that American goods are better, cheaper, and more competitive in overseas markets.

Thirty thousand companies across the Nation have some form of employee teams operating in their factories and shops; 96 percent of large employers have employee involvement programs and 75 percent of all workplaces have such programs. The numbers speak for themselves.

This legislation goes far beyond allowing cooperative teams designed to increase quality, efficiency, and productivity. This bill would allow employer chosen teams to engage in give-and-take regarding wages, hours, and other conditions of employment. Unelected employees would have the ability to make decisions about the basic working conditions of their fellow workers.

One of the key arguments many companies have made is that they are concerned that the teams operating in their shops may be found to violate section 8(a)(2) in some way. The Electromation case has been held up as an example of teams being ruled illegal by the National Labor Relations Board.

The background on this case is instructive. The employees at Electromation were unhappy over a series of changes the employer had made to compensation and work rules. The employer responded by implementing action committees. When the employees nonetheless turned to an outside union for representation, the employer suspended the committees and blamed the union for the suspension. The action committees were a vehicle to prevent union representation. A Bush administration appointed NLRB found that, in the Electromation case, the company had violated the law.

This case illustrates exactly the reason section 8(a)(2) exists, to protect against abuse. Under current law, employee teams are legal and they exist. As long as employers do not control the proceedings, employers can talk with employees about any issue they choose. Cooperation between employees and employers is vital to any successful business and the law in no way prevents this cooperation. The law merely prevents abuse.

Let us support a strong partnership between innovative employers and creative employees, and continue to let this section 8(a)(2) of the National Labor Relations Act protect the precious balance between the rights of employees and employers. I urge my colleagues to vote against the TEAM Act.

Mr. FEINGOLD. Mr. President, I rise today to speak in strong opposition of S. 295, the teamwork for employees and management bill. This bill, the so-called TEAM bill, is part of the continuing Republican assault on working families. It would virtually nullify section 8(a)(2) of the National Labor Relations Act, which forms the basis for collective bargaining procedures in the United States, and prohibits employers from dominating or interfering with the formation of labor organizations. Labor organizations, as defined by the NLRA, are composed of employee participants and exist for the purpose of dealing with employers regarding grievances, labor disputes, wages, rates of pay, hours of employment, or working conditions.

The TEAM Act would gut section 8(a)(2). In the name of promoting collaboration and communication between workers and managers, this bill would allow companies to dictate the membership and agenda of workplace teams. These teams would make recommendations to management on issues of quality, efficiency, and productivity, but could also discuss broader issues related to wages, hours, and working conditions.

Mr. President, I want to make it clear that I have no problem with the concept of employers and employees working together in crosscutting groups to develop innovative ways to improve quality or increase efficiency in the workplace. I have visited workplaces in my State that have implemented quality circles and labor-management committees, and have been impressed with their results.

An example is Master Lock, Inc., which I toured several summers ago. This leading Wisconsin company is a shining example of how employer-employee cooperation has led to improved working relationships and increased competitiveness. The company's joint labor and management coalition, comprised of various committees which address issues such as health and safety and ergonomics, has the support of the union and has resulted in improved employee morale and productivity.

Indeed, there has been a vast proliferation of such committees, or teams, in recent years. These organizations are useful, and legal, as long as they do not interfere with the collective bargaining process. Current law allows employee involvement, which I wholeheartedly support.

What I do object to is the notion that companies should appoint all members of workplace teams, particularly in cases in which teams are given broad reign to discuss issues that have been the domain of collective bargaining for the last 60 years. Under this bill, employers would have the right not only to select who belongs to teams, but would also be able to remove those members at any time, for any reason.

Management could set the agenda, including discussion of wages, hours, and working conditions, as long as the employee members did not make official recommendations on behalf of their colleagues on these issues. This, I am convinced, would undermine the collective bargaining process.

Senator Robert Wagner, the original sponsor of the NLRA, recognized that employees are empowered only when they select their own representatives in a democratic process. More than 60 years ago, he said, "[only] representatives who are not subservient to the employer with whom they deal can act freely in the interest of employees. Simple common sense tells us that a man does not possess this freedom when he bargains with those who control his source of livelihood." And yet, the TEAM Act threatens to take precisely that freedom away from America's workers. Allowing companies to select all worker representatives and dominate team activities would be a significant step backward in workplace democracy. It would take us back to the days of company unions.

Supporters of the TEAM Act are quick to point out that the language of the bill specifically prohibits teams from engaging in collective bargaining with management. But in fact, employees who serve on management-selected teams will represent their coworkers. That is a labor organization, and that is precisely what Congress intended to prevent when it passed the NLRA. In fact, Congress has repeatedly rejected the notion of company-dominated labor organizations—in the 1930's, and again in 1947 during debate on the Taft-Hartley Act.

This bill threatens real, democratically elected worker representation. Even though the bill says that management-dominated teams would not be allowed to negotiate with employers about wages, benefits, or working conditions, teams can still discuss all these issues, as long as they don't make recommendations to management on behalf of workers. It is not difficult to imagine situations in which managers who prefer dealing with self-selected teams would place more weight on the ideas of teams than on the proposals of unions. In this way, the bill threatens the viability of unions.

Labor experts agree. The bipartisan Dunlop Commission, made up of leading business, union, and academic representatives, conducted an in-depth analysis of labor-management relations in 1993 and 1994. One of their recommendations, upon completion of the study, was: "The law should continue to make it illegal to set up or operate company-dominated forms of employee representation." Members of the Dunlop Commission, including four former Cabinet Secretaries, the CEO of Xerox, a representative from the small business community, and several academics, unanimously oppose the TEAM Act. I'm sure all of my colleagues have also read the letter signed by more than 400 of the Nation's labor law and industrial relations professors opposing this bill. They say in their letter, "we are persuaded that passage of the TEAM Act would quickly lead to the return of the kind of employer-dominated employee organization and employee representation plans which existed in the 1920's and 1930's."

And in fact, that is the real goal of the TEAM Act. Management-dominated teams are antidemocratic mechanisms for companies to fight real worker-selected representative labor organizations. They are anti-union tools. Research has shown that employers who establish teams, or employee involvement plans, after union organizing campaigns are more likely to defeat unions than those who do not. Without exception, managers surveyed in a 1989 Harvard Business School study agreed that employee representation plans were "a valuable and proven defense against unionization."

Edward Miller, a former chairman of the NLRB and a current management-side labor lawyer, testified in 1993 before the Dunlop Commission, "While I represent management, I do not kid myself. If section 8(a)(2) were repealed, I have no doubt that in not too many months or years sham company unions would again recur."

There are many misconceptions among my colleagues about current labor law, and about what this bill would do. Fred Feinstein, the general counsel of the NLRB, investigates possible violations of the NLRA and prosecutes meritorious claims. Mr. Feinstein recently responded to a letter from the senior Senator from Massachusetts, Senator KENNEDY, to clarify what in his opinion were some inaccurate statements about the NLRA and the TEAM Act, made last week on the Senate floor. In his letter, Mr. Feinstein explained that, under current law, it is not illegal for employers to supply office supplies and meeting space to employee organizations, or to talk to employees or seek suggestions. It is not illegal for employers to discuss flexible work schedules with employees, or to seek input from them about improving productivity, or to talk to them about tornado warning procedures. Despite assertions to the contrary made by my colleagues last week, none of these procedures is illegal.

The bottom line, according to the general counsel of the NLRB, is that "employees can provide information or ideas without engaging in dealing under the NLRA. Further, employees can make proposals through an organization, to which the employer may respond, where the employees have control of the structure and function of the organization."

If this Congress really wanted to empower workers and encourage employee involvement and communication with management, it would allow workers to select their own representatives to teams, so that they would be accountable only to their fellow employees. More importantly, it would empower the NLRB to impose more powerful sanctions on companies that unlawfully discharge employees involved in union organizing. According to the Dunlop Commission, union supporters are fired illegally in one out of four elections. This rate is five times higher than it was in the 1950's, and remedies often take place several years after the event.

The real purpose of this bill is to undermine workplace democracy, and to bash on unions, not to empower employees. I am pleased that President Clinton has taken a stand on behalf of working men and women by pledging to veto this unwise and destructive bill. But I hope the bill never reaches his desk. I urge my colleagues to support representative democracy in the workplace, and to oppose the TEAM Act. Let's respect the right of employees to select their own representation, just as we have insisted on the right of citizens to select their own representatives to this body for over 200 years.

Mr. CHAFEE. Mr. President. I appreciate the opportunity to speak in favor of the TEAM Act, S. 295. I want to commend our able chairman of the Labor and Human Resources Committee, Senator KASSEBAUM, for her vision and tenacity in shepherding this bill to the floor.

I have closely examined the arguments made by both labor and management on the issue of teaming, and the state of current law in this area.

In my view, Congress has a responsibility to provide an unambiguous safe harbor for employers to utilize employee participation groups, quality circles, and other team concepts to advance the competitiveness of U.S. industry. The health of our economy and the jobs on which we all depend are at stake in this struggle.

The National Labor Relations Board [NLRB] has been left with the difficult task of administering a 61-year-old statute which has changed little since its enactment in 1935. The state of labor management relations was very different in those days, with unions struggling to secure their place in our industrial fabric.

The National Labor Relations Act [NLRA] was a logical response to this turbulent period in our labor management history. The provision of the NLRA aimed at preventing employers from creating sham unions, section 8(a)(2), was a direct response to this challenging period.

It is this very provision and how it is being interpreted today by the NLRB that is the cause for this debate and the legislation now before the Senate.

Most labor management strife faded from the industrial landscape long ago. In contrast, today, American businesses and their employees are in the fight of their lives to remain competitive in this global marketplace. We have lost tens of thousands of high-paying manufacturing jobs over this past decade to foreign competition. Unfortunately, I can identify countless casualties in my own State of Rhode Island.

This troubling circumstance has forced American industry to produce better products, to become more efficient and to increase productivity. This painful, but necessary reexamination has placed an absolute premium on labor-management cooperation.

Those firms that have been able to succeed and adapt to this new environment have increasingly relied upon employee participation groups, quality circles, and other team concepts to strengthen productivity, weed out inefficiency, and respond rapidly to changing consumer attitudes and demands.

Mr. President, enactment of the TEAM Act would simply conform labor law with what is already occurring on shop floors throughout America. The fact is, employee involvement committees, quality circles and other team concepts exist in some 30,000 workplaces across the country. All but a small percentage of our largest employers stake their very survival on the ability to form team mechanisms and employee participation groups.

Here is the problem in a nutshell. Section 8(a)(2) of the NLRA prohibits employers from interfering with the formation and/or organization of any "labor organization," or from contributing financial support to such entities. On the surface that seems reasonable.

However, the definition of "labor organization" makes illegal most of the employee involvement committees in operation today, since it stipulates that any organization which deals with hours of employment or conditions of work is a "labor organization."

The fact is that in today's complex workplace conditions of employment can be very broadly construed to apply to how an assembly line is configured, to the kind of protective gear employees must wear, or even to attendance policies.

Faced with this ambiguous situation, employers need to have a safe harbor within which such employee involvement committees can operate without fear of NLRB intervention.

The Team Act is that safe harbor. It would authorize the use of employee participation teams to help strengthen the competitiveness of American firms, while making clear that such mechanisms cannot be used to subvert or replace the collective bargaining process, or an employee's right to union representation.

Employers and employees must be empowered with the necessary tools to compete in a global economy. S. 295 is a logical, balanced response, which contains the necessary safeguards to protect unions and workers, while at the same time strengthening needed employer-employee cooperation.

I am hopeful President Clinton will reconsider his staunch opposition to this critical legislation.

AMENDMENT NO. 4437

The PRESIDING OFFICER. The question occurs on amendment 4437 offered by the Senator from North Dakota [Mr. DORGAN]. There will be 1 minute of debate on the amendment equally divided in the usual form.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there is not a disagreement in this Chamber about whether there ought to be teamwork in the workplace. We believe there ought to be opportunities for management and workers—those who own businesses and those who work in the businesses—to get together and establish conditions to work together to become more efficient and to find ways to do things in a better way.

There is a lack of clarity as a result of NLRB decisions. I have offered an amendment that tries to establish additional clarity that permits workplace cooperation. There is a right way to do this and a wrong way to do this.

The amendment that I have offered, I think, is the right way to enhance teamwork in the workplace to achieve those goals. I believe the underlying legislation that comes to the floor of the Senate does much more than that in a negative way.

So I ask the Chamber to support the amendment that I have offered and to oppose the proposal that is brought to the floor of the Senate in the underlying piece of legislation.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, regarding the Dorgan amendment, I would just say that I think we are better off the way things are than to try to develop a rigidity that I think would occur in the amendment offered by the Senator from North Dakota. It requires a committee structure that is very rigid and lacks the flexibility that we were trying to address. I do not believe it in any way answers the concerns and the questions that have been raised by the actions of the NLRB regarding a lack of understanding on how employees get together under the National Labor Relations Act. That was the purpose of the legislation before in the TEAM Act, and I will address my amendment later.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CAMPBELL). The question is on agreeing to amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—36

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnston
Kennedy
Kerry
Kohl
Levin
Mikulski
Moynihan
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—63

Abraham
Ashcroft
Bennett
Bingaman
Bond
Brown
Burns
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feingold
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Cochran

The amendment (No. 4437), as modified, was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4438

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4438 offered by the Senator from Kansas [Mrs. KASSEBAUM]. There will now be 1 minute of debate on the amendment equally divided and controlled in the usual form.

The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, my amendment is identical with the House-passed language. I want to make a couple of points about why I believe the TEAM Act is important. One, it applies only to nonunion settings.

The PRESIDING OFFICER. The Senator will withhold her comments until we can get order in the Chamber.

The Senator may proceed.

Mrs. KASSEBAUM. This applies only to nonunion settings.

It has been misrepresented by some as applying to union companies as well.

Second, the purpose for this is in order to say to employers that they should be free to discuss with employees those issues of concern to both. It is to address an environment in the workplace that will help us meet the new reality of our competition and our productivity today that is important for good communication. It is a bill that only represents common sense. It is not in any way designed to be a destroyer of the unions, and I urge support for my amendment and the TEAM legislation.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

May we have order in the Senate, please.

The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, this is a cosmetic change to the underlying bad bill. Effectively, the TEAM Act would apply to 90 percent of American businesses. The fact is 30,000 companies now have these joint, cooperative programs in workplaces across the country. They cover 75 percent of all the employers, 96 percent of the Nation's biggest employers. There have been 224 cases that have been brought over the period of the last 4 years. There have only been 15 cases decided by the NLRB—only 15 cases; 30,000 incidents of cooperation and only 15 cases in the last 4 years.

This is a solution to a problem that does not exist. Basically, what you are doing with it is opening up the very real possibilities of companies being able to dictate who will speak for the employees on working conditions and all other matters that concern them in the workplace. It puts management in control of both sides of the bargaining table. It means management will be talking to itself instead of talking honestly with workers, and it does not deserve to pass. It deserves the veto that it will receive.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. COHEN. I ask for the yeas and nays.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—61

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Cochran

The amendment (No. 4438) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate bill is considered read a third time, and the House bill, H.R. 743, is discharged from the Committee on Labor and Human Resources. The clerk will report the House bill.

The assistant legislative clerk read as follows:

A bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 743 is stricken, the text of the S. 295, as amended, is inserted in lieu thereof, and the bill is considered read a third time.

The question is, Shall the bill, H.R. 743, as amended, pass? A rollcall vote has not yet been requested.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Cochran

The bill (H.R. 743), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 743) entitled "An Act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decision-making, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham "company unions" to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against government interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: ": Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees who participate to at least the same extent practicable as representatives of management participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;".

SEC. 4. LIMITATION ON EFFECT OF ACT.

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that with respect to the previously ordered morning business period, that Senator DASCHLE or his designee be in control of the first 40 minutes and that Senator THOMAS or his designee be in control of the remaining 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEMOCRATIC AGENDA

Mr. DORGAN. Mr. President, we had asked for some time today to discuss the agenda that we have developed over recent months, to talk about what we think we ought to be doing and where we think this country ought to be heading. I am going to speak for a few minutes. My colleague, Senator REID from Nevada, will address a number of the topics, and our colleague, Senator BOXER from California, will address a number of them. We will similarly have a discussion tomorrow about the same issues.

The reason we wanted to do this, it is easy to be against things. It does not take any skill or any great intelligence to be opposed to things. I think it was Mark Twain who once, when asked if he would participate in a debate, said, "Fine, provided that I can be on the opposing side." They said, "Why?" And he said, "That will take no preparation."

It takes no skill, time, or preparation to oppose. Those who oppose can do it immediately and quickly without much thought.

The question is not what are we opposed to. The question in Congress is, what do we stand for? Why are we here? What are we doing? What do we want for this country?

I begin by saying, in the end and in the final analysis, the question of whether we are on the right track in this country, whether we are headed in the right direction, is not measured by any myriad of statistics put out by the Federal Reserve Board or the Treasury Department or the Census Bureau or any organization in this town or elsewhere; it is, finally, measured when people sit down at the supper table at home at night and ask themselves, how are we doing? Is our standard of living improving? Are we moving ahead? Are we able to find good jobs, keep good jobs? Are our children able to find good jobs? Are we secure? Is there crime in the street that threatens us? Do our kids have an opportunity to go to good schools? Are our roads in good shape?

A whole range of questions like that relate to the determination of whether individual families are doing better. In shorthand, the way of saying it is, if at the end of the day the standard of living in this country is not increasing, then we are not moving in the right direction. The question is, what kind of choices, what menu of opportunities exist for us to make decisions in this country in both the private sector and the public sector that increase the standard of living, keep us moving forward?

As a society, if you read the history of our country, you will discover that we have always had a circumstance where, generally speaking, parents believed things work better for their children and they were willing to do things to make life better for their children—investing in schools, for example, so that we would have the best education in the world. Those are the kinds of things that created a circumstance where our economy has been a remarkable economy, producing jobs and opportunities, so that standards of living increased in our country routinely and regularly.

We have now reached a period where we are more challenged in those areas. We now have what is called a global economy in which 2 or 3 billion workers around the world now compete with about two-thirds of the American work force, and many of those other people around the world work for very low wages. It is not unusual to hear the stories of 10-year-olds, 12-year-olds, 20- or 40-year-olds working for 10 cents an hour, 20 cents an hour or $1 an hour, for 10 hours or 15 hours a day in other parts of world. The product of that work shows up in Pittsburgh or Denver or New York or Fargo, to be sold on the shelf and purchased by the American consumer.

It all relates to this question: Are we doing the things necessary in the public sector and the private sector to improve life in America and to increase the standard of living in our country?

About a year ago, Senator DASCHLE, the minority leader, asked Senator REID and myself to engage in an effort with other members of our caucus, a fairly substantial group of the Democratic caucus, to put together an analysis of what is it that represents our positive agenda, what kind of things do we want to see accomplished in Congress, what kind of ideas exist that we think will improve life in America. We held meeting after meeting and tried to get the best ideas that existed among those from the Democratic side of the aisle here in Congress in order to develop an agenda. The Senator from Nevada was very active in that with me, and the Senator from California, Senator BOXER was very active. We developed an agenda and worked with the Democratic caucus on that agenda.

Following that, we took that as a starting point and then worked with the members of the Democratic caucus in the House of Representatives and with President Clinton and others and synthesized this and developed this into a fairly common agenda that says: Here is what we are for, here is why we are here, here is what we want to have happen that we think will improve life in America.

Let me give you some examples. The agenda talks about "families first." This is families first. I talk about it in the context of jobs, kids, and values. That is what people who sit around the dinner table talk about. What kind of jobs do we have? What kind of opportunity do we have? What kind of security do we have? What about our kids; how are the schools? What about crime? What about values? What are they seeing on television? A whole series of issues surrounding families, American families.

We talk about it in the context of responsibility and security. First, we say we believe that we ought to have a balanced Federal budget. We believe it is possible, we believe it is achievable, and we believe it ought to be done. It ought to be done the right way.

There are some who would balance the budget with all the wrong priorities. Last year I spoke at length about those who would say, "Let us cut the Star Schools Program by 40 percent and increase the star wars program by 100 percent."

Now, that is a wrongheaded approach, but we should balance the Federal budget. The era of big government is over. Our agenda does not suggest that Government can, should, or will solve all of the problems of this country. But we can contribute in the right way. So we say we ought to balance the Federal budget. That is part of the democratic agenda.

We ought to help small businesses, medium-sized businesses, and others in this country thrive, survive, and create jobs and compete. There are a series of ways to do that, and we talk about that in the agenda.

We ought to also reinvest in our communities and infrastructure. We ought to make sure that the basic things that deal with everyday life—roads, bridges, rail systems, and others—are up to date and are not decaying.

Then we talk about individual responsibility and a welfare system that works. We call it work first. That is what we stand for—work first. We say, especially in this proposal for welfare, that we ought to get tough with deadbeat parents. Why on earth should other taxpayers be stuck paying tens of billions of dollars that is owed especially by fathers who have left their families and decided they are not going to pay a cent for the welfare of their children, so those deadbeats say to the rest of the taxpayers, "You pick up the tab of something I will not pay for," which is basic care for their children. We say that has to stop. That is part of welfare reform as well.

A national crusade to end this burgeoning teenage pregnancy in this country is part of our agenda. That, of course, starts at home, in the home, in the community. But we believe that is an important element of what we ought to be doing to try to improve life in this country.

On the issue of security and crime, we think the President's proposal to put more cops on the street, on the beat, to have more community policing, makes eminent good sense. We support that and would increase it. We believe that there are initiatives to keep kids off the street and out of gangs that ought to be employed. Communities know best how to do that, and we can help those communities with programs and resources.

We believe that we ought to make an even greater effort to clean the drugs out of our schools. We ought to say to everybody in this country who is on probation or on parole that you are going to be drug tested while you are on probation or parole.

Our agenda talks about retirement security. We say those who would dip into employee pension funds and leave the pension funds vulnerable are doing a disservice to the people who work in this country. Stiffer penalties for the abuse of pension funds and a crackdown on companies who have taken the money that you have earned and that you have saved in that pension funds is part of our agenda.

Making pensions portable, to move from one job to another, encouraging companies to make pensions available. Half of the American work force does not have a pension.

The issue of health care. We have already passed a health care bill that we have pushed hard for, which makes health care insurance portable and eliminates, in many instances, the preexisting-condition requirement.

Those are the kinds of things that are in our agenda. With respect to the issue of jobs, we believe that it is time to say to American corporations, and to all companies, that we want you to create jobs in this country, not move jobs overseas. Our agenda says we are going to take the first baby step—and it is only a baby step, but we are going to force it to be taken—to shut down this idiotic and perverse tax benefit that says you can close your American plant, move your jobs overseas, and the taxpayers will give you a benefit. There is $2.2 billion of reward in our Tax Code to go to companies who close American plants and shut off jobs here and move overseas. We say in this agenda that, if you cannot take that first baby step, we do not have a chance of solving the jobs problem in this country.

Well, Mr. President, the families first agenda is not a big government solution to what ails our country. This is a wonderful, remarkable country filled with strength, filled with, I think, hope and optimism, a country that needs to be led by people with a vision and agenda that says here are the practical steps that we can take to make this a better country, to provide for opportunity and to provide for hope for all Americans. That is why we constructed an agenda. Is it perfect? No. Does it move us in the right direction? Yes.

This is not about appealing to special interests. It is not, as so often happens in this town, responding to the needs of the powerful. But it is about putting the families first, trying to understand that when all the dust settles and the day is ended, the standard by which we measure whether America has progressed is one in which we ask ourselves: Have we improved life in this country for working families?

Mr. President, let me now turn to my colleague from Nevada, Senator REID, who cochaired the effort with me in the Senate caucus, and Senator REID will continue to discuss part of this agenda. He will be followed by Senator BOXER.

Mr. REID. Would the Chair advise the Senator how much time is left under the control?

The PRESIDING OFFICER. The Senator from North Dakota has 27 minutes 35 seconds.

Mr. REID. Will the Chair advise the Senator when I have used 10 minutes?

The PRESIDING OFFICER. Yes.

Mr. REID. Mr. President, as Senator DORGAN indicated, we were asked by the minority leader to be cochairs of a Democratic task force to come up with an agenda for the Democrats. We were cochairs, and we had a number of people who worked on the task force. The Senator from California, Senator BOXER, was one that attended, I think, every meeting that we held of the task force. I also think it is important, Mr. President, to note that we did not do any polling to determine how we should stand on issues. We had people come in and talk to us. We came up with an agenda not based on opinion polls, but based on our gut, what we felt was the right thing to do for this country.

After having made that decision, Mr. President, we presented our task force results to the Democratic minority, the leadership here, and they accepted, with some revisions, what we did. We then asked every member of the caucus to make some remarks, to go over what we had done, and to get back to us with the changes they thought should be made in our agenda. A significant number of Senators told us what they felt should be changed. Many of those we were able to incorporate in the final product.

After that, Mr. President, we went to the ranking members and made a presentation to them of what we had come up with. They approved of what we did. After that, we again took it to the entire caucus. They accepted what we did. At that time, the minority leader, Senator DASCHLE, started a series of meetings with Representative GEPHARDT, the minority leader in the House of Representatives. After several weeks of consultations and meetings, there was an agreement on refining what we had done here in the Senate. Following that, the presentation was made to the President, the executive branch of Government, and they approved of it. Then there was a final roll-out of this product. We are very proud of what we have done. We believe that this agenda gives Democrats across the Nation a view of how we stand on issues.

The agenda is designed to do some good for American families, instead of what we believe is a misguided scheme to reshape America, which has been offered this past year and a half.

This new agenda features realistic, moderate, achievable ways to help every hard-working American family. It is the families first agenda, Mr. President. It is an important program because we, first of all, talk about security. There are all kinds of different securities that we must be concerned with. A healthy, safe family certainly is a start. Before you can discuss any of the security issues, you have to understand that we believe American families deserve economic and personal security, paycheck security, health care security, retirement security, and personal security.

Let us first talk about personal security. Never in the history of this country have we had such difficult problems with security for kids. I am a father of five children, and it was a big occasion for us when our kids started school because the kids were getting into a new environment. It was a big occasion in our life when we would take the kids to school the first day. But basically after that the kids were safe. They either went on a bus or lived close enough that they walked. Kids did not have to worry about being beaten up or shot on the way to school. But now they do. I can remember a real trauma in the life of one of my children. They had been sprayed with a water gun on the way home. Not anymore. Kids are sprayed with bullets from real guns. They are injured, maimed, and killed. These days we have to be concerned about a world where we have this violence. All across America violence from drugs and gangs is creeping into the halls of our schools and streets in neighborhoods all over America.

The Presiding Officer is from the beautiful State of Colorado. Mr. President, Colorado has gang problems. Colorado has drug problems. That would have been unheard of to talk about 10 or 15 years ago. But not anymore. It is that way all over America. You cannot escape random violence and problems.

Parents across this Nation in cities, suburbs, and small towns alike are increasingly worried about their children's safety. No one will ever come up with a single magic solution for the crime problem. But we can take a strong step to fight crime by giving our police and community leaders the tools they need to tackle violence and combat the influence of this pernicious drug problem.

We want to make sure we have enough police on our streets, and we will work to keep our promise of 100,000 new police officers for local communities. We are about 40 percent of the way there.

I can speak being a Senator from Nevada. These police officers have helped. Even in Nevada, the tourist mecca of the world, violent crime by adults is going down. We have problems with violent crime by kids as we do all over America. But we are making progress all over America. We are making progress because we have come to the realization that it is a small number of criminals—about 8 percent of the criminals—that contribute to over 70 percent of the violent crime in America, and we are taking steps to make sure that we do something with that 8 percent.

We have to be concerned—that we not only have to do something about crimes being committed, but law enforcement must be involved in programs to give them greater power to intervene with kids before they commit crimes. That is before it is too late.

We want to help local community groups offer supervised places where kids can go after school to stay out of trouble. We spend these huge amounts of money on capital construction for schools, and after 3 or 4 o'clock in the afternoon the fences are put up, the lights are turned off, and they are not used. We believe they should be used.

The families first agenda calls for putting more cops on the beat, keeping kids off the streets and out of gangs, cleaning drugs out of schools, and testing drug offenders.

Mr. President, security covers a lot. Safer families—we talked about more cops on the beat. We talked about keeping kids out of gangs and off the streets.

But we also have to be concerned about paycheck security. Mr. President, paycheck security is something that we talk a lot about. But we do not do a lot about it sometimes. It used to be when people went to work they stayed on the job a lifetime. Now the average life of a job is a little over 6 years. People are continually afraid of losing their jobs. We are concerned about that also. We believe that if we are going to have paycheck security there are certain minimums we must have.

First, affordable child care—if we are going to get women off welfare because—the vast majority of people who get aid to families with dependent children are women. If we are going to get women into the job market, we are going to have to do something about child care. There is no other way.

We have to ban imports using child labor. And we have to have fair pay for women; that is, we do not shy away from it.

This is a specific plank of the Democrats' families first agenda—fair pay for women. We just passed yesterday the minimum wage bill. Most people think the minimum wage bill is for teenagers at McDonald's flipping hamburgers—not true. Sixty percent of the people who draw the minimum wage are women. For 40 percent of the women it is the only money they get for themselves, and their families. We believe we have to have fair pay for women, and we did it a little bit yesterday—a small step by making sure that we increase the minimum wage.

Retirement security—many Americans cannot afford to worry about a secure retirement until it is far too late because they are preoccupied paying the bills, keeping their kids clothed, fed, and in school.

Many parents do not realize the limits of their pension plans until they are ready to retire, and there is nothing more they can do. Retirement security can also be easily thrown into jeopardy.

For elderly couples, their fixed-income pensions are dramatically cut because of a company bankruptcy, or one of the mergers that is taking place in the last 10 years. Merger mania has run rampant in American business.

Middle-aged workers are forced to change jobs, and they lose years of equity in their pension plans, and sometimes totally lose their pension plans. Women learn after it is too late that their husband unwittingly signed away their survivor's benefits.

We want to make people's pensions more secure and more flexible. We want to give more people access to pensions, including employees with small businesses. We want to let people take their pensions when they leave a job—portability.

We want to give families flexibility to use their IRA to buy a home for the first time, or maybe even pay for college tuition. We want to protect widows from unethical insurance companies who try to mislead them into signing away their survivor's benefits.

Most importantly, we want to stop companies from raiding employee pensions.

The PRESIDING OFFICER (Mrs. SNOWE). The Senator has used 10 minutes.

Mr. REID. We have 17 minutes remaining. Is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The families first agenda calls for pension reform, making pensions portable, and protecting women's pension benefits.

Madam President, it is important, if we are going to have retirement, that it be dependable. And that is why we talk about protecting the pension savings to include Social Security and Medicare—better access and protection for women of the pension plans that they should be able to have at the right time.

We want an opportunity for a better future, to create jobs at home, boost small businesses, invest in our communities.

Education—we want educational opportunities.

One of a parent's proudest moments—and we have all been to them—is when they get a diploma. It does not have to be a diploma from Harvard or Yale or UCLA. It can be a diploma from a trade school. A parent is just as proud.

We have to make sure that a person's ability to go to college is not dependent on how much money their parents have.

That is what our families first agenda talks about.

For parents lucky enough to get children through school, the most common graduation present is thousands of dollars in student loan debt, and that applies whether the student goes to Harvard or Yale or a trade school. Parents have to borrow the same.

Education is the key to opportunity. We want to offer families a helping hand—a way to make sure their kids get to college or to a trade school without busting the family budget. We want to make sure that all children have the opportunity to advance educationally.

That is why we will offer some new scholarships to children who make good grades and stay away from drugs—a new tax deduction making college and vocational school tuition tax deductible to help families afford education and job training. Our families first agenda calls for a $10,000 tax deduction for college and job training—2 years of college for kids with good grades. And this includes trade schools.

We need affordable education. We have to make sure that our young people can advance to the best of their ability. This requires responsibility from all of us.

That is why we have supported a balanced budget without destroying Social Security and Medicare. We want to make sure that we do what we can to have corporations with a conscience.

We want to make sure that corporations have a conscience, and we feel that must be done legislatively. They have to have environmental responsibility. And certainly, can we not do away with giving tax breaks to companies that move overseas and take jobs with them? The answer is yes. We need personal responsibility. That has to be part of the program, and that is why we have called for welfare reform that requires work. We want to crack down on deadbeat parents, and we want to do what we can to attack teenage pregnancy. It is not enough to say what we stand for. We have a responsibility to tell America what a Democratic Congress would stand for, and that is what the families first agenda does—tells the American public what we stand for.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I would appreciate it if you would inform me when I have used 10 minutes.

Madam President, I am very proud to be here today speaking on behalf of the Democrats' families first agenda. I thank my colleagues, BYRON DORGAN and HARRY REID, who preceded me today. We think it is important, as Senator REID has said, the American people know what Democrats stand for. We have been fighting for a lot of things this year. Sometimes we have won those battles. We have turned back the deepest cuts ever offered in Medicare. We have turned back the deepest cuts ever offered in Medicaid. We have turned back some of the most outrageous attacks on our environment.

We have not won every battle at all. If one looks at the budget that passed this Republican Congress, it still calls for huge cuts in Medicare and Medicaid and tax breaks for the wealthiest. So those battles are still out there. But we Democrats believe it is important for us to tell the American people not only that we are going to fight against these misplaced priorities but also that we have a positive agenda that addresses the needs of America's families, wherever they live in this great Nation of ours.

Why was it that we also felt we needed a Democratic agenda? Quite clearly, the voters sent us a message in 1994 when they said, Democrats, you are not going to control Congress anymore. We are going to put the Republicans in control of the Congress.

Frankly, many of us were very stunned by that, but when I looked back on it, I realized that what happened was we did not do a good job of letting the people know what we believed in. We assumed they knew. We assumed they knew we were fighting for families. We assumed they knew we were fighting for children. We assumed they knew we were fighting for the environment. We assumed they knew we were fighting for choice, a woman's right to choose, individual rights, and for a budget that moved toward balance but reflected our shared values.

Well, we were wrong. We were wrong. People did not really know that. Therefore, we decided to put together an agenda that spoke to the American people. We have had many, many meetings, as Senator DORGAN has stated, and I was very glad to be at some of those meetings to put together this agenda that we bring to you.

In this agenda, we make clear our priorities. Yesterday, for example, we tried to make sure that the minimum wage went to all of the workers at the bottom of the ladder. I was very appreciative that three or four Republicans crossed over the line, and we defeated a Republican leadership amendment that actually would have deprived half the people on the minimum wage of the increase they deserve.

So I really do think that it makes a difference who is here, and although we turned back the most egregious of the amendments, we still have a policy where the people who are tipped employees are frozen at $2.13 an hour in this year, 1996, when it is hard to make it. It is hard to make it even on a salary that is far greater than that.

The Democratic agenda stems from three ideas.

One is security. There are various aspects of feeling secure in your life. Certainly paycheck security is a part of it. It is very important. We need to know that we can pay for a roof over our family's heads. We need to know that we can put food on the table; we can pay for health care bills; we can pay for college education, or at least afford to pay back the loans. So that is very important.

We need to know that we are safe in our streets. That is why we Democrats applaud what President Clinton has done to put thousands and thousands of police in our communities. We applaud him for his courage in getting assault weapons out of the hands of gangs. We applaud him for signing the Brady bill, where thousands of people with criminal records have been denied applications for guns. This has made America safer.

We have more to do. We Democrats want to put more cops on the beat. That is part of our security agenda.

We also do not want to see pensions taken away from people.

There was an extraordinary story on the front page of the Wall Street Journal about the employees of a company called Color Tile working day in and day out, putting aside for their pension. Do you know what happened to their pension? The boss put it in the company, and when the company went bankrupt they not only lost their jobs, they also lost their pensions.

That is wrong, and we Democrats are going to fight for pension protection. That is just one example of it. There are many, many more.

We read also in the area of pensions where people with 401(k)'s, again employer-controlled plans, they buy antique cars and decorate their offices with paintings. This should not be allowed. We need more protection for those pensions. People count on those pensions, and, in many cases, women suffer the most when a working spouse dies and they are not treated fairly.

I think we can really move forward on security—paycheck security, pension security, security from crime. These are the things that we are talking about.

We talk about providing kids, all of our kids, with health care. It is a travesty to see a situation where little kids cannot get health care, and then they wind up with serious problems, go to the emergency room, and it costs a fortune for society to pick up the tab when we should have provided, at a minimal cost, basic quality health care for those children.

So we have a lot to do, and I think we can deliver.

Opportunity is the second idea. That is security. This is opportunity. Educational opportunity. I am an example of someone who went to public schools all her life.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. BOXER. And how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 50 seconds.

Mrs. BOXER. I thank the Chair.

Educational opportunity. I got a public education all the way from kindergarten through college. I serve in the U.S. Senate and I go toe to toe with some folks here who have gone to the best private colleges. That is America. We give our young people the educational opportunity, regardless of their income. That is what separates us out from so many other countries. It is what makes us great. It is what has built the great middle class. We need to make sure all of our young people have a chance to go to college, and we Democrats say that is what we will do. Everyone will have a chance to go to college under our opportunity agenda, which will provide tax deductions for college and job training. For children with good grades and no drug records we have proposed a $1,500 tax credit for the first 2 years of college in HOPE scholarships. The student has to maintain a B average and be drug free.

Economic opportunity. We are talking about making sure if you have a family business, you do not get taxed to death when it is passed to the next generations. We are talking about a special program called State infrastructure banks, where States can leverage small amounts of taxpayer dollars to build the physical infrastructure to make sure that we have safe highways and transit, to make sure we have a safe water supply.

We must take care of our air and water. Here in Washington, a water alert has just been issued. We ought to make sure around here that those who pollute our water are held responsible. We ought to make sure we invest in systems that work, that will provide that clean water. That is something else that we Democrats stand for.

We also stand for responsibility, not only on the part of the Government, but on the part of individuals. Yes, we call for a balanced budget. I voted for three different ones—every one of them I was proud to vote for, certified by the CBO to balance and did not hurt Medicare. You do not have to hurt Medicare, you do not have to hurt Medicaid, you do not have to cut education, you do not have to cut environmental protection to balance the budget. But the Republican plan, because of huge tax cuts to those who are doing just fine, makes unconscionable cuts in those important programs.

We Democrats stand in opposition to that. We want to bring everybody along. We do not want to give special deals to the people who earn over $250,000 a year. They are doing just great. They are doing just fine. We need to make sure that average Americans can make it. We need to make sure they have that opportunity and that sense of security to make it.

So, I think, all in all, we have an excellent Families First agenda. I, for one, am very proud of it.

The PRESIDING OFFICER. All the Senator's time has expired.

Mrs. BOXER. So I think it is time to pass this Democratic agenda. I hope we will get that chance.

I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, I think we had some time allotted. I would like to take that time now, as much as I use.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PERFORMANCE RATHER THAN RHETORIC

Mr. THOMAS. Madam President, we wanted to visit just a little bit about the program that has been set up by our friends on the other side of the aisle. I am delighted that there has been some kind of effort to put together an agenda. I think it goes to indicate a little bit about the differences that we have, in terms of solving problems for this country; differences that we have in terms of how we see the role of the Federal Government in our lives and, really, an issue about this whole matter of the end of big Government.

It is interesting. The Prime Minister this morning quoted the President and so on, saying "The era of big Government is over," yet our friends on the other side bring out an agenda that describes all the things that the Government is going to do. I have to tell you, I am a little impressed with the notion that it is a matter of some spinning for political purposes, rather than talking about what we really want to do.

The Democrats come out with an agenda to do something at the same time they are keeping from happening all the things practically that we decided to do this year. It seems to me it is a transparent kind of an idea of talking about it but not doing. Walking the walk? No. Talking the talk? Of course. And that is where we are.

So I really think we ought to challenge our friends over there to really take a look at what is happening here, and if they are talking, really wanting to do what they are saying, let us do it. Let us talk about health care. My friends on that side have not even allowed us to appoint conferees, to do something with the health care program that is there and ready to be passed.

Our friends talk about balancing the budget. The Democrats were in charge of this place and the House for 25 years and never balanced the budget. Now the agenda is: Balance the budget.

Madam President, when you and I were in the House, we had a budget called "Putting Families First." That budget included a $500 per child tax credit, it included anticrime initiatives, it included welfare reform, it included market-based health care reform, indexed capital gains. Our friends opposed it. They said, "We can't do that."

That budget would have been putting families first, giving an opportunity for families to do the things for themselves that we think they ought to do—putting families first. I guess all I can say is I am really getting exasperated with this process of ours where the idea is to see how much you can spin and how much you can talk and how much you can say but not do anything about causing it to happen.

It is almost cynical that we have now the most technical, greatest opportunities to communicate so people can have input into their own Government and, at the same time, it is more and more difficult to really understand what people are for. And as this election comes up, that is what we ought to be deciding: What direction do we want this country to take, not what people are going to say but, in fact, what they have done.

The records do not match this kind of rhetoric. President Clinton opposed the balanced budget amendment. Those folks all voted against a balanced budget amendment, practically all. The President vetoed the first balanced budget in a generation. That is the walk, that is not the talk. We have had that this year.

Most of us came to the Senate and said voters told us very clearly, "We have too much Federal Government, it costs too much and we're overregulated," and we have tried to change that.

Frankly, the Democrats have done all they can do this whole year to keep things from happening. We had an opportunity and we still have an opportunity: the first balanced budget in a generation to reduce the size of Government, telecommunications reform happened this year, line-item veto happened this year. It never happened before. Congressional accountability, product liability. We have done those things, and we were able to achieve some of these goals, understanding that Washington is part of the problem, not, indeed, part of the solution.

So, Madam President, I have been very impatient with this idea of getting up and making all these great speeches about things we are for, and then when we have an opportunity to do it, we have an opportunity to put it into place, then all we find is opposition, all we find is, "Well, I'm for a balanced budget, but I can't be for this one."

"I'm for welfare reform, but I can't be for this one."

"I'm for sending Medicaid back to the States some more, but I can't be for this one."

That is what we have heard the entire year, and continue to hear that.

Now they come forth with the families first agenda, promoting most of the things they have opposed throughout the year.

Madam President, I just find it frustrating, as you can probably tell. It is time that we begin to measure performance rather than measure rhetoric. We have an opportunity to do the things that we set out to do this year. We still have an opportunity to do it. We have an opportunity to have medical reform, we have an opportunity to have some welfare reform, we have an opportunity to balance the budget, we have an opportunity to reduce the size of Government, we have the opportunity to have some tax relief.

Which of those things have been supported on the other side of the aisle? None. But then they have an agenda, an agenda because that is what the polls say, and that is what it sounds good to say to people. It does not matter that it is not going to happen. It does not matter that they are not walking the walk, it is just talk the talk.

I suppose this is fairly harsh stuff, but I can tell you, I have watched this go on now for some time, and it continues. Of course, as we get toward an election year, it becomes more and more heightened in terms of the rhetoric that is there.

So I hope that as we make some of the changes that need to be made in this Government, a government of the people and people deciding, making decisions—that is what elections are about, talking about what direction this country will take, and we have an opportunity to really measure performance, not rhetoric, and that is what we have an opportunity to do.

Madam President, let me yield to my associate from Minnesota.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

WORKING FAMILIES DESERVE SOLUTIONS, NOT SLOGANS

Mr. GRAMS. Madam President, we have heard a lot of talk from Washington recently about the hardships that are facing working Americans. Tax rates are up, job opportunities are down, interest rates are rising while paychecks are shrinking and take-home pay is not going anywhere at all. But the families trapped on this economic seesaw are feeling anxious and unsure about the future, and they are looking to the Federal Government for some change.

Most everyone agrees that a fundamental responsibility of Congress and the President is to try to help ensure greater opportunities for working Americans, so men and women can seek better jobs that will lift their standard of living, and the real debate going on in Washington today centers around just how that should be accomplished.

The Democrats in Congress are saying the answer is to simply raise the minimum wage. But that is a political smokescreen that flies in the face of reality, an attempt to mask a 40-year record of voting for policies that have actually lowered family incomes.

The truth is that most minimum wage positions are either part-time jobs that are held by students, entry-level jobs for young people who are just trying to get into the work force, or second jobs held by men or women whose spouse is the primary breadwinner.

Raising the cost of doing business by raising the minimum wage is probably going to mean even fewer of those jobs. Some statistics say as many as 600,000 of those jobs will be lost, killing work opportunities for young people and those families who depend on that second income.

Besides artificially inflating salaries by hiking the minimum wage, it ignores the real concerns of many working Americans, working Minnesotans. Yes, they want better jobs that pay better salaries, but they have told me repeatedly that what matters most is not how much you earn but how much of your own paycheck you are allowed to keep after the Federal Government has deducted its taxes.

We have debated the issue and put the issue of minimum wage to rest by passing that legislation yesterday. Yet, the issue of tax relief for families has been virtually ignored in the Democrats' ideas recently in their recently released blueprint for their 1996 campaign season that they have entitled "Families First."

They are billing their plan as a roadmap for the future of their party. Congressional Democrats have not created an agenda for change but have instead produced a byproduct of some ambitious political polling. They say that they are in favor of education, in support of welfare recipients working, and helping families and helping children. In other words, if a majority of Americans told the pollsters they liked it, then according to the Democrats, they like it, too. "Some people say it is a tiny agenda, it is too modest or too bland * * * and my answer is that whatever it is, it is what people told us is their concern now." And these are the words of House Minority Leader RICHARD GEPHARDT, in what really was a surprisingly forthright nod to the power of election-year polls.

Let me say again what RICHARD GEPHARDT said. He said, "Some people say it's a tiny agenda, it's too modest or too bland * * *" Mr. GEPHARDT went on to say, "and my answer is that whatever it is, it's what people told us is their concern now."

Again, the results of their polling.

This tiny agenda, however, comes with a massive price tag. Paying for the families-first promises could cost American taxpayers an additional $500 billion over the next 6 years. While the document is so intentionally vague that computing a precise cost estimate is next to impossible, it is clear that the cost would be enormous, especially if you add that new cost onto the $265 billion tax hike imposed by President Clinton and the Democrat-controlled Congress in 1993.

If the families first title sounds familiar, well, it ought to because back in 1994, Republicans in the U.S. House championed a proposal we called "Putting Families First," which I introduced along with Congressman TIM HUTCHINSON of Arkansas.

We introduced the families-first bill in 1993; and in 1994 it became the Republican alternative; and in 1995 we worked it into our first balanced budget that we sent to the President last year. So the families first title is not new.

Unlike the Democrats' families first, however, it was not a political statement, it was not a statement that we conjured up to coax voters in an election year. Our plan, our families-first version, was a well-reasoned alternative budget proposal that was specifically crafted to create new opportunities for working Americans, to give them those job opportunities and the better pay that they are talking about.

The heart of our plan was a $500 per-child tax credit that would benefit

529,000 Minnesota families. Nearly $50 million a year in tax savings would go just to the residents in my State of Minnesota. That is far more than the 12,000 heads of households in Minnesota who would be eligible for the boost in the minimum wage, according to data compiled by the Joint Economic Committee.

So what would have done more good? It would have been better to pass some of the tax relief that we have advocated and called for rather than a smokescreen of just a small portion in the minimum wage. Putting families first sought to further strengthen families by reforming the broken welfare system, combating crime through new get-tough initiatives, by offering sensible health care reform while reducing the deficit by $150 billion. Republicans in both the House and the Senate embraced it as our alternative to the big taxing, big spending budgets of the past.

As a potent prescription for dramatic change, putting families first offered a strong defense of the American family. The Democrats' version of families first is a placebo, a lackluster concoction that will masquerade as some new medicine, but in reality it offers no cures.

Republicans followed through on putting families first by passing budgets in 1995 and 1996, balanced budgets, that built on that strong foundation. We have pledged to continue to fight for the $500 per-child tax credit, for additional tax relief to make it easier for businesses to be able to create those better paying jobs, and a balanced budget that will reduce interest rates and the amount that a family has to pay on their mortgage, on their car loans and student loans.

Minnesota families deserve solutions, not a lot of empty slogans. If the Democrats are serious, if they are serious about trying to ease the tremendous burden faced by American workers, then they will drop the campaign theatrics and they will help join the Republicans in truly putting families first by turning our promises into law. I think they deserve nothing less than that.

I thank you, Madam President, and I yield the floor. If there are no other speakers, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, as I understand, morning business has expired.

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. I will use my leader time and only take so much time as may be required prior to the time we are prepared to go to the DOD bill, which I understand is imminent.

THE ACTION AGENDA

Mr. DASCHLE. Madam President, I wanted to call attention to the fact that yesterday, as we passed the important piece of legislation dealing with minimum wage, one of the issues that I do not think got the kind of attention that I had hoped it would receive, and really deserves, has to do with pensions and has to do with the significant new contribution we made to pension reform in the package of amendments that we added to the minimum wage bill.

That legislation dealing with pensions has several categories, one of which is an issue which a number of our colleagues have expressed a great deal of concern about and are prepared to support in a series of amendments dealing with women's pension equity. There is a significant disparity among working people, between men and women, with regard to pension equity. Senator BOXER and Senator MOSELEY-BRAUN, in particular, added amendments to this package which would begin to address that disparity, which would begin to close the gap, the chasm, really, between men and women when it comes to pensions. I want to publicly commend them for their leadership and their willingness to work with all of us to find a way with which to begin making the effort to close that gap and to provide the kind of equity that I know all of our colleagues would like to achieve. Senator BOXER's provision will make it more likely that surviving spouses—typically women—will be able to avoid significant cutbacks in the level of retirement income provided while their spouses were alive. Senator MOSELEY-BRAUN's provisions will remove roadblocks that can prevent surviving spouses and former spouses from getting the benefits they are entitled to from both private sector pension plans and Federal retirement programs.

Beyond women's equity, we also dealt with the issue of pension portability. We have a very significant problem in this country that exists every time someone wants to leave their job to go to another job. Pension portability is almost as serious a problem as health care portability. We need to find ways with which our workers can take pensions with them and keep increasing retirement savings without obstacles or cutbacks as they move from one job to the next. This bill will expand the PBGC's missing participant program to help ensure that retirees who have lost touch with their former employer never find their benefits unexpectedly forfeited when the pension plan terminates. It will also make it easier for new employees to enter their employers' 401k plan immediately, rather than waiting to benefit.

Finally, there are a number of issues relating directly to pension security that have to be addressed. Security for pensions is something that increases in urgency for workers as they get closer to that date when they will retire. There is a pervasive sense of insecurity about pensions in retirement today. Working people, men and women, are very concerned about whether or not they will have the capacity to deal with the problems that they know they will confront with regard to their own income viability, their own ability to ensure some confidence that they will have the necessary means to live in some security and comfort during retirement. The way that we are going to be able to address that effectively is to put the kind of priority and attention on pension security that it deserves. We took an important step yesterday by increasing the guaranteed benefit provided to retirees from multiemployer pension plans that become insolvent.

Several months ago, we laid out our desire to see an action agenda addressed. That action agenda has four components. The first was personal security and the need to ensure that people are safe in their neighborhoods. The second was paycheck security and the real desire that working people have to earn more income. The third was health security. And the fourth is pension security.

Madam President, we are now at a point where we have been able to address all four of those security questions. We have been able to protect the cops on the beat program. We have made a downpayment in providing better personal security out on the street than we had before. Yesterday, we passed the minimum wage bill.

We are working on both sides of the aisle, hopefully, to resolve our differences in the Kennedy-Kassebaum legislation. I hope we can, at some point, put that bill back before the Senate in an effort to resolve what remaining differences there are, in an effort to move it forward and to have a Presidential signature and, at long last, declare our victory with regard to the Kennedy-Kassebaum bill.

Health insurance portability is something we all ought to support, and, in fact, have supported. The Kennedy-Kassebaum bill passed by a vote of 100 to 0. There is no reason whatever that we cannot finish that legislation this month. I hope we can continue to keep our eye on the ball. Our eye on the ball in this case is clearly portability for health insurance.

All the other issues, as important as they may be, can be resolved, as well. But the important issue, the one matter that unites us all, is the need to have that portability. We ought to use this legislation to get that job done.

Now, finally, pension portability and pension security—it is critical we get that legislation passed. I am hopeful with the action taken yesterday that will happen.

This is part of a larger agenda the Democrats have laid out, having three components—security, which I have addressed, opportunity, and responsibility. We will have a lot more to say about those three components in the weeks and months ahead. I know that we are now prepared to go to the pending matter. For that, I yield the floor.

(Mr. DEWINE assumed the chair.)

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we have now completed the process that was laboriously worked out to take up and consider the small business tax relief package, the House-passed package that included minimum wage and some tax considerations. Then we added to it the Finance Committee's work and the managers' bill. We completed that whole process yesterday, and we have now taken up and considered amendments to the TEAM Act. We have passed the TEAM Act.

In connection with all of that, earlier, we had caught up in that maze the taxpayers bill of rights II. I tried yesterday to clear that for unanimous consent because I believe there is overwhelming support for the taxpayers bill of rights bill. I know one of the principal architects of that legislation is Senator PRYOR from Arkansas. But there was objection heard to it because I understood maybe there were amendments that were being considered to be offered to that bill. I understand now that maybe that is not true. I know that Senator PRYOR, Senator FORD, and I think maybe Senator GRASSLEY, and others, are working to see if we can get agreement on that. That is something that we clearly should do to give the American people some further rights with regard to how they are dealt with by the Internal Revenue Service. That is something we should do, and it is long overdue. But there was objection.

Now, today, also caught up in the small business tax relief, minimum wage, TEAM Act, and gas tax act was another matter commonly referred to as the White House Travel Office. So I wish to seek unanimous consent that we could get that legislation taken up and acted on because, once again, it is clearly something that involves equity for the people involved. I thought that once we got all these other issues dealt with, this would be something we could move.

So I am going to continue to try to move bills that are pending before the Senate. Some have been pending for a long time. It is my intent to try to clear for a unanimous consent agreement the bill dealing with the Gaming Commission, which is not something I am particularly excited about, but there is a lot of interest in it, again, on this side from Senator LUGAR and Senator COATS of Indiana. I know that Senator SIMON is interested in that. My intent is to try to get it up and have it considered and deal with it, vote it up or down, but stop holding things up.

I am trying to develop a pattern here of moving legislation, certainly legislation that is not controversial, such as the taxpayers bill of rights, the White House Travel Office, and the Gaming Commission—although that could get to be controversial. If I find out that there will be a lot of amendments beyond what were agreed to in the committee, after consultation with the Democratic leader, we might decide not to bring that up if we are going to have protracted debate on that. We have work we need to do, such as the Department of Defense appropriations bill. The two managers are here and are ready to go. We need to get on with that. If we are going to have objections, then I guess we will not be able to proceed.

UNANIMOUS-CONSENT REQUEST—H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office. This provides for the reimbursement of attorney's fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993; further, that a substitute amendment, which is at the desk, offered by Senator HATCH, be offered and agreed to, the bill be deemed read the third time and passed, as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President. We have not seen this amendment, to my knowledge. I do not know that anyone has shared it with us. I have not seen it. But I say that, beyond the issue of the Hatch amendment, there are Members on this side who believe that it is important that we have a good debate about this bill and about this issue. They have amendments that they may be interested in offering. They want the opportunity to offer those amendments, or to at least have the right to offer them at some point.

So we would not be in a position to agree today to pass this piece of legislation. We would need to look at the Hatch amendment. We need the opportunity, at least, to offer amendments. I think it is important that that be done.

So, on that basis, we object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like to yield to the distinguished Senator from Utah, the manager of this legislation, and just note that this was brought up and debated for a period of time. I was under the impression that the Hatch amendment was available. I have a copy. I know the other side does have it now. I would like to hear from Senator HATCH on this matter. If, after review, perhaps they find that they could then agree, then we would be prepared to ask for unanimous consent later today to get this matter taken up and considered.

I yield to the Senator from Utah.

Mr. HATCH. Mr. President, the minority has had this amendment for a long time. Frankly, all it does is it takes the House bill, which would reimburse Billy Dale for his attorney's fees incurred in the criminal matter. Our amendment makes it clear that we are only reimbursing him for those attorney's fees, not for any congressional appearances; nor are we reimbursing anybody else for any congressional appearances. It clarifies and, I think, refines the bill so that it can be sent back to the House. I believe they will take that in an instant because there is a terrific injustice here. It is time to solve it. It got embroiled within the minimum wage debate. This is one of the reasons why many of us on our side agreed to go ahead with the minimum wage, which I believe the distinguished Senator from South Dakota and others on that side believe was a victory for them yesterday. I thought that once the minimum wage problem was solved, there would be absolutely nobody in this Chamber who would not want to resolve what is really a tremendous injustice to a person who has been treated very badly. I do not believe there is anybody here who would really object to this bill.

Let me just say this. In the wake of this FBI matter, Mr. Dale and his colleagues have found themselves in the news once again. After trying to put the circumstances of their firings behind them, it was discovered that Mr. Dale's FBI file was requested by the White House Security Office after—let me repeat, after—he was fired—7 months after—and right before he was indicted. It appears that the Travel Office seven were not only fired unjustifiably, but in some cases their personal and private FBI background investigation files, or file summaries, were inappropriately requested and possibly reviewed.

I find it outrageous—as I think most others do on both sides of the aisle—that the Clinton White House would have fired these public servants in such an insensitive and unfair manner and then improperly access private information on some of them—especially

Mr. Dale. That is how this whole Filegate thing has arisen. When they found that long after they fired this man, and had done so inappropriately, and then intended to indict and prosecute him unjustly, they got these special secret files from the FBI on Billy Dale.

Now, this just simply demonstrates the arrogance of power of some in the White House with regard to this matter. To hold this up any further, even for amendments, it seems to me is something that really anybody has to think about, because previous attempts to pass this measure were stalled by our colleagues on the other side of the aisle, even though many of them told me they support the measure, including the distinguished Senator from Arkansas, Senator PRYOR, who was the one who spoke up when we first brought this bill to the floor.

First, Members on that side wanted to offer the GATT amendment. That was Senator PRYOR. Then there was the minimum wage amendment. I thought once we solved the minimum wage issue, we would surely be able to bring this up and get it done. Now the Senate has dealt with both the GATT program and the minimum wage. And now I understand, if I heard correctly my colleague from South Dakota, that some of his colleagues have a desire to bring up additional unspecified amendments. Indeed, I have to say it was requested at the staff level that the Senate delay consideration of this legislation until Mr. Dale responds to some questions submitted to him at the Filegate hearing.

Give me a break. It is beginning to look like some of my colleagues on the other side of the aisle want to kill this bill more than anything else. I do not know of anybody who is willing to stand up and say that. But that is what it looks like.

If there are legitimate germane amendments to the Billy Dale bill, I encourage my colleagues to produce them. Let us review them.

My hope would be to work something out and pass this bill today. And I am willing to work with my colleagues and accommodate it. This is a bill with the support of both Republicans and Democrats alike in the House.

Frankly, I fail to see any reason for holding up a measure that would simply remedy the injustice resulting from the Travel Office firings. Throughout the lengthy debate on this bill, we must not forget that the bill is about Billy Dale and the other Travel Office employees. It is a bill that would reimburse their legal expenses for defending themselves against an unjust criminal investigation and prosecution.

Let me again explain unbelievable circumstances for their terminations.

After years of faithful service to the Government, Mr. Dale and other Travel Office employees were fired on May 19, 1993. In an attempt to justify the firings of these loyal public servants who worked for both Democrats and Republicans in the White House, the current White House met with and urged the FBI to investigate the Travel Office. The allegations brought against the Travel Office employees were conducted by those who had a vested interest in running the office themselves. If being fired was not tragic enough, the Department of Justice launched a Federal criminal investigation against the Travel Office employees.

As I have said, Mr. Dale was subsequently indicted, and despite the weakness of the case against him and after only 2 hours of jury deliberations he was acquitted. Because of this questionable use of the Federal criminal justice system, Mr. Dale was forced to spend $500,000 in legal fees. The other Travel Office employees collectively spent $200,000 in legal fees for their defense. And aside from the crushing financial burdens on these people, these individuals were also burdened and continue to be burdened with defending their reputations.

The targeting of these dedicated public servants because they held positions coveted by political profiteers, I think, demands an appropriate response by this institution. And, although we can do absolutely nothing to restore their reputations, their dignity, and their faith in the White House, it is only just that the Congress do what it can do to rectify this wrong.

By providing attorneys' fees we can at least financially make these Government employees whole—these innocent Government employees whole.

That is why we are here. That is why we would like to do it. This bill will be a mere statement by Congress that there was clearly an arrogant abuse of power by White House officials against seven innocent employees in favor of some close to the President who stood to gain financially.

It is one thing for the President to exercise his prerogative and dismiss them, it is another to do so and then concoct an investigation to justify dismissing them.

And we should all be embarrassed by the way our Government treated these seven Travel Office employees, and we should make up for it by passing this measure today.

One last thing: The President himself indicated that he would sign this bill. He knows that it was an injustice. I give him credit for that. And, frankly, it was his White House that caused these tragedies. And he is willing to sign the bill.

There are other bills that the amendments can be added to that are nongermane. If there is something that is germane to this bill, bring it up. We will bring it up now. We will solve those problems. But we will right this tremendous injustice and wrong. And this is the time to do it.

I am hoping that my colleague, the distinguished minority leader of the Senate, will recognize this. I hope that he can get the folks on his side to cooperate and get this measure passed once and for all and then let us go to battle on these other future issues at a later time.

On this one I do not think there is that much opposition among anybody on the Senate floor. At least I have never heard one ounce of opposition to this bill to right these wrongs.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, the distinguished Senator from Utah raises a couple of points that I wish to take just a moment to respond to. I know there are others on the floor who want to go to the DOD bill.

The Senator from Utah indicated that there are those who are asking questions from Dale in particular with regard to his legal fees, and that we were using that as the reason for holding this bill up. We are not using that as the reason. We have not said that until we get that information we are going to prevent the bill from coming to the floor. That is not our desire necessarily. But there are reports that Mr. Dale had a fee arrangement with his attorneys, and that fee arrangement was just a fraction of what this bill would provide with regard to reimbursement for legal fees. If that is the case, then to provide a fee or a reimbursement many times what the fee may have been for Mr. Dale it seems to us to be inappropriate.

The second issue is how unprecedented the nature of this legislation really is. It is virtually unprecedented. I will not ask the distinguished Senator from Utah today if he can give me a list of all of those occasions when we have done this in the past. But I think he would be hard pressed to do that.

Mr. HATCH. Will my colleague yield on that point?

Mr. DASCHLE. Yes.

Mr. HATCH. I think it is unprecedented. Talk about unprecedented. It is unprecedented for the White House to order the investigation, which is what happened here.

Mr. DASCHLE. Mr. President, I take back the floor. Let me just say that is not the case. And the Senator from Utah certainly knows is not the case. That is not what happened, and I hope we could make sure that the RECORD at least would be accurate as we address the circumstances involving this matter.

But the issue is are we willing to establish a new precedent here; that every time somebody is investigated, every time somebody is found to be innocent of some charges, the Government then automatically reimburses that person for whatever legal fees they have incurred. If we are prepared to do that, I think this side would have a very significant list of people that we may want to address. Shall we do that for Congress as well? Where does it stop?

I think all of this needs to be considered much more carefully than we have done thus far.

We have amendments we want to talk about. We think a good debate may be in order before we set this precedent. Before we are asked to put our names on the line and vote affirmatively or negatively on this issue, ultimately I think a much better understanding of the facts and a far better understanding of the complications regarding the unprecedented nature of this legislation ought to be considered.

So for those reasons, we are not prepared to go to the bill today.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The minority leader is my friend. He knows that. I care for him. He is a very fine person. I have to tell you that I do not think anybody can come to the floor and say the White House in this instance did not do an injustice here; that they did not try to use the force of Government, the FBI, the Justice Department, and others to take apart a very, very good person, and others working with him who have worked for both Republican and Democrat administrations and to do it to take care of their own people.

I have to correct the record with regard to that. I do not think anybody doubts that. It is pretty much admitted. Even the President said he would sign this bill. That was not easy for him because he was in essence saying that he recognized that this is terrifically wrong and that his people in the White House did it.

This is what happened, on May 19, 1993 the White House fired all seven of these people. At least two of the individuals learned of their dismissal in the evening news that night. That is how they learned about it.

The White House first stated that the firings came as a result of an internal audit revealing financial irregularities in the office. Several months of independent review and oversight hearings uncovered the actual motivation for the firings. Certain people in the White House and outside of the White House —friends of this President hoping to advance their own financial interests—attempted to destroy the reputations of the Travel Office employees and take over the Travel Office business.

This issue is not going away nor am I going to let it go away. It ought to be resolved. I am willing to say that the President has done what is right here in saying he will sign this bill. These same persons who did this to these seven Travel Office people used the White House staff members to initiate a baseless criminal investigation by the FBI. That is outrageous.

If somebody in a Republican White House had done that, the fuss and furor would never end.

We have tried just to resolve this problem in a dignified, reasonable way, and do it by paying their attorneys' fees that they incurred just for this unjust criminal investigation and trial.

According to the congressional investigation, certain individuals in the White House and outside of the White House were responsible for these firings. Catherine Cornelius, a cousin of the President, employed at the White House, Harry Thomason, a personal friend of the President and First Lady, Darnell Martens, Mr. Thomason's business partner, and David Watkins, again—how often does he surface—assistant to the President for management and administration, these are the people who shoved it to these time-honored employees.

In December 1992, discussions took place between Miss Cornelius and World Wide Travel—a very appropriate name—the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Miss Cornelius—keep in mind, that is the cousin of the President—and soon thereafter, after he hired Miss Cornelius, the Travel Office began taking calls for Miss Cornelius as the new head of the Travel Office.

In February 1993, Miss Cornelius provided Watkins with a proposal that would make her, the President's cousin, codirector of the White House Travel Office and would hire World Wide Travel, the Clinton-Gore campaign travel group, as the outside travel specialists.

In April and May of 1993, Cornelius began to focus on the Travel Office and, with Harry Thomason, claimed that there were allegations of corruption within the office. During this time, Miss Cornelius and Mr. Thomason pushed that World Wide Travel take over the Travel Office business of the White House and other offices in Government.

In mid-May 1993, employees of the White House counsel's office, Miss Cornelius and others, met with the FBI regarding the Travel Office. Although the FBI was unsure that there was any evidence, or certainly enough evidence in existence to warrant a criminal investigation, William Kennedy, whose name constantly surfaces, former law partner of the First Lady's at the Rose Law Firm, who was then at the White House counsel's office, informed FBI bureau agents that a request for an FBI evaluation came from the highest levels of the White House.

At this time, they determined that Peat Marwick and Mitchell, the accounting firm, would be asked to perform an audit of the Travel Office.

On May 14, Peat Marwick's management consultants made their first trip to the White House.

On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomasson informed Mr. Kennedy that a decision had been made to fire the Travel Office workers and employees. Kennedy informed the FBI, who warned him that the firings could interfere with their criminal investigation. Kennedy informed the bureau that the firings would go ahead anyway.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charters. Meanwhile, Mr. Kennedy then instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings. At 10 a.m. that morning, that very same morning, Watkins informed the Travel Office employees that they were fired because a review revealed gross mismanagement in the office. They were initially told that after all these years of service to this country, service to the White House, both Democrat and Republican administrations, that they had 2 hours to pack up their desks and leave.

Watkins learned that Press Secretary Dee Dee Myers had publicly disclosed existence of the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She had been warned. She knew that what they had done was wrong. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on the 17th, however. So you can see what we are dealing with here. The report gave no assurances as to either its completeness or its accuracy. In any event, while the report found certain accounting irregularities, it found no—none—evidence of fraud.

In May 1994, the General Accounting Office reported to Congress that while the White House claimed the terminations were based on "findings of serious financial management weaknesses, we noted that the individuals who had personal and business interests in the Travel Office created the momentum that ultimately led to the examination of the Travel Office operations."

The General Accounting Office further noted that "the public acknowledgement of the criminal investigation had the effect of tarnishing the employees' "—that is s apostrophe— "reputations and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense."

Of course, as everybody in this body knows, Mr. Dale was the only Travel Office employee to be indicted, and it took a jury only 2 hours to acquit Mr. Dale after a lengthy 13-day trial.

Mr. President, I sat on the Whitewater Committee. I have to say I was absolutely amazed at the improprieties and the wrongdoing and the other things that were really brought out. It was just a layer all across that event. Even so, it was very difficult to understand because there was just one thing after another, and I think people in this country are very mixed up about the Whitewater matter. They feel something is wrong, but it is so convoluted and complex, so filled with what some people call "the sleaze factor" that it is very difficult to point to any particular huge bubble in that sleaze. But one thing everybody in this country does understand and one thing that is not going to go away, certainly not until these people are reimbursed for their legal fees, will be the Billy Dale and the White House Travel Office matter.

In all honesty, I do not think anybody knows that there was a tremendous arrogance of power in the White House that really brought about this improper action and these unjustified actions, what really were offensive actions in misusing the FBI and other forces of law enforcement to indict and prosecute a really fine man that everybody today feels somewhat guilty about.

Let me tell you something. This is an appropriate case and one of the few that I can cite in the history of the country where the right thing to do is to reimburse these people for these reasonable costs. In all honesty, they have had even more legal fees because they have had to appear up here on Capitol Hill. My amendment however, would just correct the matter and make it very clear that the only reimbursement for attorneys fees that they can get through this legislation, the only reimbursement will be for what happened in that limited period of time when they were criminally prosecuted and unjustly persecuted, and I am using that word selectively, unjustly persecuted because of White House actions.

I do not care whether it is a Republican White House or a Democrat White House; we ought to all be concerned about doing what is right for these people. In this case, it was a Democrat White House.

This issue is not going to go away. We are still searching to get to the bottom of it. That is how the whole Filegate thing has come to pass. That is how we now find two political operatives, people who throughout their political careers have done opposition research, have spent their time trying to even sling mud at their own Democrat Presidential candidates—who were entrusted with the most sensitive, secret, FBI files pertaining to people who had patriotically served the White House for years and years, young people who no longer are going to go back, or certainly nobody expected them to go back but who believe to this day now that somebody, somewhere, especially since the reports of Mr. Marceca taking computer disks home with Filegate information on people, they are concerned that someday, sometime in the future when they want to serve the Government again some of these secret things that were in those files will be brought forth to smear them and their lives.

I happen to know a lot about FBI files because, as chairman of the Judiciary Committee, somebody who has been on that committee for 20 years, we review these judgeship files all the time. Some of the best judges on the bench today during their younger years did things that were not quite right. Some of them abused drugs. Some of them had problems with alcohol. Some of them did things that, really, you would find reprehensible today and would stop them from holding these positions. But they, in the intervening years, straightened out their lives, repented, did the things that were right, and we confirmed them because it is what they are today that counts.

But if somebody got hold of these files, which contain written down—a bit like Mr. Aldrich's book—everything that is said, whether it is true or not, by people who have axes to grind, by people who are dishonest, by people who hate the nominee, by people who just plain are misinformed, if some of those matters came out, they could destroy the lives of some of these eminent people today who are doing terrific jobs, deserve our acclaim, deserve our support, and who, literally, are among the greatest people in our society today.

All of us are sinners in the sense that all of us fall short of the glory of God. These files show that in many ways.

Frankly, nobody to this day knows just what was taken out of those sensitive files. What we do know is that two people who had absolutely no qualifications, no credentials whatsoever, no training whatsoever, who were known to do opposition research—which is what politicians do, sometimes, to find out all they can about the other side; generally, it is called dirt digging—these people who were known to do this were placed in charge of that office, and one of them ordered up all these files that now are approaching almost 900 files. People thought it was only 307 at first, but now it is up to 900 files, and it may be more than that. We have no absolute way of knowing.

We do not know what was taken out of those files, but we do know there were pink slips put in some of the files that indicate the guts had been taken out and been used somewhere in the White House, and then the testimony was they put the guts back in and pulled the pink slip out. So we do not know how many of those files were copied. We do not know how many of them were on Mr. Marceca's computer disk that he took home from the office, this low-level employee. We do not know any of that.

What we do know is this. Senator DECONCINI, at a very appropriate time here, was chairman of the Senate Intelligence Committee. His top staffer in charge of security on that committee, and thus one of the top experts in the whole country on how you keep these files secure, conducted an investigation of the White House Security Office and found its operations seriously inadequate. Senator DECONCINI wrote to the White House, telling them they better fix up this problem of security at the White House over FBI files and recommended they get somebody other than Mr. Livingstone and Mr. Marceca to take care of these matters and to get some people there who are trained in that area.

As I understand it, Lloyd Cutler—for whom I have a lot of respect, who is certainly a brilliant White House counsel—agreed with the letter 2 years before all this surfaced, and still nothing was done.

Now, we do not know who in the world hired Mr. Livingstone and Mr. Marceca, other than Mr. Stephanopoulos said, "Well, it was Vincent Foster." Vincent Foster is no longer with us, tragically; tragically, now deceased. It is easy to blame somebody who is deceased, who cannot speak for himself. But we know there are others there who had something to do with hiring these two yo-yos and putting them in charge of these sensitive files.

That is what is involved here. The only way all of that came out was because when the excellent chairman of the House Government Reform and Oversight Committee, Congressman CLINGER, demanded papers that the White House refused to give, throwing up executive privilege. They refused to give those papers. Finally he forced them into giving 1,000 of 3,000 pages that clearly were not covered by executive privilege. The White House tried to hold back on him. And, lo and behold, looming up out of all of those names was the name of Billy Dale, that for which they were looking, to see how badly treated this man and his associates were.

Frankly, that is how this has all arisen. But it is not only Billy Dale, but all kinds of other former White House heavyweight Republicans, as well as many others who were not.

People all over the country are now asking, when is this all going to end? When is the Federal Government going to quit being the all-seeing eye into the backgrounds and personal matters of its citizens? How can we protect ourselves from a "1984"-type government that noses into everything that we do or have done? All of that came out of the Billy Dale matter.

To my colleagues on the other side, I am going to give them just a little bit of advice. I am not used to giving them advice, but I will. This is one you would not want to play around with. This is one that, it seems to me, would be well to pass. Do what is right and get rid of it. I think the White House, my friends on the other side and everybody else will be much better off if we do.

If this is not resolved and resolved quite soon, I have to admit, this is never going to end, because it is a mess. It is wrong. I, for one, am very, very upset about it. I hope my friends on the other side will see the clarity of getting rid of this matter and going on to the business of the U.S. Senate.

I hope we will not have any more desires to have nongermane amendments after we have gone through this fiasco of the minimum wage, which was ostensibly the reason for holding up the Billy Dale matter. If they have germane amendments, let us face them. Bring them out here, we will debate them, we will vote on them, and whoever wins, wins; whoever loses, loses. And we will pass this bill and do what is right, and, hopefully, when the President signs it, it will put it to bed. That is what I would like to do.

I know I have taken a little longer than I care to take on this, but this is something I feel very deeply about. I have gotten acquainted with Billy Dale through the hearing process and so forth. He is a very fine man. He did not deserve what happened to him. We should do what is right in rectifying this wrong that started in the White House, which misused the criminal process to abuse and persecute and, ultimately, prosecute this man at a huge cost, probably the cost of losing his whole estate under the circumstances.

So I apologize to my colleagues for taking so much time. I do feel deeply about this. I know my friend from Hawaii and others have important business to go ahead with.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first, let me commend my colleague from Utah. I think he made a very able, very cogent presentation with respect to the merits of reimbursing someone who found himself in a situation, through no fault of his own, having to spend hundreds of thousands of dollars. I certainly think we should move with speed to deal with that.

SEVERE ECONOMIC CONSEQUENCES TO NEW YORK UTILITY RATEPAYERS

Mr. D'AMATO. Mr. President, I rise to speak on another issue. Yesterday, the Senate gave overwhelming passage to H.R. 3448. Among other things, H.R. 3448 contained the Small Business Job Protection Act. That bill did a lot of good things for many Americans. For example, it extended the employer-provided education expenses for undergraduates and graduate students, something that had been allowed to run out.

It helped provide volunteer firefighters with their service awards—hundreds of thousands throughout this Nation. It brought about spousal IRA's for nonworking spouses, which is long overdue. Both Republicans and Democrats talked about this. And the tax provisions were provisions which were unanimously supported by the Finance Committee. Indeed, the distinguished senior Senator from New York, my colleague and ranking member of the committee, and I both supported this bill.

But, Mr. President, we supported it with a caveat, as it came up for markup—before the markup. We pointed out to the committee and to the chairman and to the staff that there was a provision that would bring about very severe economic consequences to the State of New York and to the ratepayers, the utility ratepayers, because in this bill there was a provision that would require those utility companies, namely Brooklyn Union Gas, Long Island Lighting Co., and Con Edison to redeem their tax-exempt bonds within a period of 6 months. Let me tell you what that would mean, and let me tell you how much in the way of bonds that we have.

We have outstanding $3.3 billion worth of tax-exempt bonds. Con Edison has $1.7 billion; LILCO, $950 million; Brooklyn Union Gas, $650 million. If these utilities were required to redeem their tax-exempt bonds with ordinary bonds, it would mean that the taxpayers and ratepayers of Long Island, Westchester, and New York City would pay an additional $65 million a year over the life of those bonds. We are talking about $1.6 billion—more than $1.6 billion.

Let me say, we already pay the highest electric rates in the Nation. This would cost Long Islanders alone more than $35 million a year.

That is just unconscionable. Let me say here and now, we are not going to stand still for this. This Senator is not going to agree to conferees being appointed until or unless this onerous, ridiculous, confiscatory provision is dropped from the bill.

Now, we were assured that it would be dropped from the bill, it would be dealt with, that technically they would take care of it. "Don't worry," in between the time of the markup and bringing this bill to the floor and passage, "don't worry about it. It will be taken care of."

We are not looking to disadvantage anybody. If my State and the taxpayers of my State have to pay $65 million a year more in order to save $80 million over a 10-year period of time, somebody's arithmetic does not add up, and it does not make sense. I am not going to stand by and have our ratepayers get hit with this unconscionable kind of nonsensical—nonsensical—legal gymnastics. It does not make sense.

Understand, the Treasury will pick up $80 million—approximately $80 million—over a 10-year period of time, but it will wind up costing the New York ratepayers and taxpayers and those who pay their utility bills, because those costs will be passed on from the utility to the ratepayers, $65 million a year more. Over a 25-year life—and it is a minimum of 25 years—it is $1.6 billion.

Let me tell you, Long Island already has the highest energy cost in the Nation. We are going to add another $30 to $35 million a year to that? We have jobs that are fleeing, industries that cannot compete, people who cannot use their air-conditioning in the summer because the rates are so high, the highest rates in the Nation.

So it was not an idle threat when this Senator and my distinguished colleague, Senator MOYNIHAN, indicated to the committee and to the chairman that this provision was not one that was acceptable. As a matter of fact, I assumed, given the promises that were made to us that it was taken care of, that it was dealt with in a way that would not create that burden, and that is what we were promised. That is not the case.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. He used the word "threat," but then said "promise." The point here is that we had an understanding. Would he not agree we had an understanding?

Mr. D'AMATO. That is correct.

Mr. MOYNIHAN. Would he not agree that this can be changed, but that if the bill is to go to conference, since we cannot bring it back up, it is possible for it to go to conference with an understanding on the part of the conferees that they will not return without a correction having been made?

Mr. D'AMATO. I believe that would be the only way in which we could handle this matter.

Mr. MOYNIHAN. We would not be able to agree to conferees.

Mr. D'AMATO. That is correct.

Mr. REID. Will the Senator from New York yield for a question?

Mr. D'AMATO. Certainly.

Mr. MOYNIHAN. We have two here.

Mr. REID. Whichever New York Senator has the floor. It appears this is a bipartisan statement. I want to make sure it is a nonregional statement, and covers the whole United States. We in Nevada have utilities extremely hindered by the result of what we did to you yesterday.

Mr. MOYNIHAN. We would welcome associates and—I do not presume to speak for my colleague, I just think I can say that we would like to be of help to anybody on this question.

Mr. D'AMATO. Let me assure my colleague from Nevada that it would not be my intent to have this deal just with New York. Indeed, all of those utilities that would be impaired and the ratepayers should not suffer regardless of what State they are in.

Indeed, if your utilities have used tax-exempt bonds—and I imagine they have—they would find themselves in a similar position we find ourselves in.

Mr. REID. I appreciate the answer of the Senator. Nevada Power is the utility that handles the power generation for 67 percent of the people in the State of Nevada and is affected very badly. Therefore, we stand by the New York delegation to assist you in whatever way we can.

Mr. MOYNIHAN. If I may just say, with one last question, does the Senator agree we should speak with our distinguished friend, the chairman of the committee, and see if we cannot work out instructions to the conferees at the time they are appointed?

Mr. D'AMATO. I agree with my colleague and friend, the distinguished senior Senator and ranking member of the committee. That is why I have a great deal of confidence in the Senator's suggestion that this would be a way in which we could work it out.

I am sorry that we had to come to the floor. Let me say, this matter is now one that has been outstanding for approximately a week—more than a week—in which we have been attempting at the staff level to work it out. Then when we find that it has not been done, it gives me great cause for concern, because unless we can get that agreement prior to going to conference, I think we would be foolish to move to conference.

So I hope we can get this agreement worked out. But, failing that, notwithstanding there are some magnificent provisions in this bill—just take a look: giving to employers the educational expenses that my colleague and I have worked to restore, and I am very proud of the fact we worked to restore that. Our graduate students, our nurses who are required to get additional education, right now if the hospitals reimburse them, they have to pay income tax on their tuition. That is silly. We want to encourage education.

The spousal IRA is a wonderful thing. We want nonworking spouses to be able to contribute to an IRA.

Having said that, I do not believe that it is fair to the ratepayers of New York to be stuck with this onerous provision that does little in the way of raising revenue but creates a $1.6 billion hit on our ratepayers.

Mr. President, I thank my distinguished colleague for joining with me, and I certainly hope we can resolve this matter, because I think the legislation is good, it is important, I want to see it passed, and I certainly hope we can work this out before this matter goes to conference.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the brief statement that I made will not consist of a second speech on the same issue. I am going to talk now on the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, I advised my colleagues, Senator STEVENS and Senator INOUYE, that I have been very patient here, but I think it would be to their interest if they went back to their offices and spent the afternoon doing something more profitable. I am going to talk here for as long as I am able to do so, which may take 4 or 5 hours. I may get tired after that.

But I have been over here. I told my friends I would not object to the defense appropriations bill being brought up, which I will not do. But I have been listening to what has gone on here this afternoon, and I think that we should talk about things that are important to talk about.

I have had the good fortune, since I came to the Senate, to be able to serve on the Appropriations Committee with my friend from Alaska, the senior Senator from Alaska, and the senior Senator from Hawaii. I have only the greatest respect for them and the work that they have done all the time I have served with them on the Appropriations Committee.

I think they have rendered great service to the country in the way that they have handled the appropriations bills every year that I have been on the committee. I am sure that will be the same this year. I am sure when the appropriations bill comes up, that I will support that appropriations bill. I am not on the subcommittee, but I have watched with interest and sometimes in awe at the way they have handled the bill.

But, Mr. President, there comes a time in the life of a Senator when you have to talk about principle. Even though I have the deepest respect for Senator STEVENS and Senator INOUYE, I am going to have to take a little time with my colleague, Senator BRYAN, and talk about what is happening to the State of Nevada.

We have heard some lectures here this afternoon about moving to important things. We talked about something dealing with the Travelgate and Billy Dale. I am sure that is important, and I think we should spend some time debating that issue. I am willing to do that at the right time.

Mr. President, we have a matter that we have been told is going to be brought up, S. 1936, the Nuclear Waste Policy Act of 1996, which is a fancy name for putting, without any regulation or control or safeguards, nuclear waste in Nevada. In effect, what they will do is pour a cement pad and start dumping nuclear waste on top of the ground. That is about it. We cannot allow that to happen without putting up a fight.

I regret that the Senate has decided to take its limited and valuable time to consider this needless and reckless bill. That is what it is. It is needless because the President of the United States, Bill Clinton, said he is going to veto the bill. He said so in writing and he said so publicly. The last time he said it publicly was in Las Vegas, NV. But we are in some political season here where chits are being exchanged or whatever.

Give me a reason why you would bring up a nuclear waste bill that the President said he is going to veto when we have 12 appropriations bills to do? According to an hour-long speech I have listened to here today, we have Billy Dale we are concerned about. We have not done anything with health care reform, and should do that sometime, should take a couple days debating that.

Mr. President, we have more important issues that deserve our attention. I wish we would spend a little time here debating organ transplantation. I wish we would take a day here and tell the American public how important that is. The Chair understands how important it is. I was in the House of Representatives, served on the Science and Technology Committee. AL GORE, now the Vice President of the United States, was a Member of the House from Tennessee, and he was chairman of the subcommittee called Investigations and Oversight.

We held a hearing that lasted several days on organ transplantation. I will never forget as long as I live a little girl by the name of Jamie Fiske, a girl that came to see us. She was yellow. Her color was so bad because she needed a liver. As a result of the publicity from that hearing, Jamie Fiske was a lucky little girl. She got a new liver. As a result of that, her color changed. She became a healthy little girl.

We have not traveled that far since those hearings 12 years ago. I would like to be here debating what this body can do about organ transplantation. We do not have to spend the fortunes of the United States to do that. We just have to make it easier for people to do that.

I carry in my wallet, Mr. President, in case something happens to me, attached to the back of my driver's license, an organ donor card, it reads, "Pursuant to the Uniform Anatomical Gift Act, I hereby give, effective on my death, any needed organs, tissues, eyes, parts for medical research." And, Mr. President, they can have anything they want.

I wish we would spend a little time talking about that, rather than a bill that is going nowhere except take up time here and embarrass the Senators from Nevada and take up our time and that of the President. There will have to be a conference if, in fact, it passes.

S. 1936 is being offered as a replacement for the 1982 Nuclear Waste Policy Act, as amended. The 1982 act says that the State that gets the permanent repository is not going to jump with joy, but the thought was we will go through some scientific observations and experimentations and determine if it is safe to have a permanent repository in a State.

In 1986, the law was changed where previously we were going to have three sites that would be chosen; the first site, second site, and third site. The President would be able to observe these three sites, and when it came time to put nuclear waste in one of these containment areas, he would choose between the three. It would not be as political. If one proved not to be scientifically proper, he would still have two others.

In 1986, for a lot of reasons, most of which were political—everyone acknowledges that now—two sites were eliminated. Texas was eliminated and the State of Washington was eliminated. Nevada now is the State. The law said—and was not changed in 1986—it said you cannot have the permanent repository and the temporary repository in the same State. It seems fair. But what this bill is going to do is take away what limited fairness we have. It is going to say you can put them both in Nevada.

It is a replacement. S. 1936 is a replacement that guts the existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liabilities of the nuclear power industry.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will yield to the Senator for a question, with the understanding that it would not violate the two-speech rule and when the Senator's question is asked and answered I would retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. As I understand what the Senator is indicating, in the 1982 Nuclear Waste Policy Act, we would have an attempt to find a suitable location, we would canvass America. We would look for the best location, wherever it would be, whether the formation would be granite in the Northeast or the salt dome formations in the South, or whether it would be tuff in Nevada, and that after that search was made, that there would be three sites that would be studied and referred to the President of the United States, and that one of those sites would ultimately be chosen.

If I understand what the Senator from Nevada is saying, that the 1986, 1987 changes to the law in effect said no longer do we search the country for the best site. Forget those criteria. We will just study, in terms of a permanent repository, the State of Nevada, and that at that time we had some assurance and some protection in the sense of equity or fairness that a State could not be studied for a permanent site, as I understood the Senator to say, that No. 1, you could not locate a temporary facility until after the permanent site was sited, and that, second, a State could not be both a permanent and a temporary site. I believe that is what I understood the Senator to say. The Senator can perhaps enlighten me if I misstated that case.

Mr. REID. The Senator is absolutely right. No one in this world who knows the nuclear waste issue has worked harder on the issue for the people of the State of Nevada in this country than the former Governor of Nevada and the present junior Senator from Nevada. He is a wealth of wisdom and knowledge on this issue, and he understands as much, if not more, than anyone else how the State of Nevada has been put upon.

Now, we do not like it, but we have accepted the characterization of going forward with the permanent repository. There is a tunnel, Mr. President, that is in that mountain, as large as this room and 2 miles deep, right into the side of a mountain, dug with a machine like a large auger. Now, we do not like it, but they are doing it. It is being done scientifically.

Now, I do not especially like how the DOE has conducted itself, but the truth of the matter is the Department of Energy has gotten all kinds of mixed signals from the Congress. We cannot blame it all on them.

As it will be developed during my remarks here this evening, Mr. President, you cannot fix important problems when you do not give individuals, organizations, and institutions enough time to fix them.

This proposal in S. 1936 is corporate welfare at its worst. It will needlessly expose people across the America—not Nevada, but across America—to the risk of nuclear accidents, I say in the plural. It is a replacement that guts existing law of its environmental and safety provisions and forces the Government to take responsibility for the waste and liability of the nuclear power industry.

Now, we are trying to get Government out of things. But not here; we are putting Government back in things. The existing Nuclear Waste Policy Act need not be changed or replaced.

As I have indicated, Mr. President, we do not like the permanent repository going forward in Nevada, but it is going forward. But not fast enough for the corporate giants. They want it to happen yesterday. They want it to happen without adequate safety, environmental, and science checks. Let it go forward and do not short-circuit it with this interim storage fiasco.

The present law is providing an adequate framework for the current program plan. It is being implemented by the Department of Energy to provide for the long-term disposition of nuclear waste.

Mr. President, as I have indicated, progress is being made on the scientific investigation of a permanent repository at Yucca Mountain. The exploratory tunnel is already, as I indicated, miles into the mountain.

Our Nation's nuclear powerplants are operating and have the capability to manage their spent fuel for many decades. There is no emergency, and there will be no interim storage problem for decades.

The current law has health, safety, and environmental safeguards to protect our citizenry from the risks involved in moving and disposing of a high-level nuclear waste. S. 1936 would effectively end the work on a permanent repository and abandon the health, safety, and environmental protection the citizens of Nevada and this country deserve.

Mr. President, as we talk about this today, we are going to find it is not only Nevada citizens that should be concerned, but they are going to be transporting tens of thousands of tons of nuclear waste across this country. They are going to be transporting the most poisonous substance known to man. How are they going to transport it? On trucks and railroad cars.

Mr. CONRAD. Will the Senator yield?

Mr. REID. I yield as long as there is an agreement it would not violate the two-speech rule, and that I would retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I have been following this issue with some interest and note the strong interest of the Senator and his colleague, Senator BRYAN, with respect to this issue. Obviously, you have a very strong State interest.

I have been attempting to understand the full dimensions of this controversy. I notice on my schedule that I have individuals from the utility in my region coming in to see me tomorrow or the day thereafter with respect to this question. I wanted to have the opportunity to be able to ask a few questions in preparation for that meeting, if you do not mind.

The issue, as I understand it, is the question of an immediate storage capacity, and the question of whether or not you take the steps now to have that capacity located in the State of Nevada. Is that basically the question before the Senate?

Mr. REID. Yes, that is absolutely the case. I say to my friend from North Dakota, I have only been to North Dakota once in my life. That was to meet with a number of people in North Dakota. Some of the people with whom I met were people from the power industry. I was very impressed with the State of North Dakota and how it helped supply power for much more than the State of North Dakota. It was quite impressive, to be quite frank.

I say to my friend from North Dakota, and I hope he would convey this to the people that he is going to meet with tomorrow, having said that, I have been to North Dakota, been to Beulah. Right outside Beulah, they have this large power-generating facility. We in Nevada are not happy that they are putting the permanent repository there. They are characterizing it. But we have come to accept that. It is going forward. They are characterizing it.

What I say to the people from the power interests that are coming to see the Senator, why do they not let that move ahead, move ahead the way it is scheduled, not try to rush things? That is what has messed up this whole program. Everyone is trying to put science behind time schedules. You cannot do that.

As I have indicated, they have a hole as large as this room, 2 miles into the side of the mountain. They moved a great way in making progress, but let me ask my friend from North Dakota to explain to those people that they are going to ruin everything that they have worked for by trying to short-circuit this.

The President of the United States, who has no dog in this fight, said he will veto this bill. This is unfair to do it to a State, any State, but particularly Nevada, because we have the permanent repository.

Also, with the permanent repository, there are certain scientific guidelines that have been established. I say to my friend from North Dakota, let me show my friend what this bill does. Radiation exposure under this bill, anything you look at in millirems per year, are real low. Safe drinking water is way down here at 4; low-level nuclear waste, 25; also EPA and independent spent nuclear fuel storage—until we get to interim storage—100 millirems per year, four times what anybody else is asked to bear.

Mr. CONRAD. Can I ask the Senator if there are any scientific bases for that 100-millirem provision in this equation?

Mr. REID. I make a parliamentary inquiry.

Mr. President, when the Senator from Nevada is asked a question, is it necessary, as I already have received unanimous consent on one occasion, that I would not violate the two-speech rule by answering the question, and I retain the floor following the question to be answered? Do I need to repeat that each time that a question is asked?

The PRESIDING OFFICER (Mr. THOMPSON). That request is not necessary so long as you yield only for the question.

Mr. REID. As long as I yield only for a question.

Mr. CONRAD. I stipulate for the RECORD that I would like to engage the Senator from Nevada in a series of questions and responses, and we would stipulate that they would yield a response to questions. Is that appropriate, so that we do not have any question that these are questions that are being posed by the Senator from North Dakota to the Senator from Nevada?

I ask unanimous consent that we just have an understanding that these be all understood to be questions posed by the Senator from North Dakota to the Senator from Nevada.

The PRESIDING OFFICER. Is there objection?

So long as they are questions, without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. As I indicated before, I am going to have this meeting, and I want to be certain that I understand this issue very well before I have that meeting. I want to thank my colleague from Nevada for indulging the Senator from North Dakota so I can get these questions answered.

Is there any scientific basis to this 100-millirem level that is provided for in this legislation?

Mr. REID. Absolutely none. There has been no evidence produced at hearings that this is adequate. There have been no scientific documents submitted. Everything is quite to the contrary. But I do not know anyone in the scientific community that would ever suggest that.

Mr. CONRAD. So we do not have anything from the National Academy of Sciences, for example, or anything from the National Institutes of Health? We do not have anything from any of the relevant agencies or departments that would say to us that this 100-millirem standard is one that meets some scientific test; is that correct?

Mr. REID. Absolutely true. During the time that the Senator was asking the question, I wanted to make sure that I was confident that the answer was correct. So I leaned over my shoulder to my colleague from Nevada, and he nodded that I was absolutely right. I have never seen anything to suggest that 100 millirems is appropriate in any way.

Mr. CONRAD. If I might further inquire, do either of the Senators from Nevada—the Senator who currently has the floor—know what would the cost be of this interim storage facility?

Mr. REID. This is interesting. Each site—and we have a little over 100 nuclear waste generating facilities in the United States—it would cost about $6 million per site to store nuclear waste where it now exists.

Mr. CONRAD. That would be a dry cask storage?

Mr. REID. Yes. Now, the dry cask storage container would cost—in addition to making that acceptable for temporary storage, but as I will develop during my remarks, you do not have the transportation problems. I also say to my friend that the National Academy of Sciences recommends for this 10 to 30 millirems, which is right here on the chart.

Mr. CONRAD. They have made a specific recommendation with respect to the potential risk, and they have asserted that a 10- to 30-millirem standard is appropriate. But this legislation has a 100-millirem standard; is that right?

Mr. REID. The Senator from North Dakota is absolutely right. The answer is still the same. Nobody ever suggested that 100 is appropriate. The National Academy of Sciences has suggested 10 to 30 millirems.

Mr. CONRAD. Again, I would like to go back to the question of cost, if I could, because I think that is an important consideration in anything we do around here to anybody who appreciates, as the Senator from Nevada does, the intense budget pressure that we are under. The first question I always ask my staff on any legislation that is brought to me is, "What does it cost?" Could the Senator from Nevada tell me what the estimated cost is of this temporary storage facility?

Mr. REID. I am happy to. The operating cost for on-site dry cask storage amounts to about $1 million per year per site. It is $6 million to establish it and, after that, $1 million per year.

Mr. CONRAD. So that would be the sites that would be at some 100 locations where we have nuclear power facilities around the country; is that correct?

Mr. REID. Yes, in cooling ponds. Some of them are saying, "We are getting to capacity, so what should we do?" What we and the scientists say is, "If you want to leave it on-site, you can establish a site for dry cask storage containment for $6 million, and after you get it in the cask, it will cost $1 million a year to keep an eye on it."

Mr. CONRAD. Then the question is, what is the alternative? If we go to a temporary storage in the State of Nevada, what would the cost of that approach be? Do you have an estimate of that?

Mr. REID. We do not have an estimate. The reason is that the cost of transportation is significant. We have here another chart. This is a sign of nuclear—do you understand what I am saying?

Mr. CONRAD. Yes.

Mr. REID. If we eliminate those, we have to transport these, probably now about 50-some-odd thousand metric tons of nuclear waste. This is how we would transport it. The cost is very significant, because what they have decided is that they would have to move most of it by rail. But to get it to rail, they have to go by trucks to get it to some of the rail sites. My staff just tells me that the information we have been given is that the interim site would cost $1.3 billion, plus the transportation.

Mr. CONRAD. It would cost $1.3 billion for the interim site itself?

Mr. REID. That is right, plus transportation.

Mr. CONRAD. The transportation would be in addition. So it would cost $1.3 billion, and the alternative, as you have outlined, would be $6 million per site, plus $1 million a year.

Mr. REID. That is right.

Mr. CONRAD. Well, do we have any estimate of once you have established this site—which would cost $1.3 billion initially, and have on top of that the transportation cost—what the annual operating cost of that facility would be?

Mr. REID. It would be around $30 million a year.

Mr. CONRAD. About $30 million a year. We are talking about, obviously, a very substantial expenditure. Is this an expenditure by the Federal Government, out of the Federal coffers, the $1.3 billion?

Mr. REID. Yes, because they have asked the Federal Government to take over the project. Up to this time, much of the expense has been borne by ratepayers at so much per kilowatt per electricity into this fund. The fund has been used to repair the nuclear repository. I tell the Senator some interesting statistics. This will make the people shudder, and the Senator from North Dakota is one of our budget experts here, so he probably will not shudder as much because he has gotten used to things like this.

When the 1982 act passed, everyone was told that characterization would cost about $200 million.

Mr. CONRAD. That is with an "M," not a "B"?

Mr. REID. That is right. But now the estimate is about $7 billion.

Mr. CONRAD. So it is loaded by a factor of 35.

Mr. REID. They were a little off. They are now approaching $3 billion for what they have done at Yucca Mountain. I say, without placing all the blame on the Department of Energy, a lot of it has been, I repeat, trying to put time ahead of science. They get mixed signals to do this and do that. It has made it an impossible situation. But its move forward has been two steps forward and one step back. But they have made tremendous progress in the deserts of Nevada to determine if Yucca Mountain is scientifically proper for geological burial of nuclear waste.

Mr. CONRAD. The question that I have is this. The Federal Government is going to take on this expenditure, the $1.3 billion; is that financed by the ratepayers, or does this come out of the Federal Treasury, the $1.3 billion?

Mr. REID. Mr. President, that is a debatable issue. There are some who say that the ratepayers should continue and it should not be appropriated money of the United States. But there are others who are saying we are going to sue you, the Federal Government, because you do not have a place to put nuclear waste like you told us you would. So we are going to sue you and make the Federal taxpayers pay for it because the timeline for having a repository first in Washington, Texas, and Nevada has slipped.

Mr. CONRAD. So what we may have here is another lawsuit, or series of lawsuits, endless litigation no doubt with respect to the question of who pays?

Mr. REID. Yes. I also say to my friend from North Dakota that there are many who say that there is no problem the way things now stand. The Nuclear Waste Technical Reviewing Board clearly stated:

> The board sees no compelling technical or safety reason to move spent fuel to a centralized storage facility for the next few years.

This a statement they just made:

> The methods now used to store spent fuel at reactor sites are safe and will remain safe for decades to come.

Mr. CONRAD. Let me ask this question. We do not have any nuclear facility in North Dakota. We have some customers in North Dakota who are part of the NSP. NSP has a nuclear plant in Minnesota. So some of our customers in North Dakota have been paying into a fund for some period of time to handle their spent fuel. But as I am hearing the Senator, we could have here a transfer of costs to other taxpayers in North Dakota to take on what would be a Federal facility. In other words, the taxpayers of North Dakota, most of whom have not been benefited by nuclear power, would be asked to pay as Federal taxpayers the Federal share of this facility that would be located in Nevada.

So would I be correct in assuming that North Dakota taxpayers would be asked to take on this burden which has been created by an industry that has been benefiting folks largely not in the State of North Dakota?

Mr. REID. I believe that is absolutely true. I say also to my friend that, first of all, everyone acknowledges that the Federal Government should pay for defense wastes. And the nuclear waste fund—the money we get from the ratepayers—is supposed to take care of the permanent repository. But there are even some who say that is underfunded; that the taxpayers will have to accept responsibility for that.

Finally, I respond to my friend that there is no reason for any of this. I repeat for the third time here today. I do not like the permanent repository in Nevada. It is unpopular. Any place Senator BRYAN or Senator REID goes in the State of Nevada, the seventh-largest State in America, any place we go, whether it is in Elko in northern Nevada, in the far northeast, or Nelson, in the far south, wherever you go the first thing people talk about is nuclear waste.

I am saying there is no need to have this problem. We do not like the permanent repository. But there is no need to compound the problem, not only for the people of Nevada but for the whole country.

I say to my friend from North Dakota, these are not figures that I came up with. These are from the Department of Transportation and the Department of Energy. These are 43 States at risk. This is where the nuclear waste is going to have to go.

Mr. CONRAD. Is North Dakota on that list?

Mr. REID. North Dakota is not on that list.

Mr. CONRAD. I am relieved to find that out.

Mr. REID. You are one of the seven. You are very fortunate. But North Dakota is located in the perimeter of this State. As we have learned, North Dakota produces a lot of things. But one thing it produces is very good students. We have heard Senator MOYNIHAN lecture about that. For whatever reason, people from North Dakota do very well in school.

Mr. CONRAD. Do especially well in math, I might add.

Mr. REID. I know one Senator from North Dakota who does well in math.

But we have 43 States, and they are at risk because of the truckloads—Arizona, 6,173 truckloads of nuclear waste; 783 trainloads of nuclear waste.

We would go through the list. When you get to Missouri, it has almost 8,000 trainloads. This is unnecessary. We do not need to fill a single truck or a single train with nuclear waste.

Do what the Nuclear Waste Technical Review Board says: Leave it where it is until we get the permanent repository, and then you move it once.

Mr. CONRAD. If I could just wrap up, I appreciate very much the patience of my colleague. Tomorrow or the day thereafter when the people from the utility in my region of the country—not directly from North Dakota—come to see me, I presume that their key message will be, "Senator, we have a problem developing because our pools are filling with this waste, and we have to move it somewhere. We have to do something with it." What would the Senator's answer be to those folks if they presented him with that question?

Mr. REID. I would say that the Nuclear Waste Technical Review Board, which has no interest in this other than to do the right scientific thing, says: "The board sees no compelling technical or safety reason to move the spent fuel to a centralized storage facility."

Mr. CONRAD. Their judgment is that it ought to be left in the locations where it is today, and to the extent that the ponds that are the current repository are filling that they move those quantities to dry cask storage.

Is that the essence of their recommendation?

Mr. REID. That is the statement of the Senator. I have read verbatim what they have said. I feel very confident in stating that the board knows—I am talking about the Nuclear Waste Technical Review Board—that of the more than 100 operating nuclear power reactors at 75 sites in 34 States, 23 will require additional storage space probably before the turn of the century. They are saying those 23, just leave them like they are. They have seen them, studied them, do not worry about them. The cooling ponds are fine. But if you have to move them to dry cask storage then do that.

Mr. CONRAD. Then that would be their recommendation. In those places where the ponds have reached their capacity, or about to reach their capacity, those quantities be moved to dry cask storage on the spot, not be transported to an interim facility, but wait for the long-term repository.

Mr. REID. That is right.

Mr. CONRAD. If I could just finish by asking my colleague, what is the schedule for the creation and development of a permanent repository? Is that something that is anticipated to be done in 10 years or 20 years?

Mr. REID. We expect a final decision to be made probably in the year 2009.

Mr. CONRAD. That would be a decision made.

Mr. REID. Yes. But that is when they start moving. That is when they declare the site scientifically safe.

Mr. CONRAD. At that point would it be operational?

Mr. REID. Yes. The dates slip a little bit.

Mr. CONRAD. Thirteen or fourteen years from now.

Mr. REID. Yes.

Mr. CONRAD. I thank my colleague from Nevada for this chance to get some of my questions answered. I appreciate very much the efforts that he and his colleagues have put into this thing.

I must say I have rarely seen two colleagues more determined on an issue than Senator REID and Senator BRYAN. I think it speaks volumes to our colleagues. It speaks volumes to this Senator about the seriousness with which they regard this issue; the time they have taken in our caucus; the time they have taken on the floor; the time they have taken individually to alert colleagues as to the critical nature of this issue for their State.

If I resided in Nevada I would be very proud to have two Senators like Senators REID and BRYAN representing me because one thing you want, whoever you send here, when there is a time to fight for your State that somebody is going to stand up and fight.

I must say I have not reached a conclusion on this issue. I have more to learn. I want to hear from both sides before I reach a conclusion. But if there are ever two men who are fighting for their State, I must say it is Senators REID and BRYAN.

I would like to conclude by saying that I admire and respect the effort that you are making on behalf of the citizens of Nevada.

Mr. REID. I appreciate the penetrating questions of the Senator from North Dakota.

I only respond that I have been in this body as long as the Senator from North Dakota. We came at the same time. I think it is important to remind the people of America that the Senator from North Dakota, as far as this Senator is concerned, speaks volumes of what integrity is all about.

I will remind people—and I am sure it is embarrassing to the Senator, but I will say it while he is on the floor—the Senator came to Washington at the same time I came to the Senate, and he said that he felt the No. 1 responsibility was to reduce the deficit. When the deficit was not reduced as much as he thought it should be, he decided not to run for office, and he did not.

I also say that the Senator has been very complimentary to the two Senators from Nevada about the issue about which I address the Senate today, but I say to the people of North Dakota, I have learned a great deal in the 10 years I have served in the Senate with the Senator from North Dakota, because in North Dakota anything dealing with agriculture is a burning issue, and I have watched the Senator, since my colleague has come to the Senate, devour the rest of the Senate on agricultural issues. So I appreciate the nice remarks, but certainly it is mutual admiration.

Mr. President, as I have spoken, we have a lot to do in this body. As I indicated, my good friend from the neighbor State of Utah has spoken about an issue, and he has spoken very fervently. The chairman of the Judiciary Committee has stated that he feels we should do something about the Billy Dale matter, attorney's fees and cost reimbursement.

I think there are some issues that we need to talk about. I would like to talk about some of those issues. That is why I am talking here today. We should be talking about issues that the President has said, "I am not going to veto that." You heard the Senator from Utah; he said that the President would accept a Billy Dale bill. He has said, on the matter about which I speak, S. 1936, he will veto it. He has not said it once. He said it many times.

You will note that Senator Dole did not bring up this matter. Why did he not bring it up? I would think that he probably has a pretty good idea about Presidential politics. I think he knows that in Nevada, there are a lot of important issues, but there is nothing that is at the top of people's lists like nuclear waste. He said he is going to veto it. He has said it in Washington. He has said it in Nevada. And he will veto it.

If there is anybody who believes that Clinton will not sweep the State of Nevada if he vetoes this, they have got another think coming. He carried the State 4 years ago. Right now, the polls show Clinton ahead a little bit in Nevada. But if he vetoes this bill, he will be a long ways ahead in Nevada. That is why Senator Dole did not bring it up, because he knew that when November comes, this election is going to be pretty close, even though Nevada is not a real populated State—we now only have two congressional representatives—in the next census, we will probably have three or four, but right now we only have two, meaning we have four electoral votes, and that could make the difference in this election. That is why Senator Dole did not bring up this issue.

It is my understanding, Mr. President, that our colleague from Indiana is present, and that he wishes to recess for a short time so that he can introduce a parliamentary delegation.

I ask unanimous consent that I not lose any privileges of the floor, that I retain the floor as soon as the 10-minute recess is ended, that I lose no rights, privileges, or other matters that may be at my disposal as a result of this brief 10-minute recess.

Is there agreement to that, Mr. President?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I would therefore on those conditions yield to my distinguished colleague from Indiana for the introductions.

The PRESIDING OFFICER. The distinguished Senator from Indiana.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENTARY GROUP

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nevada for his cooperation. Likewise, I'd like to thank all Senators who are with us, and staff.

It is my privilege and honor to have the opportunity to welcome on behalf of the entire Senate a distinguished delegation from the European Parliamentary Group who are here for the 44th European Parliament and U.S. Congress Interparliamentary Meeting. This delegation, which is led by Mr. Alan Donnelly, from the United Kingdom, and Mrs. Karla Peijs, from the Netherlands, is here to meet with Members of the Congress and other American officials to discuss a wide range of issues of mutual concern.

The European Parliament plays an increasingly important role in shaping the new Europe. Parliament's authority has been expanded recently. It will continue to play a central role in the many challenges and opportunities facing Europe as European nations build upon free market economics, as they deepen the roots of democracy, as they define their relationships with Russia and the former Warsaw Pact countries and reach out to the rest of the world to forge viable economic, political, and security linkages.

Continued contact with and strong relations between the European Parliament and the U.S. Congress are essential in developing better economic relations with Europe and in reinforcing the many common goals which bring us together.

I ask all of my colleagues to join me in welcoming individually, by greeting them by hand, each of the distinguished parliamentarians who are here today from the European Parliament.

Mr. President, I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, JULY 1996

SOCIALIST GROUP (PSE)

Alan Donnelly (U.K.) Chairman.
Jean Pierre Cot (France).
Mrs. Ilona Graenitz (Austria).
Ms. Irini Lambraki (Greece).
Mrs. Bernie Malone (Ireland).
Gerhard Schmid (Germany).
Erhard Meier (Austria).

EUROPEAN PEOPLE'S PARTY (PPE—CHRISTIAN DEMOCRATS)

Mrs. Karla Peijs (Netherlands) Vice Chairman.
Ms. Mary Banotti (Ireland).
Bryan Cassidy (U.K.).
Reinhard Rack (Austria).
Elmar Brok (Germany).
Giampaolo D'Andrea (Italy).
Paul Rübig (Austria).

UNION FOR EUROPE GROUP

Raul Miguel Rosado Fernandes (Portugal).
Franco E. Malerba (Italy).

Mr. LUGAR. It is, indeed, a privilege to have this delegation with us, and I appreciate the time taken by the Chair and by the Senators so that we may have an opportunity to greet this distinguished delegation. I encourage all of us to do so before we proceed with our debate.

I thank the Chair.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent, under the conditions stipulated by the distinguished Senator from Nevada, that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 4:37 p.m., recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMPSON).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Nevada has the floor. I wonder if I can have unanimous consent that I not lose my right to the floor. I want to speak with the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. There is no quorum call in progress.

The Senator from Nevada.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, as we were discussing before the senior Senator from Indiana asked for a recess for the European Parliamentarians, we have a lot to do in this body. I hope we can do a welfare reform bill. It is part of the Democratic families first agenda. It is something my colleagues on the other side of the aisle have said that they want to pass, and I believe that.

I am a member of the Environment and Public Works Committee. I have responsibilities with my friend from Idaho, Senator KEMPTHORNE. I am the ranking member of a subcommittee, and we passed out of this body, with bipartisan support, a safe drinking water bill. That conference is now ready to meet. We should get a bill back here and debate that conference report and pass, for the people of this country, the Safe Drinking Water Act.

Health care reform: Health care is important. There is no way that we are going to be able to do all that needs to be done with health care, but we need to do what is possible to go with health care. Can we not do the portability of insurance? Can we not handle preexisting disability? We need to finish that important issue.

The only appropriations bill that we have passed is one that is chaired by the junior Senator from Montana, and I am the ranking member of that subcommittee, military construction. It was a bill that passed here on a bipartisan basis. We had very good debate on the underlying issues when the defense authorization bill came up. We had fully exhausted talking about those military construction matters when the military construction appropriations bill came up. When it came up, it passed out of here without a contrary vote.

There are many things that we need to do here that are doable, but the more time we waste on issues like nuclear waste, an issue that the President has said he is going to veto—interim storage—we are taking away from the important matters at hand.

I repeat, we were lectured today by my friend, the senior Senator from Utah, about the situation with the White House Travel Office. Listening to my friend from Utah, I think that is an issue that needs to be debated at length, because there are two sides to every story. Maybe Billy Dale is entitled to be compensated for all of his attorney's fees, but that would set a kind of strange precedent in this body that any time a Federal prosecution goes awry, we reimburse the defendant, who is acquitted, for his attorney's fees? Think about that one as a precedent-setting matter.

I have also seen a letter that was written on Billy Dale's behalf to the Justice Department that he would agree to plead guilty to a felony. I have also seen that one of the reasons that criminal prosecution was considered is he used to take part of the money home with him every night—I do not know about every night—but he would take cash home with him, kept it in his home. I think that would raise some suspicions in some people's minds.

Maybe Billy Dale is entitled to be reimbursed for his expenses. Maybe there are some overwhelming merits on his behalf of which I am not aware. But it is not a slam dunk, as the Senator from Utah would lead us to believe.

So, should that not be something we talk about here? The President has not said he is going to veto that. But, no, what we are being told is we are going to go to S. 1936, a bill that the President of the United States, Bill Clinton, has said he is going to veto. It will take up time of this body and take up time of the other body in conference.

The President said he is going to veto it. Why should he not veto it? It is one of the most irresponsible pieces of legislation that I can even imagine. I am sure there are more, but I do not know what they would be.

Remember, the 1982 act said that you could not put the permanent repository and the temporary repository in the same State. What S. 1936 tries to do is it says we are going to set that longstanding policy aside and site both the temporary storage and permanent storage in the same State. Is it any wonder that the President said, "This is unfair, and I'm going to veto it?"

Our Nation's nuclear powerplants are operating and have the capability to manage the spent fuel for many decades. There is no emergency. There will be no interim storage problem for decades. I have heard every year that I have been in this body that there is an emergency. They have cried wolf so many times. To this Senator they have cried wolf 13 or 14 times. There is just no reason that we continually hear these cries: "Please help us, we have no alternative. You've got to help us."

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question under the preceding request that is outstanding that I not lose my right to the floor if it is a question.

Mr. BRYAN. Apropos to the Senator's comment that we have heard time and time again that there is a crisis that is unfolding, does the Senator recall back in the early 1980's when a program that was referred to as the away-from-reactor-storage concept, which is similar to the interim storage that we are dealing with, that the nuclear utilities in America came forward and indicated that if they did not have away-from-reactor-storage capability—this was in the early eighties—that by 1983 there may be brownouts across the country, that nuclear utilities would be forced to close with all kinds of electrical distribution crises appearing in cities across the country?

And if the Senator recalls that, does this not seem like a familiar refrain of the old cry of wolf again and again and again because, in point of fact, as I understand it—and I invite the Senator to respond to my question—there really is no crisis? There is no reason for us to be on an issue such as the S. 1936 bill, as the Senator mentions.

Does the Senator recall that history? The Senator has been in this Chamber longer than I have. But this is such a familiar refrain to this Senator.

Mr. REID. I remember very clearly that plea for mercy. "We have to do it or we can't survive." The Senator is absolutely right. They said there would be parts of the United States that would have no power, there would be brownouts. Of course, there have been some brownouts, but those had nothing to do with nuclear power.

Mr. BRYAN. I believe, if the Senator would yield for a further question——

Mr. REID. I will yield for a question.

Mr. BRYAN. I believe that the state of the record will bear this out, that no nuclear utility in America has ever been required to close or cease generation of power because of the absence of storage.

Mr. REID. The Senator is absolutely right. It is very clear that the cooling ponds are sufficient. But one of the interesting things that my colleagues should understand is, since 1982, the scientific community has been working on a number of scientific endeavors relating to nuclear waste.

One of the things they have worked on is, if we are going to transport nuclear waste, we have to do it safely. How can we do it? You just cannot throw it in the back of a truck. You cannot just throw it in one of the boxcars. So they have worked and they have come up with something called a dry cask storage container. With a dry cask storage container, they said, you know, I think we can transport this stuff safely.

I will talk a little later how probably—not probably; there are still some safety problems in transporting. But all the scientists say you can store nuclear waste on site in a dry cask storage container and that will be perfectly safe because you do not have the problems with train wrecks and truck wrecks and fires on-site.

Mr. BRYAN. If the Senator would yield for a further question.

Mr. REID. I will yield for a question.

Mr. BRYAN. It is my understanding of the state of the record that in point of fact some nuclear utilities today are storing their high-level nuclear waste on-site in the facilities which the Senator has just described, dry cask storage. So as I understand it, we are not talking about some theoretical or technical possibility. We are talking about technology off the shelf, currently available, being used by many utilities and available currently today.

Mr. REID. The Senator's question is directly to the point. It is absolutely true. It is now beyond the planning stage. Dry cask storage containers work. They work better when you leave them on-site. Then you do not encounter the problems, as I indicated, with train wrecks and truck wrecks and firings and those kinds of things. So the Senator is absolutely right. The current law has health, safety and environmental safeguards to protect our citizenry from risks involved in moving and disposing of high-level nuclear waste.

S. 1936 would effectively end the work on a permanent repository and abandon the health, safety and environmental protection our citizens deserve. I am not talking about just Nevada citizens; I am talking about citizens of this country. It would create an unneeded and costly interim storage facility. It would expose the Government and its citizens to needless financial risk.

So, Mr. President, why are we here addressing this issue instead of issues that need attention, actions that will improve the condition of the average American, instead of this bill, which will only improve the bottom line of the nuclear power industry, at best?

We are here because the nuclear industry wants to transfer their risks, their responsibilities, and their legitimate business expenses to the American taxpayer. This has been their agenda for almost two decades. They think that now is the time to close the deal. They want the nuclear waste out of their backyard and into someone else's backyard. They do not care what the risks are.

The bill is not in the best interest of the people of this country. It should not become law. Because of Bill Clinton, it will not become law. The President will veto this. If we do not have the foresight, Mr. President, to kill it here and now, the President will veto it.

S. 1936 is not just bad, it is dangerous legislation. It tramples due process and it gives the lie to the claims of support for self-determination and local control, made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle of "the Government knows best," when in actual fact this branch of Government knows virtually nothing about these technical issues. It mandates a level of risk to citizens of this country and the citizens of Nevada that is at least four times the level permissible at any other radioactive waste facility.

Mr. President, let me go over this chart again that I did with my colleague from North Dakota. There is no exposure level—there is no exposure level—any place in the country, anyplace in the world, that has laws like this.

The EPA safe drinking water, 4 millirems per year; NRC Low-Level Nuclear Waste Site, 25 millirems per year; the EPA WIPP facility in New Mexico, 15 millirems per year; the Independent Spent Nuclear Fuel Storage Facility, 25 millirems; the International Exposure Range, 10 to 30.

What do we have in S. 1936? One hundred millirems. I mean, look at it. Why would we allow radiation exposure levels to individuals that have anything to do with nuclear waste in Nevada 4 times, 10 times, 20 times what it is in other places, other agencies? It just simply is wrong.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. If I understand what the Senator is saying, this is absolutely astounding. Is the Senator suggesting that the EPA has said, as a safe drinking standard for America, 4 millirems? That is per year?

Mr. REID. Four millirems is the correct answer.

Mr. BRYAN. As the Senator well knows, the WIPP is a facility in New Mexico designed to receive transuranic nuclear waste. Is the Senator indicating for the good citizens of New Mexico, 15 millirems?

Mr. REID. The Senator is correct.

Mr. BRYAN. And that the citizens in the State of Nevada—we were admitted to the Union, if I recall, before the good State of New Mexico—but somehow for the rest of America, they have a 4-millirem standard for safe drinking water, at another nuclear storage area in our country they are proposing 15 millirems, but in the State of Nevada from a sole source, a single source, they are suggesting that Nevadans would have to accept a standard of 100 millirems from one source on an annual basis? Is that what they are suggesting?

Mr. REID. My colleague is absolutely right, absolutely right. In Nevada they are saying, "We're going to pour this cement pad and dump this out. If it leads to 100 millirems exposure, that is OK." That is what they are saying.

Mr. BRYAN. I must say, it prompts the question in this Senator's mind. There must be more to this than we understand. Somehow, in a deliberative chamber, that there would be a suggestion made that health and safety standards, which presumably are legislated for the Nation, and with each of us entitled to equal protection under the law, and presumably I would think we would be entitled to equal protection in terms of health and safety standards, that a Congress which purports to be interested and concerned with the rights and sovereignty of States, individual States, would suggest that one State out of the Nation, and one State alone, would have a standard applied to that State that is 25 times the safe standard for safe drinking water and would be more than 6 times the standard that the citizens of our southwestern State, New Mexico, would be subjected to for the transuranic, that somehow we have a standard of 100 millirems.

Mr. REID. The Senator is correct. The answer is yes. As the Senator from North Dakota, in questions to this Senator earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people in Nevada saying, "Don't worry about it. It will be OK."

Mr. BRYAN. I must say, the thought occurs to this Senator, and the question arises in this Senator's mind, that why would any legislative body seek to impose a standard on a single State that no other Member of this body would be willing to accept for his or her State, when what we are talking about is health and safety? We are talking about potential dangers from the standpoint of cancer, genetic health problems, all of which, as I recall, we experience currently as a result of some of the atmospheric experiences in Nevada State in the 1950's and 1960's.

(Mr. ABRAHAM assumed the chair.)

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that they are trying to change the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. That is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have reconciliation. We have numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, the State of Nevada, I say to my friend, the Presiding Officer, unlike his State, which is a very populous State, we are a small State. For many, many years we were the least populated State in the Union. We are used to having people say, "Well, Nevada is not much. It is just a big desert, so we will give you anything we want." I think they have carried it too far in this instance. The President of the United States acknowledges it has been carried too far.

We have sacrificed a great deal for this country, and we have been willing to do it, the citizens of the State of Nevada. We have had numerous military installations in the State of Nevada. We still have a number. We have the most important airplane fighter training facility in the world, one for the Navy at Fallon—the best. If you want to be a Navy pilot and you want to be the best Navy pilot, you will train in Fallon. If you are in the Air Force and you fly fighter planes, if you want the Ph.D. of flying, you go to Nellis. Forty percent of the State of Nevada airspace is restricted to the military. If you want to fly to Nevada, you avoid 40 percent of the airspace in Nevada because this is restricted. We have given a lot. We have been willing to do that.

There have been almost 1,000 atomic devices set off in Nevada, some of them above ground, causing sickness and injury to people in Nevada and wherever the clouds went—lots of people upwind, including some in Utah. We sacrificed that.

There comes a time when the line has to be drawn. It has been drawn, Mr. President. We are wasting our time on this bill. As long as this bill is going to be brought before this body—there is no one that can say the President will not veto it—we are wasting our time.

We are going to talk about this bill at great length. That is why we have the Senate of the United States. That is why two Senators from Nevada, a sparsely populated State, have as much right, as much authority in this body, as Senators from very populated States like Michigan, New York, Florida, Texas, and California.

The two Senators from Nevada, although we are a State now of about 1.6 or 1.7 million—small by most standards—we have as much right to do whatever a Senator can do as our sister State of California, which has 32 million people. We are here exercising our rights that were set up in the Constitution of the United States. I carry one in my pocket, a Constitution of the United States. It gives us the rights we have on this floor.

We will do what we can to protect the State of Nevada. That is why we are here. This is not some unique thing that a couple of Senators from Nevada dreamed up. This is something that the Founding Fathers dreamed up over 200 years ago. We will use the Constitution that has established the Senate of the United States to protect the rights of the people of the State of Nevada, and we believe in the rights of the people of this country who are being misled and misguided by this very dangerous law that is being proposed.

Mr. President, S. 1936 is not just bad, it is dangerous. It tramples due process. I repeat, it makes light of the claims of support for self-determination made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle that Government knows best, when, in actual fact, as I have stated before, the Government knows virtually nothing about these technical issues.

I repeat, because it is worth repeating, it mandates a level of risk to Nevada citizens that is 25 times the level permissible at other radioactive standards. Radioactive exposure levels deemed safe by the sponsors of this bill are 25 times the level permitted by this Nation's Safe Drinking Water Act.

This bill prohibits the timely application of Federal, State and local environmental regulation activities that deal with some of the most hazardous materials known to man. I do not qualify that: It deals with the most hazardous substance known to man. I defy anyone to tell me anything that is more dangerous and more potent that plutonium.

Why would the sponsors abandon these protections? Could it be because this material is so hazardous that regulators of public health and safety might interfere with this rush to move waste out of the sponsors' and generators' backyards? Or could it be because there are serious uncertainties about how much contamination is safe, so that moving it around and storing it safely is a time-consuming and complicated process? Could it be possible that the desire to make this waste someone else's problem is so intense that the proponents of this bill and the generators of this poison have abandoned all pretense of caring for our environment or caring for the health, safety, and prosperity of our fellow citizens?

I say, Mr. President, look at this chart: 25 times the level of safe drinking water, 4 times independent spent-nuclear-fuel storage; over 6 times more than the WIPP facility setup in New Mexico.

By denying the protections of environmental regulation, this bill makes a mockery of significant advances this Nation has made in promoting wise and prudent care for our increasingly fragile environment. But the sponsors do not care because it will be someone else's problem or at least that is what they think.

If they can do this to Nevada, what is next? Take, for example, a State that borders on Nevada—Idaho. Idaho is a beautiful State. I have floated down the Snake River. I have stayed at Sun Valley. It is a beautiful State, sparsely settled. But assume that California or assume one of the other States who have all the problems with landfills, solid waste, they decide they want to bring their mountains of garbage, of refuge that are accumulating in California or some other densely settled Eastern State, where usable landfill space is rapidly disappearing, and imagine the reaction if Idaho were made a garbage dump by prohibiting applicable environmental law, by denying judicial review of dangerous and intrusive activities and by legislative definition of unacceptable health and safety standards. What would the reaction be of the people of the State of Idaho, that beautiful State of Idaho, which suddenly was told that they are going to be the repository for mountains of garbage—every kind of garbage? They will just take it and pick a spot in Idaho and start dumping it. What would their reaction be?

Idaho did not generate the garbage. Idaho did not benefit from the products that generated this garbage. Their economy did not gain a single cent from the sale of products that generated this garbage. Idaho is just conveniently rural and is outnumbered by those who do generate it, those who did benefit and enrich themselves through the generation of the garbage. Could Idaho stop such a blatant, inexcusable abuse of power in their own home State, or of its environment, or of its future freedom to develop, occupy, or use its land? Could Idaho at least take action to ensure the health and safety of its residents and their children and their children's children in countless generations? Well, could they?

Before the introduction of this bill, I would say, sure they could. But if this bill is allowed to pass, that will not be the case. After all, that is what this Government is all about, protecting the rights of each and every one of us—our health, and protecting the security of our homes, protecting the rights of each of us in the pursuit of prosperity, assuring each of us the enjoyment of the freedoms of this great land.

Mr. President, I am not so sure that we could not start dumping garbage in Idaho. I am not so sure anymore because this bill proposes to deny the appeal to legal authority that has assured these rights to generations of Americans.

Mr. President, this bill denies due process and the rights of States to protect its citizens. It denies due process by legislating against legal injunctions against intrusive activity.

Mr. President, you, the occupant of the chair, are relatively new to this body, but you came with the reputation of being a legal scholar, really understanding the law. You are a graduate of one of the finest, if not the finest, law schools in America. You did very well there academically. I invite you to read this bill—you, as a person who understands the law and what the law is meant to be. This law stops the State of Nevada from going to court. How do you like that? That is what it does.

The sponsors say: Well, you will get your day in court sometime. Mr. President, I have tried about 100 jury trials. I always prided myself—when I talked to the jury, I said, "You know, a lot of things have changed since we became a country. We no longer ride horses, we ride cars, which was something that people never thought about. We have airplanes, and we have gone to the Moon." I went through the process of how things have changed. But I said, "You know, one thing has not changed since King John signed the Magna Carta in 1215. He gave those barons a right to a trial by a jury of their peers. That was carried across the ocean in the common law, and we have that right now—a trial by jury."

I was very proud to be a lawyer and representing people who had problems that I thought I could help with. I also, on occasion, went to court for injunctive relief. Well, I say to those people who know a little bit about the law, read this bill. This changes the process of the legal system in our country. The bill says that you can sue, but you must wait a long time, and wait until there are a lot of actions that take place—in fact, until there is a done deal before you can even apply to court. It reverses the Nation's progress toward assuring our offspring a safe and nurturing environment. It does it by delaying assessments of environmental conferences until much of the groundwork, if not all of it, has been done. The sponsors will say, "But we have not started construction yet." But the bill mandates land withdrawal, acquisitions of rights of way, and development of rail and roadway systems prior to the development of an environmental impact statement. That is an unusual theory of the law. Of course, the damage has already been done to the communities. Rights of way have been withdrawn. We have had Federal land withdrawals. We have had the development of rail and roadway systems prior to the development of an environmental impact statement.

These abuses of legislative power to relieve the nuclear power generating industry of its serious responsibility to manage and fund its business affairs are outrageous, Mr. President. They are outrageous, if not scandalous. It is more outrageous that this bill would mandate radioactive exposure risks to the people in Nevada—remember, we have millions and millions of visitors every year. It would mandate radioactive exposure risks for citizens far above that permissible in any other State—or foreign land, for that matter.

Did the sponsors single out Nevada residents for punishment? How can this bill be seen as equal protection of the law when it is so obviously not equitable, so clearly not protective of the Nevada residents? Do the sponsors think they know so much that they can decide what is OK for Nevada, but not OK for New Mexico? Why would the WIPP facility have a 15 millirem standard and Nevada have a 100 millirem standard?

If they think that they can decide what is OK for Nevada, how do they explain that the permissible exposure level at the generator sites is only one-fourth the level they say is OK for Nevada? The States in which this waste is generated and presently stored—remember, there is none generated in Nevada—and the businesses that profit from this generation say that their residents and employees have four times the protection they say is OK for Nevada.

I am trying to deal with this bill using the formal and really courteous traditions of this great institution. But, Mr. President, I am really upset. I am disgusted. I think this is wrong. I say that on behalf of the people of the State of Nevada. The people in Nevada are the first people whose health and safety, whose freedom to prosper and rights to equal protection under the law are being attacked by the nuclear power industry and the sponsors of this legislation. But they may not be the last to experience this kind of treatment by their own Government. If this bill is passed, it sets a dangerous precedent. The big utilities are in control here.

Interim storage. S. 1936 explores new regions of outlandish legislation by needlessly, and with great cost, requiring the establishment of a temporary interim storage facility. This interim storage facility is only a temporary facility, because it would be developed under S. 1936 at a site that does not meet the permanent repository requirements. So if Yucca Mountain is found unsuitable as a disposal site, under S. 1936 an interim storage facility would have to be developed somewhere else.

So, Mr. President, let us not play games here. In short, the reason for this legislation is to do away with the permanent repository. That is what it is all about. They want to go on the cheap. They want to avoid all the environmental standards that have been set by law, and they want to shortcut it, because everyone knows that interim storage will be permanent storage. It will not be buried geologically. It will be dumped on top of the ground. But if it were only a Nevada problem and it would somehow miraculously appear in Nevada, I can understand why other States would not be concerned. But the fact of the matter is, Mr. President, this is not only the concern of Nevada. It is a concern of, and should be the concern of, States all over this country, because the nuclear waste will be transported all over this country.

We know that we have had a few train accidents lately. In the last 10 years, we have had over 26,000 train accidents. We average about 2,500 train accidents per year.

Mr. President, I am going to again look at this chart that shows how a lot of this activity is going to take place. Of course, we have a picture here of a train wreck which is all too familiar. We recently had one near the California border with Nevada, and the very, very heavily traveled freeway between Las Vegas and Los Angeles was actually closed because of a train wreck. The highway was about a mile from where the railroad wreck occurred, but the materials in the train were so caustic that they had to close the highway.

We have seen pictures of train accidents all too frequently. We also had one in Arizona that is believed by all authorities—local, State and Federal—to have been an act of terrorism. People are killed in these accidents, and tremendous property damage is done. We know of one train accident during this past year that burned for 4 days because of the materials.

I have talked about train accidents. That does not take into consideration the rail crossing accidents. Of course, in rail crossings, we know how many people are killed. We all have in our mind's eye the event that took place last year where the train took off the back of a school bus, killing those children.

Rail crossing accidents—during the past 10 years, we have had almost 61,000 train accidents, about 6,000 a year. We have hazardous material accidents averaging more than two a month on trains. We have hazardous material accidents averaging more than two a month.

So this is not a problem only of the State of Nevada. It is a problem of the people of this country, because the people of this country are going to be exposed to thousands of trainloads and truckloads—I should say, tens of thousands of trainloads and truckloads of the most poisonous substances known to man. Arizona: 6,100 truckloads, 783 trainloads. California: 44 truckloads, 1,242 trainloads.

The other interesting thing—we will talk about this later—is where trains go. Take through the Rocky Mountains. Colorado is a State that is going to be heavily impacted with trucks and trains; 1,347 trucks loaded, 180 trains.

I have never ridden a train through the Rocky Mountains in Colorado. That is something I would like to do. I understand it is a beautiful, very picturesque ride. But if an accident happens there like happened in California, where it wrecked over the river and dumped all of the chemicals into the river, it is very difficult to get to. It is very difficult to get accident crews in to take care of the trains or the truck. But not only do we have a problem with location, but we also know that there are no train people to take care of these accidents.

Interestingly, we just received an evaluation of emergency-response capability along the waste routes in Nevada. It would apply to any place in the United States.

A study was done to assist the Western Governors Association in planning for the onset of the U.S. Department of Energy's transuranic waste shipments to the WIPP facility in Carlsbad, NM. As a result of this, it was learned that there are some significant problems with transporting nuclear waste. Remember, the quantity of nuclear waste going to the WIPP facility pales in comparison to the waste that goes to these other waste facilities. Contractors surveyed personnel from fire departments, law enforcement officers, hospitals, ambulance services, emergency management offices, State, Federal, and travel agencies.

In short, in this report, which is entitled "Evaluation of Emergency Response Capabilities Along Potential WIPP Waste Routes," prepared for the Western Governors Association, you find that there is no preparation. There are no people that are trained to take care of these potential accidents.

The study described four potential waste routes in detail, and it asked questions. Is the current level of training and equipment adequate for safety and to identify the hazard, isolate the scene, notify the authorities in incidents involving the WIPP shipments alone or in conjunction with other hazardous materials? The answer is "No."

Is there an emergency plan? Do these plans address the response to radiological incidents in local jurisdictions? The answer is "No."

Do respondents feel that they are able to handle radiological incidents? The answer is "No."

What other factors require emergency response near the jurisdiction? They list numerous factors.

Mr. President, this brings me back to the point that we addressed early on. Why are we doing this? Not only is it unnecessary to haul these truckloads of nuclear waste all over the United States, haul them partly in trains and ship them even farther, but why are we doing that, especially when we can avoid the potential for accidents by just leaving it on site, as we are told we should do? Why are we doing that? To satisfy a few big utility companies that are afraid they will be embarrassed because they have spent so much money on permanent geological storage. They are unwilling to let the process go forward to see what science will come up with. They want to short-circuit the system. They want to trample on the rights of people in Nevada and all over this country, and expose the people of this country to dangers that certainly are unnecessary.

Interim storage is not necessary. For now, let me deal simply with the fact that interim storage facility sites are not needed. We talked about it a little bit. We will talk about it some more.

In accordance with its charter, the Nuclear Waste Technical Review Board this year—I answered this question for the Senator from North Dakota earlier today. The one thing I failed to add for him is that the decision they made is not stagnant, not stale. The decision they made was made this year, 1996. They reported to Congress that it found "no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel. The board knows that of the more than 100 operating nuclear power reactors on 75 sites in 34 States, 23 will require additional storage by the year 1998." Twenty-three will require additional storage by 1998, and the Nuclear Waste Technical Review Board knows that. It may be the year 2000, but we can say 1998.

The board also notes that implementation of dry cask storage at generating sites is feasible and cheap. I told the Senator from North Dakota how inexpensive it is to set up a dry cask storage facility, and how cheap it is to monitor. In fact, the dry cask storage, if it is properly implemented on site, the investment will double its return by storing the material in certified, multipurpose transportation canisters so the material is ready for shipment once the permanent repository is designated. That could be in 5 years, 25 years, 50 years, or 100 years.

Operating costs for on-site dry cask storage amounts only to $1 million per year per site; capital costs for on-site storage in preparation of an replacement site and cannisterization of this spent fuel. Storing spent fuel in multipurpose canisters means that the marginal on-site capitalization costs only a few million dollars compared to more than $1 billion with interim storage. Implementing on-site storage at all sites claiming a need for additional storage space would require less than $60 million for capitalization and less than $30 million per year for open operations.

So on-site storage could be maintained for 40 years at least before equalling the construction costs of interim storage at Yucca Mountain as estimated by the sponsors of this bill.

Mr. President, the marginal expense of on-site storage of spent fuel is very cheap when compared to the unnecessary and redundant transportation costs and risks of a premature interim storage facility.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. The Senator may be aware of this. The Senator was making a very telling point, when the Senator was pointing out to our colleagues and to the listening audience in America, that 43 States are impacted and the number of shipments. The Senator may not be aware of the fact that as you look across this chart—here we have 50 million Americans who are within a mile of either the rail or highway shipment routes, so for people who are watching the floor of the Senate tonight who may think it is just the two Senators from Nevada that would be impacted by this, my question to the Senator is, this has a national impact, does it not?

Mr. REID. It certainly does. As the Senator has pointed out, within a mile of these routes are 50 million Americans.

Now, the Senator will recall—it happened within the past year, but I just mention it briefly—within a mile of the freeway between Los Angeles and Las Vegas a train wreck occurred. They closed that route. That wreck did not involve the most dangerous substance known to man. It had some cars loaded with chemicals, but it did not have nuclear waste.

It is difficult to imagine how long that road would have been blocked off had there been nuclear waste involved.

As I pointed out to the Senator and the rest of the people within the sound of my voice, we do not have people trained to deal with nuclear waste accidents. We do not have people trained to deal with nuclear waste at all as indicated by the report that I just received today on the "Evaluation of the Emergency Response Capabilities Along Potential Waste Routes."

Mr. BRYAN. I think the Senator's point is that in New York, with over 7 million people; in Los Angeles with over 5.5 million; Chicago, with 2.7 million; Houston, TX, 1.6 million; Dallas, over a million; San Antonio, nearly a million; Baltimore, 736,000; Jacksonville City, 635,000; Columbus, 632,000; Milwaukee, 628,000; the Nation's Capital, 606,000; El Paso, 515,000; Cleveland, 555,000; New Orleans, 496,000; Nashville-Davidson, 488,000; Denver, 467,000 people; Fort Worth, TX, 447,000; Portland, OR, 437,000; Kansas City, MO, 435,000; Tucson, 405,000; St. Louis, 396,000; Charlotte, NC, 396,000, and Atlanta, site of the Olympics, 394,000; Albuquerque, 384,000; Pittsburgh, 369,000; Sacramento, 369,000; Minneapolis, 368,000; Fresno, 354,000; Omaha, 335,000; Toledo, 332,000; Buffalo, 328,000; Santa Ana, CA, 293,000; Colorado Springs, 281,000; St. Paul, 272,000; Louisville, 269,000; Anaheim, 266,000; Birmingham, 265,000; Arlington, TX, 261,000; our own home city of Las Vegas, 258,000; Rochester, 231,000; Jersey City, 228,000; Riverside, CA, 226,000; Akron, 223,000; Baton Rouge, 219,000; Stockton, 210,000; Richmond, 203,000; Shreveport, 198,000; Mobile, 196,000; Des Moines, 193,000; Lakeland, FL, 188,000; Hialeah, 187,000; Montgomery, 186,000; Lubbock, 180,000; Glendale, CA, 180,000; Columbus City, 178,000; Little Rock, 175,000; Bakersfield, 174,000; Fort Wayne, IN, 173,000; Newport News, VA, 170,000; Worcester, MA, 169,000, and I could go on and on, but I believe the Senator's point, if I understand him—and this is my question—is that this is not just a fight that just concerns the citizens of Nevada?

What the Senator is suggesting, for those who may be watching the floor of the Senate tonight, is that it is not just two Nevada Senators who are fighting for the health and safety of their States, but there are people in these communities who do not think they have a stake in this fight who ought to be sharing their concerns with our colleagues and saying, look, we are affected, we are within a mile of these transportation routes and thousands of shipments of nuclear waste may be coming through our communities. I believe that is the Senator's point that he is trying to make, if I understand the Senator correctly.

Mr. REID. In answer to my friend's question, I was not aware of these numbers, but having had the Senator read them to me, I must say that, if anything, these numbers are small because we can look at Las Vegas as an example. If you look at Las Vegas, you will know that the greater Las Vegas area is about 2.1 million people and most of those people would be affected because it is down in that basin. If something happened, it would spread like wildfire, and I would bet the same applies to other cities. These are very conservative, very unrealistic numbers, and it would probably involve more than 50 million people.

I should also say in response to my friend's question, let us look, for example, at Chicago, 2,673,000 people. If I were a resident of the State of Illinois and particularly a resident of the city of Chicago, I would not want—they produce a lot of nuclear power in Illinois—I personally would not want this nuclear waste taken from where it is in Illinois.

I think it would be much safer, if I were a Chicago resident—I am going there at the convention this summer—it would be much safer for the people of Chicago if they put these materials in dry cask storage containers or leave them in the cooling ponds because, if they do not, they are going to have thousands and thousands of trainloads of nuclear waste being shipped right through that main railhead, which is Chicago—not only the Chicago nuclear waste, not only the Illinois nuclear waste, but nuclear waste from all over the eastern and southern parts of the United States. That is a main railhead just like Omaha, NE, is.

So I appreciate very much the question of my colleague from Nevada. It is very enlightening.

I ask unanimous consent that we have printed in the RECORD these cities with these very conservative, modest numbers. We, of course, for the RECORD will reduce this to letter size.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Major population centers affected by proposed nuclear transportation routes

City and State	*Population*
New York, NY	7,321,564
Los Angeles, CA	3,485,398
Chicago, IL	2,783,726
Houston, TX	1,630,672
Dallas, TX	1,006,831
San Antonio, TX	935,927
Baltimore, MD	736,014
Jacksonville City, FL	635,230
Columbus, OH	632,258
Milwaukee, WI	628,088
Washington, DC	606,900
El Paso, TX	515,342
Cleveland, OH	505,616
New Orleans, LA	496,938
Nashville-Davidson, TN	488,518
Denver, CO	467,610
Fort Worth, TX	447,619
Portland, OR	437,398
Kansas City, MO	433,141

City and State	*Population*
Tucson, AZ	405,390
St. Louis, MO	396,685
Charlotte, NC	396,003
Atlanta, GA	394,017
Albuquerque, NM	384,736
Pittsburgh, PA	389,870
Sacramento, CA	369,365
Minneapolis, MN	368,383
Fresno, CA	354,202
Omaha, NE	335,795
Toledo, OH	332,943
Buffalo, NY	328,123
Santa Ana, CA	293,742
Colorado Springs, CO	281,140
St. Paul, MN	272,235
Louisville, KY	269,157
Anaheim, CA	266,406
Birmingham, AL	265,852
Arlington, TX	261,763
Las Vegas, NV	758,295
Rochester, NY	231,636
Jersey City, NJ	228,537
Riverside, CA	226,505
Akron, OH	223;019
Baton Rouge, LA	219,531
Stockton, CA	210,943
Richmond, VA	203,056
Shreveport, LA	198,528
Mobile, AL	196,278
Des Moines, IA	193,187
Lincoln, NE	191,973
Hialeah, FL	188,004
Montgomery, AL	187,106
Lubbock, TX	186,281
Glendale, CA	180,038
Columbus City, CA	178,701
Little Rock, AR	175,781
Bakersfield, CA	174,820
Fort Wayne, IN	173,072
Newport News, VA	170,043
Knoxville, TN	165,121
Modesto, CA	164,730
San Bernardino, CA	164,164
Syracuse, NY	163,860
Salt Lake City, UT	159,936
Huntsville, AL	159,866
Amarillo, TX	157,615
Springfield, MA	156,983
Chattanooga, TN	152,488
Kansas City, KS	149,768
Metairie, LA	149,428
Fort Lauderdale, FL	149,377
Oxnard, CA	142,192
Hartford, CT	139,739
Reno, NV	133,850
Hampton, VA	133,793
Ontanio, CA	133,179
Pomona, CA	131,723
Lansing, MI	127,321
East Los Angeles, CA	126,379
Evansville, IN	126,272
Tallahassee, FL	124,773
Paradise, NV	124,682
Hollywood, FL	121,697
Topeka, KS	119,883
Gary, IN	116,646
Beaumont, TX	114,323
Fullerton, CA	114,144
Santa Rosa, CA	113,313
Eugene, OR	112,669
Independence, MO	112,301
Overland Park, KS	111,790
Alexandria, VA	111,183
Orange, CA	110,658
Santa Clarita, CA	110,642
Irvine, CA	110,330
Cedar Rapids, IA	108,751
Erie, PA	108,718
Salem, OR	107,786
Citrus Heights, CA	107,439
Abilene, TX	106,665
Macon, GA	106,640
South Bend, IN	105,536
Springfield, IL	105,227
Thousand Oaks, CA	104,352
Waco, TX	103,590
Lowell, MA	103,439
Mesquite, TX	101,484
Simi Valley, CA	100,217

Mr. BRYAN. A further question of the Senator, if the Senator will yield.

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. I think the Senator's point was that the population numbers that I read of part of those cities represents the corporate city limits, and I believe the Senator's point, if I understood him correctly, is that each of these communities are part of a metropolitan area. As the Senator pointed out, in our hometown of Las Vegas, there are roughly a million people in the metropolitan area who would be directly and adversely impacted by a rail or highway accident. Yet, Las Vegas is listed for purposes of population as 258,000. I believe, if I understood the Senator's point, in addition to the population indicated here, there are suburban communities that would be populated as well, perhaps even greater.

Mr. REID. The Senator's question is appropriate, pertinent, and in fact very enlightening. The city of Las Vegas is part of a metropolitan area, and it is just like most areas in the United States. You have a city surrounded by suburbs, and that is, in effect, what we have in Las Vegas. Of course, the numbers that were brought forth by my colleague from Nevada are staggering even if you do not take into consideration the fact that these are only the incorporated areas.

If you elaborate on that and indicate that the population of nearly every place we talked about is much greater than almost every place we talked about on the chart, it involves more than 50 million people. The example we talked about, with Chicago, is certainly in point. Chicago would not only be responsible for, in effect, gathering up its nuclear waste and transporting it, but they would be responsible also, being the major railhead that it is, for other people's nuclear waste. The people of Illinois should tell the nuclear power industry, "Don't do us any favors. Leave it here. You will not only save the ratepayers and taxpayers huge amounts of money, but it will be safer to leave it where it is either in the cooling ponds or in the dry cask storage containers."

There is simply no need, certainly no compelling need, to rush to a centralized interim storage before a permanent repository site has been designated.

I say again, the statement I just made is not a statement developed by the Governor of the State of Nevada or the Nevada State Legislature or the Chamber of Commerce of Las Vegas. In accordance with its charter, the Nuclear Waste Technical Review Board just this year reported to the Congress that it "found no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel." In effect what they are saying is give the process an opportunity to work.

I said before and I will say again, the President has stated he will veto this bill since it would designate interim storage at a specific site before the viability of a permanent repository has been determined. Both the Department of Energy and the Environmental Protection Agency have taken strong positions in opposition to this bill.

Here we are at 6 o'clock at night. It is Wednesday. At my home in the suburbs here it is garbage night, which I will miss—taking the garbage out. We should be debating welfare reform or the 12 appropriations bills. We should be talking about matters that need to be addressed. We should not be wasting time on a bill the President has said he is going to veto. The Secretary of the Department of Energy said she does not like it. The director of the Environmental Protection Agency, the Director of that has stated she is opposed to it.

As the administration points out, personally through the President of the United States and through its agency heads and Cabinet-level officers, they have a plan which is making significant progress and provides appropriate protection to the environment of our citizens. The President of the United States, the first time I ever met the man—Senator BRYAN who was Governor then, was with him and knew him, I did not know the man—he was running for President 4 years or so ago. I met him at National Airport. Four years ago one of the issues we talked about—we only talked about two or three issues. We had a 40-minute meeting with him. He was very busy, but he gave us 40 minutes—was nuclear waste. As we told him at the time it is a very important issue for the State of Nevada. We told him then the scientific community had almost perfected a dry cask storage container, and that we wanted him to take a look at that, as far as storage goes. He told us at the time: We have nuclear waste in the State of Arkansas. I understand what you are trying to do. I think it is a good idea. And he has never wavered from that. This is an issue he understands. This is not something he suddenly decided that he wanted to do because Nevada was important in a Presidential election. The President of the United States has been with us from the first time I met him. He has been with us this whole time.

The President of the United States has not said I am opposed to permanent storage in Nevada. He has not said that. But what he has said, unequivocally, without hesitation, to anyone who will listen, is it is unfair what you are trying to do to Nevada with bills like S. 1936. Do not do it. Because if you do, I will veto it. And he should. But we are wasting our time here at 6 o'clock at night when we should be doing important amendments on the defense appropriations bill. I am a member of the Appropriations Committee.

My colleagues have to understand that we are protecting our rights, the rights of the people of the State of Nevada and the rights of the people of this country. It is wrong what is being done. It is being driven by big business, and it is wrong. If there were ever a time that the rules of the U.S. Senate become important, to me it is when you are trying to protect the interests of the people of the State of Nevada. I am doing no more than what the Presiding Officer of this body would do. I am doing no more than what any Senator from these United States would do.

It would be as if there was legislation offered in the State of Maryland to do away with Chesapeake Bay. It would be like telling the States that surround the Great Lakes: We are going to take one of the lakes away from you. Would you fight? Sure you would fight. You would use all the rules at your disposal, and we are going to do that.

I expect the two Senators from Idaho, if they were suddenly told that we were going to start hauling thousands of tons of garbage into their State—I would think they should have some rights, minimal rights, the rights equal to other States in this Nation, that we should not allow garbage to be dumped in Idaho. That is what we are doing here to Nevada.

We are saying: In Nevada, you are not only going to get permanent repository, you are going to get a temporary repository and the temporary repository is worse than the permanent because we are setting the safety standards so low, and the exposure levels so high.

The President stated he will veto the bill. He is doing the right thing. Technical review boards, commissioned by the Government, have consistently found there is no immediate or anticipated risk with continuing dry cask storage for several decades. What I am saying is there is no reason for this legislation. The administration acknowledges that. The technical review bodies have also found the environmental and safety standards should be retained or strengthened, rather than weakened as this bill calls for.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. The Senator just made the point there is really no need for this legislation. I call to the attention of the Senator, and I ask him if he recalls that in the CONGRESSIONAL RECORD on July 28, 1980, in the context of a debate on the away-from-reactor proposal, a statement was made on the floor by one of our colleagues that this bill—referring to this away-from-reactor storage, which is a progenitor, if you will, of this temporary storage facility that we are dealing with in our discussion this evening—it was said, the date again, July 28, 1980:

> This bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem, Mr. President, for this Nation. It is urgent first because we are running out of reactor space at reactors for the storage of the fuel and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Mr. REID. Could I ask my friend to repeat the date of that CONGRESSIONAL RECORD?

Mr. BRYAN. Responding to my colleague, this is kind of a deja vu. This is in the CONGRESSIONAL RECORD, on July 28, 1980. That is almost 16 years ago, in which, on the floor of the Senate it was asserted that, if this particular legislation, this away-from-reactor storage was not obtained, that by 1983—that is 13 years ago—that civilian nuclear reactors in this country would shut down.

I do not know if my colleague from Nevada is aware of this but, upon my propounding the question to him—was he aware that among those utilities that were claiming they would be shut down was Alabama Power Co., the J. Farly Reactor, Arkansas Power & Light Co., Arkansas Nuclear 1 and 2, Boston Edison Co., Pilgrim 1, Carolina Power & Light Co., Brunswick 1, Brunswick 2, Robinson 2, Cincinnati Gas & Electric Co., Zimmer No. 1, Commonwealth Edison Co., La Salle 1 and 2, Consumers' Dairy Co., Palisades, Duke Power Co., Maguire No. 1, Maguire No. 2, Okonee No. 1, Okonee 2 and 3; Florida Power & Light, St. Lucy 1, St. Lucy 2, Turkey Point 3, Turkey Point 4, General Public Utilities, Oyster Creek, Northeast Nuclear Energy Co., Millstone 1, Millstone 2, Northern States Power Co., Monticello, Omaha Power District, Fort Calhoun, Power Authority of the State of New York, J.A. Fitzpatric, Indian Point No. 3, Philadelphia Electric Co., Peach Bottom 2 and 3, Rochester Gas and Electric, R.E. Genna facility, Virginia Electric & Power Co., North Anna No. 1, North Anna No. 2, Surrey 1, Surrey 2, and the Vermont Yankee Nuclear Power Co., Vermont Yankee.

I ask unanimous consent the material from the CONGRESSIONAL RECORD of 1980 be printed in today's CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE CONGRESSIONAL RECORD, JULY 28, 1980

> Mr. JOHNSTON. Mr. President, I yield myself 15 minutes.
>
> Mr. President, this bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem. Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983, those predictions coming from the Nuclear Regulatory Commission and the Department of Energy.
>
> It is essential that we set a predictable policy for utilities to operate on so that they know if they begin either to run a reactor, or if they are making a decision now as to whether to build one, that they have some policy to which they can refer that is predictable and certain for the United States.

Mr. BRYAN. My question is that we were told in 1980 that if that away-from-reactor legislation that was on the floor being debated on July 28 was not enacted, that these utilities would have to close by 1983.

My question to the Senator is, Is he aware of any of these facilities ever closing as a result of the lack of storage, as was suggested to us, in the crisis-ridden prediction?

Mr. REID. I say to my friend in response to the question, I had forgotten about this. I appreciate very much the Senator bringing it to my attention.

The Senator knows during the past 10 years, we have heard in this body, and other places, dire pleas for emergency help; that you have to do something tomorrow. These are the perennial crying-wolf stories.

That is why the technical review boards have said, "Cool it." I guess they are saying leave it in the coolers, leave it in the cooling ponds. There is no reason to rush into this. The technical review boards commissioned by the Government consistently found there is no immediate reason for continuing with these continual cries for help. They are saying, slow down. There is no need or excuse for this bill. It threatens the health and safety of all Americans and is a reckless and unnecessary expense.

Mr. President, the sponsors of this bill say one thing, and what I say to them is, if you really think there is a need for interim storage in the near term, then let's put this bill in committee and have a good hearing and try to make a determination why we are doing this. There is no reason for it. It is not fair, and certainly if you are going to do this on a fair basis to find the best site, we should remove from this legislation the site specificity. We must restore the environmental and safety provisions of the current law. We must observe the same rights of Nevada residents to health and prosperity as the citizens of any other State, and we must be assured that a search for a permanent solution is not sidetracked by short-term business or political agenda.

We have talked several times today about the transportation risks, and they are significant. One of the greatest risks of this bill is that it will force vast amounts of dangerous nuclear waste to be transported cross country. But it is unnecessary, and it is certainly premature. If this is to be done, should we not wait until the permanent repository is completed?

In the past, we have had roughly 100 shipments per year of nuclear waste, and most of these shipments were relatively short hauls in the East between nuclear power plants and reprocessing facilities. This bill will increase the shipment rate into thousands and thousands of shipments per year and send them on cross-country journeys through routes in our most populated cities in America. The pressure to start shipments as soon as possible and to move as much as possible can only increase the risk of an accident. Safety last rather than safety first is the hallmark of this bill.

Mr. President, we have here a map that shows the routes the nuclear waste will travel. I ask those who are looking at this map, are any of these routes in your backyard? Are any of these routes in cities where your family lives or your kid is going to college? If it is, you should be concerned.

Most of the waste, of course, is produced in the Eastern part of the United States. Is it not interesting that we are going to ship the waste 3,000 miles, in some instances, for no reason? If you live in the heartland of America, ask, why should all the Eastern nuclear waste be shipped through your State, perhaps your town, when we do not yet know where the final repository will be?

If you live in Wyoming, Utah, or Colorado, you should note that you are on the main line for these shipments. S. 1936 mandates shipment of nuclear waste crosscountry by 1999, regardless of technical problems or risks involved.

There is no need for these shipments at this time. There may never be a need for these shipments. If and when they are needed, we should take our time to do it right and not force this issue as it is being done today.

The industry and the sponsors of this bill would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste and other hazardous substances.

I am reminded of a friend of mine who I went to high school with. He was a police officer in a town in east-central Nevada, a town called Ely, E-l-y. Kennecott had a big mine there at one time. He was, as I indicated, a police officer, and he told me:

> Harry, one of the things that I do that gives me as much concern as anything else is we get notices every day of hazardous substances that are being driven through our town.

He said:

> It would be better if they didn't even tell us about it, because if something happened with one of those vehicles with the hazardous substance in it, there is nothing we can do about it anyway. We have no equipment. None of our personnel, police or fire, are trained to handle these hazardous substances. Our equipment is certainly inadequate.

Multiply this thousands and thousands of times all over America. We are going to ship nuclear waste on trucks and trains. There will be accidents. There have been accidents. We have already had seven nuclear waste accidents. They have not been significantly harmful, but there have been accidents.

The industry and the sponsors of this bill, as I have indicated, would have you believe, would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste. There will be many more accidents because there will be many more shipments.

The industry and the sponsors of this bill will tell you that the probability of an accident resulting in a large radioactive release is very small; that, in fact, we have never had a significant release. Well, probabilities have inevitable results, that if you push them long and hard enough, the adverse outcome will occur.

The day before Chernobyl, the probability of such an accident was very, very low. But the day after the accident, the consequences were enormous, and the probabilities of other such accidents increased significantly.

Mr. President, there are a number of us who have been concerned about the safety and reliability of our nuclear arsenal. In working on these issues, I came to realize that there have been numerous accidents involving nuclear weapons. We have been so fortunate. We have been so lucky that there has not been death and destruction as a result of those accidents. In North Dakota, a B–52 caught fire loaded with nuclear weapons. The wind usually blew in one direction, but during the course of this fire on the airplane, it blew in the other direction and, as a result of that, there was no danger as a result of nuclear weaponry.

We know that there has been an accident in Canada of an airplane with nuclear weapons on it. Again, it was found and everything worked out fine. But these accidents will happen. The day before Chernobyl, the probability of such an accident was very low. But the accident happened. And the consequences were enormous. The same potential exists here.

Mr. President, again, I would like to draw your attention to the chart that shows the number of trucks and trains that will be used to transport this very high-level nuclear waste. I, of course, highlighted the States with the biggest risks. It is in bold print: Illinois, Nebraska, Nevada, Utah, and Wyoming. There are others that are close to that. But I just highlighted those.

It is significant, because we are talking about over 12,000 shipments through Illinois alone; over 11,000 shipments through Nebraska and Wyoming; over 14,000 through Utah; over 15,000 for Nevada. These are some of the States.

As I have indicated, we have already had seven nuclear waste transportation accidents. The average has been 1 accident for every 300 shipments of nuclear waste. Well, we do not know for sure how many new trains and trucks will be required because of S. 1936. But we know it will be magnified significantly. So we can expect at least 150 or 200 accidents if this S. 1936 is implemented.

Where will the accidents take place? Omaha? Chicago? New York? Atlanta? I do not know. No one knows, just like no one knew that this inferno would occur at Chernobyl. We should not be ready to take that risk, because it is unnecessary. Why would we want to take the risk? To help the nuclear industry reduce its costs and risk exposure? It is a tautology that accidents are unpredictable; but that an accident will happen is certain.

Based on studies done for the Nuclear Regulatory Commission, at least one serious radioactive accident with leakage and contamination will happen sometime, somewhere along the transportation route. That is a very modest estimate. We cannot know where it will happen before it happens. We cannot know when it will happen before it happens.

So, Mr. President, today we could not respond effectively or rapidly to accident sites because we have not taken the time, the trouble or gone to the expense to equip and train emergency responders along the routes that the waste will take. We have not made the investments necessary to assure capable response to remote, inaccessible areas where the accidents could happen.

Mr. President, we simply could not respond. But how long would it take to get trained and equipped emergency crews to a railway accident site somewhere in the mountains, like the Rocky Mountains I talked about earlier, like the Sierra Nevada Mountains between California and Nevada? What about the Wasatch Range in Utah? What about the mountains of Arizona? It makes a big difference how well and how rapidly we can respond. Let me give some illustrations.

The Nuclear Regulatory Commission requires that transportation containers survive a 30-minute exposure to a fire environment of 1,475 degrees Fahrenheit temperature. Sounds very strong and protective—30-minute exposure to a fire environment of 1,475 degrees.

Yet diesel fuel fire temperatures can exceed 3,200 degrees and their average temperatures are about 1,800 degrees Fahrenheit. So a diesel fuel fire—and most trucks use diesel fuel, most trains use diesel fuel—the average temperature of a diesel fuel fire is 1,800 degrees, 325 degrees higher than what the Nuclear Regulatory Commission requires these containers to survive. And these are exposed for only 30 minutes.

I indicated earlier today we all read in the newspaper about a fire that occurred on a train this year that lasted 4 days, not 30 minutes, but 4 days. One recent train wreck, as I have indicated, burned with its hazardous chemical cargo for 4 days. The firefighters could not even get access to the wreck for 4 days. It was so hot, so caustic that they could not get close to it for 4 days.

Transportation canisters are meant to contain the waste material in fires or collisions. The nuclear regulatory certification requirements for thermal survivability are no guarantee against fire-disbursed radioactive debris. The collision survival criteria appear just as inadequate.

We have talked about the fire exposure. We know that for a diesel fire—these are all diesel trucks here—the average temperature of a fire in a diesel vehicle is 325 degrees higher than what the Nuclear Regulatory Commission has set.

That is for fire. What about collisions? The collision survival criteria appear just as inadequate. The Nuclear Regulatory Commission requires that a canister survive a 30-mile-per-hour collision. I was driving this weekend in Las Vegas, from Boulder City to Las Vegas, on an expressway. I was going 75 miles an hour, and I was passed by two heavily loaded trucks, big semis. I was going 75. They were going 80. I say to my friend from Nevada—he knows the area—as you are coming down Henderson, going toward the Henderson plants, that downhill grade there, trucks were going 80 miles an hour. They passed me. I remember it because it was frightening.

The NRC has set these canisters to survive a collision at 30 miles per hour. I do not know of many trucks that go 30 miles an hour. The collisions are going to take place at much higher speeds than that most of the time.

The NRC also requires that the 30-mile-per-hour collision be with a rigid flat surface. Most collisions are not going to be with a rigid flat surface. It is going to be with a pile of rocks alongside the road, going to be hitting another truck, another car. So that is why it is beyond the ability to comprehend why you would want to move these poisonous, spent fuel rods from where they are now located so that they are exposed potentially to fire or potentially to collisions.

My question I ask to the world is, Would it not be much safer to leave them on-site in these dry cask storage containers than to take the uncertain route in a train or truck, knowing that there is going to be an accident, only wondering when and where it will occur? Well, I ask the world, but the world must respond that the only logical thing to do is to leave it where it is—leave it where it is. By leaving it where it is, you avoid totally the danger of an accident. You also avoid not only the fire but the collision. I say "also," Mr. President.

One of the things I have not talked about that we should be doing here, we should be clearing judges. We have 23 judges that should be cleared. We have not cleared a single one of them. The last year that we were in power, the Democrats were in power, we cleared 60-some-odd judges. We have not cleared a single judge this year. There are 23 that need to be cleared.

While we are talking about the court, I see the Presiding Officer here, one of the things we need to get done is to get a study of the circuits so we can make determinations on how we should realign the circuits. Anyone that has practiced law in the Federal court system knows we probably need to do some realigning of the Federal appeals court. We should get that done. I hope we can get it done right away so that the questions that have been raised by the Senator from Montana, the junior Senator from Montana and others, about some of the appellate courts, we can get those resolved. That is one thing we can do.

There is no good reason that we cannot leave the nuclear waste where it is to avoid collisions, to avoid fires.

Certainly, what we should be doing is talking about welfare reform. I see walking off the floor the junior Senator from Louisiana who has spent weeks of his time, weeks of his time working on welfare reform. As a result of the work that he and Senator MIKULSKI did, we came up with a proposal here that we passed by over 80 votes. It went to conference, fell apart, was vetoed. I hope we would use his good work in building another welfare reform bill.

Many Senators are concerned about judges, whether there should be approval of judges. I hope we can do that, rather than wasting our time on a bill the President has said he will veto.

I repeat, the Nuclear Regulatory Commission has said if there is a fire, one of these canisters must withstand temperatures of 1475 degrees; diesel, when it burns, is 1800 degrees. We know, also, that collisions are survivable under the Nuclear Regulatory Commission standards only at 30 miles an hour. That is inadequate. We do not need to expose these canisters to collisions or to fire. All we need to do is put dry cask storage containers on site, and as a result of doing that, we could avoid all the concerns that the Nuclear Regulatory Commission has.

As we know, most accidents will exceed the criteria set by the Nuclear Regulatory Commission on highway and rail accidents. The NRC certification requirement for spent-fuel transportation containers are not insurance against the consequences of a remote inaccessible accident, but the consequence of an accident will not observe the boundaries of the accident. Just because the accident might be remote is no basis for comfort. Radioactive waste will burn and disperse many tens of miles that will contaminate far distant territory.

So, along the transportation routes, within a mile, include at least 50 million residents being at risk. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, as my colleague pointed out, and the chart has been printed in the RECORD, at least 50 million people are within a mile of the routes that we have pointed out time and time again today, the train travels and the truck travels. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen? Who will help? We do not have people trained. When will they get help? We do not know. Who will be liable?

The term Mobile Chernobyl has been coined for this legislation. That is what it is. "Mobile Chernobyl" has been coined for S. 1936. A trainload of waste may not contain the potential for disaster that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring readiness and preparation to reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are only one kind of a problem that we may be dealing with. Much has been spoken of America's vulnerability to both domestic and foreign terrorist attacks.

It saddens me, Mr. President, to agree that some of America's enemies today are not people from outside its borders but American citizens. Misguided they may be, enemies they certainly are. We know from this past weekend in Arizona, a sister State to Nevada, a large group of terrorists were arrested. They were luckily infiltrated by some patriotic person. There were films of explosions that they set, conversations of how they would kill anyone that turned against them. They are out there.

There are vipers all over, Mr. President. There are also known foreign enemies of America, and the values that America stands for they do not like. There are known foreign enemies of America in our open society, which is our national heritage and the essence of America. We cannot deny our enemies many of the same freedoms we enjoy ourselves.

There are, as well, many foreign interests, some clandestine, that will want to promote and publicize their existence and goals through outrageous acts of blatant terrorism and destruction. We know that they occur not only in Saudi Arabia but in Oklahoma City, New York City, and even in the city of Reno, NV, where we had, recently, an act of terrorism that failed. They tried to blow up the Internal Revenue building. The bomb was a dud.

Terrorists have had, on a smaller scale, success in Nevada, blowing the roof off of a BLM building. They twice attacked a forest ranger, once blowing up the office, another time blowing up a device in his driveway at his home.

There are evil people in America, Mr. President. I do not say that with pride, but it is a fact. What better stage could be set for these enemies than a trainload or a truckload of the most hazardous substance known to man, clearly and predictably moving through our free and open society.

We face a fraction of this kind of risk every day in our cities, at our airports, and around our centers of local, State and Federal governments. But the opportunity to inflict widespread contamination, terror, and horror, to engender real health risks to millions of Americans, to encumber our treasury with hundreds of millions of dollars in cleanup costs, to further reduce the confidence of all Americans in our treasured freedoms will be irresistible to our enemies.

Why would we want to transport nuclear waste when we do not have to? I go back to what has been stated time and time again, Mr. President, by the people that we have assigned to determine what should be done with nuclear waste—that is, the technical review board, which has said consistently that there is no immediate or anticipated risk in continuing using either cooling ponds or dry cask storage containers on-site. So there is no need to do that.

Mr. President, we have had a number of problems in America in the last few years that we are not proud of in dealing with terrorists. We look for ways to avoid terrorist activity. Some of it is somewhat painful, like closing off Pennsylvania Avenue and closing off the ways into the Capitol Building. I consented to that, even though I did not have a lot of control over it.

When I was chairman of the Legislative Branch Appropriations Committee, Senator FORD, and others who serve on the Rules Committee, indicated that was the right thing to do. So I went out of my way to make sure that the Capitol Police had enough money to do the things that it would require because of these terrorist activities in our Nation's Capital. Why do we not avoid those activities even more? We can do that, Mr. President. We can do it by simply not hauling nuclear waste. Just do what the technical review board said we should do and leave it on-site. We avoid all these problems.

We must prepare for such realities as terrorism, vandalism, and protests. We must prepare for such realities that accompany the massive transportation campaign that will be required to consolidate nuclear waste at a repository site. They do not want to be bothered by reality. They ask that we not confuse them with facts. The old saying is that "haste makes waste."

That takes on a whole new dimension in the context of S. 1936, because the waste that we are talking about is the most poisonous substance known to man. Mr. President, we also, of course, must be concerned about vandalism, such as graffiti sprayed on walls, and windows knocked out of buildings, and buildings that are completely destroyed for no good reason. "Vandalism" is a word that came as a result of the invasion of the Vandals. They came and destroyed for no good reason. They destroyed just to be destroying.

Protests. In Nevada, it has become very standard that we have people who come there to protest. They come there to protest at the Nevada Test Site. Some of them protest because they think there are aliens out there, secret storage facilities for aliens from outer space. We have people that come there and protest because they believe at the test site they are doing things dealing with atomic devices, which they should not be doing. They lay down in the streets. They stop people from coming to and going from work. They are going to do the same with transporting nuclear waste. There is no reason that we should give these people the opportunity to cause mischief. I am not saying that the people who believe that there are alien test sites are mischievous. I am sure they believe they are there. I am sure they are people of good will, who picket the test site and do those kinds of things.

But I say, why should we allow terrorism activity to take place? Why should we allow the opportunity for vandals at these nuclear storage facilities transportation when it is unnecessary? Why would we want to do that? Why do we need the protests? Why do we not simply leave the spent fuel on-site, where the technical review board said it should be left until we get a permanent repository or determine there cannot be one, which is not very likely.

We have talked about the exposure risks a little bit. But S. 1936 will certainly gut our environmental laws and expose Americans to unreasonable risks. S. 1936 removes the Environmental Protection Agency's authority to set environmental standards. This runs directly counter to the recommendations of the National Academy of Sciences' recommendations, which were asked for by Congress. S. 1936 mandates a radiation exposure safety limit that is inconsistent.

Mr. President, I will yield to the two leaders, who are on the floor. I ask that until some agreement is reached, I not lose my opportunity to maintain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is our intention at this point to ask unanimous consent with regard to the Executive Calendar and then have a closing script, which would involve us closing up for tonight. We would come in in the morning at 9 and have morning business which, I believe, was requested by the Democratic leader, equally divided between 9 and 10. And then at 10 we would go to the Department of Defense appropriations bill.

I know how seriously the two Senators from Nevada feel about this issue. I appreciate them letting me intervene at this point. I look forward to working with them later as we go along.

Mr. REID. Reserving the right to object, it is my understanding that this is wrap-up, and there is going to be no more after we finish here.

Mr. LOTT. That is right.

Mr. REID. I thank the majority leader.

MORNING BUSINESS

FOREIGN OIL CONSUMED BY THE U.S.? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 5, the U.S. imported 8,000,000 barrels of oil each day, 1,500,000 barrels more than the 6,500,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Shouldn't more attention be paid to this perilous situation in light of the June 25 bombing which killed 19 American servicemen in Saudi Arabia? American troops are in Saudi Arabia to protect United States petroleum interests.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,000,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 9, 1996, the Federal debt stood at $5,151,106,744,723.87.

On a per capita basis, every man, woman, and child in America owes $19,419.07 as his or her share of that debt.

SUSTAINABLE FISHERIES ACT

Mr. PRESSLER. Mr. President, on March 28, 1996, the Committee on Commerce, Science, and Transportation reported S. 39, the Sustainable Fisheries Act. A report on the bill was filed on May 23, 1996. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On July 8, 1996, the accompanying letter was received from the Congressional Budget Office, and I now make it available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 39, the Sustainable Fisheries Act.

Enactment of S. 39 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill. S. 39 contains several new private-sector mandates (see the enclosed mandates statement), but it does not contain any intergovernmental mandates as defined in Public Law 104-4.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

Enclosures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 39.

2. Bill title: The Sustainable Fisheries Act.

3. Bill status: As reported by the Senate Committee on Commerce, Science, and Transportation on May 23, 1996.

4. Bill purpose: S. 39 would amend the Magnuson Fishery Conservation and Management Act (the Magnuson Act), which governs federal regulation of commercial and recreational fishing within the exclusive economic zone (EEZ) of the United States. The bill also would amend other marine fishery and maritime laws including the Anadromous Fisheries Act, the Interjurisdictional Fisheries Act, the Fish and Wildlife Act of 1956, the Atlantic Coastal Cooperative Management Act, the Merchant Marine Act, and the Saltonstall-Kennedy Act. Programs authorized under these acts are managed locally by eight regional fishery councils and at the national level by the National Oceanic and Atmospheric Administration (NOAA).

Program authorizations

S. 39 would authorize funding through fiscal year 2000 for fisheries conservation and management, information collection and analysis, and state/industry assistance programs. Other provisions of the will would:

Reauthorize the Fishing Vessel Obligation Guarantee (FVOG) program and provide for guarantees of up to $40 million in loans annually;

Expand the FVOG program to allow refinancing of fishing vessel loans during a fishery recovery effort;

Authorize appropriations of such sums as may be necessary to rebuild failed commercial fisheries and mitigate losses of participants in such fisheries;

Make fishing observers federal employees for the purpose of compensation for work injuries under the Federal Employee Compensation Act; and

Increase NOAA's flexibility in providing grants to commercial fishermen who have suffered uninsured losses as a direct result of a natural disaster.

Revenues and fees

The bill also would establish a number of new fees and would affect revenues from existing fees. Major provisions would:

Direct the Secretary of Commerce (hereafter referred to as the Secretary) to collect a 3 percent fee on the annual ex-vessel (dockside) value of fish harvested under any individual fishing quota (IFQ) or community development quota (CDQ) program;

Direct the Secretary to collect fees on foreign vessels that transport fish products from points within U.S. waters to foreign ports;

Authorize the Secretary of State to enter into agreements to authorize foreign fishing within the EEZ adjacent to Pacific Insular Areas (PIAs); such agreements would include an annual determination of fees to be charged foreign vessels;

Authorize the Secretary of Commerce to collect a fee equal to one-half of 1 percent of the value of limited access permits;

Authorize a 1 percent fee on the annual ex-vessel value of bycatch (incidental catch of nontarget fish) targeted for conservation in the North Pacific;

In the case of American Samoa, Guam, and the Northern Marina Islands, require that amounts received by the Secretary from fines and penalties imposed under the Magnuson Act be transferred to the treasury of the PIA adjacent to the exclusive economic zone in which the violation occurred and be available for spending by the Governor of that area for any purposes; in the case of other PIAs, require that such amounts be deposited in a newly created Western Pacific Sustainable Fisheries Fund in the U.S. Treasury and spent without appropriation on conservation and management measures; and

Authorize the Secretary of State to enter into international agreements to reduce bycatch. The Secretary of the Treasury would be required to impose trade sanctions on fish and fish products from those nations that fail to enter into agreements.

Titles I and III of S. 39 would authorize NOAA to institute fishing capacity reduction programs (FCRPs) to ameliorate overfishing in certain areas. Such programs would enable the agency to reduce permanently the number of fishing concerns operating in eligible fisheries by purchasing fishing vessels or federal permits from voluntary sellers or by guaranteeing debt obligations issued by approved entities for that purpose. NOAA would conduct the FCRP regardless of whether the agency guarantees such debt obligations or provides direct funding to owners of fishing vessels or permits.

Section 118 of the bill would provide for several possible funding sources for the FCRPs, including: (1) grants from the Promote and Develop Fisheries Fund, (2) amounts appropriated for fisheries disasters, (3) grants from any state or other public source and private or nonprofit organizations, and (4) industry fees paid by participants in the fishery. In addition, section 302 would provide for financing of private buyouts by authorizing NOAA to guarantee bonds to eligible entities under Title XI of the Merchant Marine Act, 1936. Such guarantees would be subject to the appropriation of the necessary amounts to cover the estimated subsidy cost as defined by the Federal Credit Reform Act.

Under the bill, guarantees could only be made if the participants of a fishery approve an industry fee to be used to repay any debt issued. The unpaid principal outstanding at any time could not exceed $100 million for each participating fishery. Amounts from sources other than subsidy appropriations would be deposited to individual fishing capacity reduction funds. Such amounts would be available without appropriation to pay program costs, including payments to financial institutions for guaranteed debt obligations incurred by entities to finance buyouts. Fund balances would be invested in government securities, but the bill makes no provision for the deposit or spending of any interest that may be earned.

5. Estimated cost to the Federal Government: Assuming appropriation of the necessary amounts, CBO estimates that enacting the bill will result in new discretionary spending totaling about $1.4 billion over the 1997-2002 period. Enacting the bill also would result in new direct spending totaling $23 million over the 1997-2002 period, and new revenues totaling about $26 million over the same period. Additional amounts of both direct spending and revenues, each at roughly $6 million a year, would continue for several years after 2002. Table 1 summarizes the estimated budgetary impact of S. 39.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 39

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending Subject to Appropriations							
Spending under current law:							
Budget authority	239	—	—	—	—	—	—
Estimated outlays	237	122	59	17	—	—	—
Proposed changes:							
Estimated authorization level	—	339	355	356	360	1	1

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 39—Continued

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Estimated outlays	—	197	299	329	357	151	55
Spending under S. 39:							
Estimated authorization level[1]	239	339	355	356	360	1	1
Estimated outlays	237	320	358	346	357	151	55
Additional Revenues and Direct Spending							
Revenues:							
Estimated revenues	—	1	(2)	6	6	6	6
Direct spending:							
Estimated budget authority	—	—	—	6	6	6	6
Estimated outlays	—	−1	—	6	6	6	6

[1] The 1996 amount is the appropriated level for that year.

[2] Less than $500,000.

The costs of this bill fall within budget function 300.

6. Basis of estimate:

Spending subject to appropriations

For purposes of this estimate, CBO has assumed that S. 39 would be enacted by the end of fiscal year 1996 and that the entire amounts authorized or estimated to be necessary would be appropriated for each fiscal year. Outlays have been estimated on the basis of historical spending patterns for ongoing fisheries programs and information provided by NOAA.

CBO estimates that S. 39 would authorize appropriations totaling $1,412 million over the 1997–2002 period (see Table 2). Of this amount, $1,403 million is from authorizations specified in the bill. Estimates accounting for the remaining $9 million are discussed below.

Fishing Vessel Obligation Guarantee Fund (FVOG).—CBO estimates an authorization of $2.4 million (less than $500,000 a year for 1997 through 2002) for appropriations to subsidize the FVOG program. S. 39 would amend the Merchant Marine Act to authorize the FVOG program to guarantee up to $40 million in loans annually. The bill would not change the guarantee fees, which along with the default rates, determine the subsidy rate for the program. Hence, CBO estimates that the current subsidy rate of 1 percent would continue to apply so that the annual loan limitation of $40 million would limit new subsidies to $400,000 a year.

Refinancing of Fishing Vessel Loans.—This estimate also includes $4 million for the projected costs of subsidizing the refinancing of certain loans. S. 39 would authorize the Secretary of Commerce to refinance fishing vessel loans for those fishermen that lose revenues as a result of fishery conservation efforts. Because the bill would authorize NOAA to relax underwriting standards, CBO would expect a higher default rate on the refinanced loans than under the current FVOG program. The greater number of defaults would increase the cost of the program to the government. CBO estimates a subsidy rate of nearly 7 percent for the refinancing program, as compared to the rate of 1 percent for the FVOG program. The higher subsidy rate reflects the expected present value of the loans to the federal government. Based on information from NOAA, CBO estimates that FVOG would refinance about $10 million in fishing vessel loans a year or about $60 million over the 1997–2002 period.

TABLE 2.—Specified and Estimated Authorizations Contained in S. 39

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
CHANGES IN SPENDING SUBJECT TO APPROPRIATIONS (Authorization Levels Only)						
Specified authorizations:[1]						
Magnuson Act	151	160	164	168	--	--
Fish and Wildlife Act of 1956	103	106	106	106	--	--
Interjurisdictional Fisheries Act	70	70	70	70	--	--
Anadromous Fisheries Act	8	8	8	8	--	--
Atlantic Coastal Fisheries Cooperative Management Act	7	7	7	7	--	--
Estimated authorizations:						
FVOG	(2)	(2)	(2)	(2)	(2)	(2)
Refinancing of vessel loans	(2)	1	1	1	1	1
FCRP loan guarantees	--	3	--	--	--	--
Total estimated authorization level[3]	339	355	356	360	1	1

[1] The bill specifies authorization levels for 1996 but CBO assumes that the bill would be enacted too late in the fiscal year to affect 1996 spending.

[2] Less than $500,000.

[3] The table does not show any additional amount for fisheries failures or workers compensation because CBO assumes that funding would come from amounts authorized under other sections of the bill.

Fishing Capacity Reduction Program.—Finally, Table 2 shows an estimated authorization for 1998 of $3 million for costs of guaranteeing debt obligations to nonfederal entities under Title III. This estimate is highly uncertain because it depends on how the program is implemented and on how many fisheries participate. Based on information provided by the National Marine Fisheries Service (NFS) and several fisheries councils, CBO expects that the Pacific groundfish fishery would be the only area likely to adopt a program over the next several years. We further expect that buyouts in this fishery would be made by a fishing association or nonprofit organization that would issue an estimated $20 million in federally guaranteed bonds to finance the purchase of about one-third of the fishery's capacity in 1998.

CBO estimates that the subsidy rate for the debt obligations would be about 15 percent, resulting in a cost to the federal government of $3 million in 1998 to guarantee $20 million in debt for the Pacific groundfish fishery. The subsidy rate of 15 percent is comparable to the subsidy rate for a program in which the government guarantees debentures for venture capital firms that invest in small businesses. As with the small business debentures, the repayment of the guaranteed bonds in the fisheries program would be uncertain. The only allowable source of debt repayments would be the industry fees. Because such fees would be based on a percentage of the value of fish caught in the fishery, repayment of the debt would be highly susceptible to market fluctuations, natural disasters, and other unpredictable factors. Moreover, limiting repayments to this source implies that no collateral could be required on any debt.

CBO assumes that no other fishery would adopt a capacity reduction program or use this authority to expand existing programs in the near future because industry participants have indicated that they are unwilling to pay for the program.

Other Provisions.—The estimated authorization for 1997–2002 does not include any estimate of appropriations to assist in dealing with failures of commercial fisheries pursuant to Title I. Section 118 of this title authorizes such sums as needed to mitigate such failures—through FCRPs or other methods—through 2000. Based on information from NOAA, CBO assumes that funding for dealing with future fisheries failures would more likely be provided under other authorities in the bill (namely, Title III loan subsidies for FCRPs). This estimate also does not include any additional amounts for the provision that makes observers federal employees for the purpose of workers compensation. CBO estimates that any needed amounts—which are likely to average less than $1 million a year—would be paid out of the authorizations specified in the bill.

Revenues

Enacting S. 39 would result in new revenues totaling about $26 million over the 1997–2002 period and roughly $6 million a year for several years after 2002. This includes about $2 million a year over the 2002–2018 period from fees paid by participants in a capacity reduction program in the Pacific groundfish fishery. Roughly $4 million a year in revenues would continue indefinitely from fees collected pursuant to Pacific Insular Area Fishing Agreements (PIAFAs) and from individuals holding permits and paying fees in limited access fisheries. Table 3 presents the estimated impact of S. 39 on revenues.

TABLE 3.—ESTIMATED IMPACT OF S. 39 ON REVENUES

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Changes in Revenues						
Estimated changes in revenues:						
FCRPs	0	0	2	2	2	2
PIAFA Revenues	0	0	4	4	4	4
Limited Access Permits	1	(1)	(1)	(1)	(1)	(1)
Total estimated revenues[2]	1	(1)	6	6	6	6

[1] Less than $500,000.

[2] The bill also could raise revenues from fees on bycatch, or reduce existing revenues from duties on imported fisheries products (which could be banned if a foreign nation fails to comply with future international agreements to reduce bycatch), but CBO estimates that these provisions would have no impact.

Revenues from Fishing Capacity Reduction Programs.—CBO estimates that fees associated with capacity reduction programs would generate additional federal revenues of about $2 million a year beginning in 1999. Section 118 would require NOAA to impose an annual fee on businesses that continue operating in a fishery subject to a capacity reduction program. The fee would have to be approved in a referendum before a buyout program could be implemented. CBO expects that such fees would be imposed on entities fishing for Pacific groundfish and that this would be the only fishery likely to adopt a buyout program in the near future. This estimate is based on a fee equal to 2.5 percent of the estimated annual gross sale proceeds in that fishery (about $80 million), which is the level that would be required to pay the principal and interest on $20 million of bonds over 20 years at a rate slightly higher than the federal government's cost of borrowing.

PIAFA Revenues.—CBO estimates revenues of about $16 million over the 1997–2002 period from fees that might be included in future PIAFAs. The bill would authorize the Secretary of State, with the concurrence of the Secretary of Commerce, the Western Pacific Fishery Management Council, and in some cases the Governor of the PIA, to conclude three-year international agreements that would permit foreign fishing in the exclusive economic zone adjacent to PIAs. The agreements would be required to include an annual determination of fees that would be imposed on foreign vessels. Any fees charged would likely be treated as revenues because a permit would be compulsory for fishery participants and the corresponding fees could exceed the administrative costs of issuing permits. Fees collected by the Secretary of Commerce pursuant to PIAFAs for American Samoa, Guam, and the Northern Mariana Islands would be deposited in the Treasury and then transferred to the PIA in which they were collected. Funds would be available for spending by the Governors of each PIA to reimburse the Western Pacific Council and the Secretary of State for the costs of establishing the PIAFA, for conservation and management measures, and for other coastal and marine-relate uses. Fees collected by the Secretary of Commerce pursuant to PIAFAs for PIAs other than American Samoa, Guam, and the Northern Mariana Islands would be available without appropriation to the Secretary of the Western Pacific Council to reimburse the Secretary of State for the costs of establishing the PIAFA, for conservation and management measures, and for other coastal and marine-related uses.

CBO estimates that, beginning in 1999, about $2 million a year would be collected in and transferred to American Samoa, Guam, and the Northern Mariana Islands and an additional $2 million would be collected and spent for other PIAs. This estimate is uncertain because the timing of future agreements will depend on the level of interest of participating nations and the complexity of negotiations. Based on information provided by the Department of State, CBO assumes that PIAFAs would be in place by 1999, and that collections would be consistent with amounts levied by other territories in this region that are currently charging fees.

Limited Access Permit Revenues.—CBO estimates revenues of about $1 million in 1997 and less than $0.2 million each year after 1997 from fees on the holders of limited access permits. S. 39 would direct the Secretary of Commerce to collect a fee of up to one-half of 1 percent of the value of limited access permits. Fees would be used to pay for a national registry of permit holders and would be levied at the time an individual's permit is recorded in the registry. Spending of these fees would be subject to appropriations.

The estimate of revenues assumes that a fee could be charged almost exclusively in those limited-access fisheries managed by individual transferable quota (ITQ) programs. Because permits in these fisheries are transferable, there is a secondary market that allows permit values to be determined. (A nominal fee based on the administrative cost of issuing permits may be charged in other limited-access fisheries.) Eligible fisheries include those for halibut and sablefish in the North Atlantic and the wreckfish, surf-clam, and ocean quahog in the South Atlantic. The only additional fishery included in our estimate is the Pacific groundfish fishery where—although there is no ITQ program—a secondary market exists for the limited number of permits in the fishery. Information used to estimate permit values was provided by NOAA. CBO assumes that the maximum fee would be levied in all eligible fisheries.

Other Provisions.—CBO estimates no additional revenues from proposed fees on bycatch in the North Pacific. Based on information provided by the National Marine Fisheries Service and the North Pacific Fishery Management Council, CBO believes that a fee system is unlikely to be proposed by the council in the near future. Rather, the council will consider alternative methods for reducing harvest that do not involve fees. CBO also estimates no decrease in revenues from the provision that would require the Secretary of the Treasury to ban imports of fisheries products from those nations that fail to enter into future international agreements to reduce bycatch. Because few significant measures to reduce bycatch are in place domestically at this time, international agreements on standards comparable to those in the U.S. are unlikely until more extensive domestic measures for bycatch reduction have been implemented.

Direct spending

CBO estimates that enacting S. 39 would result in new direct spending totaling $23 million over the 1997–2002 period and about $6 million a year for several years after 2002. The direct spending would be funded by revenues collected pursuant to a capacity reduction program in the Pacific groundfish fishery (about $2 million a year over the 1999–2019 period) and from future Pacific Insular Area Fishery Agreements (about $4 million a year beginning in 1999 and continuing indefinitely). Table 4 presents the estimated impact of S. 39 on direct spending.

Fishing Capacity Reduction Program (FCRP).—CBO estimates that fees collected pursuant to a capacity reduction in the Pacific groundfish fishery—the only fishery likely to adopt a capacity reduction program in the near future—are likely to total roughly $2 million a year over the 1999–2018 period. The $2 million would be spent each year without further appropriation to pay off bondholders.

TABLE 4.—ESTIMATED IMPACT OF S. 139 ON DIRECT SPENDING

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Changes in Direct Spending						
Spending of FCRP revenues:						
Estimated budget authority	....	....	2	2	2	2
Estimated outlays	....	....	2	2	2	2
IFQ/CDQ offsetting receipts:						
Estimated budget authority	−5	−6	−6	−8	−8	−8
Estimated outlays	−5	−6	−6	−8	−8	−8
Spending from IFQ/CDQ receipts:						
Estimated budget authority	5	6	6	8	8	8
Estimated outlays	4	6	6	8	8	8
Spending of PIAFA revenues:						
Estimated budget authority	....	....	4	4	4	4
Estimated outlays	....	....	4	4	4	4
Total changes in direct spending:[1]						
Estimated budget authority	....	....	6	6	6	6
Estimated outlays	−1	....	6	6	6	6

[1] The bill also could affect spending for disaster assistance to fishermen and spending from certain fines and penalties, but CBO estimates that these provisions would have no impact.

Fees from Quota Programs.—CBO estimates that the proposed fee on permit holders for fishing under individual fishing quota (IFQ) and community development quota (CDQ) programs would result in a net decrease in outlays of $1 million in 1997 and have no net budgetary impact in other years. S. 39 would direct the Secretary of Commerce to collect a fee of up to 3 percent of the annual dockside value of fish harvested under any eligible IFQ or CDQ program. CBO estimates that this provision will result in new receipts totaling about $39 million over the 1997–2002 period. Fees would likely be treated as offsetting receipts and would be available for spending without further appropriation action. Accordingly, the increase in receipts would be offset by additional direct spending and the provision would have no significant net impact on the federal budget. CBO estimates that NOAA would be able to spend most of the receipts collected in each year.

For purposes of this estimate, CBO assumes that individuals holding permits in IFQ and CDQ programs for halibut, sablefish, and pollock begin paying fees in 1997 and that CDQs for North Pacific groundfish, king crab, and tanner crab would be implemented and participants would pay fees by 1998. Individuals holding permits in the wreckfish, surf clam, and ocean quahog CDQ programs would not be required to pay fees until January 1, 2000. CBO assumes that the Secretary would collect the full 3 percent of the annual ex-vessel value of fish caught in fisheries managed by IFQs and that the corresponding rate for fisheries managed by CDQs would be slightly lower—about 2.75 percent—to reflect participants' deductions for higher observer and reporting costs. The estimate of spending from these receipts assumes, pursuant to the bill, that 25 percent of the fees collected pursuant to this provision would subsidize loans for fishermen who purchase IFQs. The remainder would be used to pay for the management and enforcement costs of IFQ and CDQ programs.

Spending of PIAFA Revenues.—CBO estimates direct spending of $16 million over the 1997–2002 period from authority to spend without appropriation the revenues collected pursuant to Pacific Insular Area Fishery Agreements.

Other Provisions.—CBO estimates that the proposed changes to the Interjurisdictional Fisheries Act for fishery relief programs would have no cost because the changes have already been incorporated into current law by Public Law 104–134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996. CBO estimates no new direct spending from authority in S. 39 to spend Magnuson Act fines and penalties collected in the EEZ adjacent to Pacific Insular Areas. Penalties and proceeds from asset forfeitures may already be spent without appropriation. The only effect of this provision would be to change the parties that would be eligible to spend the funds.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting S. 39 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill.

Direct Spending.—Proposed IFQ and CDQ program fees would result in additional offsetting receipts and spending of those fees. We estimate that spending would lag behind fee collections slightly, resulting in a net reduction in outlays of about $1 million in 1997. Because most receipts would be spent in the year they are collected, CBO estimates that the net impact of this provision on outlays after 1997 would be less than $500,000 a year.

S. 39 also would allow spending without appropriation of the fees collected on participants in fishing capacity reduction programs and from PIAFAs. However, CBO estimates that these fees would not be collected or spent until 1999.

Revenues.—The bill would raise new revenues from a fee on limited access permits. Revenues from other new fees would accrue after 1998.

CBO's estimate of S. 39's pay-as-you-go impact is summarized in the following table:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	−1	0
Change in receipts	0	1	0

8. Estimated impact on State, local, and tribal governments: The bill contains no

intergovernmental mandates as defined in Public Law 104–4, and would impose no direct costs on State, local, or tribal governments. The bill would authorize appropriations of at least $87 million over fiscal years 1997 through 2000 for financial assistance to State and local governments. This assistance would help State and local governments protect and manage fishery resources. If the Secretary of State enters into agreements to allow foreign fishing within the exclusive economic zones adjacent to Pacific Insular Areas, the bill could also result in increased funding for these governments. Such funding would be earmarked for managing and conserving fisheries.

9. Estimated impact on the private sector: S. 39 contains several new private-sector mandates, but the direct costs of those mandates are not likely to exceed the $100 million threshold established by Public Law 104–4 (see the attached private-sector mandate statement).

10. Previous CBO estimate: On July 10, 1995, CBO provided a cost estimate for H.R. 39, the Fishery Conservation and Management Amendments of 1995, as reported by the House Committee on Resources on June 30, 1995. CBO estimated that H.R. 39 would authorize new appropriations totaling $660 million over the 1996–2000 period, including $610 million in specified authorizations and an estimated $50 million for an FCRP for the Northeast. CBO also estimated that H.R. 39 would result in direct spending of less than $0.5 million a year from the collection of fees on foreign vessels that transport fish products from United States waters to foreign ports. Additional receipts of up to $5 million a year would be collected from fees on IFQ permits. However, the fees would be available for spending without appropriation and CBO estimated that the increase in receipts would be offset by additional direct spending. Finally, CBO estimated that H.R. 39 would result in $2 million to $4 million a year in new revenues from an annual fee on holders of federal fishing permits who continue operating in the Northeast FCRP. These revenues would be authorized for spending without appropriation for other FCRP programs, but CBO assumed that no other programs would be enacted and that those revenues would not be spent. Differences in CBO estimates for similar provisions of H.R. 39 and S. 39 are attributable to significant differences in the bills and to the availability of new information since last July.

11. Estimate prepared by: Federal Cost Estimate: Gary Brown, Rachel Forward, and Deborah Reis; and for revenues, Stephanie Weiner.

State and local government impact: Pepper Santalucia.

Private sector impact: Patrice Gordon.

12. Estimate approved by:

ROBERT A. SUNSHINE
(For Paul N. Van de Water, Assistant
Director for Budget Analysis.)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of adoption of regulations and submission for approval was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to Federal service labor-management relations—regulations under section 220(d) of the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published May 15, 1996 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 220 of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3. Specifically, these regulations are adopted under section 220(d) of the CAA.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999, Telephone: (202) 724–9250.

SUPPLEMENTARY INFORMATION

I. Background and Summary

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code ("chapter 71") relating to Federal service labor-management relations. Section 220(a) of the CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122 and 7131 of title 5, United States Code to employing offices and to covered employees and representatives of those employees.

Section 220(d) authorizes the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ["FLRA"] to implement the statutory provisions referred to in subsection (a) except—(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest."

On March 6, 1996, the Board of Directors of the Office of Compliance ("Office") issued an Advance Notice of Proposed Rulemaking ("ANPR") that solicited comments from interested parties in order to obtain participation and information early in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking ("NPR") (142 Cong. R. S5070–89, H5153–72 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, on May 23, 1996, the Board published a Notice of Proposed Rulemaking (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e). That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in certain specified offices, "except . . . that the Board shall exclude from coverage under [section 220] any covered employees who are employed in [the specified offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities." Final regulations under section 220(e) will be adopted and submitted for Congressional approval separately.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA , it would decide representation issues, negotiability issues and exceptions to arbitral awards based upon a record developed through direct submissions from the parties and, where necessary, through further investigation by the Board (through the person of the Executive Director). Under the Board's proposed rule, only unfair labor practice issues (and not representation, arbitrability or negotiability issues) would be referred to hearing officers for initial decision under section 405 of the CAA.

One commenter expressly approved of this proposal. Conversely, two commenters argued that the proposal violates the plain and unambiguous language of the statute, which they read as requiring the Board to refer all section 220 issues, including representation, arbitrability, and negotiability issues, to hearing officers for initial decision under section 405.

Contrary to the argument that the statutory text *unambiguously* requires referral of representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not define the "matter[s]" that must be referred to hearing officers for initial decision under section 405, much less specify that these "matter[s]" include disputed issues of representation, negotiability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the "matter[s]" that the Board must refer to hearing officers for initial decision under section 405 are co-extensive with the "petition[s], or other submission[s]" that the Board receives under section 220(c)(1). Since Congress did *not* require the Board to refer to a hearing officer for initial decision "any petition or other submission" that it receives under section 220(c)(1), but rather only "any matter under this paragraph," the interpretive presumption in fact must be that the "matter[s]" which the Board must refer are not co-extensive with the "petitions or other submissions" that it receives under section 220(c)(1) (but, rather, are only a subset of them.) Whether or not this interpretative presumption can be overcome by other relevant interpretive materials, it is plain that, contrary to the assertion of the commenters, the statutory text is in fact seriously ambiguous about whether controversies involving representation, negotiability, and arbitrability issues are "matter[s]" within the meaning of section 220(c)(1) that must be referred to a Hearing Officer pursuant to section 405.

Moreover, as explained in the NPR, this textual ambiguity is best resolved by interpreting the statutory phrase "matter" in section 220(c)(1) to encompass only controversies involving disputed unfair labor practice issues. The term "matter" in section 220(c)(1) simply does not appear to refer to representation or other such issues arising out of the Board's "investigative authorities." Indeed, section 220(c)(1) expressly contemplates that the Board may direct the General Counsel (and, a fortiori, not a hearing officer) to carry out these "investigative authorities," which under chapter 71 include the authority, for example, to decide (and not, as one commenter suggests, merely to investigate) disputed representation issues such as whether an individual must be excluded from a unit because he or she is a supervisor.

Under chapter 71, only controversies involving unfair labor practice issues are subject to formal adversarial processes like those established by section 405; and nothing in the CAA's legislative history shows that Congress understood itself to be departing from chapter 71 in this respect. In these circumstances, under the CAA, the textual ambiguity must be resolved by reference to the interpretive presumption that Congress has subjected itself to the same rules that the executive branch is subject to under chapter 71.

Furthermore, contrary to the suggestion of one commenter, the reference in the last sentence of section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints does not detract in any way from the Board's construction of the term "matter" in section 220(c)(1). The Board's construction of the term "matter" in section 220(c)(1) simply does not render this reference in section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints "redundant and meaningless," as the commenter claims; rather, the reference in section 220(c)(2) simply completes the statute's instruction to the General Counsel concerning how he should process a controversy involving an unfair labor practice issue (just as section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue). Indeed, construing the phrase "matter" in section 220(c)(1) to encompass more than just controversies involving unfair labor practice issues would not in any way reduce the redundancy and lack of meaning that the commenter perceives (since, in all events, both section 220(c) (1) and (2) would effectively encompass initial hearing officer consideration of unfair labor practice issues).

The commenters similarly err in suggesting that the judicial review provisions of section 220(c)(3) demonstrate that the Board must refer more than just unfair labor practice issues to a hearing officer for initial decision under section 405. In making this suggestion, the commenters omit mention of the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c) (1) or (2). This language appears to limit judicial review to cases involving unfair labor practice issues, because it is only in unfair labor practice cases that the parties include either "the General Counsel or the respondent to the complaint." In all events, even if section 220(c)(3) authorized judicial review of more than just unfair labor practice issues, referral of more than controversies involving unfair labor practice issues would not be required: Judicial review does not always require a record created by a formal adversary process, and the Board still has not found a statutory command sufficient to require a formal adversary process where chapter 71 does not do so.

Finally, there is simply no foundation for the suggestion that the "real reason" for the Board's reading of the statute is that referral of representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 405 would be "overly cumbersome." It is in fact the judgment of the Board, based on its members' many years of practice and experience in this area, that referral of such issues for formal adversary hearings would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult for the Board's members to even conceive of how an election could practicably be conducted in the confidential, adversarial processes contemplated by section 405. But, while the Board is in fact entitled in its interpretive process to presume that Congress did not intend to be so impracticable, the "real reason" for the Board's construction of section 220 is not this significant practical concern. Rather, the "real reason" is the one that is stated in the NPR and here—to wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in supposedly subjecting itself to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: '"In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that [suggested] here, [we] think judges as well as detectives may take into consideration the fact that a watch dog did not bark in the night."' *Chisom v. Roemer*, 501 U.S. 380, 397 (1991), *quoting Harrison v. PPG Industries, Inc.*, 446 U.S. 578, 602 (1980) (Rehnquist, J., *dissenting)*.

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a new subsection 2422.18(d) to provide that the parties have an obligation to produce existing documents and witnesses for pre-election investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with such instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the issuance of subpoenas by various FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 405 of the CAA, subpoenas for documents or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that there is good cause to modify section 2422.18 of the FLRA's regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter's view that pre-election investigatory hearings must be conducted under section 405 of the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board "should make the proposed regulations governing service of subpoenas consistent with its own procedural regulations." This same commenter also suggested that the Board specifically not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly "appears to be included to comply with the Sunshine Act" which "does not apply to Congress."

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA's regulations by including section 2422.18(d). Further, because pre-election investigatory hearings should not be conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the application of the Federal rules of evidence or to provide for the issuance or service of subpoenas in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the "Sunshine Act" (Pub. L. 94-409) formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting that subsection, as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is good cause to delete the concluding sentences of sections 2423.5 and 2424.4 of the FLRA's regulations. Specifically, the Board proposed to omit the requirement that a labor organization file a petition for review of a negotiability issue, rather than an unfair labor practice charge, in cases that solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and that do not involve actual or contemplated changes in conditions of employment. The Board reasoned that, by eliminating that restriction, a labor organization could choose to seek a Board determination on the issue, as it can with respect to other assertions by employing offices that there is no duty to bargain, through an unfair labor practice proceeding and, if the determination is unfavorable, the labor organization could possibly obtain judicial review by persuading the General Counsel to file a petition for review of the unfavorable Board decision under section 220(c)(3) of the Act. In this regard, the Board stated its view that, unlike chapter 71, the CAA does not provide for direct judicial review of Board decisions and orders on petitions for review of negotiability issues.

One commenter expressly and specifically agreed that there is good cause for this proposed modification of the FLRA's regulations. The two other commenters asserted that there is not good cause to delete the pertinent sentences from the FLRA's regulations because of their view that, under section 220(c)(3), direct judicial review of Board decisions on petitions for review of negotiability issues is available.

The Board has further considered this issue and has concluded, for reasons different than those urged by the commenters, that it should not delete the concluding sentences of the referenced sections of the FLRA's regulations. Under section 7117 of chapter 71, which is incorporated into the CAA, a labor organization is the only party that may file a petition for Board review of a negotiability issue; the labor organization is always the petitioner and never a respondent, and the General Counsel is never a party. Moreover, section 220(c)(3) provides that only "the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board" may file a petition for judicial review of a Board decision. Accordingly, it is clear that, under the CAA, it was Congress' intent not to accord labor organizations the right to seek direct judicial review of unfavorable decisions on negotiability issues. Further, in the Board's judgment, questions involving the duty to bargain, where there are no actual or contemplated changes in conditions of employment, are best resolved through a negotiability determination; procedures for the consideration of petitions for review of negotiability issues are more expeditious and less adversarial than unfair labor practice proceedings, and thus the requirement that labor organizations utilize the negotiability procedures is more effective for the implementation of section 220. Accordingly, the concluding sentences of section 2423.5 and 2424.5 of the FLRA's regulations will be included in the Board's final regulations.

D. Exclusion of certain employing offices from coverage under section 220

One commenter urged the Board to exclude certain specific employing offices from coverage under section 220 of the CAA. The commenter reasoned that, since section 7103(a)(3) of chapter 71 specifically defines "agency" not to include certain named executive branch agencies, the Board should exempt "parallel" employing offices in the House of Representatives from the definition of "employing office" in the Board's regulations.

The Board declines this suggestion. Just as Congress defined the term "agency" under chapter 71, Congress has defined "employing office" in the CAA. The Board cannot, as the commentor has requested, redefine "employing office" by regulation to exclude employing offices that are encompassed by statutory definition.

E. Exercise of the Board's authority under section 7103(b) of chapter 71, as applied by the CAA

Under section 220(c)(1) of the CAA, the Board has been granted the authority that the President has under section 7103(b) of chapter 71 to "issue an order excluding any [employing office] or subdivision from coverage under this chapter if the [Board] determines that—

(a) the [employing office] or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(b) the provisions of this chapter cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations."

Two commenters requested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that it simply asserted should be excluded because their "primary function . . . is intelligence investigative or national security work"; the other commenter made no specific suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7103(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under section 220 by "order," not by regulation. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but rather are better addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words "bylaws, tacit agreement among its members," were omitted from the definition of "labor organization" in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term "disability" for "handicapping condition"

The proposed regulations, in sections 2421.3(d)(1) and 2421.4(d)(2)(iv), make reference to the term "handicapping condition". That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term "disability," rather than the term "handicap" or "handicapping condition". Accordingly, as urged by one commenter, the Board finds good cause to substitute the term "disability" for the term "handicapping condition" wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term "conditions of employment" in section 2421.3(m)(3) of the proposed regulations to provide that, in addition to "matters specifically provided for by Federal statute," matters specifically provided for by "resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law" are among the matters excluded from that term. But the definition of "conditions of employment" in section 2421.3(m) of the proposed regulations is identical to the statutory definition incorporated by reference into the FLRA's regulations. Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House or Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from "conditions of employment" under section 220. The Board thus does not find good cause to change the FLRA's regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation.—The term "Government-wide rule or regulation" is found in various contexts in the incorporated provisions of chapter 71 and applicable regulations of the FLRA. One commenter asked that the Board clarify that the term includes "rules or regulations issued by the House or Senate, as appropriate." The commenter cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the terms "activity" and "primary national subdivision" have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantial consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition for 10% or more of the total number of personnel employed by the employing office. In this regard, the Board noted that the FLRA has considered 10% of the employees of an agency or primary national subdivision to be a significant enough proportion of the employee complement to allow for meaningful consultations, no matter the size of the agency or the number of its employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small legislative branch employing offices from that applicable to small executive branch agencies.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees "a union could gain consultation rights on the basis of the interest of one employee."

The commenter's concern that one employee's "interest" in a 10-employee office could require consultations is unfounded. In order to obtain national consultation rights, a labor organization must hold "exclusive recognition" for 10% of the employees. Section 2421.4(c) of the Board's proposed rules defines the term "exclusive recognition" to mean that "a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election." The mere "interest" of employees does not constitute "exclusive recognition." Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board thus has decided to adhere to its conclusion that there is not good cause to change the 10% threshold.

2. Government-wide rules or regulations.—In the NPR, the Board concluded that it had good cause to modify the threshold requirement contained in the FLRA's regulations that provide for an agency, in appropriate circumstances, to accord consultation rights on Government-wide rules or regulations to a labor organization that holds exclusive recognition for 3,500 or more employees. The Board reasoned that, because of the size of employing offices covered by the CAA, the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold requirement with the 10% requirement, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter stated that, because no covered employing office has 3,500 employees, "consultation on government-wide rules or regulations should not be a requirement under the CAA."

The Board has carefully considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated into the CAA, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with criteria prescribed by the FLRA, shall be granted consultation rights by any agency with respect to any Government-wide rule or regulation issued by the agency that effects any substantive change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that 3,500 employees is a "substantial" number of employees in the executive branch. The most recent statistics compiled by OPM's Office of Workforce Information reveal that there are approximately 1,958,200 civilian, non-postal, Federal employees. In contrast, the Congressional Research Service reports that there are only approximately 20,100 legislative branch employees currently covered by the CAA. As the covered workforce in the legislative branch is approximately one-tenth the size of the analogous executive branch employee complement, the Board concludes that the appropriate threshold requirement for the grant of consultation rights in the legislative branch is 350 employees, or one-tenth the requirement in the executive branch. Accordingly, the Board finds that there is good cause to modify section 2426.11(a) of the FLRA's rules to provide that requests for consultation rights on Government-wide rules or regulations (e.g. rules or regulations that are generally applicable to the legislative branch) will be granted by an employing office, as appropriate, to a labor organization that holds exclusive recognition for 350 or more covered employees in the legislative branch.

K. Posting of notices in representation cases

One commenter asserted that sections 2422.7 and 2422.23, which provide for the posting or distribution of certain notices by employing offices, should be modified. In this regard, the commenter argued that these sections of the proposed rules "give the Executive Director the authority to determine the placement" of the notice posting and that such determination should be left to the discretion of the employing office. Contrary to the commenter's assertions, however, nothing in the aforementioned regulations deprives an employing office of the desired discretion so long as the notices are posted "in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed." Accordingly, there is no reason to modify the regulations, as requested by the commenter.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is "arbitrary and capricious or based upon manifest disregard of the law." Noting that section 225(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

Two commenters asserted that the Board did not have good cause to modify the FLRA's regulation. Both argued that requiring the Board to enforce a decision and order of the Assistant Secretary is not tantamount to executive branch enforcement of the Act.

The Board continues to be of the view that, in order to give full effect to section 225(f)(3) of the CAA, it should not defer to decisions of the Assistant Secretary. There is thus good cause to modify section 2428.3 of the FLRA's regulations.

M. Regulations under section 220(d)(2)(B) of the CAA

Section 220(d)(2)(B) of the CAA provides that, in issuing regulations to implement section 220, the Board may modify the FLRA's regulations "as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest." In the ANPR, the Board requested commenters to identify, where applicable, why a proposed modification of the FLRA's regulations is necessary to avoid a conflict of interest or appearance thereof. In this regard, commenters were advised not only to fully and specifically describe the conflict of interest or appearance thereof that they believed would exist were the pertinent FLRA regulations not modified, but also to explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns.

In response to the ANPR, one commenter argued that the posting requirements of sections 2422.7 and 2422.23 of the FLRA's regulations should be modified. In the NPR, the Board discussed the commenter's suggested modifications and determined that the modifications were not necessary under section 220(d)(2)(B). No other modifications were requested or discussed.

Another commenter has now urged the Board to "promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee" in order to "eliminate by regulation the possibility, or even the appearance of the possibility, that the contents of legislation or legislative policy might be influenced by union membership of Congressional employees." This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded (or, indeed, any examples).

The Board has concluded that it is appropriate to adopt a regulation authorizing parties in appropriate circumstances to assert, and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

III. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders
2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

Subchapter C

PART 2420—PURPOSE AND SCOPE

§2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

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§2421.1 Act; CAA.

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438).

§2421.2 Chapter 71.

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§2421.3 General Definitions.

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied by the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing" office means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing Officer.

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§2421.12 *Appropriate unit.*

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§2421.13 *Secret ballot.*

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§2421.14 *Showing of interest.*

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§2421.15 *Regular and substantially equivalent employment.*

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§2421.16 *Petitioner.*

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§2421.17 *Eligibility period.*

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§2421.18 *Election agreement.*

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§2421.19 *Affected by issues raised.*

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§2421.20 *Determinative challenged ballots.*

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

Sec.

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§2422.1 *Purposes of a petition.*

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§2422.2 *Standing to file a petition.*

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however*, that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§2422.3 *Contents of a petition.*

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§2422.6 Notification of filing.

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§2422.8 Intervention and cross-petitions.

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to §2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§2422.9 Adequacy of showing of interest.

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§2422.3 (c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.10 Validity of showing of interest.

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to §2422.30.

§2422.12 Timeliness of petitions seeking an election.

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in §2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures.

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots.

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots.

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election.

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections.

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections.

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections.

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an Executive Director action.

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations.

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423.

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however*, that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings.

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however*, that its actions may be challenged, reviewed, and remedied where appropriate.

PART 2423 UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.
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§2423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§2423.2 Informal proceedings.

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

§2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive

Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d) (1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e) (1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: provided, however, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§2423.16 [Reserved]

§2423.17 [Reserved]

§2423.18 Burden of proof before the Hearing Officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§2423.20 [Reserved]

§2423.21 [Reserved]

§2423.22 [Reserved]

§2423.23 [Reserved]

§2423.24 [Reserved]

§2423.25 [Reserved]

§2423.26 Hearing Officer decisions; entry in records of the Office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§2423.28 [Reserved]

§2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

Sec.

2424.1 Conditions governing review.
2424.2 Who may file a petition.
2424.3 Time limits for filing.
2424.4 Content of petition; service.
2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2424.6 Position of the employing office; time limits for filing; service.
2424.7 Response of the exclusive representative; time limits for filing; service.

2424.8 Additional submissions to the Board.
2424.9 Hearing.
2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

Subpart A—Instituting an Appeal

§2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however*, that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§2424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under §2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

§2424.11 Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.

2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

Subpart A—National Consultation Rights

Sec.

2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

Subpart A—National Consultation Rights

§2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in §2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by §2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through

2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

PART 2427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.
2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under §2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

PART 2428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

Subpart A—Miscellaneous

§2429.1 Transfer of cases to the Board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§2429.2 [Reserved]

§2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§2429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§2429.7 [Reserved]
§2429.8 [Reserved]
§2429.9 [Reserved]
§2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§2429.11 [Reserved]
§2429.12 [Reserved]
§2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to §2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]
§2429.18 [Reserved]

Subpart B—General Requirements

§2429.21 [Reserved]
§2429.22 [Reserved]
§2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]
§2429.25 [Reserved]
§2429.26 [Reserved]
§2429.27 [Reserved]
§2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

PART 2470—GENERAL

Subpart A Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

Subpart A—Purpose

§2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

Subpart B—Definitions

§2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization, and conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative or designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

PART 2471—PROCEDURES OF THE BOARD IN IMPASSE PROCEEDINGS

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for Board consideration; request for Board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½11-inch size paper.

§2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

THE NUCLEAR WASTE POLICY ACT OF 1996

Mr. CRAIG. Mr. President, as we reach the final days of the 104th Congress, an urgent environmental problem remains unresolved. However, unlike many issues, fortunately the question of how to deal with this Nation's high-level nuclear waste has an answer that is responsible, fair, environmentally friendly and supported by members of both parties.

Today, high level nuclear waste and highly radioactive used nuclear fuel is accumulating at more than 80 sites in 41 States. Each year, as that increases, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. The only responsible choice is to support legislation that solves this problem by safely moving this used fuel to a safe, monitored facility in the remote Nevada desert. This answer will lead us to a safer future for all Americans.

To facilitate our consideration of such legislation, yesterday I, along with Senator MURKOWSKI, introduced S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982, and it was placed on the calendar. S. 1936 retains the fundamental goals and structure of the substitute for S. 1271 that was reported out of the Energy and Natural Resources Committee last March.

However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by Members of this body. In addition, we took into account the provisions of H.R. 1020, which was reported out of the House Commerce Committee on an overwhelming bipartisan vote last year. We adopted much of the language found in H.R. 1020 in order to make the bill as similar to the bill under consideration in the House as possible.

I would like to describe some of the most significant of these changes. S. 1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA's application to the Secretary's actions to only those NEPA requirements specified in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by all requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary provide technical assistance and funds for training to Unions with experience in safety training for transportation workers. In addition, S. 1936 clarifies that existing employee protections in title 49, United States Code in connection with refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by carmen and operating crews only if they are adequately trained. Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards, as necessary, for workers engaged in the transportation, storage and disposal of spent fuel and high-level waste.

In order to ensure that the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada Test Site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase I of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility.

S. 1271 would have set the standard for releases of radioactivity from the repository at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirem.

The 100 millirem standard is fully consistent with current national and international standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected units of local government and Indian tribes within the State of Nevada. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the Nuclear Waste Fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee that is paid by electricity consumers into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the fuel at the Dairyland Power Cooperative's La Crosse reactor, and authorizes the Secretary to pay for the on-site storage of the fuel until DOE removes the fuel from the site under terms of the act.

S. 1936 contains language making a number of changes designed to improve the management of the nuclear waste program to ensure the program is operated, to the maximum extent possible, in like manner to a private business.

Finally, although we had not reached a final agreement with Senator JOHNSTON on language regarding the schedule and conditions for the beginning of construction on the interim facility at the time S. 1936 was filed, the bill contains new language that was drafted in an attempt to address Senator JOHNSTON's concerns. The language in S. 1936 provides that construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate a site, or if a site he has designated has not been approved by Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain Site.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we will find in 1998 we have no interim storage, no permanent repository program, and—after more than 15 years and $6 billion spent—that we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act .

This issue provides a clear and simple choice. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to shirk our responsibility to protect the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. I urge my colleagues to vote for cloture and support the passage of S. 1936.

PACTA SUNT SERVANDA

Mr. MOYNIHAN. Mr. President, today, Israeli Prime Minister Bingamin Netanyahu delivered an important address to Congress in which he outlined his vision of continued close ties between our two democracies and of the peace process between Israel and her neighbors. A process with which we have been so closely involved.

His address had many important elements, none more so than when he deviated from his prepared statement to pronounce the ancient Roman maxim: Pacta sunt servanda—agreements must be honored. It should not come as a surprise that the disciple of the disciple of Vladimir Jabotinsky speaks of the importance of international law when addressing the U.S. Congress.

Jabotinsky found the Revisionist party—the forerunner of the present Likud party—in 1925 which had as its goal the establishment of a Jewish state in Palestine under the protection of international law. When Prime Minister Netanyahu asserts that agreements must be honored, he aligns himself with a principle that was of vital importance in international affairs at the beginning of this century but which suffered neglect during the cold war.

From its earliest days the leaders of the Soviet Union had asserted, in the words of Maxim Litvinov, People's Commissar for Foreign Affairs, in 1922 that "there was not one world but two—a Soviet world and a non-Soviet world * * * there was no third world to arbitrate. * * *" Which is to say there was no common law against which to measure conduct.

This was the Soviet view until Mikhail Gorbachev came before the General Assembly of the United Nations on December 7, 1988, to remind the General Assembly of the political, juridical and moral importance of Pacta sunt servanda. Mr. Gorbachev went on:

> While championing demilitarization of international relations, we would like political and legal methods to reign supreme in all attempts to solve the arising problems.
>
> Our ideal is a world community of states with political systems and foreign policies based on law.
>
> This could be achieved with the help of an accord within the framework of the U.N. on a uniform understanding of the principles and norms of international law; their codification with new conditions taken into consideration; and the elaboration of legislation for new areas of cooperation.
>
> In the nuclear era, the effectiveness of international law must be based on norms reflecting a balance of interests of states, rather than on coercion.
>
> As the awareness of our common fate grows, every state would be genuinely interested in confining itself within the limits of international law.

The chairman of the Presidium of the Supreme Soviet had come to New York and offered terms of surrender. Gorbachev knew what it meant for the Soviets to assert that they would be bound by norms of international law. Quite simply, official Washington did not, for it no longer actively felt that the United States was bound by such norms. Passively, yes; if pressed. But this was not something we pressed on others in general or thought much about. I wrote:

> In the annals of forgetfulness there is nothing quite to compare with the fading from the American mind of the idea of the law of nations. In the beginning this law was set forth as the foundation of our national existence. By all means wash this proposition with cynical acid and see how it shrinks.

Prime Minister Netanyahu has raised the possibility that we may one day close that chapter in the annals of forgetfulness. I hope that my colleagues and those in the administration have taken note.

Mr. Netanyahu stresses that the peace agreements that Israel has made with her neighbors will be followed and that future agreements will be based on law. As he stated, "we seek to broaden the circle of peace to the whole Arab world and the rest of the Middle East."

This is an important day for both our countries. I congratulate Mr. Netanyahu for his address and wish him well as he embarks on his term as Prime Minister.

REPORT RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 159

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) ("the Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People's Republic of China and the export of U.S.-origin satellites, insofar as such restrictions pertain to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1996*.

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3121) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker signed the following enrolled bill:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3431. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1936. A bill to amend the Nuclear Waste Policy Act of 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3270. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, Toxins, and Analogous Products," received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3271. A communication from the Assistant Secretary of the Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Rice Inspection," (RIN0580–AA47) received on July 2, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3272. A communication from the President of the United States, transmitting, to law, a proposal relative to the Department of Agriculture appropriations request for fiscal year 1997; to the Committee on Appropriations.

EC–3273. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, a report of the expenditures of the Architect from October 1, 1995 through March 31, 1996; to the Committee on Appropriations.

EC–3274. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, a report relative to the Abrams Upgrade program; to the Committee on Armed Services.

EC–3275. A communication from the Secretary of the Department of Defense, transmitting, pursuant to law, the notice of a retirement; to the Committee on Armed Services.

EC–3276. A communication from the Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office, transmitting, pursuant to law, a report relative to major weapon systems; to the Committee on Armed Services.

EC–3277. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital," (RIN2550–AA03) received on July 1, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3278. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to alternatives to mortgage forclosures; to the Committee on Banking, Housing, and Urban Affairs.

EC–3279. A communication from the President of the United States, transmitting, pursuant to law, a proclamation of a State of Emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–3280. A communication from the Acting Under Secretary for Food Safety, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, "Pathogen Reduction," (RIN0583–AB69) received on July 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3281. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt," received on July 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3282. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the interstate shipment of meat and poultry products inspected under state programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3283. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Correction Docket," received July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3284. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Assessment Rate for Domestically Produced Peanuts handled by Persons Not Subject to Peanut Marketing Agreement No. 146," received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3286. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products," received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3287. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, and Imported Onions," received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3288. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington," received on July 8, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3289. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement," received on July 8, 1996; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 483. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes (Rept. No. 104–315).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mr. BOND (for himself and Mr. SANTORUM):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CONRAD (for himself, Mr. DORGAN, and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRIST (for himself, Mr. THOMPSON, and Ms. MOSELEY-BRAUN):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. GORTON, and Mrs. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Ms. MOSELEY-BRAUN AND MS. SNOWE):

S. 1937. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

THE BREAST CANCER RESEARCH STAMP ACT

• Mrs. FEINSTEIN. Mr. President, I, along with Senators BOXER, MOSELEY-BRAUN, and SNOWE would like to introduce the Breast Cancer Research Stamp Act.

In a time of shrinking budgets and resources for breast cancer research, this legislation would provide an innovative way to provide additional funding for breast cancer research.

This bill would: authorize the U.S. Postal Service to issue an optional special first class stamp to be priced at 1 cent above the cost of normal first-class postage; earmark a penny of every stamp for breast cancer research; provide administrative costs from the revenues for post office expenses; and clarify current law, that any similar stamp would require an act of Congress to be issued in the future.

If only 10 percent of all the first class mail used this optional 33 cent stamp, $60 million could be raised for breast cancer research annually.

There is wide support for this legislation. Congressman FAZIO, along with 62 cosponsors have already introduced the companion bill in the House.

The breast cancer epidemic has been called this Nation's best kept secret. There are 2.6 million women in America today with breast cancer, 1 million of whom have yet to be diagnosed with the disease.

In 1996, an estimated 184,000 will be diagnosed with, and 44,300 will die from, breast cancer. It is the No. 1 killer of women ages 40 to 44 and the leading cause of cancer death in women ages 15 to 54, claiming a woman's life every 12 minutes in this country.

For California, 17,100 women will be diagnosed with breast cancer and 4,100 women will die from the disease in 1996.

In addition to the cost of women's lives, the annual cost of treatment of beast cancer in the United States is approximately $10 billion. This means the average American woman will have $5,000 added to her health care costs because of the disease.

Over the last 25 years, the National Institutes of Health has spent over $31.5 billion on cancer research—$2 billion of that on breast cancer. In the last 6 years alone, appropriations for breast cancer research have risen from $90 million in 1990 to $600 million today. That is the good news.

But, the bad news is that the national commitment to cancer research overall has been hamstrung since 1980. Currently, NIH is able to fund only 23 percent of applications received by all the institutes. For the Cancer Institute, only 23 percent can be funded—significant drop from the 60 percent of applications funded in the 1970's.

Most alarming is the rapidly diminishing grant funding available for new researcher applicants.

In real numbers, the National Cancer Institute will fund approximately 3,600 research projects, of which about 1,000 are new, previously unfunded activities. For investigator-initiated research, only 600 out of 1,900 research projects will be new.

The United States is privileged to have some of the most talented scientists and many of the leading cancer research centers in the world such as UCLA, UC San Francisco, Memorial Sloan-Kettering, and the M.D. Anderson.

This lack of funding is starving some of the most important research—because scientists will have to look elsewhere for their livelihood.

The United States must reverse the trend of diminishing research funds if these scientists and institutions are to continue to contribute their vast talents to the war on cancer and finding a cure.

What is clear is that there is a direct correlation between increases in research funding and the likelihood of finding a cure.

Cancer mortality has declined by 15 percent from 1950 to 1992 due to increases in cancer research funding. In fact, federally funded cancer research has yielded vast amounts of knowledge about the disease—information which is guiding our efforts to improve treatment and search for a cure. We have more knowledge and improvements in prevention through: identification of a cancer gene, use of mammographies, clinical exams, and encouragement of self breast exams. Yet there is still no cure.

The Bay Area has one of the highest rates of breast cancer incidence and mortality in the world. According to data given to my staff by the Northern California Cancer Center, Bay Area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay Area African-American women have the fourth highest reported rate in the world at 82 per 100,000.

I want to recognize Dr. Balazs (Ernie) Bodai who suggested this innovative funding approach. Dr. Bodai is the chief of the surgery department at the Kaiser Permanente Medical Group in Sacramento, CA. He is the founder of Cure Cancer Now, which is a nonprofit organization committed to developing a funding source for breast cancer research.

As you know, last week the Postal Service introduced their breast cancer awareness stamp. Although the issuance of the awareness stamp was an important step toward educating the public about the disease, the Breast Cancer Research Stamp Act is a new and different effort in that it would actually raise funds for the NIH research on breast cancer, and if the stamps were purchased and not used, the postal service would still make money.

This legislation is also supported by the American Cancer Society, Association of Operating Room Nurses, California Health Collaborative Foundations, YWCA-Encore Plus, the Sacramento City Council and Mayor Joe Serna, Siskiyou County Board of Supervisors, Sutter County Board of Supervisors, Nevada County Board of Supervisors, Yuba City Council, California State Senator Diane Watson and California State Assemblywoman Dede Alpert as well as the Public Employees Union, San Joaquin Public Employees Association, and Sutter and Yuba County Employees Association.

Given the intense competition for Federal research funds in a climate of shrinking budgets, the Breast Cancer Research Stamp Act would allow anyone who uses the postal service to contribute in finding a cure for the breast cancer epidemic.

In a sense, this particular proposal is a pilot. I recognize that the postal service may oppose this since it has not been done before. I also recognize that in a day of diminishing Federal resources, this innovation is an idea whose time has come.

It will make money for the post office and for breast cancer research. No one is forced to buy it, but women's organizations may even wish to sell the stamps in a fundraising effort.

The administrative costs can be handled with the 1 cent added on the 32 cent stamp and conservatively it can make from $60 million per year for NIH's research on breast cancer.

We need to find a cure for breast cancer and I believe the Breast Cancer Research Stamp Act is an innovative response to the hidden epidemic among women. I urge my colleagues to support this important legislation.

By Mr. BOND (for himself and Mr. SANTORUM):

S. 1938. A bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes; to the Committee on Labor and Human Resources.

THE BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

• Mr. BOND. Mr. President, I pay tribute to my good friend and colleague from Missouri, Congressman Bill Emerson, who represented southeast Missouri's Eighth Congressional District for 16 years. Bill Emerson was well known in this body, and certainly to many around this city, and was loved by the people of southeast Missouri. He had a long and distinguished career of service in the U.S. Congress.

Bill was especially well known for his work in agriculture and in the fight against hunger, including being an ardent supporter of food distribution programs. One of his legislative priorities this session was a bill that would make it easier for millions of tons of unused food by restaurants, supermarkets, and other private businesses to end up in food pantries and shelters rather than in garbage cans and dumpsters.

In honor of Bill Emerson, I now send to the desk the Bill Emerson Good Samaritan Food Donation Act, which is identical to legislation championed by Bill Emerson before his death. In the past, private donors have been reluctant to make contributions to nonprofit organizations because they are concerned about potential civil and criminal liability. With this legislation, private donors will be protected from such liability, except in cases of gross negligence and intentional misconduct. Those in need will truly benefit from this legislation.

I am happy to continue Bill Emerson's effort, and I will work hard to ensure that the Senate passes this common sense approach to fight hunger. I hope my colleagues will join me in this effort.•

By Mr. CONRAD (for himself, Mr. DORGAN and Mr. KERREY):

S. 1939. A bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE LIVESTOCK MARKET REVITALIZATION ACT OF 1996

Mr. CONRAD. Mr. President, I rise today to introduce the Livestock Market Revitalization Act of 1996. My colleagues, Senator DORGAN and Senator KERREY of Nebraska, are cosponsors of this legislation.

I offer this legislation at a time of tremendous challenges within the livestock sector. The occupant of the Chair knows full well what we are facing in the livestock industry. His State is a major producer, as is mine. From long, drawn-out battles over meat inspection to sudden flareups like "mad cow disease" in England, to the debilitating price declines we have been experiencing for the last several months, the industry is facing repeated and difficult challenges.

The biggest challenge facing individual producers is the need to climb out of the downturn in the market and ensure a stable income long into the future. I know the occupant of the Chair knows full well, as other of my colleagues do, what has happened to the prices of livestock over the last year. It has been in precipitous and dramatic decline. The pressure this is putting on producers is enormous.

Let me just say that according to North Dakota State University, in 1995 net farm income in my State of North Dakota was down 24 percent. That is a 24-percent reduction in farm income, its lowest level in 6 years, largely because of the steep drop in cattle prices. In fact, for some, net farm income dropped as much as 30 percent from the previous year.

I was recently in my home State talking to some of my closest friends, many of them cattle producers. One after another related to me the extraordinary economic pressure they are under as a result of this steep decline in prices. These price declines are occurring at the same time concentration within the livestock industry is at record levels. The top four meatpacking firms in America controlled 82 percent of the market in 1994, the latest statistic available. When Congress last took action to address this industry in 1920, the level of concentration was only 49 percent.

Mr. President, producers are deeply frustrated because they lack confidence in the livestock market and find it difficult to obtain timely, reliable market information.

Mr. President, I believe that is the least that we can do to ensure that market participants are engaged in a level playing field.

For this reason, I am introducing the Livestock Market Revitalization Act of 1996. This bill will restore confidence to the livestock market by achieving the following objectives:

First, define captive supplies to include livestock controlled by or committed to a packer more than 7 days prior to slaughter through standing arrangements, instead of the current 2 weeks.

Second, strengthen the position of the seller in the livestock market by providing them daily information on the demand for his or her livestock.

Third, collect and disseminate data on national, regional, and local market activities to monitor possible anticompetitive behavior.

Fourth, promote the use of a value-based pricing system that is equitable to all cattle dealers and packers.

Fifth, improve collection and dissemination of data on imports and exports of cattle and meat.

If there is one thing my producers have said to me, it is, "We deserve to know what is going on in this market on a regional basis and on a local basis. We deserve to know what is happening with imports and exports. We deserve that information more readily.

Sixth, recognize that the USDA may need additional resources to achieve the objectives of the bill and ask the USDA to report its needs in this area.

Seventh, protect the interests of farmer-owned cooperatives by strengthening their ability to compete in the livestock market.

Eighth, improve labeling of cattle and meat so producers and consumers have more information about the origins of meat and meat products in retail markets.

Let me say that is not just in the interest of producers, that is in the interest of consumers as well. Where is the meat that they are buying coming from? What is the country of origin? I think that has been something that has been delayed for a little too long.

Ninth, encourage the livestock industry to review its efforts on product development to improve the demand for red meat.

Mr. President, now is the time to act. We must make action possible now. There should be no further delay.

The current depressed cattle market is devastating producers in all cattle producing States. While Members on both sides of the aisle, and the administration, have been actively seeking ideas to solve this problem, it is time to turn those ideas into action.

My bill addresses real concerns about an industry no one can argue is perfect, and many can argue has serious problems.

I have specifically designed this bill to be one which Republicans and Democrats can support—one that can achieve quick passage.

I would prefer to make the bill broader but I understand that in the interest of getting legislation through Congress in this shortened and busy year, lean and targeted legislation has better prospects.

Some of the items in my bill will bolster the authorities currently held by the USDA, and will complement the actions the administration has already taken. Those actions include the President's and the Secretary of Agriculture's decision to open the Conservation Reserve Program for haying and grazing, to accelerate the purchase of beef for the School Lunch Program, and to continue to maintain our net-exporter status on beef with an expected 16 percent increase in total beef exports from 1995 to 1996.

But while administrative actions are good, in a period as serious as this in which prices are depressed and market behaviors are troubling, it is incumbent on Congress to take action.

I believe the first action we should take is to get the best possible information. That is the main focus of my bill. It is not burdensome. It is not invasive. It does not point fingers. It is focused and forward-thinking.

It is an effort to help everyone understand the pressures at each level of the livestock industry, from producing to marketing to packing to retailing.

I hope my colleagues will join me in this very important effort.

I ask unanimous consent that a section-by-section description of the bill as well as the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Livestock Market Revitalization Act of 1996".

SEC. 2. CAPTIVE SUPPLY.

(a) DEFINITION OF CAPTIVE SUPPLY.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

"(12) CAPTIVE SUPPLY.—The term 'captive supply' means livestock acquired for slaughter by a packer (including livestock delivered 7 days or more before slaughter) under a standing purchase arrangement, forward contract, or packer ownership, feeding, or financing arrangement, as determined by the Secretary.".

(b) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended by adding at the end the following:

"(f) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—

"(1) IN GENERAL.—The Secretary shall make available to the public an annual statistical report on the number and volume of livestock marketed or slaughtered in the United States, including—

"(A) information collected on the date of enactment of this Act; and

"(B) information on transactions involving livestock in regional and local markets.

"(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall ensure that—

"(A) a significant share of regional and local livestock transactions are reported; and

"(B) the confidentiality of individual livestock transactions is maintained.".

(c) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), as amended by subsection (b), is amended by adding at the end the following:

"(g) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—

"(1) IN GENERAL.—Not later than 24 hours after a transaction involving captive supply is recorded, the Secretary shall make information concerning the transaction (including the specific standing arrangement) available to the public using electronic and other means that will ensure wide availability of the information.

"(2) ONGOING LIVESTOCK TRANSACTIONS.—Any information collected on captive supply under paragraph (1) shall be reported in conjunction with ongoing livestock transactions.".

SEC. 3. MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS.

(a) IN GENERAL.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) (as amended by section 2(c)), is amended by adding at the end the following:

"(h) MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR.—

"(1) IN GENERAL.—The Secretary shall—

"(A) review and monitor the degree of antitrust and anticompetitive behavior on a national, regional, and local basis (as defined by the Secretary) among packers, stockyard owners, market agencies, and dealers to ensure compliance with Federal law and to ensure that actions taken by packers, stockyard owners, market agencies, and dealers will enhance, and not diminish, competitiveness; and

"(B) report the results of the review and monitoring to Congress, the Attorney General, and the public.

"(2) COORDINATION.—The Secretary and the Attorney General shall coordinate efforts to ensure that packers, stockyard owners, market agencies, and dealers do not violate Federal law relating to antitrust and anticompetitive behavior.".

(b) REPORTS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) a report that—

(A) assesses the resource needs of the Department of Agriculture for effectively carrying out section 407(h) of the Packers and Stockyards Act, 1971 (7 U.S.C. 228(h)) (as added by subsection (a)); and

(B) includes a request for any additional funding that may be required for effectively carrying out section 407(h) of the Act; and

(2) a report that assesses progress in implementing additional monitoring activities identifying geographical procurement markets described in the report entitled "Monitoring by Packers and Stockyard Administration", dated October 1991 (GAO/RCED-92-36).

SEC. 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.

Section 204(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended by adding at the end the following: "In carrying out this subsection, on a national, regional, and local basis (as defined by the Secretary), the Secretary shall—

"(1) provide price information, with emphasis on providing the information at the point of sale;

"(2) provide price and other information on a regular and timely basis;

"(3) make the information available to the public electronically;

"(4) collect and disseminate information supplied by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) on contract pricing related to captive supply (as defined in section 2 of the Act (7 U.S.C. 182));

"(5) to the extent practicable, promote the use of consistent, value-based pricing methodology throughout the meat industry; and

"(6) report, on a weekly basis, the volume of cattle and meat products imported into the United States.".

SEC. 5. COOPERATIVE BARGAINING.

Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended by adding at the end the following:

"(g) To fail to engage in good-faith negotiations with producer cooperatives (including new cooperatives), or to unfairly discriminate among producer cooperatives (including new cooperatives), with respect to the purchase, acquisition, or other handling of agricultural products.".

SEC. 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS.

Section 7(b) of the Federal Meat Inspection Act (21 U.S.C. 607(b)) is amended by striking "require," and all that follows through the period at the end and inserting "require—

"(1) the information required under section 1(n); and

"(2) if it was imported (or was produced from an animal that was located in another country for at least 120 days) and is graded, a grading labeling that bears the words 'imported', 'may have been imported', 'this product contains imported meat', 'this product may contain imported meat', 'this container contains imported meat', or 'this container may contain imported meat', as the case may be, or words to indicate its country of origin.".

SEC. 7. LIVESTOCK INDUSTRY COMMISSION.

(a) IN GENERAL.—The Secretary of Agriculture shall, in consultation with representatives of the livestock industry, establish a national commission composed of non-governmental members appointed by the Secretary to study and recommend means of modernizing the livestock industry and responding to the consumer demand for red meat.

(b) STUDY.—In carrying out this section, the commission shall analyze costs and benefits, and make recommendations with respect to—

(1) value-added livestock products;

(2) the impact of antitrust and anticompetitive behavior on cattle prices;

(3) the grading system for meat used by the Secretary; and

(4) refunds of assessments collected under the Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(c) REPORT.—Not later January 1, 2000, the commission shall submit a report the describes the results of the study required under this section to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SECTION-BY-SECTION DESCRIPTION

SECTION 1. SHORT TITLE

The bill is titled Livestock Market Revitalization Act of 1996 to convey the sense that more information and monitoring is needed on a regional and local basis to ensure the competitiveness of the livestock industry.

SECTION 2. CAPTIVE SUPPLIES

(a) The intent is to respond to concerns that information about captive supplies is inadequate. The bill requests that the Secretary defines captive supply transactions to be when packers use any standing arrangement to procure cattle to be delivered for slaughter more than 7 days out. It is also intended that efforts to monitor anticompetitive and antitrust behavior be improved by collecting data nationally, regionally and locally on the types of standing arrangements used, so as a distribution of standing arrangements is provided.

(b) The intent is to provide guidance to packers using captive supplies to ensure that markets are as competitive as possible. The extent to which captive supplies are utilized nationally, regionally and locally are unknown.

(c) The intent is to ensure that the USDA reports statistics on livestock transactions in a regular and timely fashion, at least annually. In addition, the reports need to provide for more disaggregate information on the industry, maintaining all confidentially concerns. Specifically, the intent is to define and report by geographical procurement markets.

(d) The intent is to provide information on captive supplies in a more timely fashion and with the advancement and availability of technology, report no later than 24 hours after a transaction. This reporting requirement is not intended to be burdensome to any of the parties involved. It is intended to strengthen the position of the seller in the market with respect to knowing the demand for his/her livestock.

SECTION 3. MONITORING OF ANTITRUST AND ANTICOMPETITIVE BEHAVIOR AMONG PACKERS AND STOCKYARDS

(a) It is the intent to recognize the high level of concentration in the packing industry, and to ensure that the proper data is collected and disseminated to the industry so that cattlemen and stockmen can have the necessary data to go to Justice or USDA for enforcing the Sherman and Clayton and P&S Acts. Data on more disaggregate levels in needed for the Department to better monitor and report on anticompetitive and antitrust behavior.

(b) The intent is to allow the Secretary to recognize and request additional funding because this bill requires new efforts data be undertaken to ensure the competitiveness of the livestock industry and may have to review its resources on hand.

In addition to the resource report, the Secretary will report on progress made after the GAO report recommending that the Secretary of Agriculture determine a feasible and practical approach for monitoring the activity in regional livestock markets. In defining the relevant markets, P&SA must determine the types of data and analysis it needs and the cost-effectiveness of obtaining and analyzing the data. The GAO study reports that P&SA officials agree that effective monitoring for anticompetitive behavior depends upon knowing the relative boundaries for geographical livestock procurement markets. By focusing on calculating national statistics on concentration in the meat packing industry and not defining regional livestock procurement markets, P&SA may in its data be understanding the potential risks associated with concentration in some areas.

SECTION 4. COLLECTION AND DISSEMINATION OF MARKETING INFORMATION

The intention is to direct the Secretary to collect and disseminate more timely and relevant information to the industry and to utilize existing technologies which enhance the timeliness of delivery. The red meat sector pricing system is largely based on visual quality characteristics and not measurable value. It is intended that the Secretary work with the industry to develop a value based pricing methodology that is equitable to all cattle dealers and packers. Producers also need to have timely information on imports and exports of cattle and meat in order to better schedule their sales.

SECTION 5. COOPERATIVE BARGAINING

The intent is to strengthen the ability of cooperatives ability to bargain with the large packers on the terms of sale. It is important to ensure that packers utilize the supplies from cooperatives in the same fashion as other feedlots.

SECTION 6. LABELING OF MEAT AND MEAT FOOD PRODUCTS

The intent here is to provide the consumer with information about the country of origin of meat and meat food products so as to eliminate any confusion about the USDA grade label implying the beef was produced in the United States. It also requires that cattle entering the United States to be slaughter be label as having resided in other countries unless it has resided here for 120 days.

SECTION 7. LIVESTOCK INDUSTRY COMMISSION

It is the intent to set up an industry lead Commission to research and report on the more contentious issues swirling around in the industry. The red meat industry lags behind poultry and pork in investments and product development. Many reasons exists, but it is time to identify the most important ones and design a strategy to improve the demand for red meat.

By Mr. FRIST (for himself, Mr. THOMPSON, and Ms. MOSELEY-BRAUN):

S. 1940. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Energy and Natural Resources.

APPROPRIATIONS AUTHORIZATION LEGISLATION

Mr. FRIST. Mr. President, I rise today in conjunction with Senators THOMPSON and MOSELEY-BRAUN, to reintroduce a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically black college or university" means a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)).

(2) HISTORIC BUILDING OR STRUCTURE.—The term "historic building or structure" means a building or structure listed on the National Register of Historic Places or designated as a national historic landmark.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

TITLE I—HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

SEC. 102. FINDINGS.

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over our Nation's history, States and the Federal Government have discriminated in the allocation of land and financial resources to support historically black colleges and universities, forcing historically black colleges and universities to rely on the generous support of private individuals and charitable organizations;

(3) the development of sources of private and charitable financial support for historically black colleges and universities has resulted in buildings and structures of historic importance and architecturally unique design on the campuses of those historically black colleges and universities; and

(4) many of the buildings and structures are national treasures worthy of preservation and restoration for future generations of Americans and for the students and faculty of historically black colleges and universities.

SEC. 103. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants in accordance with this section to historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campuses of the historically black colleges and universities.

(2) SOURCE OF FUNDING.—Subject to the availability of appropriations, grants under paragraph (1) shall be made out of amounts authorized to be appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 1996 through 1999.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenant, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) WAIVER.—The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $20,000,000 for fiscal year 1995 and not more than $15,000,000 for each of the fiscal years 1996, 1997, and 1998 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 1995.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 1995—

(i) $5,000,000 shall be available only for grants under subsection (a) to Fisk University; and

(ii) $10,000,000 shall be available only for grants under subsection (a) to the historically black colleges and universities identified for inclusion in the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(B) LESS THAN $20,000,000 AVAILABLE.—If less than $20,000,000 is made available for fiscal year 1995 for the purpose of subparagraph (A), the amount that is made available shall be allocated as follows:

(i) 25 percent shall be made available as provided in subparagraph (A)(i).

(ii) 50 percent shall be made available as provided in subparagraph (A)(ii).

(iii) 25 percent shall be made available for grants under subsection (a) to other eligible historically black colleges and universities.

(e) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this title.

TITLE II—COOPER HALL AND SCIENCE HALL PRESERVATION AND RESTORATION

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) IN GENERAL.—The Secretary shall make grants in accordance with this title to preserve and restore—

(1) Cooper Hall, Sterling College, Sterling, Kansas; and

(2) Science Hall, Simpson College, Indianola, Iowa.

(b) SOURCE OF FUNDING.—Subject to the availability of appropriations, grants under subsection (a) shall be made out of amounts authorized to be appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 202. MATCHING REQUIREMENT.

The Secretary may obligate funds made available under this title only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

SEC. 203. FUNDING PROVISIONS.

Not more than $3,600,000 may be made available for grants for Cooper Hall and not more than $1,500,000 may be made available for grants for Science Hall under this title.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1941. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

THE RONALD H. BROWN FEDERAL BUILDING DESIGNATION ACT OF 1996

• Mr. MOYNIHAN. Mr. President, I introduce a bill to honor and remember a truly exceptional American, Ronald H. Brown. The bill would designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building".

It is a grand gesture to recognize the passing of this remarkable American and special friend, and I would ask for the support of all Senators of this legislation to place one more marker in history on Ron Brown's behalf.

Ron Brown had a great love for enterprise and industry as reflected in his achievements as the first African-American to hold the office of U.S. Secretary of Commerce.

His was a life of outstanding achievement and service to his country: Army captain; general counsel, deputy executive officer, and vice president of the National Urban League; partner in a prestigious law firm; chief counsel, and chairman of the National Democratic Committee; husband and father. And these are but a few of the achievements that demonstrated Ron's spirited pursuit of life.

To have held any one of these posts in the Government, and in the private sector, is extraordinary. To have held all of the positions he did and prevail as he did, is unique. Indeed, Ron Brown was unfairly taken from us; however, while with us, he lived a sweeping and comprehensive life. And we are all diminished by his loss.

Therefore, I cannot think of a more fitting tribute to this uncommon man.•

By Mr. BAUCUS (for himself, Mr. GORTON and Mrs. MURRAY):

S. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Finance.

THE INVESTMENT COMPETITIVENESS ACT OF 1996

• Mr. BAUCUS. Mr. President, the U.S. mutual fund industry has become a dominant force in developing, marketing, and managing assets for American investors. Since 1990, assets under management by U.S. mutual funds have grown from $1 trillion to more than $3 trillion in 1995. Yet, while direct foreign investment in U.S. securities is strong, foreign investment in U.S. mutual funds has remained relatively flat.

Mr. President, today I am introducing, along with Senators GORTON and MURRAY, the Investment Competitiveness Act of 1996. This legislation, which I have had the honor of cosponsoring in each of the last two Congresses, would eliminate a major barrier to attracting foreign capital into the United States while improving the competitiveness of the U.S. mutual fund industry.

This legislation would remove a barrier to the sale and distribution of U.S. mutual funds outside the United States. The bill would change the Internal Revenue Code to provide that foreign investors in U.S. mutual funds be accorded the same tax treatment as if they had made their investments directly in U.S. stocks or shares of a foreign mutual fund.

Under current law, most kinds of interest and short-term capital gains received directly by an investor outside the United States or received through a foreign mutual fund are not subject to the 30-percent withholding tax on investment income. However, interest and short-term capital gain income received by a foreign investor through a U.S. mutual fund are subject to the withholding tax. This result occurs because current law characterizes interest income and short-term capital gain distributed by a U.S. mutual fund to a foreign investor as a dividend subject to withholding.

The Investment Competitiveness Act would correct this inequity and put U.S. mutual funds on a competitive footing with foreign funds. The bill would correctly permit interest income and short-term capital gain to retain their character upon distribution.

Current law acts as a prohibitive export tax on foreign investors who choose to invest in U.S. funds. That is why the amount of foreign investment in U.S. mutual funds is small.

Mr. President, it is time to dismantle the unfair and unwanted tax barrier to foreign investment in U.S. mutual funds. The American economy will benefit from exporting U.S. mutual funds, creating an additional inflow of investment into U.S. securities markets without a dilution of U.S. control of American business that occurs through direct foreign investment in U.S. companies. Moreover, the legislation will support job creation among ancillary fund service providers located in the United States, rather than in offshore service facilities.

Mr. President, I very much appreciate the efforts of Senators GORTON and MURRAY in cosponsoring this legislation and I urge my colleagues to support this bill and help to move it forward.•

• Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senators BAUCUS and MURRAY, in introducing the Investment Competitiveness Act of 1996, a bill that will make the tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund.

The service industry continues to grow rapidly as a vital form of trade for the United States. While the United States continues to suffer a trade deficit in merchandise, exports of services ran at a surplus of $63 billion in 1995. In my home State of Washington, services such as financial investments and telecommunications are integral to job creation and economic growth.

Improving the international competitiveness of the United States is of the utmost importance, and encouraging capital investment in U.S. companies is a critical component of improving our international competitiveness. Increasingly, foreign capital has been drawn into U.S. securities markets. We need to permit that capital to be invested in U.S. companies through U.S. mutual funds. This legislation will help ensure that U.S. mutual funds become a leading export for the United States and the leader in providing worldwide mutual fund services that attract more capital to the United States. Putting U.S. funds on a level playing field with foreign-based funds or foreign investments made directly in U.S. securities, produces a worldwide market for U.S. mutual funds and releases a flow of international capital into U.S. investments.

The U.S. mutual fund industry is clearly the most technologically advanced in the world, and thus is the most cost efficient in delivering services to its client. Current law, however, imposes a 30-percent withholding tax on mutual fund distributions, a tax that does not apply in the case of comparable foreign-based funds or to direct investments in the United States. The withholding tax, which effectively imposes an export tax on the U.S. mutual fund industry, makes U.S. funds less attractive from a pricing standpoint and creates an administrative burden for foreign institutional investors. This tax discourages global institutional investors and the managers who invest their funds from using U.S.-based mutual funds, thus providing a competitive disadvantage to foreign-based funds.

The Investment Competitiveness Act of 1996 addresses this disparate treatment by making the tax treatment of foreign investment in U.S. mutual funds comparable to that afforded to foreign investments made directly in U.S. securities or indirectly through foreign based funds.

Without this change, U.S. mutual funds would have a strong incentive to establish offshore funds in order to compete with foreign-based funds and satisfy the demand for U.S. securities in world markets. This has the unsatisfactory effect of moving U.S. mutual fund jobs and expertise to offshore facilities. Instead, we should be working to increase the demand for the fund services provided by U.S. fund managers, custodians, accountants, transfer agents, and others based in the United States, rather than locate those jobs offshore. This legislation will benefit our capital markets by exporting U.S. mutual funds, while creating and maintaining mutual fund jobs in the United States.

I encourage my colleagues to support this important piece of legislation.•

• Mrs. MURRAY. Mr. President, I am pleased to join Senator BAUCUS in cosponsoring the Investment Competitiveness Act of 1996, legislation that will correct a provision in the Internal Revenue Code that currently makes it difficult to sell mutual funds outside the United States.

I believe Congress has an obligation to implement public policies that encourage investments in U.S. companies. These investments are essential to raising capital, initiating research and development, expanding our Nation's economy and ultimately improving our international competitiveness.

Our current Tax Code deters foreign investors from investing in U.S. mutual funds by treating interest income and short-term capital gain as a dividend that is subject to a 30-percent withholding tax. On the other hand, a foreign investor can invest in other foreign funds or directly in U.S. securities without paying this tax.

Mr. President, the U.S. mutual fund industry has grown significantly over the past 6-years. Since 1990, U.S. mutual fund assets have grown from $1 trillion to more than $3 trillion. This rapid growth has occurred despite the fact that foreign investment in U.S. funds has stayed roughly the same.

Rather than dissuading foreign investment, we should be encouraging foreign investment in U.S. funds and companies. Quite simply, American companies are put at a disadvantage by a Tax Code that encourages foreign investors to invest in other countries and other companies.

More importantly, our Tax Code forces U.S. mutual fund companies to set up subsidiary funds overseas in order to reach the world marketplace. For instance, the Frank Russell Co. in Tacoma, WA, is a highly successful and innovative mutual fund company that employs more than 1,000 people. Unfortunately, in order to serve the world market, the company has been forced to move its expertise and some jobs overseas. In doing so, foreign investors can avoid the U.S. withholding tax.

Mr. President, it makes no sense to continue a tax policy that both encourages our companies to move jobs overseas and hampers our ability to attract foreign investment and raise capital in the United States.

I am pleased to be working with Senators BAUCUS and GORTON on this important legislation, and I am hopeful Congress can act quickly on this legislation.•

ADDITIONAL COSPONSORS

S. 55

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 1616

At the request of Mr. INOUYE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 1616, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 1702

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1702, a bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes.

S. 1735

At the request of Mr. PRESSLER the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1886

At the request of Mr. FRIST, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1886, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of educational grants by private foundations, and for other purposes.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution to authorize the Newington-Cropsey Foundation to erect on the Capitol Grounds and present to Congress and the people of the United States a monument dedicated to the Bill of Rights.

SENATE CONCURRENT RESOLUTION 64

At the request of Mr. INOUYE, the names of the Senator from Virginia [Mr. WARNER] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

SENATE RESOLUTION 276

At the request of Mr. ROBB, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Rhode Island [Mr. PELL], the Senator from Oregon [Mr. HATFIELD], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 276, a resolution congratulating the people of Mongolia on embracing democracy in Mongolia through their participation in the parliamentary elections held on June 30, 1996.

NOTICE OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Wednesday, July 17, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of the implementation of the Information Technology Management Reform Act of 1996.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 10, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1877, the Environmental Improvement Timber Contract Extension Act, a bill to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper balance among multiple use interests in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 10, 1996, at 11 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VIETNAM VETERANS OF AMERICA 1996 CONGRESSIONAL STAFFER OF THE YEAR AWARD

• Mr. ROCKEFELLER. Mr. President, I note with great pride that one of my staff members has been honored with a very special award: Charlotte Moreland, who serves me on the minority staff of the Senate Committee on Veterans' Affairs, has been named 1996 Congressional Staffer of the Year by the Vietnam Veterans of America.

I can think of no one who has earned this award more than Charlotte. She has been a loyal member of my personal staff ever since I joined the Senate in 1984, and I have been most grateful for the many strengths she brought to that job. But Charlotte really found her forté when I became chairman of the Senate Committee on Veterans' Affairs in 1993, and she became my Special Projects Director on the committee. She has continued to work for me in my capacity now as the committee's ranking Democratic member.

Charlotte has helped countless veterans from West Virginia and all around the country obtain the services and benefits they are due from the Department of Veterans Affairs. Some of the work she has done is truly amazing; she has been able to get results where many others have failed, or failed to even try, lacking the drive and compassion that are Charlotte's trademark.

Charlotte was born and raised in West Virginia, and she has never lost the stubborn persistence, tenacity, and deep caring that are so characteristic of my home State. Charlotte is a vigorous—I might say, ferocious—advocate for the underdog, the vulnerable, those who would otherwise get lost in the system. She is not afraid to fight Government bureaucracy, redtape, and complacency, and she will follow through on a case until all avenues of help are exhausted.

Whether it involves quality or availability of medical care in a VA hospital, or timely and appropriate decisions on disability claims, veterans need a place to turn when they believe the system has failed them. Charlotte acts as my eyes and ears out in the community, listening to the concerns of individual veterans and reporting them back to me, so that I can address systemic problems through legislation and oversight. I count on her tremendously, and I truly would not be able to perform my job well on the committee if she were not performing hers.

Charlotte is a prime example of a very special class of employees—dedicated congressional staffers who labor, often anonymously, behind the scenes, making our Government work and providing services to our citizens. Too often they do not receive the recognition they so richly deserve. In saluting Charlotte, I salute also these other unsung heroes. As Members of Congress, we are often in the limelight. But our accomplishments would be far less without the dedicated staff that serve us, and we should never forget that.

Veterans—in West Virginia and throughout our country—are incredibly lucky to have Charlotte as their advocate. I am grateful to have her on my staff, and enormously proud of all she has accomplished.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider, en bloc, the following nominations on the Executive Calendar:

No. 514, Gary A. Fenner of Missouri to be U.S. district judge for the western district of Missouri, and No. 587, the nomination of Mary Ann Vial Lemmon of Louisiana to be U.S. district judge for the eastern district of Louisiana.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return then to the legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President. Let me begin by thanking the two distinguished colleagues from Nevada for their cooperation this afternoon in allowing us to get to this point. As the majority leader indicated, they care deeply about this issue. Nevada is well served by their representation and their determination on this issue.

I also want to thank the majority leader for his effort to work with us. He has said again today what he said yesterday. He is prepared to try to work through these things in a way that would allow us to resolve all of the outstanding questions.

He has given me his assurance again today that we will attempt—all we can do is attempt—to work through the list of the 23 judges that are currently on the calendar. This is the first downpayment.

I appreciate his willingness to work with us on all of them. I believe that this is a good process. I think it is the way we should proceed.

So I am very pleased that we have been able to reach this point.

So I have no objection.

Mr. BREAUX. Mr. President, reserving the right to object—and I assure the two distinguished leaders that I have no intention of objecting—I will just say that I congratulate both leaders for being able to reach this point where I think there is, indeed, light at the end of the tunnel.

I think that the courtesies that they have shown to me and to other Members of this body on both sides of the aisle really is a very positive indication of the cooperation that will allow us to get through the list of judges that have been approved by the Judiciary Committee.

I also would echo the comments by the two distinguished Senators from Nevada about how far they have been able to go, and I thank them for being willing to cooperate on the Defense authorization bill which I know is very, very important.

I congratulate both leaders for the work that they have done. I think this is a spirit of cooperation that we need more of. I congratulate both of them for their work.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Gary A. Fenner, of Missouri, to be United States District Judge for the Western District of Missouri.

Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Mr. LOTT. Mr. President, I would like to just note with regard to the nomination of Mary Lemmon from Louisiana there are other judges that had been on the list longer. But there was a particular problem with this judge due to the fact that she does hold office. I believe she is a judge. And she has to qualify in the next day or two or she would not be able to run for reelection. And then, if she did not get this position, she would be really caught in the middle. That is why we moved this one up to sort of the head of the list. I am glad it worked out.

I thank the Democratic leader for his comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, JULY 11, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Thursday, July 11; further, that immediately following the prayer the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved, as usual, for their use later in the day, and that there then be a period for morning business until the hour of 10 a.m. as under the previous order, with Senator DASCHLE, or his designee, controlling the first 40 minutes, and Senator COVERDELL in control of the last 20 minutes.

I further ask that at 10 a.m. the Senate turn to the consideration of S. 1894, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin the DOD appropriations bill tomorrow morning at 10 a.m. Several amendments are expected to be offered. Therefore, votes can be expected during Thursday's session of the Senate, and the Senate may be asked to be in session into the evening in order to make progress on the appropriations bill.

MEASURE PLACED ON THE CALENDAR—S. 295

Mr. LOTT. Mr. President, I ask unanimous consent that S. 295 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:42 p.m., adjourned until tomorrow, Thursday, July 11, 1996, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10, 1996:

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

MARY ANN VIAL LEMMON, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

HOUSE OF REPRESENTATIVES—*Wednesday, July 10, 1996*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the 105th Psalm:

O give thanks to the Lord, call on his name, make known his deeds among the people.

Sing to him, sing praises to him, tell of all his wonderful works.

Glory in his holy name; let the hearts of those who seek the Lord rejoice.

Seek the Lord and his strength, seek his presence continually.

Remember the wonderful works that he has done, his miracles, and the judgments he uttered,

O offspring of Abraham his servant, sons of Jacob, his chosen ones. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FORBES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. FORBES] come forward and lead the House in the Pledge of Allegiance.

Mr. FORBES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Binyamin Netanyahu, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to. Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, June 27, 1996, the House will stand in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0948

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency, Binyamin Netanyahu, Prime Minister of Israel, into the Chamber: The gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from California [Mr. COX]; the gentleman from New York [Mr. PAXON]; the gentlewoman from New York [Ms. MOLINARI]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from Pennsylvania [Mr. FOX]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Texas [Mr. FROST]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. WILSON]; the gentleman from California [Mr. LANTOS]; the gentleman from California [Mr. BERMAN]; and the gentlewoman from New York [Mrs. LOWEY].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency, Binyamin Netanyahu, the Prime Minister of Israel, into the House Chamber: The Senator from Mississippi [Mr. LOTT]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Florida [Mr. MACK]; the Senator from Idaho [Mr. CRAIG]; the Senator from New York [Mr. D'AMATO]; the Senator from South Carolina [Mr. THURMOND]; the Senator from North Carolina [Mr. HELMS]; the Senator from Utah [Mr. HATCH]; the Senator from Pennsylvania [Mr. SPECTER]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORD]; the Senator from California [Mrs. BOXER]; the Senator from Wisconsin [Mr. FEINGOLD]; the Senator from California [Mrs. FEINSTEIN]; the Senator from New Jersey [Mr. LAUTENBERG]; the Senator from Vermont [Mr. LEAHY]; the Senator from Connecticut [Mr. LIEBERMAN]; the Senator from Rhode Island [Mr. PELL]; the Senator from Minnesota [Mr. WELLSTONE]; the Senator from Oregon [Mr. WYDEN]; and the Senator from Michigan [Mr. LEVIN].

The assistant to the Sergeant at Arms announced the acting dean of the diplomatic corps, the Honorable Nuzhet Kandemir, Ambassador of Turkey.

The acting dean of the diplomatic corps entered the Hall of the House of Representatives and took the seat reserved for him.

The assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 7 minutes a.m., the assistant to the Sergeant at Arms announced the Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency, Binyamin Netanyahu, the Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Prime Minister NETANYAHU. If I can only get the Knesset to vote like this.

Mr. Speaker, Mr. Vice President, Members of Congress, this is not the first time that a Prime Minister of Israel addresses a joint meeting of Congress. My immediate predecessor, Shimon Peres, addressed this body, and before him, the late Yitzhak Rabin, who fell, tragically cut down by a despicable, savage assassin. We are grateful that Israeli democracy has proved resilient enough to overcome this barbaric act, but we shall always carry with us the pain of this tragedy.

I recognize, Mr. Speaker, that the great honor you have bestowed on me is not personal. It is a tribute to the unshakable fact that the unique relationship between Israel and the United States transcends politics and parties, governments and diplomacy. It is a relationship between two peoples who share a total commitment to the spirit of democracy, an infinite dedication to freedom. We have a common vision of how societies should be governed, of how civilizations should be advanced. We both believe in eternal values; we both believe in the Almighty; we both follow traditions hallowed by time and experience.

We admire America not only for its dynamism and for its power and for its wealth. We admire America for its moral force, as Jews and as Israelis. We are proud that this moral force is derived from the Bible and the precepts of morality that the Jewish people have given the world.

Of course, Israel and the United States also have common interests. But our bonds go well beyond such interests. In the 19th century citizens for all free states viewed France as the great guardian of liberty. In the 20th century every free persons looks to America as the champion of freedom.

Yesterday my wife and I spent a very moving hour at Arlington National Cemetery, and we saw there the evidence of the price you paid for that freedom in the lives of your best and brightest young men, and it is a toll that is exacted from you, from all of us, but from you these very days.

I think it was the terrible misfortune of the Jewish people that in the first half of this century the United States had not yet assumed its pivotal role in the world, and it has been our great fortune that in the second half of this century, with the miraculous renewal of Jewish nationhood, the United States became the preeminent power in the world. You, the people of America, offered the Jewish state, a fledgling Jewish state, succor and support. You stood by us time and time again against the forces of tyranny and totalitarianism, and I know that I speak for every Israeli and every Jew throughout the world when I say to you today: Thank you, people of America.

Perhaps our most demanding joint effort has been the endless quest to achieve peace and stability for Israel and its Arab neighbors. American Presidents have joined successive Israeli Governments in an untiring effort to obtain this peace. The first historic breakthrough was led by Prime Minister Begain and Presidents Carter and Sadat at Camp David, and the most recent success was the pact with Jordan under the auspices of President Clinton. These efforts, I believe, are clear proof of our intentions and our direction. We want peace.

We want peace with all our neighbors. We have no quarrel with them which cannot be resolved by peaceful means, nor, I must say, do we have a quarrel with Islam. We reject the thesis of inevitable clash of civilizations. We do not subscribe to the idea that Islam has replaced communism as the new rival of the West, because our conflict is specific. It is with those militant fanatics who pervert the central tenets of a great faith, toward violence and world domination. Our hand is stretched out in peace for all who would grasp it.

We do not care about the religion. We do not care about their national identify. We do not care about their ideological beliefs. We care about peace, and our hand is stretched out for peace.

Every Israeli wants peace. I do not think there is a people who has yearned or prayed or sacrificed more for peace than we have. There is not a family in Israel that has not suffered the unbearable agony of war and, directly or indirectly, the excruciating, everlasting pain of grief. The mandate we have received from the people of Israel is to continue the search for an end to wars and an end to grief. I promise you, we are going to live up to this mandate.

We will continue the quest for peace, and to this end, we are ready to resume negotiations with the Palestinian Authority on the implementation of our interim agreement.

I want to say something about agreements. Some of you speak Latin, or at least study Latin. Pax est summa servanda. We believe agreements are made to be kept. This is our policy. We expect the Palestinian side to abide by its commitments. On this basis, we will be prepared to begin final status negotiations as well. We are ready to engage Syria and Lebanon in meaningful negotiations. We seek to broaden the circle of peace to the whole Arab world and the rest of the countries of the Middle East.

But I want to make it clear that we want a peace that will last. We must have a peace based on security for all. We cannot, and I might say we dare not, forget that more men, women, and children have lost their lives through terrorist attacks in the last 3 years, than in the entire previous decade.

I know that the representatives of the United States sitting here, the people of the United States, are now becoming tragically familiar with this experience. You have experienced it in places as far afield as New York's World Trade Center and, most recently, in Daharan. I notice also the recent torchings of the Afro-American churches in America, which I must tell you strike a familiar and chilling note among Jews. But I want to try to put the Israeli experience in perspective, and one has to imagine, to do so, to imagine such attacks occurring time and time again in every city, in every corner of this great country.

So what we are saying here today is as simple as it is elementary: Peace means the absence of violence. Peace means not fearing for your children every time they board a bus. Peace means walking the streets of your town without the fearful shriek of Katyusha rockets overhead.

We just visited with the wife of a friend of mine, the deputy mayor of Kir yat shemona, who was walking the streets of Kir yat shemona when the fearful shriek of a rocket overhead burned her car, nearly burned her, and she was miraculously saved, and she is alive and she is getting better. But peace means that this does not happen, because peace without personal safety is a contradiction in terms. It is a hoax. It will not stand.

What we are facing in the Middle East today is a broad front of terror throughout the area. Its common goal is to remove any Western, and primarily any American, presence in the Middle East. It seeks to break our will, to shatter our resolve, to make us yield.

I believe the terrorists must understand that we will not yield, however grave and fearful the challenge. Neither Israel nor any other democracy, and certainly not the United States, must ever bend to terrorism. We must fight it. We must fight it resolutely, endlessly, tirelessly. We must fight it together until we remove this malignancy from the face of the Earth.

For too long the standards of peace, used throughout the world, have not been applied to the Middle East. Violence and despotism have been excused and not challenged. Respect for human freedoms has not been on the agenda. It has been on the agenda everywhere else, everywhere else: In Latin America, in the former Soviet Union, in South Africa. And that effort has been led by successive American administrations and by this House.

I think it is time to demand a peace based on norms and on standards. It is not enough to talk about peace in abstraction. We must talk about the content of peace. It is time, I believe, for a code of conduct for building a lasting Middle East peace. Such a peace must be based on three pillars, the three pillars of peace.

Security is the first pillar. There is no substitute for it. To succeed, the quest for peace must be accompanied by a quest for security.

Demanding an end to terrorist attacks as a prerequisite for peace does not give terrorists veto power over the peace process, because nearly all of the terrorist acts directed against us are perpetrated by known organizations whose activities can be curbed, if not altogether stopped, by our negotiating partners. This means that our negotiating partners, and, indeed, all of the regimes in the region, must make a strategic choice: either follow the option of terror, follow the option of terror as an instrument of policy or diplomacy, or follow the option of peace. But they cannot have it both ways.

This choice means that the Palestinian Authority must live up to its obligations it has solemnly undertaken to prevent terrorist attacks against Israel. This choice also means that Syria must cease its policy of enabling proxy attacks against Israeli cities, and undertake to eliminate threats from Hizbollah and other Syrian-based groups. This means that the fight against terror cannot be episodic, it cannot be conditional, it cannot be whimsical, it cannot be optional. It must become the mainstay of a relationship of trust between Israel and its Arab partners.

The second pillar of peace is reciprocity. This means an unshakeable commitment to the peaceful resolution of disputes—including the border disputes between Israel and its neighbors.

The signing of a peace treaty should be the beginning of a relationship of reciprocal respect and recognition, and the fulfillment of mutual obligations. It should not trigger round after round of hostile diplomacy. Peace should not be the pursuit of war by other means.

A peace without pacification, a peace without normalization, a peace in which Israel is repeatedly brought under attack, is not a true peace.

But reciprocity, reciprocity means that every line in every agreement turns into a sinew for reconciliation. Reciprocity means that an agreement must be kept by both sides. Reciprocity is the glue of mutual commitment that upholds agreements, and this is the second pillar of peace.

The third pillar of lasting peace is democracy and human rights. I am not revealing a secret to the Members of this Chamber when I say that modern democracies do not initiate aggression. This has been the central lesson of the 20th century. States that respect the human rights of their citizens are not likely to provoke hostile action against their neighbors. No one knows better than the United States, the world's greatest democracy, that the best guarantor against military adventurism is accountable, democratic government.

The world has witnessed the bitter results of policies without standards in the case of Saddam Hussein. Unless we want more Saddams to rise, we must apply the standards of democracy and human rights in the Middle East. I believe that every Muslim and every Christian and every Jew in the region is entitled to nothing less.

I do not think we should accept the idea that the Middle East is the latest or the last isolated sanctuary that will be democracy-free for all time except the presence of Israel. I realize that this is a process. It may be a long-term process, but I think we should begin it.

It is time for the states of the Middle East to put the issue of human rights and democratization on their agenda. Democratization means accepting a free press and the right of a legal opposition to organize and express itself. It is very important for the opposition to be able to express itself, Mr. Speaker. I have just learned that, and we will accord that same right, as you know.

This is democracy. It is to be able to disagree, to express our disagreements, and sometimes to agree after disagreements. It means tolerance. It means an inherent shift away from aggression toward the recognition of the mutual right to differ.

I will admit, the Middle East as a whole has not yet effected this basic shift, this change from autocracy to democracy. But this does not mean that we cannot have peace in the region now, peace with nondemocratic regimes. I believe we can. It is a fact that we have had such peace arrangements. But such peace arrangements as we can now arrive at can only be characterized as a defensible peace in which we must retain assets essential to the defense of our country and sufficient to deter aggression.

Until this democratization process becomes a mainstay of the region, the proper course for the democratic world, led by the United States, is to strengthen the only democracy in the Middle East, Israel, and to encourage moves to pluralism and greater freedom in the Arab world. I want to make something clear. We do not want merely peace in our time. We want peace for all time.

□ 1030

To the message of peace now, we do not just want peace now. We want peace now and later. We want peace for generations. There is no divide. That desire is heartfelt. It should be a point of unity, not of disunity. I believe this is why we must make the pursuit of human rights and democracy a cornerstone of our quest.

So these, then, I believe are the three pillars of peace: security, reciprocity, and the strengthening of democracy.

I believe that a peace based on these three pillars can be advanced. Yet, ladies and gentlemen, I would be remiss if I did not refer to a major challenge facing all of us.

I have touched on the problem of the Middle East that is largely undemocratic, and part of it is strongly antidemocratic. Specifically, it is being radicalized and terrorized by a number of unreconstructed dictatorships whose governmental creed is based on tyranny and intimidation.

The most dangerous of these regimes is Iran, that has wed a cruel despotism to a fanatic militancy. If this regime, or its despotic neighbor Iraq, were to acquire nuclear weapons, this could presage catastrophic consequences not only for my country and not only for the Middle East but for all of mankind.

I believe the international community must reinvigorate its efforts to isolate these regimes and prevent them from acquiring atomic power. The United States and Israel have been at the forefront of this effort, but we can and we must do much more. Europe and the countries of Asia must be made to understand that it is folly, nothing short of folly, to pursue short-term material gain while creating a long-term existential danger for all of us.

I believe that only the United States can lead this vital international effort to stop the nuclearization of terrorist states. But the deadline for attaining this goal is getting extremely close.

In our own generation, we have witnessed how the United States averted, by its wisdom, tenacity and determination, the dangerous expansion of a totalitarian superpower equipped with nuclear weapons. The policy it used for that purpose was deterrence. Now we see the rise of a similar threat, similar and in many ways more dangerous, against which deterrence by itself may not be sufficient. Deterrence must now be reinforced with prevention, immediate and effective prevention.

We are confident that America, once again, will not fail to take the lead in protecting our free civilization of this ultimate horror. But, ladies and gentlemen, time is running out. We have to act, responsibly, in a united front, internationally. This is not a slogan. This is not overdramatization. This is the life of our world, of our children and of our grandchildren. And I believe that there is no greater, no more noble, no more responsible force than the united force of democracy led by the greatest democracy, the United States. We can overcome this challenge. We can meet it successfully.

Let me now say a word about a subject that has been on your mind and ours, and that subject is the city of Jerusalem.

Countless words have been written about that city on the hill, which represents the universal hope for justice and peace. I live in that city on the hill. And in my boyhood I knew that city, when it was divided into enemy camps, with coils of barbed wire stretched through its heart.

Since 1967, under Israeli sovereignty, united Jerusalem has, for the first time in 2,000 years, become the city of peace. For the first time, the holy places have been open to worshipers from all three great faiths. For the first time, no group in the city or among its pilgrims has been persecuted or denied free expression. For the first time, a single sovereign authority has afforded security and protection to members of every nationality who sought to come and pray there.

There have been efforts to redivide this city by those who claim that peace can come through division, that it can be secured through multiple sovereignties, multiple laws, multiple police forces.

This is a groundless and dangerous assumption, and it impels me to declare today: There will never be such a redivision of Jerusalem. Never. We shall not allow a Berlin Wall to be erected inside Jerusalem. We will not drive out anyone, but neither shall we be driven out of any quarter, any neighborhood, any street of our eternal capital.

Finally, permit me to briefly remark on our future economic relationship. The United States—how can I tell it to this body? The United States has given, apart from political and military support to Israel, munificent and magnificent assistance in the economic sphere. With America's help, Israel has grown to be a powerful, modern state. I believe that we can now say that Israel has reached childhood's end, that it has matured enough to begin approaching a state of self-reliance.

We are committed to turning Israel's economy into a free market of goods and ideas. I believe that such a free market of goods and ideas is the only way to bring ourselves to true economic independence; and this means free enterprise, privatization, open capital markets, an end to cartels, lower taxes, deregulation.

There is not a Hebrew word for deregulation. By the time this term of office in Israel is over, there will be a Hebrew word for deregulation.

But may I say something that unites all of us across the political divide? I am committed to reducing the size of government; and I am quoting Speaker GINGRICH, quoting President Clinton, saying that the era of Big Government is over. It is over in Israel, too.

I believe that a market economy is the only way to effectively absorb immigrants and realize the dream of ages, the ingathering of the Jewish exiles.

To succeed, we must uphold the market economy as the imperative of the future. It is a crucial prerequisite for the building of the promised land.

We are deeply grateful for all that we have received from the United States, for all that we have received from this Chamber, from this body. But I believe there can be no greater tribute to America's long-standing economic aid to Israel than for us to be able to say: We are going to achieve economic independence. We are going to do it.

In the next 4 years, we are going to begin the long-term process of gradually reducing the level of your generous economic assistance to Israel, and I am convinced that our economic policies will lay the foundation for total self-reliance and great economic strength. In our Hebrew scriptures, which spread from Jerusalem to all of mankind, there is a verse, "HaShem oz l'eamo yiten; HaShem yevarech et amo bashalom." "God will give strength to His people; God will bless His people with peace." This is the original, inspired source for the truth that peace derives from strength.

In the coming years, we intend to strengthen the Jewish people in its land. We intend to build an Israel of reciprocal dialog and peace with each and every one of our neighbors. We will not uproot anyone, nor shall we be uprooted. We shall insist on the right of Jews to live anywhere in the land, just as we insist on the right of Jews to live anywhere in any other place of the world. We will build an Israel of self-reliance. We will build an Israel with an undivided and indivisible city of hope at its heart. We will build a peace founded on justice and strength and amity for all men and women of good will.

And I know that the American people will join us in making every effort to make our dream a reality, as I know that the American people will join us in prayer: "God will give strength to his people, God will bless his people with peace." Thank you very much.

[Applause, the Members rising.]

At 10 o'clock and 46 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court of the United States.

The acting dean of the diplomatic corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 47 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 11 o'clock and 30 minutes a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 11 o'clock and 30 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.; and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

WELFARE REFORM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, today is the deadline this administration imposed on itself for granting Wisconsin the freedom to reform its welfare system. Two-thirds of the Wisconsin Legislature approved a welfare reform plan that requires work and restores the values of responsibility and family. President Clinton endorsed the Wisconsin reforms in a radio address to the Nation and eventually agreed to approve the plan by today, July 10,

Remember President Clinton's campaign promise to end welfare as we know it? That promise energized the Nation's Governors, who have put forward ambitious plans to reward work over dependency. But State legislators eager to end welfare as we know it have been forced to sit on their hands, waiting for permission from Washington, only to have bureaucrats rewrite their welfare reform plans and make them ineffective.

Welfare as we know it continues, despite enormous effort from our Nation's Governors.

The President has vetoed welfare reform twice, despite his campaign promise. Today he has a chance to keep another welfare reform promise, this one made to the people of Wisconsin—or, Mr. Speaker, is this not one of the promises the President meant to keep?

FILEGATE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, at first, it was a handful. We then had 300, then 400. The number grew to 700. Today, Federal law enforcement groups estimate the number of illegally obtained secret FBI files by the White House to exceed 1,000. One thousand private lives of Americans invaded, 1,000 workers, all Republicans, who worked for Presidents Reagan and Bush, their rights violated. And, after all this, to add insult to injury, the new political spin is, Vincent Foster did it.

What is next? Will some political spinmaster accuse Richard Nixon here?

Mr. Speaker, this is a serious problem, whether you are a Democrat or Republican. This cannot and must not be tolerated. There is one question that must be answered: Who ordered this criminal act? And that criminal should be put in jail. And, by God, let Vincent Foster rest in peace.

REINFORCEMENTS NEEDED IN WAR ON DRUGS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for months President Clinton promised to protect our children from the addiction of cigarettes, but what about drugs? When Clinton got in office, he slashed the drug czar's staff by 83 percent, he eliminated 200 to 400 DEA agents, and he took the priority of drugs from top on the national security list to bottom. At the same time, marijuana use went up for 12- to 13-year-olds by 13 percent.

Sunday, the Dallas Morning News reported Mexican drug smugglers seized ranches on the Texas border for smuggling marijuana, cocaine, and heroin.

Our border is at risk. Our ranchers are helpless. County and city officials are corrupted. President Clinton's all-talk-and-no-action drug policy has led to an invasion of our borders.

It is time we responded. Mr. Speaker, we need our Armed Forces to stop the invasion of the United States of America.

DOLE REJECTS NAACP INVITATION

(Mr. FOGLIETTA asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. I has happy that Bob Dole was in my district last night for the All Star game, but there are direct flights from Philadelphia to Charlotte, NC. I say this because America should know why Bob Dole has rejected the invitation of the NAACP to speak at their convention.

His campaign repudiated the invitation based on scheduling conflicts, but I think other conflicts are involved. Could it be that Bob Dole has nothing to say to the NAACP? Could it be that Bob Dole can't do anything or say anything that would offend the far right wing of his party? That's the answer. Whatever happened to the big tent? These are the same folks who talk about their commitment to what they have called the safety net for the very poor. But isn't it interesting that both of these metaphors speak in terms of fabric. The Republican majority, led by Bob Dole and Speaker GINGRICH, they are tearing up this fabric. The safety net is in tatters. And the big tent is full of holes. With Bob Dole's rejection of the NAACP, the big tent is getting smaller and smaller.

THE CLINTON YEARS: A LEGACY OF FAILURE IN THE WAR ON DRUGS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, President Clinton is hosting a 2-day drug summit in El Paso, but 2 days hardly make up for his administration's 3½ years of neglect. But let's see what the numbers really say: Total drug-related cases are up 30 percent; cocaine use is up 33 percent; heroin use is up 77 percent; marijuana use is up 108 percent; and methamphetamine use is up an alarming 308 percent.

No rhetoric, just the facts.

But, Mr. Speaker, these facts have a brutal impacts on our society, especially our Nation's children.

I've worked in the emergency rooms where these children come in. I've seen how these drugs can destroy generations of families.

How has our President responded? He cut the DEA agents by 227.

He shortened mandatory minimum sentences for convicted drug traffickers.

And he even mothballed nine Coast Guard ships and seven aircraft that were needed to stem the flow of drugs into this country.

No, Mr. Speaker, 2 days cannot make up for lapses of this magnitude. President Clinton has abandoned our Nation's drug control efforts and it is our children who will bear this heavy burden.

MINIMUM WAGE INCREASE WILL NOT HAPPEN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, yesterday was a big day for a lot of low-income American people that are hard working. The other body passed the minimum wage increase bill overwhelmingly. All the media talked about it, what a great thing it was for the low-income American people that work very hard right now for $4.25.

Folks, I have got something to tell you. You have seen the last of it. NEWT GINGRICH, dictator NEWT GINGRICH, the Speaker of the House, and the leader of the Senate, both oppose that minimum wage.

One of two things is going to happen. They are either not going to appoint conferees or they are going to wait until September or October, right before we adjourn, to appoint them. Or if they appoint conferees the conferees are never going to come to an agreement.

The same thing is happening on health care reform. They did not like it the way it was, so they are not going to have it.

That is what happens when you have a dictator as a Speaker. NEWT GINGRICH is not going to permit the minimum wage bill to ever come up for a vote in the House and Senate again. Why? The National Restaurant Association is opposed to it, and they have given NEWT GINGRICH thousands and thousands of dollars. That is why.

THE PRESIDENT AND WELFARE REFORM

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, last May, Bill Clinton clearly stated that the Wisconsin welfare reform plan was a solid, commonsense plan for moving people from welfare dependence to work. Here is what he said on May 18 during his weekly radio address, "I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work * * *."

Today, the 30-day public comment period expires and yet we hear nothing from the White House about the Wisconsin welfare waivers. Not a peep.

Mr. Speaker, clearly there is a complete and total disconnect between what Bill Clinton does and what he says. As George Will once said, Bill Clinton believes everything he emphatically says, right up until the second he totally repudiates it.

The same applies to welfare reform. Bill Clinton will say anything to make people believe he wants to change welfare, but when it comes time for action, he will come to the defense of the liberal status quo.

REPUBLICAN-LED CONGRESS OF INACTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, yesterday, when I spoke on the floor I was encouraged by the fact that the Senate was finally taking up the minimum wage hike; and I was hopeful that a crippling amendment that would have delayed implementation for 6 months and exempted many small businesses so that half the people on minimum wage would not benefit from the hike would not pass. Fortunately, that amendment did not pass; and so now I am hoping that somehow we are going to get this minimum wage to the President's desk.

But what we have found out today is that the Republican leadership in the Senate as well as in the House continues to want delay. They do not want the minimum wage to pass. They are saying they are not going to appoint conferees, and they will only appoint conferees to work out the differences on the minimum wage bill if the health care reform bill also moves.

What we are seeing again is an effort by the Republican leadership to stop the minimum wage hike just like they are trying to stop health insurance reform. They are going to let this drag on between now and November so that this Congress once again will be the Congress of inaction. Nothing happens here. It is not happening because the Republican leadership does not want it to happen.

CASUALTIES IN THE WAR ON EDUCATION

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, yet again the majority has failed to make education a priority in this year's appropriations bill. Education cuts included in the Labor, HHS, Education appropriations measure, H.R. 3755, total $400 million from last year's level. And these cuts are in addition to the $1.1 billion already cut by the 104th Congress.

In this most recent battle in the war on education, casualties include Goals 2000, Byrd scholarships, student incentive grants, and Eisenhower teacher training funds. Those wounded in this battle included title I funds for disadvantaged students, special education, safe and drug free schools, bilingual education, and others.

this bill makes it clear that in the eyes of this Congress, access to higher education is not a priority, safe and drug free schools are unimportant, and improving our educational system is unnecessary.

If we want our students to grow into a competitive work force and continue our leadership in the global marketplace, education is the engine that will take us there. Education is not expendable, it is vital to our future, and the appropriations bill that passes this House should reflect this reality.

FAT LADY HAS NOT SUNG ON MINIMUM WAGE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, as they say in sports, "It ain't over till it's over." "It ain't over till the fat lady sings."

Bipartisan majorities in both Houses have passed the minimum wage increase which would help 11.8 million Americans, 40 percent of whom are sole breadwinners and 58 percent of whom are women. But it ain't over. Because special interests and NEWT GINGRICH and the Republican leadership are already in the back room working out delays.

They do not want to appoint a conference committee to move this bill to the President's desk despite the fact that 80 percent of the American public, American taxpayers, want an increase in the minimum wage. They are saying if we do not get our special interest provision in the health care bill, you cannot have minimum wage.

That is the way it goes around here now, and it is flat-out wrong. The people deserve better. The people deserve minimum wage increases and a clean health care bill.

Would somebody give the fat lady a sheet of music? We need to pass this legislation. We do not need to knuckle under to special interests.

□ 1145

MINIMUM WAGE HELD HOSTAGE BY SENATE REPUBLICANS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, yesterday the Senate passed the minimum wage. Normally it would be on its way to President Clinton for his signature and in a short time—Americans everywhere would be benefiting. But not in this Congress—unfortunately here the will of the American people is consistently being undermined.

Eighty percent of the American people support a minimum wage increase, today we learn that Republicans in the Senate are holding the minimum wage hostage. According to Congress Daily, "Coming off a defeat on a controversial pro-business amendment, Senate Republicans further jeopardized final approval of a minimum wage hike by threatening to block conference action unless Democrats unleash their grip on health care insurance reform legislation."

As my colleague before me said, they want to put in their special-interest medical savings account into the health care bill. This sounds a lot like, "If you do not play by my rules, then I am going to take my ball and go home." This is a refrain that is heard in sandboxes. It has no place in the U.S. Congress. The Senate needs to get out of the sandbox, pass the minimum wage today.

REPUBLICANS PUT FAMILIES LAST

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, Democrats are insisting that we put families first. Republicans are insisting that we put families last. Republicans have continued their attack on American families, but now with a double-barreled shotgun. They are attacking minimum wage again. The Senate is threatening to derail the passage of minimum-wage increase. They have loaded up the bill with poison pills to guarantee that it will not be signed by the President.

The Senate passed a bill yesterday, but it is a hoax. It will not lead to a minimum wage increase in America.

On the other hand, education is being attacked again by the Republicans.

The education cuts we fought so hard against last fall, and the American people made it quite clear that they do not want cuts in education, again we have millions of dollars being cut in education by this Republican House majority. We do not need to attack families with a double-barreled shotgun. Do not go after them with education cuts and at the same time go after them with minimum wage cuts.

Nobody can live on $8,400 a year for minimum wage, and our students cannot meet the challenges of this high-tech economy unless they have every possible opportunity to get an education. Let us support American families. Put families first.

MINIMUM WAGE: "WHAT IS THE BIG DEAL?"

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I was called by a constituent yesterday, Mr. Lou Kasing, who runs an automobile dealership in my district. In fact, in Butler County, he is known as Mr. Republican. And he is a good businessman, understands business and has a great heart. He says, "I do not understand something." He says, "This business about raising the minimum wage, if we raise the minimum wage, are all Federal workers going to get an automatic increase?" I said, "No." He said, "What about the labor unions, do they get an automatic increase?" I said, "No." He said, "Then what is the big deal?"

As the previous speaker said, no one can raise a family on $8,500 a year. We cannot do it. And so, he knows, as a businessperson, the wise thing is to have employees who are happy. The wise thing is to have employees that can meet their financial obligations while working a commensurate amount of time that still allows them to give a portion of their time, quality time, to their families and to their communities. So we must stop playing games. We must make sure that minimum wage goes to the President, he can sign it, and that the poorest workers in this country can get a raise.

COMMUNICATION FROM THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOSEPH M. MCDADE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Teresa Baker, a Senior Legislative Assistant in my Washington Office, has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOSEPH M. MCDADE,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that Michael L. Stern of the Office of General Counsel has been served with a subpoena for records issued by the United States District Court for the Northern District of Illinois.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With warm regards,

ROBIN H. CARLE,
Clerk.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Banking and Financial Services; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 473 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 473

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3754) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302 of 308 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. Speaker, this rule makes in order H.R. 3754, the fiscal year 1997 legislative branch appropriations bill, under a modified closed rule. I would like to commend my California colleague, Chairman RON PACKARD, and the rest of my colleagues on the Legislative Branch Appropriations Subcommittee for their tremendous work in bringing what has historically been a very difficult bill to the House floor.

Given that there may be some who would go so far as to recommend zero funding for the legislative branch, I believe this is a very responsible rule for what is a very responsible bill. As the reading clerk noted, the rule waives a number of points of order against consideration of the bill to permit timely consideration and to address some technical fund transfers in the bill.

The rule makes in order eight amendments printed in the report on the rule to be offered only in the order printed by the Member specified and debatable for time specified in the report. The amendments are considered as read and are not subject to amendment or subject to a demand for a division of the question in the House or the Committee of the Whole. All points of order are waived against the amendments.

Further, the rule provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follows another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

PERMISSION TO OFFER AMENDMENT NO. 6 IN MODIFIED FORM TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3754, pursuant to House Resolution 473, it may be in order to consider the amendment numbered 6 in House Report 104–663 in the modified form that I have placed at the desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO OFFER AMENDMENT NO. 1 IN HOUSE REPORT 104–663 AT ANY TIME DURING CONSIDERATION OF H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. DREIER. Further, Mr. Speaker, I ask unanimous consent that notwithstanding the order prescribed by House Resolution 473 that the gentleman from California [Mr. FAZIO] be allowed to offer his amendment No. 1 at any time during the consideration of H.R. 3754 in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, last year's legislative branch appropriations bill was instrumental in reforming this institution to make this place more open, accountable, and cost effective. By adopting this rule, we can continue those important reforms while further streamlining and updating the operations of Congress through privatization and investment in new information technologies. Updating the technological infrastructure of the White House is an enormous challenge, but thanks to this bill we will continue the tremendous progress that we have made over the past 18 months.

The Thomas system at the Library of Congress is being upgraded to provide an expanded list of documents to the public and to simplify the retrieval of information. The CyberCongress plan which will bring in state-of-the-art communication networking and computer technology to dramatically improve the work of committees is moving forward under this bill.

Also by the end of this year, every House committee should have the capability to provide immediate on-line access to legislative documents, transcripts, schedules, and other information. The goal is to provide Members of Congress with more comprehensive and accurate information while facilitating the exchange of information with our constituents back home. While information technologies offer us tremendous opportunities to be better public servants, we must be mindful of the need to maintain many of the practices, procedures, and precedents of this institution. With respect to the issue of minority committee Web sites, let me say that I agree wholeheartedly with my colleague from Sacramento, CA, Mr. FAZIO, that the public should be able to conveniently access information put on a committee Web site by the minority. I hope the Committee on House Oversight can come to some compromise on the committee Internet policy that will provide sufficient safeguards in that regard.

But I disagree that the minority should be allowed to maintain completely separate committee Web sites. It would set an unfortunate precedent because the Rules of the House rightfully do not differentiate between minority and majority committees. They simply refer to committees. A committee minority may not file alternative committee reports or control separate committee rooms or conduct separate official hearings. Minority views are provided for in official committee reports, and they should be provided for on committee Web sites as well.

I would also like to say to those Members who feel they have worthwhile reform ideas but were not able to offer them under this rule, the Rules Committee has announced that it will begin holding hearings to consider reform proposals for the 105th Congress. Members with proposals for changing the organization procedures or legislative process in the House are welcome to participate. A letter of invitation to all Members was sent out just yesterday by my friend from Glens Falls, our committee chairman.

As I mentioned earlier, Mr. Speaker, this is a very responsible rule for a very responsible legislative branch spending bill.

Mr. Speaker, I include for the RECORD certain extraneous materials.

The materials referred to are as follows:

COMMITTEE ON RULES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

DEAR COLLEAGUE: Today the Rules Committee is announcing a series of hearings designed to examine further congressional reform proposals. This project is entitled "Building on Change: Preparing for the 105th Congress."

As you know, on Opening Day of the 104th Congress the House passed the most sweeping reform package since 1946. The Committee on Rules, through its committee-adopted oversight agenda, has committed to a continuing study of the rules and procedures of the House with an eye toward future reforms. Members with proposals addressing the rules, procedures, or the legislative process generally are welcome to participate in this project. The Rules Committee is not at this time taking further testimony on budget process reform.

On Wednesday, July 17 at 10AM, the Committee will hold an "Open Day" for Members to testify on proposals to further amend the standing rules of the House. Members who wish to testify at this hearing should submit 35 copies of their testimony to the Rules Committee office in H–312 of the Capitol by 5PM on Tuesday, July 16.

In late July and early September, the Rules Subcommittees on Rules and Organization of the House and the Legislative and Budget Process will hold joint hearings on specific reform efforts (e.g. majority and minority party task forces). The joint subcommittees will hear testimony from select groups of Members and from public witnesses. Dates, times, and subject areas for these hearings will be announced later.

If Members have questions on this hearing schedule, please feel free to contact me or Dan Keniry in my Rules Committee office at 225–9191.

Sincerely,

GERALD B. SOLOMON,
Rules Committee Chairman.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 9, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	77	60
Structured/Modified Closed[3]	49	47	34	27
Closed[4]	9	9	17	13
Total	104	100	128	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 9, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 9, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	MC	H.R. 3755	Labor/HHS Approps	
H. Res. 473 (7/9/96)	O	H.R. 3754	Leg. Branch Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Sanibel, FL [Mr. GOSS], the chairman of the Legislative Process and Budget Process Subcommittee.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am in support of this rule.

I thank my friend from greater San Dimas for this time, and I rise in support of this rule for the fiscal year 1997 legislative branch appropriations bill. Mr. Speaker, this is the first appropriations bill this year that has not been given an open rule—and in all likelihood it will be the only structured rule we see for a spending bill this year. Yet this is a fair rule making in order a mix of eight amendments from both sides of the aisle. In fact, most of the amendments that the Rules Committee did not make in order would not have been allowed under an open rule process.

That is not to say that I disagree with much of what Members sought to do in those amendments. For instance, I strongly support reforms in the area of Congressional pensions, and I am a cosponsor of legislation to cap the accrual of pension benefits at 12 years. I think this would demonstrate in good faith to the American taxpayer that personal financial gain is not an incentive to run for office. However, there is simply no funding in this to address this issue through an amendment to this bill. I look forward to making progress in this area through the appropriate authorizing committees in the future.

That having been said, I would like to congratulate Chairman PACKARD and the members of the Appropriations Committee for building on the reforms we began last year. We have seen dramatic changes in the way this Congress has been run—we are doing more with less, and we are committed to living within our means after decades of expansion. I am particularly pleased that the bill before us cuts a further 2.2 percent from last year's appropriated levels—a savings of over $37 million. These reforms, and others in the bill, are very important to restoring Americans' faith in Congress and our commitment to accountability and a balanced budget.

I would urge my colleagues to support this fair rule.

Mr. DREIER. Mr. Speaker, I urge a "yes" vote on this rule, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the customary half hour of debate time.

Mr. Speaker, the rule before us is, in general, fair, and appropriate for consideration of a legislative branch appropriations bill. It makes in order eight amendments, three of which are to be offered by Members from this side of the aisle. Each of the eight amendments would be debatable for specified amounts of time.

However, we have one serious disagreement with the majority over this rule, in that it does not make in order a very important amendment that the gentleman from California [Mr. FAZIO] would like to offer. Mr. FAZIO's amendment would reverse the unfair and unwise policy adopted by the House Oversight Committee on May 23 which prohibits minority members of a committee from establishing their own World Wide Web site on the Internet, separate from the Web site established and controlled by the committee's majority members.

Prohibiting minority members of a committee from establishing their own Web site restricts the right of members to present materials in the manner they wish, and to make that information as accessible as possible for Internet users. Rather than being able to find Democratic committee members' materials directly, Internet users may have to scroll through long committee tables of contents before reaching the minority's listing.

Even worse, if majority members of a committee decide not to establish a

Web site at all, or decide to terminate an existing Web site, minority members of the committee will be unable to post information on the Internet themselves.

At the Rules Committee meeting on this rule yesterday, the gentleman from California [Mr. PACKARD] argued that the House Oversight Committee's policy on committee use of the Internet was analogous to the handling of committee reports, where minority members do not issue separate reports, but rather may include their views at the end of the majority's report.

But in fact, Mr. Speaker, the two venues are not analogous at all. Committee reports are issued for a designated purpose—usually to explain a bill—and have content requirements. And minority views can be found quickly and easily by turning to the end of the report.

World Wide Web sites, on the other hand, are completed free-form. Those who establish sites are able to put anything they want on them, and in any fashion. Typically, committees post background information and pictures of committee members, committee rules and procedures, press releases, speeches by the chairman—all sorts of things. If minority Web pages are inserted somewhere in the mix of all that, they are likely to receive much less attention than they would if they were presented on a separate Web site, where the format could be designed as the minority wishes.

We ask our Republican friends to consider whether this is the policy they would want to live under if they were in the minority, as they were during the last Congress and will be again, sooner or later, in the future. Our guess is that it is not.

On more point on this matter: the majority has argued that even if they believe the membership should consider this amendment, it would not be appropriate to allow it as part of the debate on this appropriations, bill, since the committee of jurisdiction—in this case, the House Oversight Committee—objects to making it in order. As a general rule, we agree with the policy, which was established when Democrats controlled the House, of not allowing amendments in such cases.

However, in this particular case, Mr. Speaker, there will not be an opportunity to address this issue, since the policy is one that exists as a directive from the House Oversight Committee, and does not require the approval of the full House. The legislative branch appropriations bill is thus the only vehicle we see for resolving this matter.

There is one further matter I would like to point out about the rule, if I may, Mr. Speaker, and that is that it waives two important provisions of the Budget Act: section 302, which prohibits consideration of legislation which exceeds a committee's allocation of new entitlement authority, and section 308, which requires a cost estimate in committee reports on new entitlement authority. These waivers cover the bill's provisions dealing with the pay of the director of the Congressional Budget Office.

While there are legitimate reasons for providing these waivers, we mention this matter because we have noticed that Budget Act waivers seem to be increasingly common in the rules that are being issued by the Rules Committee. We want to take this opportunity to urge committees to make every effort to comply with the provisions of the Budget Act and the Rules of the House, and to urge the majority members of the Rules Committee to avoid getting into the habit of waiving these important safeguards on a routine basis.

Finally, Mr. Speaker, with respect to the bill that this rule makes in order, we believe that it deserves the support of the House. In general, it provides an adequate, though not generous, amount of funding for Congress to fulfill its responsibilities. After 4 years of cutting positions to a point where we now have almost 20 percent fewer staff members in the legislative branch than we had in fiscal 1992, we believe that the Appropriations Committee has acted responsibly by not reducing funding for staff further, except with respect to the General Accounting Office, where a 2-year, 25-percent reduction in staffing is continued through this legislation.

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Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I urge an "aye" vote on the rule, and an "aye" vote on the bill, which will be beautifully managed by my colleague, the gentleman from California [Mr. PACKARD].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on House Resolution 473.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COST OF GOVERNMENT DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 193.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 193, on which the yeas and nays are ordered.

Pursuant to clause 5 of rule I, the Chair will reduce to a minimum of 5 minutes the time for a recorded vote, if ordered, on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 376, nays 23, not voting 34, as follows:

[Roll No. 293]

YEAS—376

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter

Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NAYS—23

Becerra
Beilenson
Brown (FL)
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Foglietta
Johnson, E. B.
McDermott
Meek
Miller (CA)
Mollohan
Oberstar
Pelosi
Stark
Thompson
Volkmer
Waters
Waxman

NOT VOTING—34

Bishop
Clay
Clayton
Dickey
Dunn
Everett
Foley
Ford
Gibbons
Hall (OH)
Hayes
Hilleary
Hobson
Johnston
Kaptur
Lincoln
Manton
McDade
McKinney
Meehan
Norwood
Obey
Petri
Quinn
Roukema
Sabo
Tejeda
Torricelli
Watt (NC)
Weldon (FL)
Williams
Wise
Young (FL)
Zimmer

□ 1227

Mrs. COLLINS of Illinois, Ms. PELOSI, and Mr. BECERRA changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, on rollcall No. 293, I was absent because of the malfunction of my beeper. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on rollcall No. 293, I was inadvertently detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, I was unavoidably detained this afternoon and was therefore unable to cast my vote in support of House Concurrent Resolution 193, the Cost of Government Day Resolution.

House Concurrent Resolution 193 expresses the sense of Congress that the cost of Government spending should be reduced so that American families will be able to keep more of what they earn. Throughout my tenure in the House of Representatives, I have been committed to balancing the budget by eliminating wasteful Government spending. I therefore would like to express my strong support for this resolution which commemorates July 3, 1996, as Cost of Government Day.

It is an injustice that western New Yorkers and all Americans are forced to give up more than 50 percent of what they earn to the Government. Out of 366 days in 1996, the average American will work 184.6 days to support the total cost of Government, leaving 181 days of work to support their families.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 53, answered "present" 1, not voting 37, as follows:

[Roll No. 294]

AYES—342

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Waxman
Weldon (PA)
White
Whitfield
Wicker
Wilson
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOES—53

Abercrombie
Borski
Brown (CA)
Brown (OH)
Clyburn
Coleman
Collins (MI)
DeFazio
Dingell
English
Ensign
Fazio
Filner
Fox
Funderburk
Gephardt
Geren
Gutknecht
Hastings (FL)
Hefley
Heineman
Hilliard
Hinchey
Hoke
Jackson-Lee (TX)
Jacobs
Latham
Levin
Lewis (GA)
Longley
Martinez
Martini
Meek
Menendez
Oberstar
Pallone
Pickett
Pombo
Rush
Schroeder
Slaughter
Stockman
Taylor (MS)
Thompson
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Waters
Watts (OK)
Weller
Wolf

ANSWERED "PRESENT"—1

Harman

NOT VOTING—37

Bishop
Brewster
Bunn
Clay
Clayton
Coburn
Dickey
Dunn
Everett
Foley
Ford
Gibbons
Hall (OH)
Hayes
Hilleary
Istook
Johnston
Kaptur
Lincoln
McDade
McIntosh
McKinney
Meehan
Norwood
Obey
Petri
Quinn
Sabo
Taylor (NC)
Tejeda
Torricelli
Watt (NC)
Weldon (FL)
Williams
Wise
Young (FL)
Zimmer

□ 1235

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DICKEY. Mr. Speaker, on rollcall No. 294. I was absent because of the malfunction of my beeper. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on rollcall No. 294, I was inadvertently detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 294, I was unavoidably detained. Had I been present, I would have voted "aye."

PERMISSION FOR MEMBER TO OFFER AMENDMENT TO H.R. 3754, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997, NOTWITHSTANDING HOUSE RESOLUTION 473

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3754, pursuant to House Resolution 473, it may be in order at any time to consider the amendment offered by the gentleman from California [Mr. PACKARD] as though it were an amendment printed in House Report 104-663 and that the time for debate be limited to 10 minutes.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. THORNTON. Mr. Speaker, reserving the right to object, I rise to inquire of the chairman if this is the amendment which the gentleman from Ohio [Mr. TRAFICANT] discussed with me and with the gentleman before?

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, the gentleman is correct. This is a buy American amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. THORNTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3754, making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, and that I may include tabular and extraneous material and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 473 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3754.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

This bill continues the program we began last year to right size the legislative branch of government. We are trying to become more efficient with a smaller work force and by using technology wherever possible as long as it helps to do our job better.

The bill cuts legislative spending for 1997 by $37.4 million. That continues the tone set in the 1996 bill over the last 2-year period. The size of the legislative branch has been reduced by $262 million over the last 2 years.

We have also reduced our work force by 1,753 jobs over the last 2-year period, 726 in this year's bill alone. That is a reduction of 6.8 percent of the entire legislative branch work force in a 2-year period.

The CBO has indicated through their calculations that, if the entire Federal budget were to be reduced in the same proportion as this committee has reduced the legislative branch budget, we would have a $100 billion surplus in our Federal budget and it would be balanced already. We would make a $100 billion down payment on the national debt, if all other agencies and programs were cut the same level that we have cut ourselves. This is just based on a straightforward extrapolation, but it indicates, I think, the magnitude of the efforts that we have taken in reducing the size and the cost of the legislative branch of government.

In specifics, this bill will make permanent law the 90-day prohibition on mass mailing, unsolicited mass mailing before elections. The bill also will fund the CyberCongress, in other words, the computer and telecommunications and information services of Congress. We will be spending about $211 million in this bill in that area. That is 12.5 percent of the entire legislative budget on this whole area of information and telecommunications and the CyberCongress.

Also, in this year's bill we are completing the downsizing of the General Accounting Office by 25 percent. That is a 2-year process, this being the final year of that process.

We have also converted the permanent edition of the bound CONGRESSIONAL RECORD, a 26-volume document, to CD ROM. That will expedite the research possibilities for Members of Congress and researchers in general, and it will also save about $1 million a year. We are also converting the congressional serial set, a 60-volume document, to the CD ROM, the electronic information process. That, too, will save about $1 million a year.

We are also outsourcing the custodial work at the Ford House Office Building. We are conducting studies to outsource our maintenance and operational work at the powerplant, the congressional powerplant. We are also looking to privatize the Government Printing Office plant more, and the Botanic Garden.

☐ 1245

We are also looking to further the public-private collaboration of the National Library Digital Program.

All in all we have made great strides in the right direction to bring about fiscal responsibility to the Congress of the United States and to those agencies that are here to support the Congress of the United States.

We also are funding the mandatories in this bill; that is, the COLA's for staff, salary and the benefit packages for staff and Federal workers in the Congress. And that, I think, is a must.

We are also funding the 1997 inaugural ceremonies at the Capitol, the joint inaugural committee, which we must do every 4 years after the election of a new President.

All in all we are very proud of this bill; we think it moves in the right direction.

Later on today we will be hearing amendments, one of which is to cut this bill by almost 2 percent, 1.9 percent. I urge the Members of Congress to realize that this bill already makes major cuts, and has over the last 2 years. No appropriations bill has cut to the level that the legislative branch has cut themselves. It would be irresponsible, I think, to cut ourselves across the board. That would include books for the blind, that would include the staff, the cost of staffing our offices. It would include the CyberCongress, it would include the police, the physicians, and every phase, every part, of this bill would be cut by almost 2 percent after we have already cut ourselves over the last 2 years by almost 12 percent, and that is 12 percent of the dollar amount of the 1995 budget year.

Mr. Chairman, it would be absolutely irresponsible, I believe, for us to inflict upon ourselves further cuts when we have set the pattern for cutting back the size of government. And, frankly, it would hurt deeply the Library of Congress, the General Accounting Office, which has accepted a 25 percent cut already over the last 2 years. To ask them to absorb another 2 percent cut again would be a bad-faith effort on the Congress after I have negotiated with the General Accounting Office to work toward this 25 percent. It would be, I think, catastrophic, and I would hope that all Members of Congress would resist this amendment of across-the-board cutting of Congress.

Mr. Chairman, I want to express my deep appreciation to the new ranking member of this subcommittee, the gentleman from Arkansas [Mr. THORNTON]. He has been a member of the committee and been an extremely active and very, very faithful member of the committee. He has now moved to become the ranking member, and it is a great pleasure on my part to work with him. He has been a great help in crafting this bill and been very supportive of the general efforts that we have tried to make in this bill, and it is a pleasure to work with him.

I also wish to express my deep appreciation to the gentleman from California [Mr. FAZIO] who is the former chairman of this subcommittee, but also the former ranking member. He has been a great help over the years in this bill, and I wish to thank him for his cooperation.

Under leave I have already obtained, I would like to insert a tabulation of the amounts in the bill:

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,478,000	1,621,000	1,535,000	+57,000	-86,000
Office of the Majority Floor Leader	1,470,000	1,561,000	1,526,000	+56,000	-35,000
Office of the Minority Floor Leader	1,480,000	1,574,000	1,534,000	+54,000	-40,000
Office of the Majority Whip	928,000	976,000	957,000	+29,000	-19,000
Office of the Minority Whip	918,000	963,000	949,000	+31,000	-14,000
Speaker's Office for Legislative Floor Activities	376,000	385,000	376,000		-9,000
House Republican Steering Committee	664,000	681,000	664,000		-17,000
House Republican Conference	1,083,000	1,146,000	1,130,000	+47,000	-16,000
House Democratic Steering and Policy Committee	1,181,000	1,211,000	1,191,000	+10,000	-20,000
House Democratic Caucus	566,000	616,000	603,000	+37,000	-13,000
Nine minority employees	1,127,000	1,155,000	1,127,000		-28,000
Subtotal, House Leadership Offices	11,271,000	11,889,000	11,592,000	+321,000	-297,000
Members' Representational Allowances					
Expenses	360,503,000	398,898,000	363,313,000	+2,810,000	-35,585,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	78,629,000	80,524,000	80,222,000	+1,593,000	-302,000
Committee on Appropriations (including studies and investigations)	16,945,000	18,430,000	17,580,000	+635,000	-850,000
Subtotal, Committee employees	95,574,000	98,954,000	97,802,000	+2,228,000	-1,152,000
Salaries, Officers and Employees					
Office of the Clerk	13,807,000	15,370,000	15,074,000	+1,267,000	-296,000
Office of the Sergeant at Arms	3,410,000	3,889,000	3,638,000	+228,000	-251,000
Office of the Chief Administrative Officer	53,556,000	70,464,000	55,209,000	+1,653,000	-15,255,000
Office of Inspector General	3,954,000	4,048,000	3,954,000		-94,000
Office of Compliance	858,000			-858,000	
Transfer to new Office of Compliance	-500,000			+500,000	
Office of the Chaplain	126,000	128,000	126,000		-2,000
Office of the Parliamentarian	1,180,000	1,036,000	1,036,000	-144,000	
Office of the Parliamentarian	(775,000)	(713,000)	(713,000)	(-62,000)	
Compilation of precedents of the House of Representatives	(405,000)	(323,000)	(323,000)	(-82,000)	
Office of the Law Revision Counsel of the House	1,700,000	1,817,000	1,767,000	+67,000	-50,000
Office of the Legislative Counsel of the House	4,524,000	4,763,000	4,687,000	+163,000	-76,000
Other authorized employees	837,000	1,000,000	768,000	-69,000	-232,000
Former Speakers [1]	(666,000)	(825,000)	(594,000)	(-72,000)	(-231,000)
Technical Assistants, Office of the Attending Physician	(171,000)	(175,000)	(174,000)	(+3,000)	(-1,000)
Subtotal, Salaries, Officers and Employees	83,452,000	102,515,000	86,259,000	+2,807,000	-16,256,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	994,000	2,301,000	2,374,000	+1,380,000	+73,000
Official mail (committees, leadership, administrative and legislative offices)	1,000,000	1,000,000	1,000,000		
Reemployed annuitants reimbursements	68,000	71,000	71,000	+3,000	
Government contributions	117,541,000	122,508,000	120,779,000	+3,238,000	-1,729,000
Miscellaneous items	658,000	641,000	641,000	-17,000	
Subtotal, Allowances and expenses	120,261,000	126,521,000	124,865,000	+4,604,000	-1,656,000
Total, House of Representatives	671,061,000	738,777,000	683,831,000	+12,770,000	-54,946,000
JOINT ITEMS					
Joint Committee on Inaugural Ceremonies of 1997		950,000	950,000	+950,000	
Joint Economic Committee	3,000,000	3,000,000	3,000,000		
Joint Committee on Printing	750,000	777,000	777,000	+27,000	
Joint Committee on Taxation	5,116,000	7,716,000	5,470,000	+354,000	-2,246,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,260,000	1,225,000	1,225,000	-35,000	

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[1] For FY 1996 and previous years, non-personnel expenses for this item were included under "Allowances and Expenses, supplies, materials, administrative costs and Federal tort claims". Beginning in FY 1997, these expenses have been consolidated under "Salaries, Officers and Employees, other authorized employees". The FY 1996 enacted amounts have been adjusted to reflect the revised funding consolidation.

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	34,213,000	37,286,000	32,927,000	-1,286,000	-4,359,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	39,108,000	35,465,000	-454,000	-3,643,000
Subtotal, salaries	70,132,000	76,394,000	68,392,000	-1,740,000	-8,002,000
General expenses	2,560,000	7,606,000	2,685,000	+125,000	-4,921,000
Subtotal, Capitol Police	72,692,000	84,000,000	71,077,000	-1,615,000	-12,923,000
Capitol Guide Service and Special Services Office	1,991,000	1,991,000	1,991,000	....	....
Statements of Appropriations	30,000	30,000	30,000	....	....
Total, Joint items	84,839,000	99,689,000	84,520,000	-319,000	-15,169,000
OFFICE OF COMPLIANCE					
Salaries and expenses	2,000,000	3,268,000	2,609,000	+609,000	-659,000
Transfer from House of Rep. Office of Compliance	500,000	....	....	-500,000	....
Total, Office of Compliance	2,500,000	3,268,000	2,609,000	+109,000	-659,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	3,615,000	....	....	-3,615,000	....
Reappropriation	2,500,000	....	....	-2,500,000	....
Total, Office of Technology Assessment	6,115,000	....	....	-6,115,000	....
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	24,288,000	24,775,000	24,288,000	....	-487,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	8,569,000	8,714,000	8,454,000	-115,000	-260,000
Travel (limitation on official travel expenses)	(20,000)	(20,000)	(20,000)	....	....
Contingent expenses	100,000	100,000	100,000	....	....
Subtotal, Office of the Architect of the Capitol	8,669,000	8,814,000	8,554,000	-115,000	-260,000
Capitol Buildings and Grounds					
Capitol buildings	22,882,000	23,679,000	23,255,000	+373,000	-424,000
Capitol grounds	5,143,000	5,020,000	5,020,000	-123,000	....
House office buildings	33,001,000	32,556,000	32,556,000	-445,000	....
Capitol Power Plant	35,518,000	34,749,000	34,749,000	-769,000	....
Offsetting collections	-4,000,000	-4,000,000	-4,000,000	....	....
Net subtotal, Capitol Power Plant	31,518,000	30,749,000	30,749,000	-769,000	....
Subtotal, Capitol buildings and grounds	92,544,000	92,004,000	91,580,000	-964,000	-424,000
Total, Architect of the Capitol	101,213,000	100,818,000	100,134,000	-1,079,000	-684,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	60,084,000	63,056,000	62,641,000	+2,557,000	-415,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	83,770,000	83,770,000	81,669,000	-2,101,000	-2,101,000
Total, title I, Congressional Operations	1,033,870,000	1,114,153,000	1,039,692,000	+5,822,000	-74,461,000

FY 1997 - LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 3754)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,053,000	2,902,000	2,902,000	-151,000	
LIBRARY OF CONGRESS					
Salaries and expenses	211,664,000	226,235,000	215,007,000	+3,343,000	-11,228,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000		
Net subtotal, Salaries and expenses	203,795,000	218,366,000	207,138,000	+3,343,000	-11,228,000
Copyright Office, salaries and expenses	30,818,000	34,566,000	33,402,000	+2,584,000	-1,164,000
Authority to spend receipts	-19,830,000	-22,278,000	-22,269,000	-2,439,000	+9,000
Net subtotal, Copyright Office	10,988,000	12,288,000	11,133,000	+145,000	-1,155,000
Books for the blind and physically handicapped, salaries and expenses	44,951,000	46,057,000	44,964,000	+13,000	-1,093,000
Furniture and furnishings	4,882,000	4,882,000	4,882,000		
Total, Library of Congress (except CRS)	264,616,000	281,593,000	268,117,000	+3,501,000	-13,476,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	12,428,000	9,003,000	9,003,000	-3,425,000	
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	30,307,000	30,827,000	29,077,000	-1,230,000	-1,750,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	382,806,000	377,773,000	338,425,000	-44,381,000	-39,348,000
Offsetting collections	-8,400,000	-6,100,000	-5,905,000	+2,495,000	+195,000
Total, General Accounting Office	374,406,000	371,673,000	332,520,000	-41,886,000	-39,153,000
Total, title II, Other agencies	684,810,000	695,998,000	641,619,000	-43,191,000	-54,379,000
Grand total	1,718,680,000	1,810,151,000	1,681,311,000	-37,369,000	-128,840,000

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by saying how much I have enjoyed the privilege of working with the gentleman from California, the distinguished chairman of the subcommittee. It has truly been a bipartisan effort. We have tackled a difficult task, and we have come through it with a very austere recommendation which we bring to the floor of the House in the form of the legislative appropriation bill. If every other agency in Government as the chairman said, had done the same degree of cutting that the legislative branch has done, we would have a Federal budget surplus today in the United States.

This effort did begin under the chairmanship of my colleague from California, Mr. FAZIO, who in 1992 instituted a program for the reduction of FTE's for the legislative branch. As a result of continuing that policy under the chairmanship of the gentleman from California [Mr. PACKARD], we have reduced more than 5,500 employees from the Federal legislative branch of Government.

I also want to join my colleague, the gentleman from California [Mr. PACKARD], in opposing a further across-the-board cut of 1.9 percent. Such a cut would decimate many of the activities of the legislative branch, and the legislative branch of Government has serious responsibilities of oversight to check and balance the operations of the executive branch and of the judicial branch. I urge all of my colleagues to join me in opposing this amendment when it comes before the House.

Mr. Chairman, this is an exemplary bill. It is not a perfect bill. We have cut areas where I personally would rather have not seen us cut. I was very saddened last year when the Office of Technology Assessment, which was instituted under the Presidency of Richard Nixon and supported for all the years in between, was brought to an end. But it was one of the cuts that had to be made in order to bring the legislative branch to this meeting today having already accomplished its entire goal in 2 years of reductions needed to reach a balanced budget in 7 years.

I commend the subcommittee, the full Committee on Appropriations, for their work.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MILLER] who serves on the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I rise today in strong support of this appropriation bill. It has been a pleasure to serve on this particular subcommittee because we have accomplished what our goals have been, which are reducing the size and scope of the Government and reducing the amount of money we spend here in Washington.

This bill sends an immensely important signal to our constituents back home. Our efforts to reduce the size and scope of the Federal Government starts with ourselves, and for the second year in a row we cut the taxpayer burden of running Congress.

This bill is significant because it continues to build on the successes previously achieved. We not only continue to cut spending, but we also continue to bring the House of Representatives into the 21st century.

In this subcommittee last year we cut over 9 percent from the legislative branch appropriation. This is $154 million that we saved the American taxpayers, and that is a very significant contribution. If every subcommittee had been able to cut their budgets proportionately, as the previous speaker said, the Federal budget would show a surplus today.

The decisions for cutting last year were not easy. We had to eliminate certain agencies that outlived their usefulness and remove many of the perks that have become institutional here in Congress. This bill continues the momentum that was established last year by cutting an additional $37.4 million, a reduction from last year of 2.2 percent. The committee goes further than any other appropriation committee in the House. Once again we have undertaken a review of how to reduce the costs of operating Congress to demonstrate our commitment not only to cutting spending but also learning how to spend our tax dollars wisely.

While we have cut the cost of Congress, we have also moved into the 21st century and made this a more efficient institution. The importance of this year's legislative branch bill extends beyond merely the funding issue. Within the bill are several provisions which embody much of the new congressional spirit, proposals for privatizing, streamlining and modernization.

One example is the report language requesting a study of the possibilities of privatizing or transferring the botanic gardens. I understand there is a lot of support for the gardens here in Congress, but why should Congress be running this agency? It should be transferred out of the Congress budget into Agriculture. We have the arboretum and other areas that can address this issue very effectively. So at least we are asking for further study of what to do with this.

Another proposal that the gentleman from California [Mr. PACKARD] has requested is for the Chief Administrative Officer to review other ideas for privatizing various functions. Many other agencies and departments and businesses have privatized their in-house services from payroll to cleaning with great success.

I agree with the gentleman from California [Mr. PACKARD] that it is time for the Congress to become competitive and look for cost-effective ways to provide the most basic services.

Additionally, the gentleman from California [Mr. PACKARD] once again promotes modernization. Bill language compels the Government Printing Office to reduce the number of copies of the CONGRESSIONAL RECORD and, instead of printing them in bound copies, to use CD-ROM copies. We would continue to produce a limited number of printed copies, but now we can make available on CD-ROM the entire CONGRESSIONAL RECORD. This would provide significant space and savings in both time and space.

Just think. Instead of having to pull down from the shelf a large bound volume and have to read through to find a passage, we can just put a disk in the computer and do a word search to find what we are looking for.

What we have here is a balanced bill which embodies much of the spirit of the new House of Representatives. We continue to reduce the level of expenditures within this account. We move to privatization and streamlining many of the functions of Congress which we have promoted in other government agencies. As we begin the process of modernization, which like all the changes takes time but reaps great rewards, it has been an honor on serve on this committee, and I commend our chairman for his insight and diligence and urge support of my colleagues for this bill.

Mr. THORNTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I rise to engage in a colloquy with the distinguished chairman of the Legislative Branch Appropriation Subcommittee if he is agreeable.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I would be very pleased to engage in a colloquy with the gentleman.

Mr. BROWN of California. Mr. Chairman, as my colleagues know, during the full committee markup of this bill the gentleman from Wisconsin [Mr. OBEY] offered an amendment from me which called for an independent evaluation of the General Accounting Office's processes and procedures, building upon previous independent reports that have compelled important changes at the Agency. The amendment failed, but since then the gentleman from California [Mr. PACKARD] and I have had a chance to talk further about this study and reached an understanding.

Specifically, I am concerned about the procedures that GAO uses to vet its reports to begin congressionally requested studies and to gauge its success. The independent study would have taken an outsider look at these insider's processes to suggest needed improvements.

In addition, GAO has undergone a rapid period of change, including significant downsizing and restructuring. As the Agency evolves further, outside advice could prove very useful to the Agency in its leadership. It is a very important arm of the Congress and should be supported. However, there are important problems, and I believe the chairman shares these concerns.

Mr. PACKARD. I do, Mr. BROWN. I do share the gentleman's concerns, and I also understand and recall the amendment that was offered, and I believe the amendment was offered in full committee with the best interests of the GAO and the new Comptroller General in mind.

However, I am concerned that a study performed now before the new Comptroller General is appointed, which should be later this year, would interfere with the ability of that person to institute their own reforms in the Agency. In deference to the new Comptroller General, whoever that may be, I did ask the gentleman from California to withhold his amendment today. After the new Comptroller General is appointed, we will discuss with him or her whatever studies may be useful. If such a study remains useful for the Agency in the Congress, I would gladly join with the gentleman to invite a reprogramming of funds for that purpose.

In addition, a new Comptroller General has not been appointed, and if the subject of the independent study has not been addressed by the time the subcommittee prepares the legislative branch appropriation bill for next year, then I will re-examine this request from the gentleman.

In the meantime I would gladly work with the gentleman to try to resolve any problems at the Agency and again will cooperate in every way I can.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for his statement. In deference to his judgment I will not offer my amendment at the appropriate time. The gentleman and I would both like to see a strong GAO operating with an unparalleled standard of excellence, and I look forward to working together with him to reach that goal.

□ 1300

Mr. THORNTON. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am here to talk about what is not in this bill and not in the rule, rather than what is in it. What ought to be on the floor this afternoon would be an amendment to end cyber censorship in the House, to end the restriction on information available to the American public about the work and positions of the minority members of the House's committees.

Unfortunately, a decision, an absolutely incredible, astounding, un-American decision, was taken by the House Reform Committee back in May that puts the majority here in control of information flow about the activities and positions of the minority members of House committees.

I know that may be impossible for rational, reasonable Americans to believe to have happened in this home of democratic principles and traditions, the people's House. It is absolutely un-American. It should offend our basic sense of fair play, that the American public cannot get to information about what the minority in this place is doing without passing through gates that are kept and controlled by the majority, and which can essentially be shut so that you cannot find out what you may need to know about major activities of your U.S. Congress.

If this happened anywhere else in this country, other than being buried in the House rules, it would be a patent, patent violation of the first amendment to the U.S. Constitution. But because we have a special status under the Constitution and one that is clearly subject to our own abuse, we can impose this kind of censorship on ourselves, and then put it off limits by not permitting a rule today that would even enable us to debate and vote on it.

Mr. Chairman, we should have had that opportunity because, in good faith and good will, we believed when we debated this bill in the full Committee on Appropriations that such an amendment would be made in order, if this issue were not earlier resolved. The assurances that were offered in full committee and that prompted the gentleman from California [Mr. FAZIO] to withdraw an amendment at that time, have not been kept, unfortunately.

So here we are today in this predicament, unable to have a vote on an issue that goes to the absolute core values of any democratic institution and any democratic process.

This is not just a passive matter, either. Evidently the HIR, House Information Office, has been directed to so engineer access to web sites, Internet sites for the House, that users from the outside will not even be able to put what is called a bookmark on a particular site so they can get back to it the next time without having to go through all the rigamarole that the majority feels it is appropriate to put in the way of, again, access to information.

Mr. Chairman, does anyone here really believe that the American people, the American public, should not have free and equal access to both majority and minority points of view? Does anybody believe minority committee members should not be able to get their thoughts and positions before the American public without this form of direct and indirect censorship being put in the way?

I truly do not understand how we could have gotten into a situation like this. It is absolutely insulting to the integrity and the intelligence of Members of those body as well as the American people.

For all of the proud rhetoric that we got from the majority about an open Congress, an open process, a free flow of information through cyperspace, that is now shown to be a cynical and empty promise. This is an extremely disappointing performance by our colleagues on the majority side, an absolute insult to democratic traditions and principles. We should be ashamed to see it stand.

Mr. THORNTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I have some concerns about what is in this bill. Coming from Silicon Valley, I have very strong concerns about what is not happening with technology and how we are very foolishly trying to censor ourselves.

Mr. Chairman, I got the information about the CyberCongress, and that we were all going to get a computer. Mine arrived at my office 6 months late, and what we did was we called just a regular vendor out of the phone book, not anybody politically connected. They will sell these machines to us for $900 less than we paid for them and they will deliver them in 4 days. So we are going to spend $400,000 more on these computers than we needed to spend. It makes me very suspicious, I will say that. It makes me very uncomfortable.

I am also concerned that for those of us who use the Internet frequently, as I do, one of the things you cannot get from the CyberCongress is the voting records, how we voted every day. You can get extension of remarks, you can get tributes to Little League coaches, but you cannot find out how your Congress Member voted on the Internet. I have introduced a bill to require us to post that information. It has not had a hearing. It seems to me if we can print votes every day in the CONGRESSIONAL RECORD, they ought to be posted on the Internet too. I think this bill should address that.

Finally, I want to talk about web pages the previous speaker mentioned before. I just came back here from some time at home. Everywhere I went, my constituents and neighbors would say, "Do they not get it back there? Do any of them use the Internet?" I had to say, actually, probably they do not get it. I think the new policy on web pages is proof that the leadership of this body does not get it yet. To suggest that for security reasons, which is ludicrous, that the URL has to be only with the majority instead of the minority is foolish indeed.

Mr. Chairman, what has really evolved here is not only censorship, which Americans object to. Technologically it is foolish. Ultimately, to try to prevent web users from actually accessing minority web pages is a very bad precedent, and technically, in the end, I think it will fail. We would not suggest that it is OK to prohibit Members of Congress from issuing a statement, from putting a differing point of view in writing and sending that to other Americans. That is what this policy on web pages does. I object to it strongly, and I hope we will be able to change the current policy on minority web pages administratively or through this bill. I think there should be an amendment allowed to deal with it, and I hope that when I go home next, I can say yes, they finally got it here.

Mr. PACKARD. Mr. Chairman, I yield myself 1 minute simply to respond to the last two speakers.

It is the Committee on House Oversight that has jurisdiction over the operations of the cyber Congress and the information services, and also has jurisdiction over the web page. This is not the vehicle, the bill, that should be used to establish those kind of legislative policies. That committee has dealt with these things and is continuing to deal with them, and to put it in this bill would fly in the face and really be offensive, I think, to the authorizing committee. That is why we have resisted putting those items onto this bill. It would simply be inappropriate.

If the committee had agreed to the web page, the committee of jurisdiction, then we would, at their instructions, put it in the bill. But for us to put it in our bill over the objections of the authorizing committee I think would not be appropriate.

Mr. THORNTON. Mr. Chairman, I yield myself 1 minute to respond to the chairman of the subcommittee, who is a gentleman of great integrity and who does appreciate the technical rules of the House. Indeed it would be difficult to bring the amendment, which would correct the terrible abuse of lack of direct Internet access, to the floor on this bill. However, the Committee on Rules has allowed other bills which legislate upon an appropriations measure to come before the House, and this is the only way an appeal could be made to the full House in this policy.

I do recognize that the chairman has a great tradition on his side in not wishing to offend the authorizing committee which dealt with this, but I think that in this instance it would have been a very appropriate and fair thing for the Committee on Rules to allow the House as a whole to vote on the question of access to Web sites.

Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. This is an important matter in terms of adequately funding the resources and staff we need to competently do our work. Quite frankly, it is evident from some of the products coming out of the Oversight Committee in terms of policies dealing with the web site that they are not doing their job in a competent and bipartisan manner.

It is an egregious action that was taken on a partisan matter which prohibited or prevented direct access by the minority committees to in fact have access through the Internet by our constituencies. In fact, as late as May 28, several committees, the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Veterans' Affairs, and the Committee on Ways and Means, did not even have a web site. By virtue of that, the minority was precluded from access to the Internet, while the Republican majority caught up.

In fact, the majority had gone through the initiative in terms of providing a web site on the Internet from the Democratic Committee on Banking and Financial Services, and were in fact subsumed by the Republican majority committee by virtue of the Oversight Committee rule. Now in order to get access to that Democratic minority web site you have to go through the Republican material, wonderful photograph of our chairman, and you have to go through a lot of other window dressing in terms of explanation as to what is going on. As the gentleman from Colorado pointed out, you may not even put an electronic bookmark in place, so once you have done that, you could gain access again. That would obviously be helpful—but certainly the issue goes beyond that point.

Mr. Chairman, we should not be censoring, the House should not be censoring the speeches of Members on this floor, nor should they be censoring the information on the Internet that is providing direct access and communication on a democratic basis. We should not be afraid of the competition of ideas in this Congress and expressing those and sharing that information on the Internet. Yet, that is what this action has achieved—our constituents can only achieve access to minority views and news in the context that the Republican majority deems appropriate.

What are the GOP Members afraid of in terms of communication in this sense? We talk about the Internet in terms of various other improper materials, and the courts have held those limits improper. It is not a matter of space, it is not a matter of security, it is a matter of GOP censorship of the minority Democratic views on these web sites. This substantive amendment is not being permitted to be offered on the floor today, and this Congress has repeatedly provided for authorization legislation on appropriations bills and riders that go far beyond this point, and there is no other opportunity to vote on this subject to be addressed by a vote of the full House.

Today we have to take a vote on the amendment offered by the gentleman from California [Mr. FAZIO] which tries to transfer some money. I hope Members will rise to vote for that and send a signal, at least, to the Oversight Committee in terms of the abuse that is going on, that this decision and limit is inappropriate and uncalled for.

The fact is that we have to go through what really amounts to censorship and editorializing by the GOP majority of the Democratic minority views. I think that this is wrong, it is patently wrong to have moved in this particular direction. This bill would be the proper vehicle, this legislative appropriation measure, to in fact deal with that issue, but it has been rejected by the Committee on Rules, again on a partisan basis.

I appeal to my colleagues to vote for and support the Fazio amendment, and at least symbolically to deal with this issue of GOP once more trying to control the voices of dissent in this House in such an inappropriate manner.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO], a member of the subcommittee.

Mr. SERRANO. Mr. Chairman, I do not want to beat this subject to death, but I think we really have to understand what we are talking about here. The new way that this Congress and everyone in this country will put forth information is through the Internet. Right in this Hall today, in the Capitol today, throughout Washington, DC, there are young people, for instance, who are visiting during summer vacation. These young people will go back in September and begin school once again. More and more every day they get their information through the Internet.

One of the things that I tell people about my web page is that I want to reach a point where they can get as much information about government as possible from the Library of Congress to the Smithsonian to local institutions in my district to how I vote and how I think and what I feel about certain issues. To now tell people that they can visit the majority party but that they have no access to the minority party on its own with a different view is really from the beginning of this procedure to set out censorship rather than freedom. What kind of a message are we sending? This is totally improper.

The best way to see what this is like is to look at it this way. Imagine if visitors were allowed to visit the chairman of the committee but were not allowed to visit the office of the minority leader of the committee. They visit the chairman but they are not allowed to visit the other person, and if they are going to speak to that ranking member, they have to speak to them in the presence of the chairman. They cannot exchange views on a private and separate basis. That is what we are talking about.

Rather than doing this, we should be thinking about the future. I would like to see the day when the Internet for the House of Representatives personally reaches out to the world, not only in English but in different languages, so people could learn about us, learn about our democracy, read about us. How nice it would be if Latin American countries and students could read in Spanish about the House of Representatives of this, the greatest democracy on earth. Instead of thinking about that, you are saying no, you cannot put your words out, and if you put them out you have to check with us first.

Ms. HARMAN. Mr. Chairman, I am pleased to join as a cosponsor of this amendment and I commend my colleagues from Michigan, Mr. SMITH, and Indiana, Mr. ROEMER, for offering it.

Mr. Chairman, as a result of streamlining and working more efficiently, I returned $100,000 from my 1995 office budget back to the Treasury Department for reducing the deficit. Combined with similar cost savings in 1993 and 1994, I have returned a total of $500,000. I am very proud of this record.

However, without the language of this amendment again added to the Legislative Branch Appropriations Act, the tax dollars I and other Members save from the efficient operation of our offices could not be returned to the Treasury. Instead those savings would be reallocated to other spending priorities.

Thus, I was pleased to have been a cosponsor of last year's successful amendment to the Legislative Branch Appropriations Act, and I am pleased to join again this year.

Mr. Chairman, we need to send a message to the American public that Congress is working more efficiently and with greater accountability. And just as we ask other agencies of Government, Congress needs to reduce spending and make its contribution to reducing the deficit.

Vote for the Smith-Roemer-Harman-Zimmer-Klug-Goss-Browder-Minge and Camp amendment.

Mr. FAZIO of California. Mr. Chairman, I rise today to offer my support for the legislative branch appropriations bill before us. I have enjoyed working with Mr. PACKARD on this bill, as well as the other members of the subcommittee. We are tasked with an important, but often anonymous role, that of drafting the legislation that allows our branch of Government to function effectively. This measure continues the spending reductions begun in past Congresses and deserves our support.

Since fiscal year 1992, Congress has reduced total legislative branch staffing by 5,500 full-time equivalent positions—a reduction of nearly 20 percent. While these cuts are necessary to reduce bloated staffing and inefficient operations, we must not reduce spending merely for the sake of reduction.

The Congress, as a coequal branch of our Government, is charged with a fundamentally important mission. Without adequate resources to check and balance the other branches, we are abdicating this constitutionally mandated responsibility.

This bill contains an appropriation of $1.68 billion for congressional operations and related agencies. I am pleased that operating funds for the House of Representatives have been increased under this bill to $683.8 million and that committee staffing has been held at current levels. The overall reduction of $37 million in this year's bill is financed from the reduction to the GAO to fulfill a staffing reduction commitment of the Comptroller General.

While I am generally pleased with this year's bill, I remain troubled by the restrictive Internet policy adopted by the House Oversight Committee. The policy would require all Internet and World Wide Web users to access information on Democratic Committee Web page counterparts.

There are good reasons for a Web page policy, but I believe that the policy decided upon by the chairman of the Oversight Committee unnecessarily restricts the free flow of information so vital to our democracy. For example, if the Republican leadership of a given committee refuses to create, or decides to terminate, its home page, the Democratic minority must automatically follow suit.

I find it ironic that the other party—which has received so much credit for instituting an information-based "Cyber-Congress"—would make the first congressional policy regarding the Internet such a restrictive one. The World Wide Web is a forum for communicating information of every conceivable type. It is the "town crier" of the 21st century. To bury the valuable committee information of the minority party beneath pages of photos, biographies, and press releases from the majority party flies in the face of an open Congress.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Fazio amendment to the legislative branch appropriations bill for fiscal year 1997. This amendment attempts to revisit action taken in the Appropriations Committee that deserves the light of full debate.

The majority has brought this appropriations bill to the floor with an onerous provision that restricts public access to congressional information. Most House committees have both majority and minority Web sites that the public can access to seek legislative information, committee schedules, and other relevant committee material. Since these sites first went on-line, they have been accessible to the public without restriction. The Republican majority would like to see this changed.

The same majority that claims to have a commitment to a "cybercongress" and the information infrastructure has placed limits on what information the public can access. They want to make all committee home pages controlled by the majority. The public will not be able to read the minority information without reading the majority information first.

This is not the way to open up Congress to an ever-increasing electronic electorate. By limiting the information the public can access, the Republican majority is blocking freedom of speech, and limiting debate on issues the public has a right to be informed about.

The minority, regardless of party, has a right to be heard. It is not a question of Republican versus Democrat, it is a clear question of what the public has a right to read.

The committee refused to hear an amendment offered by Mr. FAZIO in committee that questioned this arrangement, and then claimed that since it was a regulation and not a law, that the committee need not discuss the provision. Last night the Rules Committee made a similar amendment by Mr. FAZIO out of order.

What are they afraid of? Individuals should be able to realize their freedom to access information, and the Republican majority should not define the way in which that information is available. What happens if a committee chairman decides not to put up a Web page, the minority is automatically cut off from the Internet? This is our Nation's highest democratic body, but this process is anything but democratic.

I urge my colleagues to vote against this rule and support a free and open government.

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Mr. THORNTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3754 is as follows:

H.R. 3754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $683,831,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,592,000, including: Office of the Speaker, $1,535,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,526,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,534,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $957,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $949,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,130,000; Democratic Steering and Policy Committee, $1,191,000; Democratic Caucus, $603,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $363,313,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $80,222,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $17,580,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $86,259,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $15,074,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,638,000; for salaries and expenses of the Office of the Chief Administrative Officer, $55,209,000, including salaries, expenses and temporary personal services of House Information Resources, $22,577,000, of which $16,577,000 is provided herein: *Provided*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,036,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,767,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,687,000; and other authorized employees, $768,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $124,865,000, including: supplies, materials, administrative costs and Federal tort claims, $2,374,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursement, $71,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $120,779,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $641,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Section 107A of the Legislative Branch Appropriations Act, 1996 (109 Stat. 522) is amended—

(1) by striking out "For fiscal year 1996, subject" and inserting in lieu thereof "(a) Subject";

(2) by striking out "of the total amount" and all that follows through "cost of inventory" and inserting in lieu thereof the following: "the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold"; and

(3) by adding at the end the following new subsection:

"(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note).".

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 102. (a) Section 3210(a)(6)(A) of title 39, United States Code, is amended—

(1) in clause (i), by inserting "(or, in the case of a Member of the House, fewer than 90 days)" after "60 days"; and

(2) in clause (ii), by striking out "60 days" and inserting in lieu thereof "90 days".

(b) The amendments made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to any mailing postmarked on or after that date.

JOINT ITEMS

For Joint Committees, as follows:

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1997

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States in January 1997, $950,000, to be disbursed by the Secretary of the Senate and to remain available until September 30, 1997: *Provided*, That such funds shall be available for payment, on a direct or reimbursable basis, for such purposes whether incurred on, before, or after, October 1, 1996.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $777,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,470,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $867,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,225,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $68,392,000, of which $32,927,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $35,465,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,685,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1997 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 103. Amounts appropriated for fiscal year 1997 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,609,000.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,288,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

Administrative Provisions

SEC. 104. (a) Any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease to the Congress subject to section 903 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 111b).

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 105. (a) The Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

SEC. 106. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to separated employees of the Congressional Budget Office for unused annual leave.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1996.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,454,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

Contingent Expenses

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,255,000, of which $2,950,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,020,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,556,000, of which $4,825,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $30,749,000: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1997.

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $62,641,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1997".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

Salaries and Expenses

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,902,000.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $215,007,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1997, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $33,402,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1997 under 17 U.S.C. 708(d), and not more than $4,929,000 shall be derived from collections during fiscal year 1997 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,269,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,964,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1997, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $108,275,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a)(1) Subject to subsection (b), for fiscal year 1997, the obligational authority of the Library of Congress for the activities described in paragraph (2) may not exceed $2,000,000.

(2) The activities referred to in paragraph (1) are non-expenditure transfer activities in support of parliamentary development that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(b) The obligational authority under subsection (a)—

(1) shall be available only with respect to Russia, Ukraine, Albania, Slovakia, and Romania; and

(2) shall expire on December 31, 1996.

SEC. 208. (a) Amounts appropriated for fiscal year 1997 for the Library of Congress under the headings specified in subsection (b) may be transferred among such headings, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(b) The headings referred to in subsection (a) are as follows: (1) in title I, "CONGRESSIONAL RESEARCH SERVICE", "SALARIES AND EXPENSES"; and (2) in this title, "SALARIES AND EXPENSES"; "COPYRIGHT OFFICE", "SALARIES AND EXPENSES", "BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED", "SALARIES AND EXPENSES"; and "FURNITURE AND FURNISHINGS".

SEC. 209. From and after October 1, 1996, the Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Office of Compliance, and the Library of Congress shall provide financial management support to the Office of Compliance as may be required and mutually agreed to by the Librarian of Congress and the Executive Director of the Office of Compliance. The Library of Congress is further authorized to compute and disburse the basic pay of all personnel of the Office of Compliance pursuant to the provisions of section 5504 of title 5.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Office of Compliance duly authorized in writing by the Executive Director of the Office of Compliance to certify payments from appropriations of the Office of Compliance. The Office of Compliance certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by them, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 3726 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Office of Compliance.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,003,000, of which $560,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public

Printer, shall not exceed $150,000: *Provided further*, That amounts of not more than $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1995 and 1996 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,700 workyears: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $332,520,000: *Provided*, That not more than $100,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1997: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $5,805,000 of such funds shall be available for use in fiscal year 1997: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1997 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "HOUSE OFFICE BUILDINGS";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "SENATE OFFICE BUILDINGS"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

SEC. 307. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House public address sound system activities and related funding shall be transferred from the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading "CAPITOL BUILDINGS" to the appropriation for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading "SALARIES, OFFICERS AND EMPLOYEES".

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 308. (a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

SEC. 309. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

This Act may be cited as the "Legislative Branch Appropriations Act, 1997".

The CHAIRMAN. No amendments shall be in order except amendments printed in House Report 104-663, which shall be considered in the order printed, may be offered only by a member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question.

Pursuant to the previous orders of the House, amendment No. 6 by the gentlemen from California [Mr. CAMPBELL] may be considered in modified form; amendment No. 1 by the gentleman from California [Mr. FAZIO] may be considered at any time; and an amendment by the gentleman from California [Mr. PACKARD] may be considered at any time as though printed in the report, and debatable for 10 minutes.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 2 printed in House Report 104-663.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman the designee of the gentlewoman from Washington [Ms. DUNN] whose amendment is printed in the report?

Mr. KLUG. I am, Mr. Chairman. The gentlewoman from Washington [Ms. DUNN], unfortunately, was called back to her district offices because of a health problem with one of her staffers.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KLUG: Page 28, beginning on line 9, strike out "3,700 workyears" and insert in lieu thereof "3,600 workyears by the end of fiscal year 1997".

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed will each control 10 minutes.

Is the gentleman from Arkansas [Mr. THORNTON] opposed?

Mr. THORNTON. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today again on behalf of JENNIFER DUNN, who unfortunately had to be back in her district because of a health problem affecting one of her staffers, and also Chairman PAT ROBERTS.

Mr. Chairman, both Ms. DUNN, Chairman ROBERTS, and I believe that the Government Printing Office needs to continue to privatize and downsize.

Mr. Chairman, much of the debate over the last year has been about what level of government is capable of doing service the best, whether the Federal Government or the State government should run welfare, whether the State government or the Federal Government should run Medicaid, the health care program aimed at women and children.

But I think, Mr. Chairman, there is an additional question involved, which is to say what business is the Federal Government involved in today that we should not be involved in any longer whatsoever? I cannot think of a better example than the Government Printing Office, established essentially and maintained today in order to print Government documents that are needed on an emergency basis. Mr. Chairman, as soon as I find a Government document that needs to be printed on an emergency basis, I will be happy to share it with you and everybody else in the Chamber.

The fact of the matter is the Government Printing Office remains in business today for the most part to print the CONGRESSIONAL RECORD. Mr. Chairman, there are 115,000 private printers in the United States, and I think they are certainly capable of printing the CONGRESSIONAL RECORD overnight. If the Wall Street Journal can have a story filed in Johannesburg, sent to New York where it is edited, sent up on a satellite dish in the Midwest, and it plops on my doorstep in Madison, WI, at 5:30 in the morning, assuredly somebody, one of the 115,000 private printers in the United States, can manage to print the CONGRESSIONAL RECORD overnight.

We continue to invest, I think foolishly, in printing equipment which is essentially out of date the minute it is put in place and into operation at the Government Printing Offices over on North Capitol Street.

This amendment today will reduce the full-time equivalent workyears by 100 which will save taxpayers about $5 million. While that is a kind of a marginal savings on the outside, the bottom line is we continue to cut Government Printing Office staffing levels down from 4,500 where it was several years ago, below 4,000, now on the way to 3,500.

Let me make clear I know that our chairman's biggest fight in this entire battle is not necessarily in this House. We last year passed an amendment that passed by two-thirds. The fight will be in the conference committee. I think again we need to send a signal to the Senate that we want a Government Printing Office that essentially will contract out work and will procure work and serve as a clearinghouse for the Government but not to essentially be a Government printing press. Last year's amendment, as I said, received bipartisan support with a vote of 293 to 129.

The bottom line in all of this, and one more point, Mr. Chairman, before I yield to the chairman of the Appropriations Subcommittee, in 1991 the GPO lost over $1 million, in 1992 it lost almost $5.5 million, in 1993 it lost $14 million, in 1994 it lost $21 million, in 1995 its loss was $3 million, and the fiscal year 1996 loss to date is $13 million. Every place you look, the Government Printing Office loses money because the Government should not be in the business of running printing presses.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PACKARD], the chairman of the subcommittee.

Mr. PACKARD. Mr. Chairman, it would be of interest to the Congress to note that in this bill, we have provided funds for a study that would help to determine whether the GPO would be better off contracting out or privatizing the printing of the daily journal. So we are moving in the same direction, I believe, that the offeror of the amendment would like us to go.

It is true that the Government Printing Office has lost money, about $60 million over the last 6 years, that the inplant work load has declined by about 17 percent, and that the printing procurement work load has declined by about the same, 17 percent, and that it is realistic to assume that we can reduce the work force further in GPO.

Therefore, I am perfectly willing to accept the amendment.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. The GPO has already had a series of cuts, leading to 3,700 employees at this time. Much of the work of the GPO is already contracted out. The efficiencies and effectiveness which were designed to be brought into the Government Printing Office have been successful and are on a right track. GPO should be allowed to continue on this track into the future.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the ranking member for yielding time, and I rise in opposition to this amendment.

Mr. Chairman, there has been a continuing effort to, I think, precipitously reduce the FTE'S at GPO. Very frankly, it is my feeling that, until it is reduced to zero, that the gentleman from Wisconsin and the gentlewoman from Washington State will continue to offer amendments to reduce it. I understand that. That may not be completely accurate, but that is my sense.

This reduces an additional 100 FTE's. This amendment, in my opinion, does not take into account the hard work that continues to occur at the GPO to downsize its work force. I think they have gotten the message—in a manner, however, that is consistent with the requirements placed on it by Congress. That is the key. Consistent with the requirements placed on it, not by some third party, but by Congress itself.

There is a point, Mr. Chairman, when the essential demands of the House and the Senate to put a RECORD of word-for-word proceedings on the desk of each Representative and Senator the next morning and, frankly, at the request of every citizen in our country, to print the Federal Register in a timely fashion, to print bills for committees and subcommittees, there is a point when this kind of reduction in personnel will cause the GPO to become unable to react satisfactorily.

Since 1993, the GPO has reduced its work force by over 1,000 persons. This is not an agency that is growing or is bloated. It is an agency that has been reduced, and the gentleman from California [Mr. PACKARD] and the gentleman from Arkansas [Mr. THORNTION] have reduced it further by an additional 50 in this bill.

The Committee on Appropriations in this bill has already adopted, as I say, the reductions after examining the process carefully; and the GPO management has a program to continue downsizing its work force in a managed framework.

I know that the gentleman from California [Mr. PACKARD], because I have been at some of his hearings, is keenly aware of the questions arising by GPO's activities and is looking at it very closely.

I submit that this additional FTE cut will make the process of downsizing even more difficult for the GPO and should not be adopted.

This amendment attempts to micromanage the Government Printing Office by an arbitrary reduction of its work force. That is no way to run a very successful printing operation on which the Congress depends heavily and on which the American public depends.

I would urge that this amendment be defeated, Mr. Chairman, and for the House to permit GPO to continue its orderly program of downsizing.

Why is that important? It is important, first of all, because we have people that we have asked to perform duties for the Congress and for the American public.

If management is given a figure to reduce to, they can effect that if you give them sufficient time to let attrition and a change in the undertakings, the responsibilities of that agency, to occur. If, however, you do it precipitously, there is no alternative but to RIF people. As everybody knows, a reduction in force under the Federal work rules is a very costly endeavor indeed, which is why even in the private sector they try to avoid that if at all possible.

Mr. Chairman, I would hope that the House would support the action of the committee which has already reduced based upon its judgment of what can be done within the time frame available in the fiscal year 1997 budget. I commend the committee for its actions, and I would hope that they would be sustained by the House.

Mr. KLUG. Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

(Mr. ROSE asked and was given permission to revise and extend his remarks.)

Mr. ROSE. Mr. Chairman, I rise in opposition to the Dunn amendment which would reduce the Government Printing Office by 100 full-time employees.

Some Members may say, what is the big deal about reducing 100 full-time employees from this office. If you take into consideration that in 1976 there were 8,000 employees at the GPO and presently there are 3,800 employees at the GPO, that becomes a big deal. One thousand of these cuts have occurred since 1993. These reductions were accomplished through attrition and improved computer technology. The GPO has managed the transition to electronic technologies and downsized without interrupting services to the Congress, other Federal agencies and, most importantly, to the public. They have done an excellent job.

As computer technology changes the way the Federal Government does its business, we should be sensitive to reducing the work force, the people, which produce government documents. The futurist, John Nesbitt, in his book "Megatrends" wrote that as society becomes more high tech, it should remain high touch. I believe that can be interpreted to mean that as a computer society becomes bigger and more important in our lives, we should not let this advancement influence the way we treat our fellow human beings.

Mr. Chairman, this amendment may be high tech, but it sure is not high touch. Vote against the Dunn amendment, please.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond briefly to the gentleman from North Carolina, in talking about concerns and feelings and a sense of having empathy. My empathy goes out to the taxpayers of America who continue to fund an organization that I think largely is out of date and I think the gentleman from North Carolina brings up a very good point. With the increasing use of the Internet, the Government is less reliant on paper than ever before. CD roms can now replace entire volumes of hard-bound documents.

The point is in the current environment we are going into, it does not call for a continual support of the GPO. It essentially says that GPO has an even tougher job in the future justifying their existence, period.

Mr. Chairman, I yield 3½ minutes to the gentleman from Kansas [Mr. ROBERTS].

□ 1330

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me the time.

In the recent past I was the ranking Republican member serving on the House-Senate Joint Committee on Printing. That is the congressional entity with oversight of the GPO's operation. I have been over there many times and talked with many employees and many of the administrative folks down there as well. I think the basic problem here is the financial loss. In 1991, as has been stated in the debate, when the GPO lost $1.2 million, 1992 losses began to increase to $5.2 million; in 1994, losses topped out at $21.8 million. Even during this fiscal year, the GPO has already lost $13 million. Only the Federal Government, it seems to me, would continue to run an agency at a total loss to the taxpayer. There is a lot of red ink down there, we have to fix it.

The first question that comes to mind is, where does all the money go in regard to the GPO? Every study that we have had in regard to this operation says about 80 percent of all the GPO costs are dedicated to personnel costs.

Now, the second question that comes to mind is this: Why is so much money being lost? Well, I do not think we can blame the employees. That is not the intent. They are doing their jobs and they are doing them well, for that matter. Rather, it is the advanced technology that has been discussed on the floor in this regard and the move toward something called electronic printing that has changed the way that the GPO does business.

The entire Government is using less paper and shifting to on-line services to gather and disperse information. The traditional customers of the GPO are simply turning to these alternatives to get their information much more quickly and in a cost-efficient manner. This amendment simply reflects the future of government as dictated by technology and as demanded by taxpayers. That is what the amendment is about. With this trend continuing toward less paper and more reliance on web sites and CD-ROM's, we will need fewer people to produce the government documents.

I have said many times in the last few years, at many hearings, the world is changing and the GPO must change as well. While I recognize and appreciate the efforts of the GPO, I believe we must continue to guide the GPO down the path to a smaller, more efficient Government. We have a responsibility to the taxpayer to reduce costs, just as all of the printing businesses on America's Main Streets do in the same situation.

I would point out that last year this amendment or a very similar amendment received bipartisan support and the vote was 293-129. It reduced the FTE's by 350. That was down from 3,900 to 3,550. Then 250 FTE's were restored in conference. I believe the final conference version simply brought the FTE count to 3,800.

So, first we achieved the reform, and then it is taken away in conference. First we make the cuts, which are reasonable cuts, by a vote of 293 to 129. Then 250 are restored in conference. So we really did not even do what the House voted for in the last session of Congress. This has nothing to do about employees, nothing to do about the good work at the GPO. It is advanced technology and the way the Government does its job in regard to that technology.

So I am very happy to cosponsor the amendment on behalf of the gentlewoman from Washington [Ms. DUNN] and also my colleague from Wisconsin. I urge its support.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, we have a level of about 3,700 people in the Government Printing Office now. That is less than 50 percent of what it used to be. We used to have about 8,000 people in the Government Printing Office, and they had a reputation for doing a very good job. They still have a reputation for doing an excellent, professional job. If we talk to people in the private sector, the Printing Industries of America, whatever, they will say that they have a high level of respect for people in the Government Printing Office.

Now, the gentleman from Kansas [Mr. ROBERTS], our friend, said this is not about people, this is not about those employees. Well, the fact is, it is. We are cutting another 100 people that are doing their job, have consistently done everything that the Congress has asked them to, have been subject to continuing downsizing. They accept the downsizing. They are on a glide path. They are reducing the number of people that work there, not as fast as they are reducing their workload.

The only thing that makes sense is that this is some kind of vendetta against the Government Printing Office and it does not make sense. We were reducing them. Let us do it in the way that we previously agreed to. Reject this amendment.

Mr. THORNTON. Mr. Chairman, may I inquire of the time remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. THORNTON] has 3 minutes remaining, and the gentleman from Wisconsin [Mr. KLUG] has 2½ minutes remaining. The gentleman from Arkansas, a member of the committee, has the right to close.

Mr. THORNTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA], showing the bipartisan opposition to this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding. It does indicate that there is bipartisan opposition, because opposition to this amendment is to really assist this Congress and the people of the United States.

This amendment that I oppose and many others oppose would arbitrarily reduce the Government Printing Office by 100 additional full-time employees. These are people who have worked for many years for the Government Printing Office for us. The legislative branch appropriation bill, it already reduces the Government Printing Office by 100 full-time employees, reducing its staff from 3,800 FTE's to 3,700 FTE's.

Twenty years ago, GPO had a staff of 8,000. Today it is less than half that amount. More than half of these cuts have occurred since 1993. The Government Printing Office has been able to accomplish these reductions by careful management, attrition and by updating their computer systems. An additional cut of 100 employees would disrupt the GPO's work. Between 75 and 80 percent of GPO's work is already being sent to outside bidders, and we know that GPO gets the best price around. The remaining work done in-house is often sent by the Congress to be done on a moment's notice and they do it.

This amendment would arbitrarily disrupt both the productivity of the Government Printing Office and the lives of its personnel. I urge my colleagues to join me in opposing the Dunn amendment.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make a few brief points in closing because we are just about out of time on both sides. I simply want to make the point that, more so than anything else, if we are going to be interested in somebody's interest in this debate that is going on, the interest should be that of the American taxpayers. The General Accounting Office, which his the investigative arm of Congress, when it has done investigations in the past on the Government Printing Office, essentially says, whenever we print a document there, it costs 2½ times what it does in the private sector.

In response to the point earlier of the gentleman from Maryland [Mr. HOYER], I do not want to see the Government Printing Office be eliminated, but I think it should largely become a procurement arm of the government and get out of the printing industry itself.

Over the last 5 years, as we have pointed out, the Government Printing Office has lost $57 million. The gentleman on the other side are correct that the Government Printing Office does what Congress asks it to do. What we are trying to say on this side of the aisle is we have asked it to do so many things. We should ask it to do less, and we should ask it to do with fewer people than we see at the present time.

Mr. Chairman, I yield back the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee has carefully reviewed this and has determined that the reductions, which are significant, which have been recommended by the committee, are appropriate and that the functioning of the GPO, which, among other things, has the responsibility of transferring authority to the electronic media, can be well carried out within the committee recommendation.

I believe that the adoption of the amendment will impair that function, and I urge opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104-663.

Does the gentleman from Wisconsin [Mr. OBEY] wish to offer his amendment?

If not, it is now in order to consider amendment No. 4 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Page 31, after line 2, insert the following:

The aggregate amount otherwise provided under this heading is hereby reduced by $250,000, and the amount of such reduction shall be retained in the Treasury for purposes of deficit reduction and shall not be available for appropriation for any other purpose for fiscal year 1997.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Missouri [Mr. VOLKMER] and the gentleman from California [Mr. PACKARD] will each control 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is offered for two purposes. One is to show my dissatisfaction with the operations of the GAO, and especially for some of the studies that have come forth that I have been cognizant of, that I find less than professional. I wish to serve notice on the GAO that I believe they can do the job a lot better, and I feel more objective, than what I have seen in the past.

I acknowledge that the committee has already cut GAO by a significant figure and, therefore, my amendment really is not meaningful. But this amendment was drafted over a month ago in preparation. I told my staff that I wanted to be able to take this opportunity to suggest that the GAO can do a better job.

But the second purpose of me being here is to talk about the appropriation bill that is now before us.

Back last year during the Government shutdown, when Speaker GINGRICH decided that the Government should shut down in order to persuade the President to sign a balanced budget that they wanted, and other bills that they wanted, we had Federal employees, many of which are in my district, who did not know whether they were going to be able to work, did not know whether they were going to be paid if they did work. And many of them were very hurt by the actions of this Congress.

I had one lady who worked for a Federal agency who called me up, and she has children. She got a paycheck for 2 weeks' work that was around $5. At the same time, Mr. Chairman, every employee of the legislative branch, GAO, committee staff, my staff, everybody else was feeling great. They were getting paid right along because their appropriation bill had been signed in October.

Well, I called my friend over at the White House, not the President but somebody else, and talked to him at that time about it. I said, next year we will probably be ending up at the same place, and it looks to me like we are going there. When I look at the Interior bill, I look at the HUD and Independent Agencies bill, I look at Labor, HHS and Education bill, going down the same road, dead end, not going to get done.

I am not the only one that says that. Their own leader, the gentleman from Texas, is saying it. He is saying we are not going to get it done, we have got to have a continuing resolution until March to get by this. Well, my position is, and I think I would like to find out from the gentleman from California, who I consider a good friend. Ever since we have been here, we have worked together on things.

Mr. Chairman, I believe that this bill should be the very last bill that gets signed by the President. If other Federal agencies, employees of this Federal Government are not going to know whether they are going to get paychecks or not, are not going to know whether they are going to be able to work or not at their jobs, I do not believe that my employees, that any committee staff, GAO, Library of Congress, police force, you name it, they should have the same problem.

My position is, if all that happens, maybe we will actually get it done, rather than having your own staff gripe at Members and saying, well, I do not have money for dinner, because those people out there, a lot of them did not have money for dinner. They might come along and ask: Can I come over to your house for dinner? I need something to eat, if it is on your own committee or your own personal staff.

So my suggestion is let us go slow on this bill. If we want to finish up here today and have the Senate take it up later when Members take it to conference, just do not come out of conference until everything else is done. Then, when all the other bills are out of the way and we know that the Government will not shut down again, because last time it was shut down because somebody in this House, the Speaker and a few other people on that side, decided they wanted to shut it down. They were going to teach the President a lesson. Well, that same thing could happen. Very easily, somebody does not get their way on that side, they decide, well, let us shut the Government down again.

If it does, why should our employees have the comfort, and that is what it is, a comfort of knowing that they are going to be able to go to work the next day. They are going to get their paycheck at the end of the month when all these other Federal employees do not have any idea at all about it.

□ 1345

We know what happened last year in that Government shutdown was terrible. I still have people in my district who went through that at the Veterans Hospital, at research centers and others, that still talk to me about it. They still do not know. There is no certainty to them. They are wondering right now whether they are going to be paid and they are going to be working or there is going to be another Government shutdown.

Well, if we want to try to ensure that there will not, let us say no. If there is going to be a shutdown, we shut down too.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California. I want to know his position on that.

Mr. PACKARD. Mr. Chairman, the gentleman's amendment has very little to do with what he has expressed.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, I would say to the gentleman that that is correct.

Mr. PACKARD. Mr. Chairman, if the gentleman will continue to yield, I would say to take it out on the GAO as a means of trying to convey the gentleman's concerns for whether we shut the Government down again or not is probably not the appropriate thing to do.

I certainly am not, and this subcommittee is not, going to be making the decision as to whether we shut down or not.

Mr. VOLKMER. I agree with that.

Mr. PACKARD. My personal observation is that there is bipartisan agreement that shutting down the Government is not a good procedure, and I think we will use every effort to avoid that, and I assume we will avoid that.

I think, speaking directly to the gentleman's amendment, I have some real concerns because we have cut the GAO over the last year's bill and this year's bill to 25 percent of the dollar cut from the previous year, and a 37 percent cut in the staff. $250,000 is no significant amount of money in their large budget, but the fact is it would be a slap in the face for them, I think, after we have made an agreement that we would not ask them to sustain more than the 25-percent cut. They would have liked to have sustained less than the 25-percent cut this year, but they agreed to keep their word, and I would have a very red face to go back to them and say $250,000 we will cut further.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, the gentleman has time to do all that, but I am trying to get an answer to a simple question and I have not got it yet.

Does the gentleman think that his should be the last bill to go until all the other bills are done or should he go ahead so all his workers and his committee staff, they get the comfort of knowing they are going to get paid while they go ahead and shut down the Government on the other people?

Mr. PACKARD. The President has the option to veto this bill. I think we should sent it to the President as quickly as we can.

Mr. VOLKMER. In other words, the gentleman believes that it is all right to tell other people in the Federal Government, others that they can be shut down, they do not get paid, but he is going to take care of his.

Mr. PACKARD. I think our job as appropriators is to appropriate the funds necessary to run Government, and that is what we are doing in my bill and that is what we are doing in the other bills. Certainly I am not suggesting that we shut the Government down.

Mr. VOLKMER. Mr. Chairman, reclaiming my time, it is obvious to me that the gentleman from California is willing to shut down the Government on other people, like he did, and the gentleman participated in that. I can show him the votes where he agreed to shut down the Government and let it be shut down, and those people did not get paid for a long time. They went weeks without pay and then, at the same time, he had the comfort of knowing that this committee staff, sitting around him now, his personal staff, they all got their paychecks and everything else. That was comfort.

All I am saying is if there is going to be sacrifice, I think we should start with the sacrifice. I do not think that we should consider our people and the people that work for this legislative branch better than other Federal agencies. That is why I am asking the gentleman to hold off on this bill and not do it until every other appropriation bill for all Federal agencies are done.

If there is going to be a shutdown, and I think there is a possibility there will, then the gentleman should let his legislative staff and my legislative staff have to suffer also.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to this amendment.

It really is punitive to the GAO and the message and the signal that the gentleman wishes to convey to our leadership on both sides and the President as to whether we shut the Government down is totally extraneous to this issue. I would really invite the gentleman to withdraw his amendment because we have cut the GAO far more than I think he ever would have had he been chairman of this subcommittee.

Mr. Chairman, I do not believe this is the forum in which we debate the whole issue of whether we shut the Government down again or not. I do not anticipate that debate coming for several weeks or maybe several months, but the point is that will not be made by this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time to say it is obvious to me, because of what I have said before in my statement, that we are headed for a shutdown as far as certain agencies are concerned. Unless that side makes some changes, that shutdown will occur. And if it does occur the way the gentleman wants it to, there will be agencies out there that will not get paid while our people are paid.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There is no objection.

AMENDMENT OFFERED BY MR. PACKARD

Mr. PACKARD. Mr. Chairman, pursuant to the previous order of the House of today, I offer the Packard amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PACKARD: On page 32, at the end of line 17, add the following: (c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. PACKARD] will be recognized for 5 minutes and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume to tell Members that this is the Traficant language regarding "Buy America." I have no problem with the amendment and will accept it.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the distinguished chairman of the committee, and I want to thank the distinguished ranking member, the gentleman from Arkansas [Mr. THORNTON], for the great job he has done.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, we have no objection to this amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the chairman's consideration and the committee staff who helped with this, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

There was no objection.

Mr. PACKARD. Mr. Chairman, I wish to have a colloquy with the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. COX of California. Mr. Chairman, I rise to applaud the committee for its work in promoting the Books for the Blind Program. The Books for the Blind Program is funded through the Library of Congress and ensures that our blind and visually impaired populations will have continued access to printed reading materials.

This past week I had the pleasure of addressing the national convention of the National Federation of the Blind, an organization representing those members of our society who must rely almost exclusively on the Books for the Blind Program for reading materials of all kinds, whether educational, informational, or for the latest best seller. I therefore wish to commend my colleagues on the committee for increasing funding for this worthy program to nearly $45 million.

Due to the tremendous role this program plays in the lives of our blind and visually impaired fellow citizens, I would like to inquire of the gentleman from California what effect, if any, would section 208 of the measure have on the Books for the Blind Program.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I would be happy to speak to the gentleman's point.

Section 208 allows the Library of Congress to request that funds from the five-line-item appropriations funding the Library of Congress be shifted to meet its needs. The Books for the Blind Program is one of these five line items, but of course this committee has not legislatively decreased these funds for the blind. In fact, we increased funds in this year's bill.

As the gentleman pointed out, this program is the primary source of reading material for the blind, and the committee has been pleased to increase funds for this service in the bill that we are debating today. Under section 208 the Librarian could request, for instance, that funds be added to the Books for the Blind account and taken from the other four line items.

It is most unlikely, though possible, that the Librarian could request funds to be shifted out of this account; however, even were the Librarian to make such a request, it would have to be approved by the House and Senate appropriations committees before any transfer could take place. I personally have to approve that, and of course we have been very protective of the Books for the Blind. So section 208 provides a mechanism by which the efficiency of the Library of Congress and the Books for the Blind program can be maximized.

Mr. COX of California. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for his explanation, and I applaud his efforts in ensuring that the Books for the Blind Program continues to provide services so desperately needed by the Nation's blind and visually impaired citizens.

The CHAIRMAN. It is now in order to consider amendment No. 5, printed in House Report 104–663.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 35, after line 22, insert the following new section:

SEC. 310. Any amount appropriated in this Act for "HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 1997. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Michigan [Mr. SMITH] and a Member opposed each will control 10 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the distinguished cosponsor of this amendment, the gentleman from Indiana [Mr. ROEMER], and that he be allowed to control that 5 minutes of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THORNTON. Mr. Chairman, I ask unanimous consent that, pending the arrival of the gentleman from Indiana [Mr. ROEMER] on the floor, I might stand in his stead for the 5 minutes. When he arrives I will be pleased to yield that time to him.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Many Members of this body who come to Congress come with the goal of saving taxpayers money, being frugal with their own office spending accounts as is possible. Since entering Congress, many of us try to save for the taxpayers and keep our office expenses to a minimum.

Over the last 3 years in our Michigan's 7th District office, we have saved $636,000. After my first year of cost cutting and making the effort to be conscious of spending. I was appalled and disturbed that a Member's savings did not save money; that the money would go automatically into other accounts and add to those accounts to expand spending.

In my first year in Congress, like many first-year Members, we were striving to make sure that we do not buy more than what is needed in stationery, that we do not waste the money by overspending on computers or any other items only to find out that someone else spent the money that was saved. Mr. Chairman, this amendment, like the amendment that we put in last year, for the first time allows the savings to go to the Department of the Treasury for deficit reduction.

This amendment is identical to the amendment that we passed last year, and I urge my colleagues to pass this amendment. Last year this amendment was passed by a vote of 423 to 21 margin as an amendment to the legislative appropriation bills to return these unspent funds to the Department of the Treasury. If we do not have some consideration, some incentive for Members to be careful on how they spend taxpayers' money, then we are not as apt to do it.

So I say let us pass this amendment, let us notify each office of how much they have under spent, how much they have saved taxpayers, and let us make sure with this amendment that that money will be going toward deficit reduction rather than simply into another account.

□ 1400

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, this amendment was accepted last year and I would certainly be anxious to accept it this year. It expresses the very intent of our bill, and that is to return these funds to the Treasury.

It is the intent of the committee bill. It is the desire of the chairman and, I believe, the ranking member, that this be done. I do not think there is any opposition from any member of the subcommittee.

So, Mr. Chairman, I hope that the amendment will be accepted and that we can move on to the following.

Mr. SMITH of Michigan. Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this amendment, and do so for the following reasons. Mr. Chairman, as we look out across America and we see people working so hard, sometimes both people in the family are working to support their children. Sometimes small businesses are making very, very tough decisions to stay in a mode where they are growing and maybe just making it through that year. We here in the House of Representatives need to make decisions to help balance the budget and move toward a balanced budget sooner rather than later.

Now, if balancing the budget starts at home, it certainly should start in the House of Representatives here with our own accounts.

What this amendment simply does, it simply says that when you make some of those tough choices and those tough decisions in your own office to save money, do not let money be respent and go toward somebody else's office where they are spending more money on their office or on mail.

Last year we were able to pass this amendment 403 to 21. The gentleman from New Jersey [Mr. ZIMMER] and myself and the gentleman from Michigan [Mr. SMITH] and the gentleman from Michigan [Mr. CAMP] and a host of other people, the gentleman from Minnesota [Mr. MINGE], helped pass this amendment and say for the first time that when you are fiscally responsible as a Member of Congress, you are going to contribute to deficit reduction and not contribute to somebody else's office funds where they are spending too much of those funds on mail or staff or some other thing.

Let me say too, Mr. Chairman, that this language is identical to my bill, which is H.R. 26. I have 126 cosponsors on this legislation, both Republicans and Democrats, working together to find new innovative ways to help balance the budget and reduce the deficit that Congress and the Presidents have created over the past 20 years.

So, Mr. Chairman, I think this is an innovative approach. It certainly is an approach where we say balancing the budget must start inside the Beltway. It must cut Washington, DC, spending first. It must say that it starts in the home, which is the House of Representatives. And it says, I think in a bipartisan way, the support of bipartisanship that so many people in this country want to see that, we have come up with a new idea, a new way to balance the budget.

Mr. Chairman, I am very proud to be an original sponsor and the sponsor of the bill H.R. 26. I am very, very happy to work with the gentleman from Michigan [Mr. SMITH] and others.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I would like to congratulate the distinguished gentleman from Indiana for his leadership in this bipartisan effort and would like to state that certainly the amendment is acceptable to the minority. As the chairman has stated, it is acceptable to the majority. I hope that we will be able to get a good vote on this for the gentleman.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not a giant step in the way we are changing business in the United States Congress. Maybe it could be akin to the baby step forward. But still, if every Member of Congress knows how much they are spending for the carts, for the computers, for everything they buy in that office, and we start running our offices like a business, it will help save taxpayer dollars.

Last year, for the first time in history, we had made a decision in this Congress to return this money to Treasury to go toward deficit reduction. That is our goal. Balancing the budget needs to be ever on our minds as we strive to make sure that our economy and jobs expand. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say in concluding my remarks, because we were hopeful that a number of the cosponsors such as the gentleman from Michigan [Mr. CAMP], the gentleman from Minnesota [Mr. MINGE], the gentlewoman from California [Ms. HARMAN], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Florida [Mr. GOSS], the gentleman from Alabama [Mr. BROWDER] might show up to speak, but I know a number of Members have commitments and hearings and markups and so forth.

But, again, Mr. Chairman, the strong vote last time by the House, by the entire body here who controls how we spend our money and how we save our money, 403 to 21; 403 Democrats and Republicans coming up with a new idea, saying to this body and to taxpayers across the country, we will save money in our office accounts, tighten our own belts and contribute that money to reducing the deficit. That is a positive step forward, I think.

I do not know whether the gentleman from Michigan intends to call for a rollcall vote. Certainly, with the bipartisan support from the Republican and Democratic sides, I will not call for a vote, especially in light of the strong vote that we had last time, but I would continue to urge Members to support this measure when they are talking to the gentleman from California [Mr. PACKARD] and the gentlemen from Arkansas [Mr. THORNTON], and that we may also look next year at including the leadership funds into this package of savings as well, so that everybody across the board contributes to deficit reduction.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] and I have both offered freestanding bills on this. I hope we can move forward.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman from Michigan for yielding and I want to commend my colleague from Indiana for working on this matter for a number of years, and I appreciate my colleague from Michigan's support on this as well. I think this is a positive amendment and I would urge my colleagues to vote for it. This would allow Members to return unspent office funds to the Treasury. It would allow them to use those funds returned for specifically deficit reduction and I urge the passage of this amendment.

Mr. Chairman, the 104th Congress has led a historic effort to reduce the deficit and incorporate fiscal responsibility into Federal spending.

Today, we again have the opportunity to lead by example. This amendment would allow Members to return unspent office funds to the U.S. Treasury for the specific purpose of deficit reduction. It would reaffirm our commitment to eliminating the Federal debt.

It is important that fiscal responsibility start at home. Since being elected to Congress in 1991, I have not spent over $565,000 of my office funds. Like most Americans, I have spent wisely and made do with what I had.

Naysayers claim that money can't be returned to the U.S. Treasury. Many Members, however, save taxpayer money by spending less. These Members should be recognized for their efforts and taxpayers should be rewarded by allowing them to use unspent funds to reduce the deficit.

We should not abandon this effort because it requires some changes. This Congress has changed many things, and if need be, we can change to allow Members to contribute savings to deficit reduction.

By adopting this amendment we reaffirm our commitment to deficit reduction and fiscal responsibility. I urge my colleagues to support the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in this bill, there is $363 million appropriated for legislative representative office expenses. Let us make a commitment today, now, that we are going to manage and safeguard those funds to the greatest extent of our managerial ability to make sure that taxpayers get their money's worth from the operations of our individual offices.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 104–664.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment No. 6, as modified, offered by Mr. CAMPBELL: Before the short title at the end of the bill, add the following new section:

SEC. 312. (a) In addition to any other estimates the Director is required to make pursuant to the Congressional Budget Act of 1974 and the Rules of the House of Representatives, the Director of the Congressional Budget Office shall, upon the request of the chairman of the Committee on the Budget of the House of Representatives (after consultation with the ranking minority member of that committee), prepare an estimate for any major spending legislation, as designated by the majority leader of the House of Representatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from the legislation on the basis of assumptions that estimate the probable dynamic macroeconomic feedback effects of such legislation, and shall include a statement identifying those assumptions. Such estimates shall be submitted to the chairmen and ranking minority members of the Committee on the Budget and of the committees of subject-matter jurisdiction, and, if timely submitted, shall be included in the reports on such legislation.

(b) In addition to any other estimates the Chief of Staff is required to make pursuant to the Congressional Budget Act of 1974, the Internal Revenue Code of 1986, and the Rules of the House of Representatives, the Chief of Staff of the Joint Committee on Taxation shall, upon the request of the chairman of the Committee on Ways and Means of the House of Representatives (after consultation with the ranking minority member of that committee), prepare an analysis of any major tax legislation, as designated by the majority of the House of Representatives (after consultation with the minority leader of the House), of the change in spending and revenues resulting from that legislation on the basis of assumptions that estimate the probable dynamic macroeconomic feedback effects of such legislation, and shall include a statement identifying those assumptions. Such analyses shall be submitted to the chairmen and ranking minority members of the Committee on Ways and Means and of the committees of subject-matter jurisdiction, and if timely submitted, shall be included in the reports on such legislation.

(c) Estimates and analyses made pursuant to this section are to be used for informational purposes only.

The CHAIRMAN. Pursuant to House resolution 473, the gentleman from

California [Mr. CAMPBELL] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Minnesota [Mr. SABO] oppose the amendment?

Mr. SABO. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume. The amendment that I offer would permit an additional form of understanding and analysis of the economic effect of legislation that we pass here.

I begin by emphasizing the amendment does not replace any existing method at all. But in addition to existing methods, occasionally it is appropriate to consider what is called a dynamic economic model, and this has application on the tax side as well as on the expenditure side. Most of the literature in the academic world of economics has dealt with the dynamic effects on taxes or tax cuts, but I have been careful in this amendment to specify that this additional method shall apply to the dynamic effect of expenditures as well.

Mr. Chairman, I think that it is important that we have that kind of information available. This amendment allows that the chairman of the Committee on the Budget can request CBO, in addition to all the other means of analysis of a fiscal spending bill, to perform a dynamic economic analysis as well; the chairman of the Committee on Ways and Means, similarly, in addition to all other forms of economic analysis, can request dynamic economic modeling on tax bills as well.

In each case the Chair is required to consult with the ranking minority member. I would point out that this methodology is used already in several of the United States, specifically I know of the one in my own State of California. That it is actually a more difficult process for a State because the leakage, if you will, from a State economy is a greater problem to estimate than the leakage from the U.S. economy. And yet dynamic economic modeling is being practiced and offering value in the analysis of the States of Massachusetts and California.

Mr. Chairman, I conclude my opening remarks by observing that this amendment to the bill will provide additional information and does not supplant any other existing information. I cannot see how it would do anything but help our analysis and the job that we do on behalf of the citizens we represent. And I note in conclusion that the academic-economic research institutes that are engaged in this process so far include the National Bureau of Economic Research, which has offices at Harvard University and Stanford University, UCLA; the University of California at Berkeley, and the University of Michigan.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding. This amendment does authorize the Congressional Budget Office and the Joint Committee on Taxation to use the dynamic scoring model on spending and tax legislation for informational purposes only.

This is an issue that is within the jurisdiction of the Committee on the Budget and the Joint Committee on Taxation, and I understand that it has been approved and has received agreement of the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, as well as the gentleman from Texas [Mr. ARCHER], the chairman of the Joint Committee on Taxation. And with that approval, I have no objections and would be more than pleased to accept the amendment.

Mr. CAMPBELL. Mr. Chairman, reclaiming the balance of my time, might I inquire how much time I have remaining?

The CHAIRMAN. There are 7 minutes remaining.

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON], the chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Chairman, first let me commend the gentleman from California [Mr. CAMPBELL] for the extremely diligent and hard work that he has done in bringing this amendment to the floor. I think it is of great importance, and I guess from the Joint Economic Committee point of view, the best I think to say is very simply that we talk about growth policy in taxes, and we talk about the negative aspects or the negative effects of high taxes, and I think on both sides of the aisle we share the belief that there is a stimulus that can be gained if we are smart about tax policy. And we also recognize, I think on both sides of the aisle, that bad tax policy can work as a wet blanket on the economy, a wet blanket on our revenue. And yet the rules that we operate under deny any of that takes place.

And so, the gentleman's amendment gives the chairman of the committee the opportunity, the choice to make as to whether or not they want to treat a particular item of tax policy and score it and figure out what is going to happen in terms of our revenue from a dynamic model, meaning that we accept the fact that there will be some changes positive or negative, and that that can be factored into the equation.

One of the things that happens around here to all of us in Congress is that people do not think that we know what we are doing. And I think sometimes that happens with good cause. If we, on the one hand, say that we are going to pass a certain tax because we want to make the economy grow and hence enhance our revenue stream, and yet our rules tell us that that cannot happen and we cannot consider those facts, then, in fact, the public is certainly entitled to think we do not know what we are doing.

Mr. Chairman, I was fishing the other day in the rain. This is a story that goes along with this static model, I think. I was fishing in the rain the other day and I got off the boat after having a wonderful day fishing and the skipper said, How did you like it? I said, it was wonderful, we caught fish, the company was good, but the only thing is my glasses kept fogging up because it was raining. And he said, You should be used to that; you are from Washington.

And this static rule is one of the things around here that perpetuates the knowledge, the belief among the American public, that we do not know what we are doing and that our glasses are, in fact, foggy.

So, Mr. Chairman, the amendment of the gentleman from California will go a long way, in my view, toward unfogging our glasses and letting us know ahead of time what it is that our policy will produce.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

□ 1415

Mr. SABO. Mr. Chairman, I yield myself 2 minutes, and I rise in opposition to the amendment.

Mr. Chairman, this bizarre amendment in some ways yields incredible powers to the majority leader. Second, I would remind Members who eventually decides how things are scored here is the Committee on the Budget. CBO is advisory. This provides the option for the Committee on the Budget to use new, crazy, funny numbers to score a variety of proposals, either on the tax or the spending side. Lots of folks I have heard on my side of the aisle over the years come with proposals on the spending side that say, if we do this, this will save all this money in outyears. We have not followed that.

Mr. Chairman, this is another of those sort of ideological proposals. Part of it has had hearings. The hearings that relate to the tax side were held in January of 1995. There have not been any hearings on the spending side of this proposal. But those hearings were overwhelmingly against moving to this type of dynamic scoring.

Let us be clear, the current system is not pure static. Members do look at the impact of legislation. But let me read what Federal Reserve Board Chairman Alan Greenspan had to say before the Committee on the Budget of

Congress on January 10, 1995, and I know my friend from California was not here then. Let me quote:

> Can we effectively create an econometric model which fully captures all the effects of a specific policy action? I would say to you, not in our lifetime.

Let me continue with another one:

> We should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

Third quote:

> Should financial markets lose confidence in the integrity of our budget scoring procedures, the rise in inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

This is an amendment that should not be adopted.

Mr. CAMPBELL. Mr. Chairman, I yield myself 30 seconds.

It may be that my good friend and colleague has been referring to an earlier version of the bill because the majority leader is not in this bill at all. So the gentleman's opening comment worrying about the delegation of authority to the majority leader is not in this bill or in this amendment.

Let me repeat what the amendment does. It supplements, it never replaces. And regarding Alan Greenspan's testimony, what he was saying is absolutely right. Never in our lifetime will we know everything. But as a supplement to what we now do as opposed to a replacement for it, I do not believe he was speaking against this proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself 15 seconds.

Let me apologize. The version of the amendment that I saw had majority leader. Let me also indicate to the gentleman that it is the Committee on the Budget that eventually scores budgets and that adopts assumptions around here. This provides a mechanism for them to use this new untested and unproven method for purposes of both budgets and scoring bills.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding.

As a member of the Committee on the Budget, I participated in hearings on the concept of dynamic scoring and acknowledge to the amendment's sponsor that, as a hypothetical matter, the dynamic impact of public policy decisions made by Congress in the spending and tax areas certainly has legitimacy. In fact, presently the CBO does contemplate changes in resulting behavior.

If my colleagues look at, for example, the varying CBO estimates on health policy expenditures, they see that there is a small element of dynamic scoring presently at play in CBO assumptions. The larger question though is, Does the methodology exist that allows dynamic scoring to proceed with a degree of legitimacy that would play in public policy debate?

On this exact question I put to Mr. Greenspan when he was before us, my question from the transcript: Reading your testimony, it seems to me to indicate, while there may be a conceptual legitimacy to concepts of a more dynamic approach in scoring, we simply do not have the tools, the ability at the present time to reasonably quantify in a way that would give anyone the certainty required under this deficit picture that we should move toward a more dynamic process; is that correct?

Mr. Greenspan's response: On the broader question of can we effectively create an economic model which fully captures all the effects of a specific policy action, I would say to you, not in our lifetime.

Now, what is so important here is that, literally, these dynamic assumptions, we would be asking Congress literally to bet the ranch on their legitimacy. Both parties have members that say, we cut taxes, we are going to make more money, or we increase spending and we will actually reduce government outlays. Of course, those very concepts are antithetical. Yet, on the other hand, using a dynamic scoring model, we may have some very erroneous partisan-driven assumptions placed on a dynamic model, and it would, I think, jeopardize seriously the budget debates of this Congress.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I oppose this amendment as a member of the Committee on the Budget. In some of the debates we have already heard today, it needs to be pointed out to the House we already have dynamic scoring. That is already, when it is supportable it is used. That is the way it ought to be. The idea that CBO uses only static scoring is erroneous. If dynamic scoring is a good thing, it should be a good thing in all instances, not just when the Committee on the Budget chairman finds that it will serve his purpose to use it in consultation with the ranking minority.

Saying that the dynamic scoring is only informational ignores the fact that all CBO scoring is informational. It is the Committee on the Budget which ultimately decides which assumptions to use. And therein I want to close by again repeating the words that we should heed, those words of Alan Greenspan, when he testified earlier this year in the Committee on the Budget. He stated, clearly, our political process has a bias to words deficit spending, a bias toward deficit spending. Accordingly, we should be especially cautious about adopting technical scoring procedures that might, might be susceptible to overly optimistic assessments of the budgetary consequences of fiscal actions. We must avoid resting key legislative decisions on controversial estimates of revenue and outlays. Should financial markets lose confidence in the integrity of our budget scoring procedure, the rise in inflation premiums and interest rates could more than offset any statistical difference between so-called static and more dynamic scoring.

We should oppose this amendment today. It does not serve a helpful purpose. At a time in which we clearly are needy, have got the deficit heading in the right direction. This is not a time to be experimenting with somebody's philosophical beliefs.

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, is it the case that because we cannot know everything, which was the burden of Alan Greenspan's comment, we must, therefore, know nothing? This is a very sound amendment. It would permit us some additional information only. Are we so frightened of information that we do not wish to know it?

Right now under our current arrangements, the Congressional Budget Office makes macroeconomic estimates of gross domestic product, unemployment, interest rates. And then the Joint Committee on Taxation, when it takes a look at our revenue legislation, finds that these things are fixed and immutable like the old stars in an Aristotelian firmament. Nothing that we do with revenues can affect unemployment. Nothing that we do with tax legislation can affect interest rates or gross domestic product. Those things are fixed.

Yes, we can take behavior into account, but only within this box that is already fixed in advance by CBO. We know this does not work. We know it produces false results.

When I was on the Committee on the Budget, I had a chance to ask the director of CBO, Robert Reischauer why it was that on average CBO's estimate of the deficit were in error by over 100 percent. That kind of estimating error would get you fired anywhere in the private sector. His answer was, we are not as far off as OMB, as the White House budget estimators. There is no way in the world that anyone can say that what presently we do makes sense or appreciates reality.

When we increased the rate of tax on capital gains by 40 percent in 1986, revenues to the Treasury dropped by a third. But CBO, using this model, and joint tax, using this model, told us that revenues were going to go up but we increased that stated rate.

We have a lot of real world evidence that tells us that the flat earth econometric model, if we can call it an econometric model, simply does not work as in use around here.

So what my colleague, the gentleman from California [Mr. CAMPBELL], is telling us is, let us experiment, yes, by looking at this for informational purposes only. We will not use it. It will not supplant our current scoring system, but we can have the information. If Members want to bury their heads in the sand and follow flat earth economics forever into the future, vote no. But if they want an honest evaluation and new information, vote yes on this very sound amendment.

Mr. SABO. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Utah [Mr. ORTON].

(Mr. ORTON asked and was given permission to revise and extend his remarks.)

Mr. ORTON. Mr. Chairman, I rise in opposition to the amendment from my friend, the gentleman from California. We have heard the technical reasons why to oppose this amendment. We have heard Dr. Greenspan quoted.

I recall the Committee on the Budget, Joint Committee on the Budget hearing we held early in the session with House and Senate Members. The conclusion broadly from every economist was that to the extent that we need dynamic scoring, they already can do it. But to suggest additional rosy scenarios be injected into it was a huge mistake.

Before we make this mistake again, let us just look back at the historical record. This amendment says that CBO should consider other impacts which would increase revenue projections, dynamic scoring of revenue provisions, beyond just the revenue coming in and so on.

Let us look at the record of CBO over the last 15 years. Look, every line above this median is a year in which the CBO underestimated the deficit. About half of each of these underestimates are they assumed that we would spend less than we actually did, but the other half is they assumed we would generate more revenues than we did.

The previous speaker said that in 1981, we made these changes. In 1986, we made tax changes. And if we had been able to dynamically score and increase the rosy scenario even greater, we would have suggested even more revenue come in.

Look at what happened right after 1981, when we assumed that all of these tax reductions would increase revenue. They overestimated revenues.

I submit that the facts suggest that CBO already overestimates. Let us not create even more rosy scenarios. I urge the defeat of this amendment.

Mr. Chairman, I rise in opposition to this amendment, offered by the distinguished gentleman from California.

I leave others to point out the technical reasons why this amendment should be opposed. I would like to focus on the practical impact.

The clear intent of this amendment is to encourage more optimistic assumptions about Federal revenues and expenditures, in the projections made by the Joint Committee on Taxation and the Congressional Budget Office.

Before we do so, let us look at the historical record. Over the last 15 years, we have seen our national debt soar from $1 to $5 billion. Annual deficits have been out of control.

Let us look at the accuracy of our projections by CBO over this period. With the exception of the last few years, the CBO has consistently and dramatically underestimated budget deficits. In fact, it did so for 13 consecutive years, with an average underestimate of $42 billion.

Some years, the difference was astounding. In 1990, CBO projections underestimated the deficit by $119 billion. In 1983, the underestimate was $91 billion. As CBO's annual Budget Outlook shows, these underestimates reflect both a consistent underestimate of spending and an overestimate of revenues.

Thus, in a period in which deficits have skyrocketed, and which CBO has chronically underestimated our deficits, we are contemplating an amendment which would exaggerate CBO's tendency to use overly rosy projections.

Mr. Chairman, my colleagues on the other side of the aisle spent several months last year extolling the virtues of CBO projections, of using conservative estimates. They strongly attacked the administration for using less conservative assumptions.

Now, in a remarkable about face, we are considering a proposal to use less conservatives, less reliable projections of Federal spending and revenues. Budget expert after budget expert have criticized this approach.

With month's passage of a budget that actually increases the deficit each of the next 2 years, it is clear that we are retreating from a policy of fiscal discipline. Let us not turn this retreat into a rout.

Vote down the Campbell amendment.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time.

To my friend from Utah, is it his statement, is the gentleman informing the body that CBO, under present estimation techniques, has gotten it wrong in every year that he has for us on the chart?

Mr. ORTON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Utah.

Mr. ORTON. What this chart shows is that in each year, the CBO has underestimated deficits up until 1993, which they overestimated the deficit. About half, look at 1990, they underestimated the deficit by $119 billion. Half of that was revenue.

Mr. CAMPBELL. Mr. Chairman, is not the point of the gentleman's chart that under present methods of estimation, CBO has it wrong every year that he shows us?

Mr. ORTON. Mr. Chairman, if the gentleman will continue to yield, CBO has it wrong, but under the gentleman's proposal CBO would have it even more wrong and we would have even higher deficits.

Mr. CAMPBELL. Mr. Chairman, we are adding to the information store. There is no way we can do harm by providing additional sources of information.

As my good friend from Utah just admitted, the present system is so bad we have been estimating wrongly every time. In order to take account of both sides in this debate, this dynamic method is applicable to fiscal as well as tax policy. It is being used in three States.

□ 1430

The errors in the observations that have been made in opposition to this amendment are simply these. We cannot do worse by getting more information. We are not substituting dynamic modeling for the present system, and I have no better criticism of the present system than the words my colleague from Utah made clear to all of us: The present system has got it wrong every year we can measure.

Mr. SABO. Mr. Chairman, I yield 2 minutes, the balance of my time, to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, what this is about is very simple. It is about giving away goodies without having found a way to pay for them. We have seen time and time again that our Republican friends in this Congress want to propose to cut taxes for the wealthy and for special interests. It has been their No. 1 priority. The problem is that they keep running into a situation in which the commonsense budget rules require them to pay for any tax reductions that they provide.

We saw last year how the Republicans would like to pay for those tax breaks. They wanted to cut Medicare, they wanted to cut education, they wanted to cut school lunches; the American people objected. And so now what are we back to? We are back to the resurrection of the David Stockman rosy scenario business.

I would remind my colleagues what happened the last time the country used dynamic scoring. We were promised by David Stockman, who ran the budget office for President Reagan, that if we passed his magic budget which cut taxes and raised defense spending, we would cut our deficit from $55 billion to zero within 4 years. Instead, using his dynamic scoring, that deficit went up from $55 billion to $208 billion, and finally they shaved it a bit to $185 billion.

I would simply suggest, if we were not paying for the added deficits that were added during those Reagan years, this budget would be in balance right now. That is the broblem, that is the problem, and this amendment will simply take us back to those good old rosy scenario days when we use phony estimates on revenue, and that allows us to spend more money on other things. We dare not do that if we want to remain fiscally responsible or even retain a pretension at fiscal responsibility.

I would simply say experience, as my colleagues know, is that quality which enables us to recognize a mistake when we make it again, and, if passed, this amendment today will be making the same mistakle again. I urge my colleagues not to do it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 473, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 35 after line 22, insert the following new section:

SEC. 310. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

Is there a Member seeking time in opposition?

Mr. PACKARD. Mr. Chairman, I would like to seek that 10 minutes, and I ask unanimous consent that I be permitted to yield 5 minutes of that time to the gentleman from Arkansas [Mr. THORNTON].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, earlier today we heard a powerful speech from the new prime minister from Israel, Mr. Netanyahu. In it he said that real democracy allows dissent and honest debate, and we are here today to offer some dissent and honest debate. A few months ago, when we were adopting, in fact about a month ago when we were adopting, the budget resolution, we were rightly criticized by Members and leadership on the other side of the aisle for allowing the deficit to go up, and as one of the freshmen who came here promising to do what we could to balance this budget, to balance the people's budget, I was one who really felt we made a terrible mistake by allowing spending to go up more this year than we had agreed we would do just last year, and so, as a result, I and some of my freshmen colleagues sat down and said, well, what can we do? It is not enough just to vote no. We ought to have a constructive plan to help recover that fumble.

By our calculations what really happened is we have allowed ourselves to agree to spending levels that are about $4.1 billion more than we agreed to last year in our 7-year budget plan. What I am offering today is the same amendment that we have offered to virtually every appropriation bill since the adoption of the conference committee report on the budget resolution, and that is to reduce overall spending across the board 1.9 percent.

Now, Mr. Chairman, that is less than one notch in a belt. In fact, if I compare that to a haircut, and what we are asking the legislature to do is to reduce its expenditures by 1.9 percent, if we compare to that a haircut, that is a haircut of less than ⅛ of an inch.

Frankly, Mr. Chairman, that is not much of haircut, and I think we should lead by example, and I would hope that we can get this amendment agreed to and that we can all agree to make at least some sacrifice in terms of balancing the people's books.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment.

If this subcommittee had not done its job effectively, I could probably agree to this amendment. But there is no subcommittee on appropriations that has done a better job of cutting itself and all the agencies that it represents better than this subcommittee. We have cut ourselves, the legislative branch of Government, almost 12 percent between last year and this year. We have gone far beyond what the intent of the author of this amendment would have asked us to do last year and this year, and to ask us now to absorb another 2 or almost 2 percent cut across the board I think would cut deeply into programs and agencies that simply the Congress would be ill advised to cut.

I think the first point I would like to make is that an across-the-board cut is not a good way to prioritize our spending programs. It is a lousy way to prioritize, frankly. But we have not used that as our procedure. We have funded those programs in this bill that ought to be funded at level funding. We have cut those programs that ought to be cut, and we have done a very responsible job, I believe, in doing it in an orderly way.

But this would cut the Library of Congress in ways we would have to have a hundred library employees fired. We have asked the library to cut back in their staffing, and they have done so, but they have done it in an orderly way, and this would eliminate the ability to fund the increases, the mandatory increases, for staff COLA's in our offices and in all of the agencies that we represent in this bill. Some 28,000 copyrights would not be registered, and that would be unconscionable, I think, in the Library of Congress; 2,800 Braille books and 88,000 sound recordings would not be made available to the blind and handicapped patrons of the library.

The House Appropriation Committee has already eliminated unnecessary legislative funding and programs. We have cut ourselves $262 million over the past 2 years. I do not know why they are asking us to make further cuts when we are the model of cutting in the entire appropriating process.

I would hope that the House would reject this amendment. It will have, I think, personal effects upon our own offices and our staffs, but more importantly it will eliminate programs and cut programs deeper than what we feel is necessary and useful.

Incidentally, our bill comes in at 18 percent below the 602(b) outlay target and 23 percent below the 602(b) budget authority target, Senate items excluded. How can our colleagues ask us to do any better than that?

Mr. Chairman, I reserve the balance of my time.

Mr. THORNTON. Mr. Chairman, I yield myself such time as I may consume, and I join the chairman of the committee in vigorous opposition to this amendment which transforms what is a studied, careful, and heavy reduction in appropriations into one which can have a very detrimental effect.

I am an airplane pilot, and I know that when I get up into the air in an airplane I pull back gently on the mixture control in order to get an efficient, good-running hot engine to pull me through the air while using the least amount of fuel. But there comes a point, Mr. Chairman, where by pulling that mixture control back just a little too far, there is silence—when the engine stops running because the fuel has been cut too much. We do not need to take that drastic measure with regard to the very important functioning of the legislative branch of Government.

We have cut this branch by over 20 percent in numbers of employees over the past 5 years. It is exemplary of what we should be doing throughout the Government, and the reason that we are upon this path of a balanced budget is because the legislative branch is doing its duty under the Constitution. We do not need to make across-the-board cuts which cut funds for books for the blind, which cut funds for COLA increases for valuable employees of the legislative branch of Government. This amendment would impose radical cuts across the board instead of singling out particular cuts that should be made.

Mr. Chairman, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. COBURN], my freshman colleague.

Mr. COBURN. As my colleagues know, it is interesting. The gentleman from California [Mr. PACKARD] and his committee have done a good job. This debate is not about whether or not they have done a good job. It is whether or not we can let us not do a better job.

We have the greatest respect for what the gentleman from California and his committee have done. But as my colleagues know, it is these 2 pennies. It is can we save 2 pennies? Can we be 2 percent more efficient? Can we do more?

I have been in Washington 19 months, and what I have heard is "can't." The fact is that the debt that our children, our children and grandchildren, are going to get to pay back is rising at the rate of $2.785 billion a day, and what we are saying is: 2 percent. Now, if we were at war right now and we got together as a country and said we have an objective, the objective is to defeat the enemy, well, we have an enemy in front of us as a Nation, and that enemy is our deficit and our debt.

Two percent, 1.9 percent; 2 pennies out of every dollar to preserve opportunity for our children; it is not too much to ask. The two gentlemen that are speaking in favor of this amendment ran their offices for $100,000 less than the Congressmen before them in spite of the fact this past year, in spite of the fact that we had a reduction in the opportunity for more. So the point, I would say, is we can effectively represent our districts, we can effectively accomplish what we need to accomplish by being 2 percent more efficient.

The fact is in this bill spending goes up about 1.9 percent over last year, and what we are asking is to freeze the spending, essentially a 2-percent cut in the bill, pulling things down so that our children and our children's children will not be enslaved by debt. $2.785 billion a day because this Congress will not live within its limits of the money that comes to it.

When I leave this place, I want to be able to say that I did everything that I could to ensure opportunity and preserve opportunity for my children and the children that are from my district.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. COBURN. Mr. Chairman, I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I think I need to correct one misunderstanding that apparently the gentleman has got in this amendment. We are cutting this year 2.2 percent in addition to last year's cuts of 9.5 percent. We are not increasing 1-point-something percent at all. In fact, we are cutting this bill. If every committee and every program in the Government cut to the extent this bill cuts, the Federal budget would be in balance this year and there would be a $100 billion surplus.

Mr. COBURN. Mr. Chairman, that would be a great thing.

□ 1445

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, Mr. BOB LIVINGSTON, the chairman of the Committee on Appropriations.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 2 minutes.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentlemen for yielding time to me, and I rise in very strong opposition to this amendment. The fact is that this bill does cut 2.2 percent or $37.4 million already. We can pick up a pocket of change and say all we are talking about is 1 percent, 2 percent, 5 percent, 10 percent, it does not mean anything. When we look in terms of whether or not it is Library of Congress jobs, or jobs on the staff of your office or, in other bills it is Indian reservation jobs, or in other bills water project jobs, the fact is that we are talking about real and meaningful people who are going to be cut here. The question is, can we do the job?

Look, the U.S. Congress is paring down the discretionary budget in all 13 appropriations bills for the first time in modern times. We have saved $20 billion in fiscal year 1995, $23 billion in fiscal year 1996, and we are on the way to saving $15 billion to $20 billion in fiscal year 1997. If we look at where the President would have had us, if he had a Congress like he had 2 years ago, we are saving about $80 billion in the discretionary budget.

I heard the argument of the gentleman from Oklahoma. He is not concerned about the discretionary budget. We are doing the job. The problem is in the mandatory side of the equation. We have not done the first thing on mandatory. That is the problem. If Members want to do something constructive for their constituents, go back and tell them how we can figure out how to save our citizens, to save our children and the economy of this country by restraining the mandatory spending of this Government.

We are already doing the job here. For that reason, I urge the defeat of this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to my freshman colleague, the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I, too, want to commend this subcommittee, as well as the full Committee on Appropriations, on their efforts on discretionary. It is indeed unfortunate that we are not dealing with the mandatory spending. But the fact is that unless something miraculous happens, we are not going to deal with the mandatory spending, so we are forced to deal with the discretionary spending.

In the budget resolution many of us were concerned that there was a bump-up in the second year, so 1.9 percent off of all the appropriations bills would eliminate that bump-up. This is not aimed at any particular committee. It is very easy to demagog on House expenditures. Probably if we put this to a vote in the general public, they would cut us 80 percent.

At the same time, the truth is that there needs to be functions here, and 1.9 percent will not devastate our ability to communicate to our constituents, it will not devastate our ability to convert to computers. We are spending $211 million on that, 12 percent of the full funding. A 1.9-percent change there would not devastate our ability to do what we need to do, which is to be able to move into the age of the computer communications, the Internet.

We can deal with this. If we can deal with 1.9 percent changes and bigger changes in social spending, if we can deal with those 1.9 percent cuts in other areas, we can deal with it in legislative appropriations. It is inconsistent for this Congress to say that we will cut everybody else and we will put the pressure on everybody else, but we will not put that much on ourselves. A 2.2-percent cut is commendable and better than we have done in the past, but we can do more than that, and we need to be willing to sacrifice if we are going to eliminate the budget deficit.

In Indiana, they do not understand why it has taken us 7 years. We should be able to balance our budget in a lot shorter than that. To deal with that, unless we deal with mandatory, we have to do more out of discretionary. I do not believe 1.9 percent will devastate our ability to communicate.

I want to commend the gentleman from Minnesota, who has been persistent in spite of pressures with this. Persistence is one of the traits that Minnesotans develop because of the cold weather. I think the persistence in SPAN, which is in his district, are the two things which gave him that special courage.

We are going to continue to do this because we believe it is critical to our children and to this Nation to a move to a balanced budget. It is important that we in the legislative branch take the initiative. This 1.9 percent plus 2.2 is a 4.1 percent reduction. That is not going to cripple our ability to communicate, to do committees, or our personal work.

Mr. THORNTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER], a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment. I do so reluctantly, because I feel I am a very strong fiscal conservative. I think my record, both on the Committee on Appropriations and the Committee on the Budget, will demonstrate that. But this is not the way to do it.

Across-the-board cuts did not work when we had Gramm-Rudman. We need to make the tough choices. That is what we are doing in the Committee on Appropriations, making tough choices in all the appropriations bills. We have made those tough choices. Going across the board in addition is not the way to go, especially for this specific appropriation bill, because in this appropriation bill we have cut over 10 percent from the 1995 numbers. We have cut in real dollars, not baseline cutting, but real dollar cuts. So to cut more, are we going to cut security in the Capitol? We have made those tough choices and decided how many security we are going to need. We do not need to have additional cuts like this. I oppose this amendment, and I encourage my colleagues to oppose this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 2 minutes.

Mr. GUTKNECHT. Mr. Chairman, the gentleman from Florida just referred to Gramm-Rudman. I think that is a great example. That is an example of a plan that did not work. The reason it did not work is because Congress did not have the courage to stay with the plan. What this amendment is about and what all the amendments we have offered to all the other appropriations bills is about is keeping faith with the plan we offered last year.

The gentleman from California is absolutely right, they have done a good job. We are actually reducing the cost of operating this Congress. But the truth is that we are still increasing the amount we are going to spend on ourselves by 1.9 percent over what we said we were going to spend last year. This amendment is a good faith amendment. It is about keeping faith with the people of this country. It is about keeping faith with our kids.

Mr. Chairman, 1.9 percent, as I said earlier, is like getting a haircut of one-eighth of a inch. You would not even notice it. We would not notice it in this bill, frankly. We may have to buy less computers. Many of us are operating our budgets at $100,000 less than we were authorized to earlier.

I talked about Prime Minister Netanyahu. I do not always remember who gave this quote. I want to close with this quote. I do not remember who said it. He said, if you want to change the world, you have to first change your neighborhood. If you cannot change your neighborhood, at least you ought to be a good example.

This is about setting a good example. If we are serious about balancing the books of the people of the United States of America, if we are serious about saving the future and the American dream for our kids, then we have to be willing to tighten our belts. This is about setting a good example with the Congress itself, with our own legislative appropriation. It is only 1.9 percent, and I believe there is not a Member in this body who does not believe we cannot tighten our belts that small fraction.

Mr. Chairman, I would have hoped we would have had bipartisan support on this. I think this is a good example. I hope all Members will join us in supporting this simple and very, very innocuous amendment.

Mr. THORNTON. Mr. Chairman, it gives me great pleasure to yield my 1 remaining minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I rise very reluctantly in opposition to the amendment of my friend, the gentleman from Minnesota. I do not know about the other areas of the appropriations package. I do know about the legislative branch. I worked very, very closely with the gentleman from California, and look at where we have gone.

I do want to correct slightly the gentleman's numbers. In fiscal year 1995 it was $1.9 billion. Last year it was $1.72 billion. This year it is $1.68. Those are declining real numbers every year. Last year, because it was larger, we cut $154 million. We cut the committees by one-third when we came in, saving $67 million. This year, notwithstanding one-third of a cut in committees, the gentleman from California sharpened his pencil and came up with an another $37.4 million reduction over last year. We are talking about real reductions over last year, not reducing the increase. We do not play that game. This is a new majority. It is an absolute reduction. It is not a mindless across the board. It was focused on where we could cut. I support the gentleman generally, but not in this particular instance.

Mr. PACKARD. Mr. Chairman, I am very grateful to yield the balance of my time to the gentleman from Mississippi [Mr. WICKER], the former president of the freshman class, and also a very, very dedicated and useful member of the committee.

The CHAIRMAN. The gentleman from Mississippi [Mr. WICKER] I recognized for 1 minute.

Mr. WICKER. Mr. Chairman, I rise in opposition to the amendment, although it is well intended. The legislative subcommittee has already done its work. The gentleman from Oklahoma held up two pennies and said, "We are just asking for about a 2-percent cut." Mr. Chairman, we have made that 2 percent cut. As a matter of fact, this bill represents a 2.2-percent cut from last year's level as the gentleman from California pointed out, that is not a cut in the rate of increase or a cut in the percentage in which we are spending extra money, that is a real cut, $37.4 million in reductions. The gentleman who offers this amendment does so because the budget allocation was higher across the board than he wanted. I would simply point out to the gentleman that in our subcommittee, we have reduced the budget outlay by 20 percent below the budget allocation for this bill. This Congress is leading by example. We have done the work. We have saved the money. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the provisions of House Resolution 473, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The Committee will rise informally.

The SPEAKER pro tempore (Mr. CASTLE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CASTLE: Page 35, after line 22, insert the following new section.

SEC. 310. (a) Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice: "THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.", or a notice to the same effect in words which may be prescribed under subsection (c). The notice shall be printed in a type size not smaller than 7-point.

(b)(1) There shall be published in the itemized report of disbursements of the House of Representatives as required by law, a summary tabulation setting forth, for the office of each Member of the House of Representatives, the total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings.

(2) Each such tabulation shall also include—

(A) the total cost (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code); and

(B) the total number of pieces of mass mail (as referred to in paragraph (1)) divided by the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the Congressional district from which the Member was elected (as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code).

(c) The Committee on House Oversight shall prescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

(d) For purposes of this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term "mass mailing" has the meaning given such term by section 3210(a)(6)(E) of title 39, United States Code.

The CHAIRMAN. Pursuant to the House Resolution 473, the gentleman from Delaware [Mr. CASTLE] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start my congratulating the chairman for what I think has been an excellent job of trimming the legislative appropriations, and particularly in the area that I am going to talk about, which is the taxpayer funding of franked mail.

The fiscal year 1997 level of funding will be 40 percent lower than the 1996 level of funding. That is an impressive reduction. I do not even know if the chairman is aware of the reductions over the course of years, but starting in the year I was first elected to this body, before I came here in 1992, it was $59 million. In 1993 it went to $47,711,000. In 1994 it went to $40 million, in 1995 to $31 million, in 1996 it went up to $35,630,000, and this year is an appropriation of $20 million, so it really is an extraordinary job that the chairman has done and that the Committee on House Oversight has done in addressing this particular situation.

In recognition of that, I do not intend, as I have in the past, to introduce an amendment to try to further reduce that funding. I think there are a couple of areas for which there is still room for improvement. Too often the franking privilege is not treated as a privilege and is abused. For example, the volume of outgoing franked mail vastly outpaces the volume of incoming mail.

In 1995, the House sent out four times more mail than it received. If the House had responded only to letters it received, franked mail costs would have been only $12.4 million, saving $18.6 million or 60 percent from actual mail costs. Also, use of the frank increases cyclically during every election year. During the 102d Congress, the House spent $31 million in 1991 and $54 million in 1992, and during the 103d Congress, $24 million in 1993, and $42 million in 1994.

□ 1500

The 104th Congress again has addressed and narrowed this gap in total spending, but the irresistible temptation for individual Members facing tough reelection campaigns to use their franking perk extensively in election years remains.

I think Members have a legitimate need to respond to the increasing concerns of their constituents and the franking privilege does facilitate this. I think the public understands this and would support that use of taxpayer dollars.

Unsolicited mass mail from Members, however, I think fails into a different category. I believe that most Americans do not want to receive all the unsolicited mail they get from Congress, particularly if they are aware of the fact that they as taxpayers pay for it themselves. Some Members here, I am certain, would disagree and would argue that the newsletter contains valuable and useful information. I am not trying to prevent that from being used. But I think we should give the public the information it needs to make the determination.

This is what the amendment, the taxpayer's right to know amendment, will do.

It has two components, both of which are based on procedures which the Senate already follows. The first component would require all mass mailings to contain the disclaimer, "This mailing was prepared, published, and mailed at taxpayer expense." This will encourage Members to be more judicious in the mass mailing they send to their constituents, and it is entirely consistent with this Congress's attempt to let sunshine disinfect the policy process.

The second part of the amendment would require the CAO's quarterly Statement of Disbursements to publish to total number of pieces of mass mail mailed during the period involved and the total cost of those mass mailings on a per-residential-address basis. Currently there is no way for the public to get information about the amount Members spend on unsolicited mass mailings versus constituent response mail. My amendment will allow this comparison to take place and I think the public has a right to know how their tax dollars are being spent.

The bottom line here is that this simple amendment will provide information to taxpayers about franked mass mail. It does not ban mass mailings or change the definition from current law. It simply requires public disclosure about the use of frank for mass mail.

I urge Members to pass this amendment.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the gentleman for his amendment.

His amendment follows a long line of positive amendments offered on both sides of the aisle, and as a matter of fact originally in a bipartisan effort by the gentleman from California [Mr. FAZIO] and the then gentleman, still gentleman, but member of the House from Minnesota, Mr. Frenzel, to begin to separate the cost of franked mail from the general fund category. We have not yet reached the Senate stage. The gentleman from Delaware indicated that it puts us in the same position as the Senate, and I know he is aware that the Senate actually separates the unsolicited mass mail from the other franked mail. We do not do that. But what the gentleman's amendment does is in essence do it in the report so that people can see not only the amount but the number of addresses to which the franked mail has been sent.

The gentleman alluded to the way in which this Congress continues to make changes. He of course is aware that at the beginning of the 104th Congress we cut franked mail by yet another one-third of the total amount and that we moved up the statutorily required 60-day ban to a voluntary 90-day ban.

Once again I want to compliment the gentleman. His addition of a required statement that it is at taxpayer expense is a good, positive notifier of where the money is coming from. It also perhaps might be somewhat of a conscience conditioner in terms of whether you mail it out or not, and by giving it a separate report, we do move closer to the Senate, separating the response mail from the unsolicited mass mailing. I compliment the gentleman on his amendment.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would like to thank the head of the Committee on House Oversight for what I think is an extraordinary job of dealing with this issue of franked mail. I think we really have in a bipartisan way responsible addressed this particular issue in this Congress and he is absolutely right on some of the numbers. We are just trying to refine this at the end.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. PACKARD. I appreciate the gentleman yielding.

Mr. Chairman, I certainly appreciate this amendment and I am very much grateful that the gentleman has worked it out to the satisfaction of the authorizing committee chairman, Mr. THOMAS. With that agreement, I will be more than pleased to accept the amendment.

Mr. THORNTON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, the minority has no objection to the amendment. I congratulate the gentleman on working it out and bringing it to the floor.

Mr. CASTLE. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 104–663.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FAZIO of California: Page 3, after line 3, insert the following caption: "(INCLUDING TRANSFER OF FUNDS)".

Page 3, line 6, insert before the period at the end the following: ; and, in addition, $4,000,000, which shall be derived by transfer from the amount provided in this Act for "Office of the Chief Administrative Officer" under the heading "Salaries, officers and employees" and shall be available for obligation only by members for initiatives to promote the increased use of computers and other electronic technologies funded by this Act to carry out legislative activities.

The CHAIRMAN. Pursuant to House Resolution 473, the gentleman from California [Mr. FAZIO] and a Member opposed each will control 15 minutes.

Mr. PACKARD. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California [Mr. PACKARD] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee report says that $211 million is provided in this bill for computer and telecommunications investments and that there is quote, "an inexorable movement toward CyberCongress." But, quite simply, we are not yet there. My amendment would be a referendum on whether the CAO and HIR are giving us what we pay for.

We have provided generous resources to the Chief Administrative Officer and to our computer agency over the past 2 years, $16.5 million in this bill for operating expenses, $8.2 million for telecommunications projects, a doubling over last year. That does not count the $6 million in reimbursements and the $11.7 million in chargebacks that our offices pay for services to the HIR agency.

With Chairman PACKARD, I approved a $20.5 million reprogramming at the end of the fiscal year 1995 for telecommunications and computer investments.

The CAO and HIR have requested $85 million over the next 5 years for computer and telecommunications investment. But, notwithstanding the New York Times, which wrote a glowing piece on the CAO, there is evidence that our computer support is falling short.

First of all, I, along with VERN EHLERS, have been part of an effort to identify a new House-wide messaging system, and we are making steady if slow progress on that project. But, in the meantime, our existing House e-mail has been so unreliable and so slow that many users have just abandoned it for daily use.

The Financial Management System was finally switched over to a new system on June 4, 5 months later than a House Oversight deadline and 8 months later than the CAO had originally promised the Members. Your June district office rent payments, which are supposed to be sent in in a timely way so that your landlords in your districts can receive them on the 1st day of each month, still have not left the Finance Office, and I think it is, if I am correct, the 10th of July. This is frankly unprecedented. It has never happened before.

The heralded Office 2000 project, whose purpose is to automate some of the day-to-day functions in our offices, will not have a single operational function available prior to next year.

At the time of our hearings, HIR was 20 percent understaffed, and the CAO admitted that the terminations, pay cuts, and reassignments of his reorganization played a role. Our offices have felt that lack of support every day.

In addition, the office accounting software provided to your offices by HIR in January contained numerous bugs. Because of the CAO's personnel procedures, it took HIR over 7 months to hire a full-time receptionist, and it took over 6 months to hire a security officer, at a time when the inspector general told us our computer systems were susceptible to outside entry.

In short, I have to wonder if we are getting what we pay for. The CAO and HIR have received considerable credit for so-called CyberCongress initiatives. But while the CAO talks a good game about CyberCongress and desk top video conferencing and the like, I believe the performance in tasks affecting Members' offices directly has not lived up to the billing.

We are all getting our "free" computers, in quotes, but HIR has nothing new to show us, which was the whole point of the mass computer buy in the first place. The lack of progress is not because of any lack of resources, and the CAO is not shy about asking for more. The CAO's request this year was for a 32-percent overall increase, primarily for computers and telecommunications. The Committee on Appropriations has provided generous resources, including, I might add, the $20.5 million I mentioned earlier, yet the CAO cannot seem to invest it. Another $8 million in unobligated balances is already being predicted for the current fiscal year, 1996.

My amendment would take $4 million out of the fiscal year 1997 funds in the bill, half of HIR's increase for telecommunications—which is, by the way, a doubling of last year's amount—and allow the use of such funds only if approved by Members, and only for technology already funded in this bill. My amendment is the ultimate in TQM, total quality management, and customer satisfaction that the CAO is so publicly embracing.

It is simple. If you think the CAO is spending money well and wisely, vote against my amendment. If you think your office can do a better job, then vote for my amendment.

I think we can send the CAO an important message: that we demand results for the money we hand out, and results that will help us serve our constituents now, as well as in the future.

Mr. Chairman, I would like to bring to the Members' attention another related matter, related in the sense that it is directly a policy which we will all be adhering to as part of an Internet policy agreement which has largely been forged within the Committee on House Oversight. The amendment I had intended to offer to the body as a whole concerns an Internet policy set by that committee on the 23d of May. The amendment would have prevented funds from being spent to implement this policy.

Some would say, leave this to the Oversight Committee. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations, as we are in the amendment I have offered.

The policy was originally negotiated by the majority and minority staff in good faith, and there are good reasons for Web site policy and important elements to the policy. For example, it entitles minorities and subcommittees to a Web page site; it ensures that the maintenance of Web page sites is done behind an official fire wall for security purposes; and it ensures that House Web page sites are clearly identified. The committee's jurisdiction, I believe, is appropriate and I support it.

The problem came literally the morning of the hearing when we thought we had negotiated a policy successfully with the committee staff on both sides of the aisle. It was overruled. After a partisan debate, the Republicans ignored our objections and we were voted down, and so I went to the Committee on Appropriations seeking to bring the matter to the attention of the floor.

I withdrew the amendment in the full committee after Chairman LIVINGSTON agreed to help facilitate some sort of settlement on a new leadership Internet policy and, failing that, to support floor consideration of my amendment under this rule.

That resulted, of course, in further Oversight Committee staff discussions and a clarification of one of the two purposes of my amendment. That clarification was that the majority determined that it never intended to prevent a process called bookmarking, which allows people to go back on a regular basis to an item which they wish to reference on a regular basis at the Web site, part of the Internet.

However, the main issue remains unresolved. The policy as issued prevents access to a Democratic Web page site, or I should say minority web page site, unless a user first goes to the majority or, in this case, the Republican site first. Our constituents will still have to troll through screens of majority information to even discover that the minority, in this case, the Democrats, have a Web site.

In fact, my colleague and friend from California, Mr. THOMAS, made it clear at the hearing that if a committee chair did not want a minority Web page at all, he could just refuse to have a Web page for the majority as well.

To add insult to injury, the HIR has been instructed to make the technical changes that prevent users who may have stumbled across the site from bookmarking it, though, as I mentioned earlier, the majority claims that it never intended to prevent that bookmarking process from being available to anyone who browses the Internet.

We are talking about access to information, electronic information, but just information in a different form; information, like any others, that ought to flow freely in this process, certainly as part of an institution which is fundamental to our form of democracy. It is, pure and simple, a restriction on access to information.

The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot readily get to the information they want. It is ironic to me that the GOP which has gotten so much credit for the CyberCongress would make the first policy about Web pages a restrictive one. This is an important matter and I believe it is one we should elevate to floor consideration no matter what happens on my amendment today. This gives us an opportunity to discuss what I think is a bad policy, even though my amendment will not go directly to the point I am concerned about as I discuss the other amendment I had hoped to offer today.

☐ 1515

It flies in the face, this policy, of an open Congress. It perverts the whole idea behind the free flow of electronic information that is inherent in the idea behind the Internet and the World Wide Web.

Mr. Chairman, I would like to include a number of communications, particularly one from the American Library Association that agrees that access to congressional information should not be a partisan issue.

The information referred to follows:

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 9, 1996.

Hon. VIC FAZIO,
Rayburn House Office Building,
Washington, DC.

DEAR MR. FAZIO: In response to your inquiry, the American Library Association agrees that access to Congressional information should not be a partisan issue. Recent press reports have described a controversy about access to Congressional committee pages on the World Wide Web. For the past 18 months, citizens have been able to access majority Web pages from a central menu. Under a recently adopted policy, the House of Representatives Committee Office Web Services menu lists Web pages of only the committee majority with access to the minority's page only through the majority's page.

ALA is concerned about this policy and the effect it would have on an informed electorate. This policy would concern us no matter which party was in the majority during any given Congress.

ALA reaffirms its long-standing conviction that open government is vital to a democracy. Of the many issues raised by this policy, I would like to highlight two:

There should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States. In the interest of equity, the majority and minority of House committees should have equal access at the same level to the World Wide Web, a dynamic means of communicating with the American electorate; and

The free flow of information between Congress and the American people should be encouraged. Majority and minority viewpoints should be available without either one being dependent on the other.

The American Library Association is a nonprofit educational organization of 58,000 librarians, library trustees, and other friends of libraries dedicated to promoting the public interest in a free and open information society.

Sincerely,

CAROL C. HENDERSON,
Executive Director,
ALA Washington Office.

MUCKRAKER

(By Brock N. Meeks)

THOMAS BUILDS A ONE-WAY WEB

In the House of Representatives, all Web sites are created equal. But the Republicans couldn't stomach that thought, so they rewrote the rules.

All seemed fair in the wake of amicable but protracted negotiations to revise the rules governing Internet use for House committees and subcommittees. Each committee and subcommittee—on both the majority (Republican) and minority (Democrat) sides—was allocated a separate but equal amount of server space to create a Web page if they so desired. Under the negotiated plan, Democrats could independently set up their own sites, to post whatever committee information they deemed appropriate.

But that rule didn't sit right with Representative Bill Thomas (R-California), chairman of the House Oversight Committee, which writes the guidelines governing Internet use. He figured it gave the Dems too much freedom and would allow Web surfers simply to bypass any Republican-controlled Web sites. So he rewrote the regulations and rammed the changes through by exploiting his power as committee chairman.

Under the new rules, all subcommittees can have separate pages, but those pages must be "linked to, and accessible only from the committee's page." While a Republican subcommittee chair might be able to brook that overlord mentality, the ranking minority members who would control the committee's opposing Web pages might be a little ticked off.

If you've begun to smell a rat, you're not alone. "This means that any time someone wants to see an issue from the Democrat's side of things, they first have to wade through the Republican rhetoric," said a minority committee staffer.

The rules go further, according to another minority staffer. "The committee chairman must approve all content on the Web sites. I have to ask whatever happened to the First Amendment on Capitol Hill."

The rules on this issue are vague, and I could only get my hands on a draft copy. Staffers at the meeting at which Thomas ordered the changes swear he made it clear that all information needed to be "approved" by the committee chair before posting.

That account is disputed by Bill Pierce, Thomas's press secretary. "Whatever language you had regarding [content] approval, it's not the case," he said. The rule change is "about process and not about content at all." Pierce noted, for example, that the minority doesn't have separate stationary. And this rule change simply makes net resource allocation "consistent" with non-Net resources.

But for Representative Vic Fazio (D-California), ranking minority member of the House Rules Committee, the issue isn't that cut and dried. "What we're talking about is an attempt to control the minority's communication with the American people." Although the content approval issue is murky, Fazio put a hard edge on how a committee chair could wield the ultimate censorship hammer: "If a chairman doesn't like the contents of the minority's Web page, he could simply decide not to have a Web page at all."

And according to the rules, if the committee chair decides not to have a page, it means the minority's net voice is rendered mute. No argument, no debate. It's de facto censorship and to hell with free speech, even on Capitol Hill.

Fazio also points out that a committee's majority doesn't "have access to or control over the content of press releases or correspondence produced by the minority." Since the Net is simply another way to communicate, and one that "is taking on greater importance," it should be treated as such, Fazio said, "There is absolutely no reason that the majority should control information freely disseminated over the Internet."

Thomas's reasoning is beyond me. The Republicans stand a good chance of losing control of the House in the coming elections. If they do, and power returns to the Democrats, then Thomas has just ——— his own party. The Democrats will be in power and their committee chair will hold the power to approve content on the Republican committee Web pages.

At first blush, such a power trip seems bent from all angles. All one would have to do is bookmark the minority page URL and thus bypass the majority homepage. But according to a House Rules Committee majority staffer, each committee's homepage would be generated with a CGI script to prevent bookmarking. Seems they've thought of everything. I know the Republican "revolution" has hit on tough times, but this is nothing short of a desperate act, bordering on extreme.

Congress is infamous for its "sausage-making" approach to drafting legislation. Sadly, it appears they are no less enlightened when it comes to drafting rules for the Internet. Bratwurst.gov, anyone?

Meeks out . . .

BROCK M. MARKS.

[From the Office of the Democratic Leader, June 4, 1996.]

REPUBLICAN POLICY RESTRICTS INTERNET ACCESS FOR OPPOSITION

(By Laura Meckler)

WASHINGTON.—If you want to find certain Democratic views on the World Wide Web, you'll have to go through Republican territory.

Until now, Web pages produced by the Republican and the Democratic staffs of House committees were all accessible from the main menu on the House's Web page.

No more. Under a new policy that has Democrats crying foul, users will find Democratic committee pages listed only on the committee's main page, which like the committees themselves are controlled by Republicans.

"What we're talking about is an attempt to control the minority's communications with the American people," said Rep. Vic Fazio, D–Calif., the top Democrat on the Oversight Committee.

"There is absolutely no reason that the majority should control information freely disseminated over the Internet."

Fazio and others complain that to access Democratic views, Web surfers may have to scroll through Republican rhetoric and a large photograph of the Republican chairman.

In addition, if Republicans on a particular committee decide not to have a Web site at all, Democrats can't have one either.

"If a chairman doesn't like the contents of the minority's Web page, he could simply decide not to have a Web page at all," Fazio said.

A few committees currently have Democratic pages but no Republican pages. If a committee chairman wants to, he could kill the Democratic page until there's a GOP counterpart, said Bill Pierce, spokesman for the Oversight Committee.

The old policy gave each side disk space to produce Web pages but did not regulate how they are accessed.

Republicans explain that the party in power controls all committee activities and should control this as well. They note that all members use the same committee stationery, which highlight Republicans.

"We are not going to enter a whole new relationship with the Internet, which is simply an additional way of communicating," said Oversight Chairman Bill Thomas, R–Calif., according to minutes of a May 23 meeting where this was discussed. "Committee activities are under the control of the chairman of the committee."

Democrats say the Internet is more like a press release, which they can distribute on their own.

Their deepest concern is that this is a first step toward Republican control of content.

"It is even possible that committee chairmen may interpret the new policy to mean that they have direct control or veto power over the information that the minority chooses to post on its Web page," Martha Coven of the House Democratic Policy Committee wrote in a May 28 memo.

There's no chance of that, said Pierce, the Oversight Committee spokesman. "It has nothing to do with content."

In practice, there are many more Republican committee pages than Democratic ones. Democrats on the Banking and Financial Services Committee have a page while the Republican do not, but a committee spokesman said the GOP page should be up and running this week.

In addition, Thomas noted that the new policy guarantees Democrats they will have an opportunity to have a Web page.

"What we have in front of us is a progressive policy that opens up opportunities for the minority," Thomas said, according to the minutes. "It doesn't close them down."

The House of Representatives Web page is located at http://www.house.gov/

[From Roll Call, May 27, 1996]

PRE-ELECTION MESSAGES BANNED BY HOUSE

(By Juliet Eilperin and John E. Morrin)

In its ongoing attempt to adjust to a brave new technological world, Congressional panels last week adopted several policy changes—including a ban on pre-election mass communications—and also experimented with new interactive formats.

But the decisions were not free of controversy or technical foul-ups.

On Thursday, for example,the House Oversight Committee voted unanimously to ban unsolicited mass communications 90 days before a primary of general election. In doing so, it applied previously established House franking rules to several mediums beyond newsletters, including radio and newspaper ads; announcing town meetings; the purchase of broadcast time; production and communication costs for video and audio services; e-mail messages; and faxes.

"With communication technology developing at an increasingly rapid pace, it is critical that the House develop rules consistent with 21st century technology." House Oversight chairman Bill Thomas (R-Calif.) announced in a statement after the hearing.

The role of technology in town meetings first came under intense scrutiny last month, when Rep. Steve Stockman (R-Texas) purchased radio time to hold a town meeting. House Oversight ranking member Vic Fazio (D-Calif.) sharply criticized the use of official House resources for an event he likened to a political ad. Thomas, by contrast, argued that no rules prohibited members from holding town meetings on the air and such techniques could make lawmakers more accessible to voters.

Other Members have also come under fire for buying radio time to announce town meeting, during which they have the opportunity to toot their own legislative record. While all the scripts were approved by the bipartisan Franking Commission, critics said they give incumbents an improper advantage (Roll Call, April 29).

National Taxpayers Union executive vice president David Keating, who had asked House Oversight to reimpose its ban on radio ads, said Thursday's vote constituted "a good first step." He argued, however, that the funds for radio ads should be deducted from Members' mailing allowances and the House "should strictly limit the content so it sounds more like a public announcement instead of a campaign ad."

"Members can still spend literally hundreds of thousands of dollars in radio spots," he said. "I hope they don't take advantage of it."

While the banking reform and the overall adoption of a new committee handbook enjoyed bipartisan support, Democratic Members were less happy with the GOP's new committee Internet policy. Under the policy, which was adopted by voice vote, a minority committee's Web page can only be accessed through the majority's Web page.

Under this scenario, one Democratic leadership aide argued, a voter might have to scroll down through endless pictures of Commerce Committee Chairman Thomas Bliley (R-Va) and text describing the GOP's recent accomplishments before linking up to the minority's site.

"We view it as a suppression of free speech," the staffer said. "It's suppressing the minority's right to offer another perspective."

Currently, the Democrats on the Banking, Budget, and Science Committees all have separate Web sites. Under the new policy, the minority is guaranteed a site only if the chairman of the panel chooses to establish one.

But the Republicans argue that the Internet, like other forms of communications, remains under the auspices of the chairman. In the meeting, Thomas compared the Web page to the minority's committee stationery, which still includes the chairman's name at the top.

"They have to right to communicate and state their views, but under the banner of the full committee," a GOP aides said of the minority.

While House Oversight members grappled over how to communicate with constituents on Thursday, the House Rules subcommittee on rules and organization of the House spent the next morning analyzing how technology would affect communication between Members.

In the hearing—which featured video links with both a panel member and a witness—Members debated whether technical advances would undermine the thoughtful nature of lawmaking.

House Oversight member, Vern Ehlers (R-Mich) called for several reforms to ease this high-tech transition: a common format and language for Congressional documents; a set standard for the creation, maintenance, and purging of online documents; and legislation allowing Congressional Research Service reports to be placed online.

He also predicted the technological revolution would reduce the use of paper, allow citizens to print GPO documents on demand, and bring video conferencing capability to every Congressional desk.

These advances, subcommittee Chairman David Dreier (R-Calif) insisted, should not lead to short cuts like proxy voting.

"If there is a concern that Members are unduly influenced by lobbyists waiting in the halls of the Capitol," Dreier said, "how concerned should we be when they have to vote on a controversial bill from their district offices with protesters demonstrating outside?"

Ranking member Tony Beilenson (D-Calif) said he was worried that the "essence of communication" between Members would be negatively affected by video conferencing.

But committee member Scott McInnis (R-Colo), speaking via satellite from his district, responded that the technology will enable him to give greater access to the constituents of his rural district and allow them greater participation in the political process.

Beilenson cautioned against embracing technology too quickly.

"We don't need more information, we need understanding and wisdom," he said. "Our job is simple—either push the yes or no button. We shouldn't act immediately."

Dreier attempted to strike a middle ground between his colleagues, explaining, "We need to get information more efficiently without upsetting the deliberative nature of Congress."

While the hearing heralded "the Third Wave information age," it also underscored the pitfalls of the new era. Several technical difficulties marred the event, most notably the absence of Speaker Newt Gingrich (R-Ga) due to a video conferencing system malfunction. The special Web site established for the event also failed to work.

NEWS RELEASE FROM CONGRESSMAN VIC FAZIO, MAY 28, 1996

The following is a statement from Rep. Vic Fazio about the House Oversight Committee's action on committee web pages:

"What we're talking about is an attempt to control the minority's communication with the American people. If a chairman doesn't like the contents of the minority's Web page, he could simply decides not to have a Web page at all.

"The committee's majority doesn't have access to or control over the content of press releases and correspondence produced by the minority. The Internet is another way to communicate—an electronic form that is taking on greater importance in American life and society—and should be treated as such. There is absolutely no reason that the majority should control information freely disseminated over the Internet."

Mr. FAZIO of California. Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman, and I strongly oppose this amendment. This amendment would transfer $4 million from the Chief Administrative Officer of the House to the Members' representational allowance. The Chief Administrative Officer asked this year, and felt justified that he needed, a $17 million increase simply to be able to accomplish the things that the House has asked him to do and his office to do. This would literally cut them $2.5 million below current levels. We did not give them the $17 million he asked for. We gave them $1.6 million, and that was barely enough to cover the mandatories; in other words, the COLA's for staff and the staff benefit packages, which are mandated by the Government. We had to fund that, but we gave him no more than that.

We have asked them actually to cut back on their employment levels by 13 positions in this year's bill. To take $4 million out of their existing levels in this bill would require them to fire about 90 additional staff members of the House. We think that would be unconscionable.

The bill provides $8 million for the CAO's budget for telecommunications. The telecommunications, incidentally, is for computers and telecommunication systems that benefit each of the Members' offices. Over $1.5 million is for local and district office telephones that connect directly with our Washington offices, again directly benefiting our communications within each of our offices.

But the biggest problem of this amendment is not what it does to the CAO's office but it is what it does in reversing a policy that the maker of the amendment [Mr. FAZIO] was strongly supportive of last year and really gave us a great deal of help in getting it passed in our bill last year, and that was the reforms that we wanted to bring about in Congress. Those reforms are absolutely crucial to the effective operation of each Member's office. That was in all of the allocations in budget categories that are allowed for each Member's office. We consolidated those into one account with the help of the gentleman from California, and we gave the Members of Congress individually some flexibility, not some but almost total flexibility, in the use of those accounts. That was a good move. I think moving toward a consolidated bill that we had last year was a very good move, and I personally want to thank the gentleman from California for helping us to do that.

In my judgment, this is a reversal of that process. This takes us back to where we were before, and I think that would not be a move in the right direction; a step backward, I think.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I concur. I think this is a 1-year effort to surround this funding for purposes of Member investment in computerization, telecommunications, simply because I do not think the CAO has spent his money wisely.

But I agree with the gentleman and with the chairman of the Committee on House Oversight that, as a general rule, we ought to give complete license to the Members.

Mr. PACKARD. Reclaiming my time, I think that this is just the first step, though, in reversing that process and the next step would be some Member of the Congress would want to put controls on E-mail, travel and everything else that Members now have some flexibility in.

So I would hope and I would urge the Members of the House to resist this amendment that would be, in my judgment, regressive from the policies that we have established in the past.

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in full support of the amendment which he has put before us with regard to the transfer of the $4 million from the CAO to the Members' allowance.

But I would like to use a minute or so to discuss the other item which the gentleman from California referred to, and that is the policy with regard to minority access to the Internet through the majority. This was the subject of a rather extensive article in the Washington Post on July 1 which is headlined "House Web server leaving minority off the menu." While that may be a slight exaggeration, I think it is true that what this does is put an additional roadblock in the way of our Representatives throughout the United States having access to the material emanating from the minority in the Congress.

Now, in an ideal world, of course, the majority would contend, and it might be true, that this was not a roadblock and that there was no effort to censor or in any other way restrict communication. This is not an ideal world, and I will tell Members that the very fact that we have to use access through the majority is going to be a block which many constituents will find insurmountable because it will take an additional 1 or 2 minutes on their computer if they have a slow computer to scroll through and find out where the minority actually is within this vast network.

It is for this reason that it is a roadblock when we should be trying to make it easier, not because I suspect that the majority would want to do anything to restrict our minority page that I think this is a poor policy. We are doing everything possible to make it easier for people to communicate, constituents to communicate with their Representatives. This goes in the opposite direction. It is poor policy, and I urge that something be done to correct this at the earliest possible date.

Mr. PACKARD. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Chairman, first of all, let me rise to comment on the specific amendment which we are supposed to be dealing with during this time, and I do not know about the desire for Members to have a referendum on the CAO. I am concerned about the language of the amendment which the gentleman from California, who as a member of the Appropriations Committee and the authorizing committee has the ability to move freely between the two areas, and attempt to write policy from an authorizing committee position in the appropriation. We are supposed to have that be against the rules. It is legislating on an appropriations bill, but the Committee on Rules did make it in order, notwithstanding that.

My problem is that it builds a fence around the $4 million. I would be less opposed to the amendment if he gave the $4 million to the House Committee on Oversight so that we could place it where the Members could get the best use out of it. This amendment places it where the gentleman from California thinks we can get the best use out of it.

Where we are is the gentleman from California, notwithstanding the fact that he is in the minority, still wants to basically run the place and tell people what to do. I do not deny that that is a desirable position, it is just that I wanted 16 years to be in the same one and I would now like to exercise it. But the gentleman from California apparently does not want me to because he wants to tell me where to put the money.

At the beginning of this Congress, we took the separate categories of the Members' representational account and put them into one so that Members would have freedom to choose between staff or computers or travel or a district office. The gentleman now wants to go back to the policies of old, that he has already repudiated by his vote in committee, to free up the ability to determine where the member spends his money.

So on that particular amendment, I would ask for your opposition.

Now the Internet. The gentleman from California said something that I agree with, and that is that the Internet is information in a different form. After that, I had a fairly fundamental disagreement with what he has had to say. I really believe the people who took the floor earlier and said this was a gag rule—the gentleman from Colorado said it was un-American, that this is censorship I think got a little carried away with their rhetoric.

The reason I agree with the gentleman from California [Mr. FAZIO] that this is information in a different form is that we really ought to look at that information in a different form so that we can understand what we are talking about. Committees give reports. They hold hearings. They write a report. Very often the minority dissents from the majority report, and so you have the majority report and the minority report. Is the minority report presented in a completely separate document available to those constituents who want to find out about the hearing? No. It is included in a package that says, "Committee on House Oversight, House of Representatives, together with minority views." It is the majority and the minority combined.

The gentleman, and I think he waxed eloquent in the Committee on Rules, said that it was possible that visitors would probably thumb through 120 electronic pages to be able to find the minority location.

Every committee in the House except the Committee on Standards of Official Conduct and the Committee on Intelligence has a Web site. We might understand why those two prefer not to have a Web site: The Ethics one probably would be too full and the Intelligence one would be blank. But for the other committees, here is the Committee on Resources. First page, picture of the chairman, Democrats, minority of the committee. We do not have to thumb through pages; it's right there. It is on the front, just like the reports. Committee on Economic and Educational Opportunities, right up front. "Welcome to the House Committee on Banking and Financial Services. Greetings from Chairman Jim Leach;" the Democrats' view, right up front. House Committee on the Budget, they even put a donkey so that those folks who have trouble with the cursive can locate the minority home page.

The gentleman from California [Mr. BROWN] was complaining about the Committee on Science. We do have to go to the second page on the Committee on Science because the chairman decided "Hot News" would take up a third of the page. Current issues that affect both the majority and the minority would take up a portion of the first page; but right there, the Democrats.

Let me talk about information in another form in another way. If we go to the House of Representatives telephone directory, we will find staff listed alphabetically. We will find staff listed by Members' offices, and we will find staff listed and Members listed by committee. On that page it says Committee on House Oversight, for example, just thumbing to that page, the majority, the minority, the majority staff, the minority staff, located by committee.

What the gentleman from California and the others are really asking for is something that is unprecedented in the history of the House, a wedge, if you will, to open up the opportunity to create a distinct and separate structure for the minority.

Now, if our colleagues had been in the majority for 40 years and now have to suffer under the yoke of being in the minority, our colleagues would not accept the fact that their colleagues share the page with the majority in the phone book or share the pages under the cover of committee reports or that they are second on the Internet page for the particular committee. Our colleagues would want their own distinct structure.

Well, it has never been that way. They are trying to use this argument of censorship on the Internet as a wedge argument to begin to unravel the 40 years of history that they established as the majority.

Now, the new majority is somewhat more conservative than the old and we probably would tend to hang on to those areas that worked well. One of the areas that worked well was to use the committee as the structure, underneath that, the majority and the minority. All we are doing is continuing that structure on the Internet as well.

□ 1530

Mr. PACKARD. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, in listening to the prior speaker, it occurred to me that perhaps he has not searched the Web extensively because I heard the analogy to committee reports. Now I am new to the Congress, but I read some committee reports and they tend to go through legislation, and there are pros and cons on each side, and they are bound together in one volume. I think that is just dandy. That is the way it ought to be. But if you take a look at Web sites, that is not what you find.

For example, in the Committee on Resources Web site there is a picture of the chairman, along with articles like, "The Republican Investment in the Environment," which is bookmarked under "Humor" on the Web, and there is a small link to Democrats buried under committee information. The Joint Economic Committee opens with, "Welcome to the home page of Vice Chairman SAXTON and House Republican members of the JEC." It then links to each Republican JEC House member and the JEC Republicans in the Senate, and provides the text of partisan Republican publications on the "Contract With America" and the "Debt Limit Charade."

These are not like committee reports, and requiring the minority to be just a subset of the majority on Web sites is kind of like saying you can send out a press release, minority, but only if you staple it to the majority's press release, if they send one out. That is what I object to. I think it is what most Members who are speaking here object to.

The fact is that under the House rules that we adopted, there is 10 megabytes of space for the majority and there is 10 megabytes of space for the minority. That space should be used, hopefully prudently, honestly and usefully for the American public, by each side to speak the truth about what they know of issues of importance to America.

A few hours ago I talked to a gentleman in high-tech who had heard the debate. He is an immigrant. He built his company from nothing and he said this is fascism. This immigrant said he has heard what is going on. He said that he comes from a place where he saw fascism arrive. "You leaders in America must stop fascism when it first surfaces, when you first see those signs," he said, "and that is now. Please do not allow this to happen."

Mr. Chairman, I thank the gentleman from California for allowing me to speak.

Mr. PACKARD. Mr. Chairman, I yield myself 2 minutes for a response.

Mr. Chairman, I really seriously object to the analogy that was just used, fascism.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I am sure that was not really the intent of the gentlewoman. The concern, obviously, is great, but I would not want to typify it as anything more than a disagreement on policy.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I would appreciate the gentlewoman's response.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I was quoting an individual who spoke to me, not a Member of this body. And perhaps as a new Member I am not as aware of the rules as I might have been. If it offended or it was inappropriate, I would certainly withdraw the remark.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I think the association, though, to this body or to any Members of this body or either side of this body is an inappropriate association.

Mr. Chairman, I simply want to express one point, and that is that this amendment will cost money. The House information resources can negotiate a large volume of purchases and thus get volume buying and volume cost discounts for the entire cyber Congress initiative. Some 440 individual contracts are negotiated by each Member, and that would lead to a lot of additional expense. It would lead to a lack of standardization of our equipment in each of our offices, and, overall, I think it would be chaotic.

In conclusion, Mr. Chairman, from today's issue of The New York Times I read where it says, "For years, each lawmaker has decided which computer system, if any, they wished to buy and to install in their office. This has led to a congressional Tower of Babel that receives a total of 100,000 E-mail messages a week. Some messages arrive three days late on one of nine overlap systems."

So I really would oppose this amendment and feel, again, it would be regressive.

Mr. Chairman, first of all, may I inquire how much time I have remaining.

Mr. CHAIRMAN. The gentleman from California [Mr. PACKARD] has 3 minutes remaining, and the gentleman from California [Mr. FAZIO] has 30 seconds remaining.

Mr. PACKARD. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me this time.

I find it rather hypocritical to respond to the comment about fascism that "I have done my homework and I know that it was a quote and, therefore, in quoting others on the floor that it is not a breach of the rules; however, since I am a new Member I may not be aware of the rules."

It seems to me we cannot have it both ways. The gentlewoman knew exactly what she was trying to do, and what she did was interject a level of hostility which is totally inappropriate on this particular subject. What she does not know, perhaps, is that there was never any intention not to provide the ordinary software procedures for moving to sites that one is returning to by those people who browse frequently.

The problem arose when the ranking Member, using that unique authorizing and appropriations avenue that he has, moved to the appropriations route to try to meet his needs instead of sitting down with the chairman of the committee and working it out.

As we move forward with this new technology, just as we have in every area, just as the letterhead says, chairman and minority, we will share. And we share far more than the other side ever shared when they were the majority. We are doing more in reaching out to the minority than they did, and we will continue that trend, despite the references.

Mr. PACKARD. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield myself the balance of my time to simply say this amendment, of course, does not go to the Internet policy. It does, however, I think send a message to the CAO that we need to manage the cyber-Congress in a much more effective way.

Just simply in reference to Internet policy, my only reason for bringing it this route is that, of course, our committee makes these decisions in and of itself. I do not mean to deny that that in most cases is appropriate. But this is a new policy. It ought to be a solidly compromised and accepted policy by all, on all sides of the debate, minority or majority, and I do think this is a worthy discussion for us to have. I would hope Members would err on the side of openness and equal access to the Internet.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of my time, and, in closing, I would like to emphasize that I do not believe we have ever had a time when there has been more willingness to cooperate than this majority has extended to this minority. We, I think, have bent over backwards to make equal access, equal opportunity and equal funding for virtually everything we do, and I think that the gentleman from California would admit to that.

This amendment takes money away from our movement to the cyber-Congress, to the electronic age for this body and for each of our offices, and all of which really benefits our communications and our operations. These investments will make us more efficient and more effective in our offices, both in our congressional districts and here in Washington. Instead, this amendment would free up additional money in our allowances for additional mailings and travel and a variety of other things that I think the public would really object to. I think that would be move in the wrong direction.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. FAZIO].

The amendment was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 473, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 6, as modified, offered by the gentleman from California [Mr. CAMPBELL], and amendment No. 7 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote, if ordered, on the pending question following this vote.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CAMPBELL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 181, not voting 14, as follows:

[Roll No. 295]

AYES—239

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Clay
Dunn
Ford
Gephardt
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Rangel
Watt (NC)
Young (FL)

☐ 1601

The Clerk announced the following pairs:

On this vote:

Ms. Dunn of Washington for, with Mr. Clay against.

Mr. Longley for, with Mr. Rangel against.

Ms. FURSE, Mr. TAYLOR of Mississippi, and Mr. MONTGOMERY changed their vote from "aye" to "no."

Mr. CHABOT and Mr. BERMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 248, not voting 13, as follows:

[Roll No. 296]

AYES—172

Allard
Baker (CA)
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bentsen
Blute
Browder
Brownback
Bryant (TN)
Bunning
Burton
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Dickey
Doggett
Doyle
Dreier
Duncan
Ensign
Ewing
Fawell
Flanagan
Foley
Fox
Franks (CT)
Franks (NJ)
Funderburk
Furse
Ganske
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Green (TX)
Gutknecht
Hall (TX)
Hamilton
Hancock
Harman
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kleczka
Klug
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
McHale
McHugh
McInnis
McIntosh
Meehan
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myrick
Neumann
Norwood
Nussle
Orton
Parker
Pastor
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quinn
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry

Tiahrt
Torricelli
Upton
Ward
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Zimmer

NOES—248

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goodling
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lowey
Manton
Markey
Martinez
Matsui
McCarthy
McCollum
McCrery
McDermott
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Quillen
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Spratt
Stark
Stokes
Studds
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Waters
Waxman
Weldon (PA)
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—13

Clay
Dunn
Ford
Gephardt
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Watt (NC)
Young (FL)

□ 1610

Mrs. CUBIN, and Messrs. PORTMAN, McINTOSH, and BROWDER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3754) making appropriations for the legislative branch for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FAZIO of California. Mr. Speaker, at the moment, I am.

□ 1615

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FAZIO of California moves to recommit the bill H.R. 3754 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

On page 4, line 7, strike "$22,577,000" and insert "$22,427,000" and

On page 4, line 8, strike "$16,577,000" and insert "$16,427,000".

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. FAZIO] is recognized for 5 minutes in support of his motion to recommit.

Mr. FAZIO of California. Mr. Speaker, the motion I am offering instructs the bill being reduced by $150,000 through the account of HIR. This is the amount that is necessary for the Republican majority to implement their new Internet policy which we believe denies Democrats our own independently accessed Web site. This amount of money is a relatively small amount.

Mr. Speaker, I yield to the gentlewoman from California [Ms. LOFGREN] who could explain how this could easily be attained by more efficient policy procurement.

Ms. LOFGREN. Mr. Speaker, I support the motion to recommit because its intent is to avoid a policy that I believe will have the effect of stifling voices of dissent, which will not serve this body or our country well.

As the House is aware, every office will soon be getting a computer as part of our new CyberCongress initiative. I was interested on the details on it and did get the cost for the computer, which is $5,367.12. I took the specs for that computer and went to a normal vendor outside of the favorite inside vendor and asked them for an estimate. They came in with a cost that is $900 per computer, less for a better machine, 120 megahertz as compared to the 100 megahertz that the House has purchased. If that were expanded to all 435 offices, that would be nearly $400,000 that this House would save.

Mr. Speaker, I think we ought to do that whether or not the motion to recommit is approved, but clearly if this motion is approved, we can save at least $150,000 just by making a better purchase on the new computers for each House office.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, my motion concerns the Internet policy set by the Committee on House Oversight on May 23. It will prevent funds from being spent to implement this policy. But I believe it is a policy of sufficient importance that it needs to be reevaluated as we consider funding for House operations. This is the only opportunity allowed by the Committee on Rules.

A restricted Internet policy is certainly one we are going to all have to explain to our constituents, so we should all have a chance here today to make a judgment on this policy, not simply majority of seven within the Committee on House Oversight, all Republicans.

The policy, as issued, prevents access to Democratic pages, Web pages, unless a user goes to the Republican page first. As was said in the earlier debate, it is like requiring, when we put out a press release, that we staple on top of it a press release from the other point of view. Our constituents may have to scroll through literally hundreds of screens of Republican information to even discover that the Democrats have a Web site at all.

In fact, when we made this policy, the chairman made it clear at the hearing that if a committee Chair unilaterally did not want a minority Web page at all, he or she could simply refuse to have a Web page for the majority. This is, pure and simple, a restriction on access to information. The effect of this policy is that users of the Internet and the World Wide Web, our constituents, cannot get the information they want.

It would be similar to this analogy: The freshmen have a Web site; the Republican freshmen. Should the public have to access the Democratic freshmen Web site through the Republican freshmen Web site? It would be, I think, ludicrous. Of course not. But it illustrates, I think, how ridiculous this policy can really be.

It is a bad policy to restrict information for. It flies in the face of all the discussion of a vaunted open Congress. It perverts the whole idea behind the free flow of electronic information that is inherent in the idea behind the Internet and the World Wide Web itself.

So I want to prevail upon the reason, the wisdom, the common sense of my colleagues and ask them to reject this policy, support this minimal reduction in the HIR budget, one we could easily make up with a tighter procurement policy, and strike a blow for open information regardless of whether one is with the minority or the majority.

After all, we all must anticipate during our careers we will share the experience in both categories.

The SPEAKER pro tempore. Is the gentleman from California [Mr. PACKARD] opposed to the motion to recommit?

Mr. PACKARD. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. PACKARD. Mr. Speaker, this is not a Republican Internet system. This is a bipartisan, bicameral system. The Members of the CyberCongress roster, the Internet Caucus roster, is made up of 50 Members of the House and Senate on both sides of the aisle, and they strongly urge that we proceed forward with the Web page and the Internet system.

This motion to recommit will mean that the team of computer experts who are helping individual Members, each of us, put their Web site on the Internet will be eliminated in this motion to recommit. This team not only helps the committees install their own Web pages, but it helps train our colleagues and their staff on how to use the Internet for their Web sites.

Mr. Chairman, this recommittal will harm the House's ability to use the Internet and make information available to our constituents. This funding is for two or three people who support Members and committee staff to present material in a clear and relevant way to the American people.

This is a policy issue, not an issue of funding, and should be dealt with in the policy forum, not through this bill. Currently 12 inquiries are received daily by HIR which reflect a growing demand on this service.

I urge my colleagues in a bipartisan way to reject this motion to recommit because it will hurt our colleagues' individual offices as they move toward the Internet.

Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS], chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, if anyone ever wondered what was meant by the old phrase, "cut off your nose to spite your face," we have got exhibit A in front of us in this motion to recommit.

The gentleman from California talked about the committee Web sites, that we have to go through hundreds of pages. Just a short time ago I showed our colleagues the pages. It is right on the front page. They even use an icon of a donkey for those who are not sure where they are supposed to go. We provide a book mark, go to that site once, and then in the software the return user can go directly to the minority site. Every committee has it except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence. What he proposes to do is cut out the employees in HIR that assist in the more than 180 Web sites.

Democrats and Republicans, we heard speech after speech about wanting an open Congress, wanting a House that was more willing to work with people on the outside, and we were not willing to do that by having the committees with the majority and the minority tied together like it is everywhere else.

I say to my colleagues, "This amendment cuts off your nose to spite your face. You are going to deny support services to Democrats as well as Republicans, to groups like freshmen Democrats and freshmen Republicans so you can make a point backed up by facts that simply are not so."

I would urge a "no" vote on the motion to recommit.

Mr. PACKARD. Reclaiming my time, Mr. Speaker, I strongly urge on a bipartisan basis that we, for our own good and for the good of our CyberCongress and our individual offices, vote this motion to recommit down, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FAZIO of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electonic device, and there were—ayes 191, noes 230, not voting 12, as follows:

[Roll No. 297]

AYES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart

Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—12

Clay
Dunn
Ford
Gibbons
Gutierrez
Hayes
Lantos
Lincoln
Longley
McDade
Watt (NC)
Young (FL)

☐ 1644

The Clerk announced the following pairs:

On this vote:

Mr. Linder with Mr. Longley against.

Mr. Clay with Ms. Dunn of Washington against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LaHood). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 58, not voting 15, as follows:

[Roll No. 298]

YEAS—360

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Menendez
Meyers
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Spence
Spratt
Stokes
Studds
Stupak
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff

NAYS—58

Andrews
Brown (FL)
Bryant (TX)
Chenoweth
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Danner
Dellums
Doggett
Engel
Fattah
Ganske
Green (TX)
Hamilton
Hancock
Hilliard
Jacobs
Johnston
LoBiondo
Lofgren
Markey
McDermott
Meehan
Meek
Metcalf
Miller (CA)
Minge
Moran
Neumann
Oberstar
Obey
Orton
Peterson (MN)
Petri
Roemer
Royce
Sabo
Sanford
Schroeder
Sensenbrenner
Slaughter
Solomon
Souder
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Torricelli
Volkmer
Yates
Zimmer

NOT VOTING—15

Clay
Dunn
Ford
Gibbons
Gutierrez
Hayes
Hyde
Lantos
Lincoln
Longley
McDade
Smith (TX)
Watt (NC)
Waxman
Young (FL)

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So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, in the afternoon of Wednesday, July 10, 1996, I was unavoidably absent from this Chamber and therefore missed rollcall, vote No. 295, rollcall vote No. 296; rollcall vote No. 297 and rollcall No. 298—on final passage of the legislative branch appropriations for fiscal year 1997. I want the record to show that if I had been able to be present in this Chamber when these votes were cast, I would have voted "no" on both rollcall vote No. 295 and rollcall vote No. 296 and "yea" on rollcall votes 297 and 298.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 472

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302 or 308 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. GOSS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Mr. Speaker, the appropriations bill for the Department of Labor, Health and Human Services, Education, and related agencies always involves some controversy and usually involves much heated debate. Issues such as abortion, labor policy, the Federal role in education, stir passions and invite dialogue.

I am therefore, very pleased that the rule before us is completely open. Any Member who wishes to offer a germane amendment may do so.

Also, in the interest of comity and in recognition of the legitimate differences of opinion over some of the fundamental aspects of this bill, I offered an amendment in the Rules Committee to double usual time for general debate to 2 full hours, as requested by the ranking member the gentlemen from Wisconsin [Mr. OBEY], and we acceded to that request.

In addition, the rule allows the chairman of the Committee of the Whole to postpone or roll votes, a step we have taken on many bills recently which has helped, I think, provide for a smoother and more predictable schedule for Members in committee with important business taking place off the House floor.

Finally, the rule includes a preprinting option, I repeat, option, for the benefit of Members who file their amendments in advance. It is not mandatory.

Mr. Speaker, there will certainly be very comprehensive debate about the specifics of this bill. In fact, I think some of it has already started on the other side. I will not spend a lot of time previewing those discussions because this is about the rule.

I would, however, like to thank Chairman PORTER and his committee for the good work they have done to bring this bill to the floor. This legislation, as we will all recall, was indeed a lighting rod last year, and I think most of us will also remember it spent much time being stalled in the other body.

I think most Members will recognize the effort that has been made this year to produce a solid bill, one that is free from many of the controversial policy riders that hindered the progress in the fiscal year 1996 bill, a real effort that deserves our attention. While H.R. 3755 fully complies with the strict limits needed to reach a balanced budget by 2002, that is, it is on the budget glide path, discretionary funding is nevertheless up $2.4 billion, almost $2.5 billion in additional, increased spending in this bill.

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Although we undoubtedly will hear the charge from the defenders of big government that we are not spending enough, we will never be spending enough for some people. Instead of the old approach of funding all government programs, those big and small, good and bad, at equally high levels, which was the way we did business around here for a long time, which got us into such fiscal problems as we are having now, this new Congress, under the new majority management, has set priorities for this bill this time, providing adequate funding for those programs that were effective and do the most good, programs such as Head Start, and reduced or eliminated the tax dollars going to wasteful or ineffective or out-of-date or off-the-mark programs; Goals 2000 is one that comes to mind.

This is simple, common sense, the same common sense exercised by families at the kitchen table every day as they plan their own family finances, or by shoppers at the supermarket as they go about the business of buying their necessities.

I am pleased that we have been able to instill some of that restraint here in this bill. Americans are asking for that restraint. Americans are used to that type of restraint in their own affairs, and they are demanding that type of restraint for the people who represent them in this, the House of the people, where all funding bills start.

I urge my colleagues to support this rule. It is a good rule. We do not ever get a better rule than this rule unless we are opposed to open rules.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority has given us a good rule for a bad bill. But Mr. Speaker, giving the House an open rule for this appropriation is essentially a meaningless gesture because, for the second year in a row, there is simply no way to fix this bill by amendment. Piecemeal amendments will not turn this sow's ear into anything but a sow's ear.

Mr. Speaker, the Republican majority has, in this appropriation, made a very bold statement about their priorities. For the second year in a row, the Republican majority want to cut, slash and eliminate programs that aid families, provide educational opportunity, ensure workplace safety, and protect our children's health.

For the second year in a row, the Republican majority has recommended appropriations for the Departments of Labor, Health and Human Services and Education which ignore the priorities of the American people: jobs, education and training, and health and safety. The Republican majority wants to cut these critical programs to balance the budget. The Republicans want to reduce the number of Head Start slots available for disadvantaged children, to cut summer youth employment, to reduce the availability of student loans and grants, and to cut the funds that make computers and links to the information superhighway available to schools throughout the Nation.

Mr. Speaker, I want to balance the budget, but I do not want to do it on the backs of working families and school kids. But the Republican majority is asking us to do just that. The majority wants to make cuts that in the short term look good on paper, but in the long term will do great harm.

These cuts are not just shortsighted, Mr. Speaker, they are foolish. We cannot expect our economy to grow if our work force is undereducated. We cannot expect our businesses and industry to compete in the worldwide marketplace if our workers do not have adequate training. But, the cuts in job training in the bill will take away opportunities for displaced workers to retrain and for new workers to train for the jobs of the 21st century.

Mr. Speaker, there is simply no way to fix this bill. The Appropriations Committee ranking member, Mr. OBEY, stated this yesterday when the Rules Committee met to consider a rule for this appropriation. At his request, the Rules Committee has provided 2 hours of general debate so that the House can fully air the differences in priorities between the majority and the minority. This debate promises to be only a beginning of yet another long-term debate between the Republican majority in the House of Representatives and those of us who want to ensure that American priorities in jobs, education and training, and health and safety are protected.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise and ask my colleagues to defeat the previous question. I do so knowing that there are honorable people who serve on the Committee on Rules, and that by and large they try to do the right thing every time. But I can tell my colleagues in this instance the Committee on Rules acted somewhat out of character when a bill that has been sponsored by 8 of the 13 members of the Committee on Rules that I tried to offer as an amendment to this bill was defeated in the very same Committee on Rules, by and large, by the eight people who sponsored the bill.

The bill is all about keeping promises. The bill is all about changing the way Congress does business. First to the promises. When we think about it, the only people in America who were really promised free health care were those people who enlisted in the military when their recruiter told them, if you serve our country honorably for 20 years or more, at the end of that period of time, you will be given free care in a military health facility for you and your spouse for the rest of your life.

That promise was made in the 1930's. It was made in the 1940's. It was made in the 1950's. And I can assure my colleagues that on June 25, 1971, in the Customs House on Canal Street in New Orleans, LA, it was made to me. I did not serve for 20 years, and, therefore, I do not deserve free health care. But there are a heck of a lot of people who served for 20 years, 30 years, who fought in World War II, Korea, Vietnam, most recently Desert Storm, Panama and Grenada who had their enlistment officer tell them just that and who, effective on July 1 of this year, upon reaching the age of 65 when they showed up at the military hospital for the treatment they had been receiving for years were told we cannot take you anymore. You have to go to a private doctor. Medicare will reimburse some of those costs, but not all of those costs.

So, now at the point in their life where they cannot go back to work because they are over 65 and not very many people hire people over 65, where they thought they had been promised free health care for the rest of their lives, they were being told they are not. They are being told that now they have to dig into their pocket.

Now, sometimes it is not a whole lot of money if it is just a common cold. But what if it is something like leukemia? What if it is something like cancer? What if it is a serious heart condition that involves not dozens of dollars but tens if not thousands of dollars? Now they have to pay, and they have to pay dearly for something that our Nation promised them.

The amendment that I would like to offer is really not my idea. It is the brainchild of the gentleman from Colorado [Mr. HEFLEY] and it is cosponsored by almost 270 Members of this body. It is cosponsored by both the chairman and the ranking member of the Veterans' Affairs Committee. It is cosponsored by the chairman and ranking member of the National Security Committee. It is cosponsored by the chairman of the Committee on Appropriations. It is cosponsored by myself, and it was a part of the Blue Dog coalition budget because we think it is important that this Nation keep our promises.

When brought before the Committee on Rules with all of the things that I have just told my colleagues, the importance of keeping promises, the importance of this Congress, of any Congress ever before keeping its word to the American people, in particular keeping our word to those people who have given the most to our country, the Committee on Rules voted in a party line vote, I am sorry to say, not to bring it before this body. That is wrong and it is time we changed things.

If Members recall, 1½ years ago a group of people were swept into office with the promise that no more business as usual, no more letting parliamentary rules keeping the right thing from happening, no more losing the forest for the sake of a couple of trees. Today is an opportunity for those people to keep their word.

Today is an opportunity for the 270 people who cosponsored this bill to put their vote where they put their signature, and that is to defend the rights of our military retirees who served this country so well, who kept their part of the bargain. And all they ask in return is for our Nation to keep its word. As I said before, they are the only people in this country who were promised health care. Prior to Medicare and Medicaid coming along, they were the only people who got health care. And now is it not ironic that the people who dodged the draft, that the people who may even be here illegally get free health care? But the people who paid with 6 months at a time at sea on aircraft carriers and submarines, the people who lost limbs, the people who lost their vision, the people who were away from their families, whose families split up because they were away defending our country, they are not getting the health care they were promised.

Mr. Speaker, this rule is wrong. It needs to be defeated, and we need to give those veterans of our country, our military retirees, what they were promised.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to the gentleman from Mississippi, who is my friend and the substance of whose bill I very much support, even though I am sorry to say I am not a cosponsor primarily because I wasn't aware of the substance of all the bill until yesterday, has been guided on how to go about accomplishing his mission, observing the rules and the protocols of the House. The first we have heard about this and the first I had heard about this was last night as we were in the Rules meeting.

It just so happens that through an agreement in the protocol between both parties, the minority and the majority on this, we were not able to stick to our protocols in the Committee on Rules and make him in order. However, there were other options for him to pursue without disrupting what I think is a good, open rule for us to get on with the debate with one of the major appropriations bills that has the funding for major agencies of the Federal Government and a great many people who are depending on the activities of those agencies.

It seems to me the right way to deal with that is through the established rules and protocols of the House, and we have been happy to provide that information to the gentleman from Mississippi and I hope he will follow that course and he will have my support if he does.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open [2]	46	44	77	60
Structured/Modified Closed [3]	49	47	34	27
Closed [4]	9	9	17	13
Total	104	100	128	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	MC	H.R. 3755	Labor/HHS Approps	
H. Res. 473 (7/9/96)	O	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KNOLLENBERG], a member of both the Committee on Economic and Educational Opportunities and the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, every hard working American family stands to benefit from the policies the Republican Congress is moving forward.

Despite the outrageous scare tactics and the "sky is falling" strategy of the Democrats, the future will be better for our children and our grandchildren.

We have successfully aimed to cut wasteful spending, reduce duplication, and lower taxes to get the Government out of our workers checkbooks. And with a balanced budget, lower interest rates will mean lower mortgages, lower car payments, and more affordable student loans.

We have pushed for welfare reform that rewards hard work and perseverance and returns the expectation of personal responsibility. The Democrats and President Clinton have only blown hot air at welfare reform while still pushing the same old spend-spend-spend welfare state.

Republicans have promoted workplace safety protections and pushed for better designed programs to help students go to college.

And if you really want to help working families, we'll cut their taxes and let them keep more of their hard-earned money rather than give them 90 cents an hour.

We've made solid progress to cut spending, balance the budget, and make this Government work better. This bill is an important part of the fight. So reject the deception and the distortions. Support the rule. It is a good rule. It is an open rule and support this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is about fairness, as the gentleman from Mississippi [Mr. TAYLOR] said earlier, and this is the only way we know to bring this matter to the floor at this time.

Military retirees and their dependents who are Medicare eligible over the age of 65 are now being forced out of the military health care system and on to Medicare. Under current law, the Department of Defense cannot be reimbursed by HCFA for treating Medicare-eligible retirees. Without Medicare reimbursement, the Retired Officers Association said these words: The DOD has no funding or financial incentive to treat military Medicare eligibles; thus, they are being shoved out of the military health care system and on to Medicare.

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If that were not bad enough, CHAMPUS eligible beneficiaries who enroll are abruptly disenfranchised from Tricare when they become Medicare eligible.

After we looked at the Persian Gulf war 3 years ago and realized that we could have had a problem if as many people had gotten hurt as possibly could have, in treating them, we decided we ought to not persist in a drawdown of medical personnel and medical infrastructure in our active guard and reserve forces. And so at that time we passed MediGuard, allowing the Governors of the various States to select medically underserved areas in those States, and then we would use reserve and guard personnel to go and conduct what we would call, I suppose, defensive medicine, screening for high blood pressure and so forth, to keep that ready military medical infrastructure in place in case we have another situation like the Persian Gulf.

I am convinced that military medical readiness will suffer if these people are continued to be denied access to care. Our medical military system must attract, train, and retain physicians and other health care personnel if it is going to be a capable and viable national resource for our defense.

Medicare subvention provides this institutional foundation which is needed to meet any contingency operation and will ensure that our military retirees have the freedom of choice in health care that they have earned, have been promised and deserve.

Now they say, well, this is out of order because we are in an open rule on Labor-HHS. This is telling HHS in this bill that they can reimburse the Department of Defense for these people. It is the same money, the same illnesses, the same medical people, but we do not force military retirees over the age of 65 out of military hospitals. That is just plain wrong.

There is a remedy under this bill to do it. If we could defeat this rule or the previous question, then we can have our amendment, which was denied us in the Committee on Rules, brought on the floor for a vote. That is all we ask.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we come again to a time when this Congress is offering to the American public the multistrike bill and everyone is out. I would have hoped that after last year we could have come to the table of compromise on the Labor, Health and Human Services and Education appropriations bill, but we find that this department is underfunded some $6.15 billion below the President's request.

What strikes me the most is that we have given up on children by underfunding Head Start by $38.1 million, which serves only 740,000 out of the two million children who are currently eligible for this important and effective early childhood program.

Just a couple of weeks ago I had the opportunity to be in California discussing the crisis of juvenile crime all over the Nation, and one thing that we were assured of or convinced of, as the RAND study has indicated, that it is the upfront cost that will allow us to invest in Americans and prevent the incarceration of citizens in their later life.

I cannot understand my Republican colleagues for striking out Head Start once more and disallowing the numbers of children that need this service to not be served. Additionally, I cannot understand if this is a Nation of working people, supporting working Americans, that we would cut the dollars that promotes workplace safety and health and also pensions security.

Just yesterday, in a very grateful manner, the Senate voted overwhelmingly to support the increase in the minimum wage. We now in the House of Representatives will be dealing with a bill that says to the American workers that they are out. We strike them out on workplace safety, we strike them out in health care and we strike them out in pension security.

We have worked over the last 2 years to ensure that our young people have an appreciation for work. The Youth Summer Jobs Program has been one that I have personally taken charge to see that we respect the fact that young people care about work. We cut it in 1995, they cut it in fiscal year 1996, but yet we were able to see that it survived. Here we go again, we are now at 442,000 youth who cannot be served because of the cuts in the Youth Summer Jobs Program. I think it is important that we recognize that America is a country of inclusiveness.

I would say that, in addition to including our youth, we should recognize those who suffer from mental illness and drug abuse. The bill provides less funding for the Substance Abuse and Mental Health Services Administration. The amount, $1.85 billion, is an aggregated cut of $33.9 million below the current funding level and is $248 million below the administration's request.

Just for a moment, one of the things I have heard often when I have spoken to my health care providers in Texas is that mental health is an important issue. I think if we defeat this rule we will be able to support youth, children, and those who suffer from mental illness and substance abuse. I ask my colleagues to defeat the rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong opposition today of the Labor, Health and Human Services and Education appropriations bill. While we should be investing more in education to give our children the tools of opportunity in order to succeed, the Gingrich Congress continues its assault on education.

The central theme of the leadership revolution has been to deny working families and children in this country educational opportunities at every level of their academic development. And this bill is more of the same.

The enrollment in public schools today is rising. Tuition costs for college are going through the roof and working families are being squeezed just to make ends meet. This Congress should be doing everything in its power to expand access to a college education, to maintain support for local schools, ensure that every child who walks into a classroom is healthy, fed, and ready to learn.

This bill does the exact opposite. It slashes education. That is dumb and it is wrong. Let me cite the blows inflicted by this bill.

Our national investment in elementary and secondary education is cut by $400 million from last year's level. The bill kicks 15,000 children out of Head Start. It denies 150,000 children needed help in reading and mathematics for next year. The bill stops Federal funding of school reform. Goals 2000, which enables teachers to reform our schools, to discover innovative methods to improve the academic performance of all students, is eliminated under this bill. It slashes safe and drug-free schools, putting children in my district in New Haven, CT at risk of violence in their schools.

In higher education the bill would deny 191,000 students Pell Grants next year. The bill denies 96,000 deserving postsecondary students the opportunity to receive low-interest Perkins loans. It reduces funds to administer the direct lending program, limiting the number of loans available to students and working families for 14 colleges and universities in Connecticut.

The Gingrich revolutionaries just do not get it. We have been down this road before. The American people have spoken out loudly and clearly in opposition to an extreme Republican agenda, yet it has reared its ugly head once again in this bill. The American people understand that the only way that we move competitively into the 21st century is through an educated work force.

Educating our kids is primary to families today. Dismantling public education in this country is the wrong way to balance a budget. We should reject this all-out attack on education for middle-class Americans.

Some of my opponents say the Republicans have changed their tune from 4 months ago, found faith in America's public education. This is simply not true. I call on my colleagues to reject this extreme antieducation bill.

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio, Judge PRYCE, a distinguished member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank my friend from Florida, Mr. GOSS, for yielding me the time, and I rise in support of both the rule and the Labor-HHS appropriations bill.

First, this is another open rule. With the exception of the legislative branch appropriations bill, which we considered earlier today, all of the regular spending bills that have come to the floor of the House this year have been considered under an open amendment process, and we continue that same spirit of unrestricted debate today.

Second, I'd like to commend Chairman PORTER for crafting a very responsible bill—one that keeps our commitment to preserving and protecting the health, welfare, and Social Security of the American people.

Although this year's bill freezes spending for many programs at last year's level, the bill does provide increased funding for education and Head Start, for block grants that support child care and community services, for the Violence Against Women Act, for the National Institutes of Health, and for valuable outreach and support programs like TRIO—which encourages young people in my district of Columbus, OH, to pursue a college education.

Even with the increased funding levels, Mr. Speaker, the bill is within the 602(b) allocation, and as our colleagues know, that is crucial to keeping us on the glidepath to a balanced Federal budget.

As we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is most effective in our society. This bill achieves this important goal by emphasizing, among other things, local control, parental involvement, and basic academics.

Notwithstanding the challenge of balancing the Federal budget in 6 years, I believe H.R. 3755 makes the right kind of investment in education, job training, and health, while also shrinking the size of government and funding only those programs that have demonstrated their effectiveness.

Mr. Speaker, the Labor-HHS bill is one of the largest of the 13 annual spending bills, and under this open rule, we will have the opportunity to discuss spending priorities in a fair and open manner, and I look forward to that debate. I urge my colleagues to support this open rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a no vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which will make in order the amendment by the gentleman from Mississippi, Representative TAYLOR.

The Taylor amendment seeks to allow HCFA to reimburse DOD for treatment in military medical facilities of military retirees and their dependents over the age of 65 who are Medicare eligible.

Mr. Speaker, I include the text of the proposed amendment to the rule at this point in the RECORD.

> On page 2, line 15, of H. Res. 472, immediately after "waived." insert the following:
>
> "Notwithstanding any other provision of this rule, it shall be in order to consider an amendment to be offered by Representative Taylor of Mississippi or his designee, which shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) or a demand for a division of the question, and shall be considered as read."

Mr. Speaker, at the beginning of this Congress the Republican majority claimed the House was going to consider bills under an open process. I want to point out that 60 percent of the legislation in this session has been considered under a restrictive process.

Mr. Speaker, I include the following extraneous material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D.
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan.
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A.
H.R. 3662	Interior Appropriations FY 1997	H. Res. 455	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 3666	VA/HUD Appropriations	H. Res. 456	Open	N/A.
H.R. 3675	Transportation Appropriations FY 1997	H. Res. 460	Open	N/A.
H.J. Res. 182/H.Res 461	Disapproving MFN Status for the Peoples Republic of China	H. Res. 463	Closed	N/A.
H. Con. Res. 192	Making in order a Concurrent Resolution Providing for the Adjournment of the House over the 4th of July district work period.	H. Res 465	Closed	N/A.
H.R. 3755	Labor/HHS Appropriations FY 1997	H. Res. 472	Open	N/A.
H.R. 3754	Legislative Branch Appropriations FY 1997	H. Res. 473	Restrictive	3D; 5R.

*Contract Bills, 67% restrictive; 33% open. All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 60% restrictive; 40% open. All legislation 104th Congress, 56% restrictive; 44% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. PQ Indicates that previous question was ordered on the resolution. Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I again thank the gentleman for yielding me this time.

Mr. Speaker, the people of this body are going to have two chances to vote on Medicare subvention. Again, 270 Members, including the chairman of the Committee on Rules, who is not here on the floor unfortunately, are sponsors of this measure. The chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON]; the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE]; the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP]; and the ranking Democrats who serve on those committees are cosponsors of this measure.

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It is the right thing. They are the only people in America who were promised health care and the only people in America who are being denied the health care they deserve.

We have a chance to fix that. Two hundred fifty-seven Members of this body, including most recently 258, because the gentleman from Minnesota [Mr. PETERSON] has signed on, have said this is something that this Nation ought to do. It is a promise that ought to be kept.

Mr. Speaker, we should defeat the rule and make this in order. If it is not, then I am going to take the words of the gentlewoman from Ohio [Mr. PRYCE], who is a cosponsor of this measure, to task and see if it is truly an open rule, and we will offer it as an amendment so that the Members of this body will have the chance to do the right thing for our Nation's military retirees; to prove that we are putting right over procedure and we are going to keep our promises to the military retirees of this country.

Mr. GOSS. Mr. Speaker, I would say to the gentleman from Texas [Mr. FROST], we had one member of the Committee on Rules come in unexpectedly. I would ask if I may deviate to recognize the gentlewoman from Utah, Ms. ENID GREENE. It will be a short statement.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Utah [Ms. GREENE].

Ms. GREENE of Utah. Mr. Speaker, I rise in support of the rule. It is an open rule that will provide thorough consideration of the issues by allowing amendments to be offered on the floor.

Mr. Speaker, I think it is important that we note that for too many years Washington has spent tax dollars and created bloated bureaucracies to show that we care. Nowhere is this more apparent than when we look at what Washington has done to our education system.

Today, we have 760 federally run education programs administered by a jumble of 39 separate Federal departments, agencies, boards, and commissions at a cost of $120 billion to the American taxpayers.

But, Mr. Chairman, for all those programs and all that money, student academic performance in this country has not improved in the last 20 years. In fact, we have seen a steady decline in student performance as parents and local communities have less control over their children's educations.

SAT scores have dropped from a total average of 937 in 1972 to 902 in 1994; 66 percent of our 17-year-olds do not read at a proficient level; reading scores are down, science scores are down, and United States students score worse in math than all major countries except Spain.

Now, there is no doubt that many of these programs are well intentioned, but good intentions are not good enough when dealing with our children's education. Clearly, the Washington education bureaucracy simply has not accomplished what needs to be accomplished for our children and there may be no better example of how using spending as the chief or only measurement of creating educational excellence has failed this Nation and our children than my own State of Utah.

Mr. Speaker, my State of Utah ranks last in the 50 States in per-pupil spending in the Nation, yet it ranks second in the Nation in the number of high school graduates, first in the Nation for the number of residents who have attended college, and the scores of Utah students taking the ACT test in 1995 rose in every subject and were higher than the national ACT group in every area.

As the President said in his State of the Union Address, "The era of big government is over," and it is time to empower our State and local communities to pick up where Washington needs to jump off.

Let me stress, Mr. Speaker, this bill does not gut education programs. This bill freezes spending at last year's level for the title I program for disadvantaged students as well as for the Safe and Drug-Free Schools Program. Spending for the Head Start Program is increased by $31 million above the 1996 level, and Pell grants are increased to a maximum of $2,500, up from $2,470 just last year.

Mr. Speaker, with all the helping the Federal Government has been doing over the last 30 or 40 years, is it not time to explore other ways of giving our children the first-rate education they need and deserve?

Mr. Chairman, I urge my colleagues to support the rule and the bill.

Mr. FROST. Mr. Speaker, we have no remaining speakers, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first of all point out that already we seem to somehow get away from preciseness in the use of words. I heard "cuts in the Head Start Program." There are no cuts in the Head Start Program. As the charts will show and as the debate will show as we go into the 2 hours of general debate and the individual open rule amendments, I am sure we are going to see the charts are going to be displayed that in fact there are increases in programs like Head Start; good programs that deserve increases.

We have before us a situation where we have many programs that are nice to have, that are funded by the Federal Government. And we have many programs that are, I guess we should say that we need to have, that are funded by the Federal Government for people who have true serious needs and no other place to turn.

And I think it is important to try and make the distinctions between "nice to have," and "need to have" programs because sometimes we forget here that all of the moneys from these programs do not come from Washington, they come from us, the people, the taxpayers, from back home. And if we do a pretty good job of what we do back home and we do not have to send the money to Washington, it seems to me we are better off.

So I think when we talk about "need to have" programs, the taxpayers understand a little bit; and when we talk about "nice to have" programs, they are a little less willing to send their hard-earned dollars to Washington.

I would also point out that some of the people who are working the hardest for the "need to have" programs are the people who can least afford those tax dollars, and I would point out that this majority is trying to relieve them of some of their tax burdens as well.

What this boils down a little bit to is restraint. And I think that it is very important that we continue to exercise the restraint that we have started on in this Congress toward a balanced budget in the next 7 years. I am going to read just briefly from the administration's statement on this bill that they, apparently the senior advisors to the President, have threatened to veto. And I am going to take just one of the statements, this one has to do with the Department of Education and student loan programs and here is the statement I am quoting.

And it says, "As with the fiscal year 1996 appropriation bill, the administration continues to oppose any cap on direct lending."

Now, that is a debatable point, but it seems to me there is not much restraint if you are not going to oppose any cap on direct spending. That means the sky is the limit. How does this match up against other priorities and other needs? Those are the kinds of concerns that I am very concerned about.

I go on through the administration's statement and there are five pages of the sky-is-going-to-fall type statements in here. Then we come to some of the issues that I think Americans need to know. This is the type of thing that the administration is saying. And again, I wonder how many parents in America are going to think this is money well spent.

I am quoting from the administration's statement that is saying that "by providing no funding for the $30 million teen pregnancy prevention initiative, the committee would stall the development of critical knowledge about how to prevent teen pregnancy."

Now, I can tell you there is probably a bunch of teenagers running around out there that could tell me a thing or two about how to stop teen pregnancy right now. And I daresay that most of us understand how you get pregnant, whether you are a teenager or not. And I wonder whether or not the sky is really going to fall if we do not spend this $30 million that the President's administration says we have got to spend.

I think it is very important that we have good, informed people about all the consequences of their actions, whatever their actions and behaviors may be. But I think to say that we are going to lose the world with teen pregnancy because we do not spend $30 million on critical knowledge about how you get pregnant is stretching the point just a bit. And I would suggest that many American taxpayers are going to say that that is $30 million that might be well spent in other programs that will be better used to prevent teen pregnancy.

I take a look at the total difference. It is about $5.5 billion of what the President asked, which is virtually everything that was put on the plate, because the President is in the position of being the candy store proprietor in this budget process. He can come into the candy store and say, Look, help yourself we have all of these things. Somebody has to be responsible and say yes, there are all of these wonderful opportunities, but we have to pay for these things and somebody has to pay for them and that is of course the taxpayer, and besides if we consume too much candy, we will get a tummy ache or worse.

We are in a position right now of being the people who are the responsible party in the candy store and saying we have to exercise some restraint both for price and behavioral reasons about how we go about doing things, and that is what this 2 hours of general debate and these amendments are going to lead to: legitimate differences of opinion about what is nice to have and what is need to have in this area.

And finally, Mr. Speaker, with regard to the proposal to defeat the rule, I think that would be a very short-sighted action at this point. We should support the rule, and we should vote "yes" on the previous question for a very simple reasons. We have an appropriations bill here that has got billions and billions of dollars that are necessary for many critical programs, as we have said.

I think that the gentleman from Mississippi has made a very eloquent statement about an amendment that he feels very strongly about, and I frankly think it is a good amendment and I wish it could have been made in order, but we have rules in the House and his amendment is not germane. And we all know it.

The gentleman's amendment was voted on in the Committee on Rules and it was voted down in the Committee on Rules because it is not germane. It is legislating on an appropriations bill. We do not legislate on an appropriations bill unless we follow a protocol. The protocol is well-known. The protocol is you have to get a letter of no objection from the authorizing committees, and we have suggested that to the gentleman from Mississippi. He has a remedy to take. And I would urge him to do it because I think he has a good piece of legislation, with a significant number of cosponsors, which will do well on its own merits properly brought forward to the House vehicle. This is not the proper vehicle, and he is asking us to violate our rules and protocol if we are going to try to defeat the previous question.

So I would say we should vote "yes" on the previous question, and we should vote "yes" on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LINDER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time with in which a vote by electronic device, if ordered will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 202, not voting 13, as follows:

[Roll No. 299]

YEAS—218

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Beilenson
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery

McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—202

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOT VOTING—13

Bartlett
Dunn
Ford
Gibbons
Hayes
Lantos
Lincoln
Longley
McDade
Stark
Watt (NC)
Yates
Young (FL)

□ 1803

Messrs. OWENS, RANGEL, HILLEARY, Miss COLLINS of Michigan, and Mr. TATE changed their vote from "yea" to "nay."

Messrs. WATTS of Oklahoma, HERGER, SOLOMON, SMITH of Texas, RIGGS, Mrs. CHENOWETH, Mrs. MEYERS of Kansas, and Messrs. McINTOSH, SMITH of New Jersey, DORNAN, SAXTON, SCARBOROUGH, MOORHEAD, and BEILENSON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. HUTCHINSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Wednesday July 10, 1996, I was granted a leave of absence and I missed a series of votes.

On rollcall vote number 295, I would have voted no.

On rollcall vote number 296, I would have voted no.

On rollcall vote number 297, I would have voted yes.

On rollcall vote number 298, I would have voted yes.

On rollcall vote number 299, I would have voted no.

The SPEAKER pro tempore. Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3755.

□ 1805

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3755) making appropriations for the Department of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 1 hour.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

(By unanimous consent, Mr. PORTER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. PORTER. Mr. Chairman, I take this time simply for the purpose of explaining to Members what the schedule will be for the remainder of this evening.

The vote that was just taken is the last recorded vote, as I understand it. We will have the 2 hours of debate on the bill according to the rule, 1 hour on each side, and we will then proceed to amendments under title I, the Department of Labor, and will complete that title this evening with votes, if any, to be rolled over to tomorrow, and we will designate title II also.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois [Mr. PORTER] for 1 hour.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

□ 1815

Mr. PORTER. Mr. Chairman, let me begin by first thanking the chairman of the full Committee on Appropriations for the extremely helpful role he has played in working the bill through the subcommittee mark and the full committee. Obviously he has, I think, one of the toughest of all jobs in the House. He does it splendidly, and we are all greatly in his debt.

I also want to thank each of the members of my subcommittee who worked so hard, especially the gentleman from Wisconsin [Mr. OBEY], the ranking member, for his contribution to the bill, and for all of their participation in the very difficult process that we have gone through in marking up and reporting the bill. It has not been easy for any of us.

Finally I want to thank our staff. The staff of the full Committee on Appropriations have been extremely helpful to all of us. We hope to have all of the bills, including this bill, out by the time we enter the August break. This will be an accomplishment that is a testimony to the leadership of the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], and to the very, very fine work on a very experienced and expert staff, and all of us thank them very much.

I also want to thank my staff, Tony McCann, the Clerk, Bob Knisely, Sue Quantius, Mike Myers, Joanne Orndorff, and Lauren James. Lauren is on detail to the committee from the Department of Education, and she has been invaluable to our subcommittee all year long.

I also want to thank Mark Mioduski and Cheryl Smith of the minority staff for their excellent cooperation and the courtesy that they have extended to each one of us.

Mr. Chairman, this bill includes a recommendation of $65.7 billion for the discretionary accounts within our jurisdiction. This level is within our

602(b) allocation and is about on the same level as the level for fiscal year 1996.

Mr. Chairman, the bill sets priorities. It terminates funding for 39 programs funded last year at just over $1 billion. These programs are characterized, with few exceptions, as being small, expensive to operate, and in most cases having little evidence of effectiveness.

Mr. Chairman, at NIH we have taken the position that funding should be allocated according to the judgment of science as to where the best opportunities lie, and not according to the political fiat of Congress. We also have continued our effort to avoid earmarks in the bill. In NIH once again we removed all disease-specific earmarks and provided no specific AIDS earmarks. The distribution for AIDS funding as determined by NIH is at $1.498 billion across all institutes and divisions of the agency. This is a determination, again, made by science and not by politics.

Mr. Chairman, I have sat here listening to the debate on the rule and listening to the people on the minority side talk about all of the terrible things that are happening to education and job training. Mr. Chairman, I want people to understand exactly what they are talking about. The subcommittee's allocation is about level with last year, and most provisions of the bill are level-funded. There are no huge cuts anywhere in education.

When the minority discusses cuts, they mean cuts from the level of funding recommended by the President in his budget. It is clear, Mr. Chairman, that the President's budget was a purely political document giving huge increases, that could not be afforded, to every interest group in America. The President took no responsibility for getting our fiscal house in order. We have to take that responsibility and we take it seriously. We have carried out our responsibility in this bill.

Let me talk about what we have done on the increase side. Job Corps operations is a program aimed to help the most at-risk youth in our society. It removes them from their current environment to one where they can get real job training, a chance for a working life and career in our society. Job Corps is increased by $92 million.

The subcommittee added $54 million for the Ryan White AIDS Program. Again, the committee has attempted to protect and support programs that impact the most vulnerable of our citizens. These are important dollars to be spent for people suffering from a very, very horrible disease, and we have provided an increase for Ryan White.

Summer youth is level-funded at $625. I heard the gentlewoman from Texas saying what big cuts there were in the program. There are no cuts. It is level-funded.

An additional $8 million is provided for the Violence Against Women Act. Mr. Chairman, I am a strong supporter of this program, which provides support and protection for battered women, rape victims, and victims of other forms of violence. We have provided an increase for this series of programs.

The bill provides $900 million in new funding for the Low-Income Heating and Energy Assistance program, and with other emergency funding and funding that was available from previous appropriations, a total of $1.32 billion is available for the LIHEAP program.

NIH research is increased by 6.5 percent.

The preventive health, maternal and child health, social services, and child care block grants are all increased, consistent with the subcommittee's policy of increasing funding for programs that increase local discretion. Again, these programs cannot be seen in isolation from the individuals they serve: poor women, young children, and the most vulnerable in our society-all which have a high priority in the bill.

The community services block grant, which is an extremely flexible program that can support many social services programs, including nutrition, energy assistance, employment, and crisis services, is increased by $100 million, from approximately $390 to $490 million.

Innovative education program strategies is more than doubled, to $609 million, by terminating several categorical programs to increase funding for this broad block grant.

The Centers for Disease Control and Prevention, the premier agency in the world in the search for the causes and treatment of a broad range of diseases, is increased by $75 million, to $2.2 billion; $82 million dollars is provided for infectious disease control, $135 million is provided for breast and cervical cancer screening, and other health promotion and disease prevention programs are also increased.

Mr. Chairman, health professions training funding is increased by $34 million. Family planning is maintained at last year's level of $192 million; $802 million is provided for community and migrant health centers, and other health service programs are increased as well. Again, Mr. Chairman, these are programs that serve the poor, the disadvantaged, and the most vulnerable in our society and they are given high priority in our bill.

Head Start funding is increased to $3.6 billion. Again, this is a program aimed directly at the poorest, most vulnerable children, and while not without its faults in some of its applications, is a high priority in this bill. TRIO is increased by $37 million, an 8 percent increase. Pell grants, and I heard the gentlewoman say we were cutting Pell grants, the gentlewoman from Connecticut earlier, Pell grants maximums are again increased, this year by $30, to $2,500. Federal work-study grants are up over 10 percent, to $685 million.

Mr. Chairman, it is here that I have the greatest difficulty of understanding the criticisms of my friends across the aisle. We have increased these student financial aid programs this year, and many of them were increased or frozen last year, yet there is still the drumbeat that the majority is cutting post-secondary education. We are not. Funds for college education, post-secondary education, are increasing.

The bill also continues our efforts at reform. As I mentioned, the bill terminates 39 mostly small, ineffective programs. Goals 2000, however, is also terminated. The bill consolidates the Eisenhower Professional Development Program with the innovative State grant program that will allow the States and localities to spend Federal education funding as they see fit, to meet locally defined needs and programs.

Finally, Mr. Chairman, the bill continues many of the legislative provisions that were included in the Omnibus Consolidated Appropriations and Rescissions Act of 1996. Among those included are provisions prohibiting the issuance of regulations by the NLRB related to single-site bargaining, provisions that have been carried in the bill for several years prohibiting the use of funds for abortions—the current Hyde language—provisions that limit the use of funds for the creation of human embryos for research and the use of embryos in research.

In addition, the subcommittee included several additional legislative provisions. Language is included strengthening the current language regarding OSHA ergonomic standards. The recommended language would prohibit the development or issuance of standards or guidelines and the collection of data with respect to repetitive motion injuries. Language is also included that would raise the minimum jurisdiction of the National Labor Relations Board. The increase would return the minimum jurisdiction to the inflation-adjusted level it originally was set at in 1950. Finally, Mr. Chairman, language is included that prohibits the use of CDC funds for the advocacy of gun control.

Mr. Chairman, we are about to hear a great deal of discussion from our friends on the other side of the aisle on their belief, and the President's, that we need to spend more money on these and other programs. In the end, however, we are going to have to be responsible. In the end, every dollar we spend above current amounts in the bill are borrowed and must be repaid by our children, who have, after all, no vote and whose futures we are mortgaging if we spend beyond our means.

This is a responsible bill, Mr. Chairman. It reflects the priorities for education and health and job training and the protection of the most vulnerable in our society, and I commend it to the Members. I believe it is a fair, responsible bill and does the job for the American people.

I would like to clarify the intent of language included in the section of House Report 104-659 relating to the buildings and facilities account within the National Institutes of Health. The report indicates that the committee expects that the detailed construction documents for the clinical center be reviewed by an outside party acceptable to both NIH and Congress. This outside party could be a single entity or a panel of experts drawn from various institutions. Such a review would take place at the design development stage of the project. The review should focus on a thorough examination of program and cost estimates, but need not involve review of detailed construction documents.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, I think, defines in a major way the differences in priorities between the two political parties in this House. For years we have had a decline in the school-age population in this country. It has been going down for a number of years. But the fact is that we are now experiencing a steady increase in school enrollment in this country, and, in fact, next year there will be more students enrolled in local school districts than at any time in the country's history.

We would simply ask the question on this side of the aisle: Why should we be cutting per pupil expenditures for those students at a time when we are experiencing an increase in student enrollment?

If we take a look at what is happening to per pupil expenditures and look at it in real dollar terms, we will see that per pupil expenditures at the Federal level are declining from $287 per student to $222 by the end of the sixth year of the Republican budget which just went through this House several months ago, and this bill is the first year's step in that budget process.

Last year the Republican majority in this House tried to cut $7 billion out of this bill. The public rebelled. After the public rebelled at those reductions last year, we were able, in conference with the Senate, to restore about 90 percent of the education cuts which had been made by House Republicans in this bill last year.

This year's bill has a more stealthy plan to make those same reductions. On the surface, it appears to be pretty much a stand-pat budget but, in reality, there is a $500 million reduction in Department of Education programs, and over the next 6 years, we would wind up with a reduction of some $35 billion below current services, and we would wind up with cuts of about $57 billion below the President's requests.

□ 1830

That is a 20 percent cut in real deliverable program levels by 2002. We simply on this side of the aisle do not think that that is in the interest of the country. We do not think that that will help the economy grow. We believe that these reductions come at the worst possible time for local schools. Schools face sharp competition for resources from State and local sources. This budget squeeze at the State and local level comes at the same time that Federal education aid dollars are declining in real terms while school enrollment, as I just indicated, is rising. That creates a double-jeopardy situation which we think is unhealthy.

This bill begins the process under which this year up to 15,000 Head Start kids will be squeezed out of the program under this bill. Over 150,000 title I children will lose title I services that help them to read and to master science and math. The President's budget would have supported nearly 450,000 additional title I students. By the end of the Republican 6-year budget plan, more than 1 million kids will not be receiving the reading and math help they need under the title I program. Under Goals 2000, which is the program that was begun under President Bush, supported by then Governor Clinton, under that Goals 2000 program which would help 8,500 local schools raise math and science standards so that kids can compete globally, that program would be terminated in this bill. That results in 2 billion fewer dollars provided for school improvement between now and 2002. Nearly 340,000 math and science teachers will lose the training that they need to upgrade their skills because the bill eliminates the Eisenhower Teacher Training Program. Over 300,000 students will lose vocational education and training opportunities in just this year alone under the bill. There will be 14,000 kids who lose bilingual education opportunities. Two hundred twenty thousands students who receive Perkins loans and grants under the State-assisted student incentive program will no longer be able to get the help they need to attend college. There are 107,000 fewer college kids who will receive Pell grant programs compared to the President's budget. Seventy-nine thousand fewer summer youth jobs will be provided under this proposal. Dislocated worker assistance will be provided to 32,000 fewer workers than last year.

This is the bill that is supposed to help children and workers get ahead in life. Yet this bill puts us on the road to a systematic disinvestment in education and puts roadblocks in the way of those workers and those children.

I would point out that there has been a lot of talk through the past years about how sound Social Security and Medicare will be in the next century. Raising the wages and the earning power of the American workforce is crucial to being able to strengthen those funds, because you need to strengthen the income people have so that they can increase their payments into those funds. This is the bill that most directly impacts our obligation to give kids from working families a chance to make something of themselves and it is being short-sheeted in my view.

In addition to the education problem, we have added over 2 million seniors in the last 5 years to our population. Yet this bill continues the downward trend of the 1996 Appropriation Act by again cutting funds for the Administration on Aging.

For worker protection, the House bill cuts worker protection programs by 13 percent below the President's request and 9 percent below what is needed to simply maintain last year's level of operations. That means cuts in our ability to help guarantee workplace health and safety, pension protection, and immigration reform.

The bill also cuts funding for the NLRB by 15 percent below last year's level and 20 percent below the President's request. We do not think that is wise. In addition, it contains a number of riders which we do not believe make much sense.

Low Income Heating Assistance Program, a program which I started with Senator Muskie a long time ago, that Low Income Energy Assistance Program is crucial to help seniors and vulnerable individuals pay their home heating bills. I come from a part of the country where you get 40 below zero weather, and I am not talking about chill factor, I am talking about real term temperature cold. In 1996 the Low Income Heating Assistance Program was slashed by $419 million. This bill provides $100 million less than the President requested and it appropriates not one dime for fiscal 1998 for that program.

I would simply point out that from 1981 to 1994, the low-income population eligible for LIHEAP has grown by 10 million people. Yet the percentage of eligible households served by it has dropped from 36 to 21 percent and the percentage of assistance on their fuel bills which people get from the Federal Government has declined from 23 percent to 12 percent in 1994 and it will go down even more.

So for this and a variety of reasons, I would simply say that we on the minority side feel that this bill is not adequate to the challenge facing the country and I regretfully intend to vote "no" when the bill reaches its final passage stage.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, as a former fourth grade school teacher and the mother of two, I understand the importance of education to the health and vitality of our Nation. We who are in positions of authority have a solemn responsibility to formulate policies that will provide all children with access to quality education.

Mr. Chairman, 66 percent of 17-year-olds do not read at a proficient level, and 30 percent of all children entering college have to take remedial education classes. These sorry statistics are the unfortunate result of several factors, the most important of which is the unrestrained growth of the Federal education bureaucracy.

Only about 6 percent of all education spending in the United States comes from Federal sources, yet one study found that it accounted for over 50 percent of all the paperwork for local school districts. We need more teachers, we need better teachers in the classrooms with the students, not more bureaucrats buried under mountains of paper.

This Congress has trimmed the fat from the education budget but it has not cut vital and effective programs. Both Pell grants and the work-study program reach an all-time high under the Republican budget this year. These programs are proven successes and should be preserved.

Yet out of a Federal education monolith consisting of 760 programs and costing $120 billion a year, there is much that must be reformed. Of these programs, only 3.6 percent are science-related, only 1.8 percent are reading-related, and only 1.1 percent are math-related. Mr. Chairman, our limited Federal resources are being squandered.

Washington, DC is not the place to look for education policy. We need to look at the local school districts, the teachers, the parents, the local committees, and families that must be allowed to educate children without interference from the Federal bureaucracy.

What works for New York State may not work for the children of the central coast of California, where I come from. I say, give those who know education best the ability to make policy that works for the folks at home, for their own communities, their own children. We in Washington, DC should offer support but get out of the way. Our children deserve better.

Mr. OBEY. Mr. Chairman, I yield 11½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding me the time.

Mr. Chairman, I want to rise to make an observation with respect to what is happening in the Congress and in the United States of America regarding how we spend our money and how we make decisions on spending our money.

The chart to my right shows that in 1962, 70 percent of the Federal budget was so-called discretionary spending. Discretionary spending is decisions that we make about where we want to invest our money to make our country stronger and more viable as a Nation, to make people more secure and more able to compete. That has now dropped down to less than 36 percent.

Half of that is for our national defense. I am one of those Democrats that supports the national defense, and I have done so since 1981 when I first came here. We added $12 billion to defense this year when it passed this House. Why did we do so? We did so on the premise that to freeze defense was in fact a cut. In fact, I think that rationale was correct. But I am not so sure why that rationale does not apply to the defense of this Nation as it relates to the education of our children and the security of our families.

In 1983, the Department of Education issued a report. It was a stark and compelling report, and it was entitled "A Nation At Risk."

What did it say? I am quoting from that report, issued under the imprimatur of Secretary Terrence Bell, who recently passed away. He was a fine Secretary of Education, a member of the Reagan Cabinet. The report said this:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have dismantled essential support systems which helped make these gains possible. We have in effect been committing an act of unthinking unilateral educational disarmament.

Mr. Chairman, I will oppose this bill because it sounds retreat, and America ought not to retreat. In a time when we need to have families first in our focus, at a time when we need to strengthen education and strengthen children, sounding the bugle of retreat is not a proper policy.

We will have a very substantial increase in the numbers of children going to our schools over the next 6 years. Next year, in fact, we will have more children in school than in any year in our history.

What does that mean? That means there will be a greater burden on local and State governments. As the previous speaker said, the Federal Government contributes only 6 percent of the educational resources available to our families and to educate our children. But that 6 percent is a critical part. In fact, it is the part which deals with some of the most vulnerable children in America, those who have economic, cultural, and educational deprivations in their families, and who therefore start out behind the others with whom they will go to school.

This chart shows that we are going to have 3.4 million more children entering school from 1997 to 2002. It also shows that the Republican budget's freeze at $14.4 billion for elementary and secondary education is essentially a retreat, because it will effectively be, in 2002, $12 billion in real dollars, in resources available. In an atmosphere where the need is growing, our investment is decreasing.

□ 1845

That does not make sense for our families or for our children. I said that the numbers of children were increasing, and I showed Members on the chart where the budget goes from $14.4 billion to approximately $12 billion in real terms by 2002. Now, that is when we will be experiencing an addition of 3.4 million new young people in our school system.

Those children do not disappear. Those children will not have another chance at being 3 or 4 or 5 years old. This is not something that we can catch up on tomorrow, when perhaps, as George Bush says, our wallet will match our will. I believe that we ought to have the will, and I clearly believe we have the wallet. As a matter of fact, as a Democrat for a balanced budget, I voted for the coalition budget. The coalition budget, in fact, balanced the budget, cut more spending than the Republican or the President's alternative, and provided an additional $47 billion for education. How did it do that? Because we did not pretend that we could cut taxes, balance the budget, and make sure that families were secure in the knowledge that their children would receive the kinds of education that they need.

Under the President's budget, there would have been $7.05 billion for title I. Title I is for economically deprived children who need some additional help to be competitive, so that they can join our workforce in competing with an increasingly able workforce around the world. A freeze in real terms would serve 6.8 million children in 2002. The chairman suggests a freeze in 1997 but in point of fact, that policy will result in an actual decrease to 5.8 million children who will be served in 2002. This is opposed to the President's budget, which will serve 6.8 million children. That is 1 million American children that will have no seats for title I assistance in the schools of our Nation because of this Republican budget. I believe that policy is inconsistent with our desire to compete in the global marketplace, with our desire to pledge to families that they can be secure in the knowledge that their children will have the kind of education, Head Start, and title I assistance that they need.

Now, I want to tell my friends in the House that my children have had great advantages. Their father and their mother earn substantial incomes. Their father and their mother had the advantages of higher education. But let me tell Members something that all of us, I am sure, know, and that every family in America knows: Our children will be affected by the ability to participate and contribute of every other child in their generation. Therefore, I say to my friends that this budget, which calls us to retreat, is a budget we ought to reject.

I talked about title I. Today in America, in a program that President Reagan, President Bush, and President Clinton supported and funded, we serve 53 percent of the children who are eligible. That means we do not serve 47 percent. I think that is a problem. I think what we ought to do is increase the percentage that we serve. Why? Because it makes us more competitive and makes us a more viable society.

But this Republican budget, as I said, sounds retreat and moves from 53 percent of children served today by title I to 42 percent of the children served in 2002. That extrapolates into those 1 million children that I told Members about. Those are real children from real families in a country that, increasingly in a global marketplace, knows that it has got to have better skills for its children.

This next chart shows in very specific terms what will happen in the cities and towns of America. Let me give some examples. In Dallas, TX, a freeze in title I as proposed by the chairman will mean 29 teachers lose their jobs and 726 students lose help next year. S. 726 students next year in Dallas, TX, as a result of this bill will not get the kind of help that they need. The Miami-Dade area will lost 40 teachers and 1,011 students next year. It will lost 255 teachers and 6,386 students over the next 5 years.

Ladies and gentlemen of the House, in order to stay even, just this year, we would have to add $2.6 billion to this bill for education.

Now, recall with me my opening statement that we added $12 billion to the defense bill so that we could stay even and remain the strongest Nation on the face of the earth. My Republican colleagues pointed out that if we did not have that additional $12 billion, if we froze funding at last year's level, that we would in fact be putting at risk the Nation by underfunding our defense. Ladies and gentlemen of the House, let us not underfund the defense of America by underfunding the children, the education of America. I urge a "no" vote on this appropriation bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER], a very able member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the previous speaker tried to scare us about what is happening in education, and I just want to set the record straight. First of all, the Federal Government only pays 5 percent of the total amount of money in elementary and secondary education. Ninety-five percent of the money comes from State and local governments, and that is where the responsibility belongs, with the family and State and local governments.

He talks about title 1. Where are the cuts? Title I has increased 40 percent in the last 7 years, and it is flat funded for this year. There is no cut. The amount of money going for title I stays at $6.7 billion.

I rise in strong support of this bill, and I want to talk about something other than the area of education right now, and I want to talk about something that is very, very important, and that is the area of biomedical research.

Biomedical research is a fundamental priority that can dramatically improve and change the lives of individual Americans. Therefore, for the second year in a row, we have significantly increased funding at the National Institutes for Health and for the Centers for Disease Control. Another reason, by the way, I am supporting this bill very strongly is we want to eliminate wasteful and duplicative spending programs, and this bill eliminates 39 programs in addition to the 109 programs we eliminated last year. So I support this program because what it is, we set Federal priorities. We take a hard look at those functions of the Federal Government and decide what they can do and the responsibility of the Federal Government should do. We identify those crucial programs and increase the funding for those that are the most important, and we decrease funding for wasteful or nonessential bureaucracy.

The National Institutes for Health is a perfect example since it represents a true Federal responsibility. By providing over a 6-percent increase, we are continuing our commitment to ensure the health and welfare of our citizens. Under the leadership of Chairman PORTER, we have committed to building a new clinical research center, and this had broad bipartisan support.

The Human Genome Project, which is literally mapping the entire human DNA, is moving forward ahead of schedule. Funding for AIDS research is once again increased. We have seen hopeful breakthroughs at NIH for the treatment this disease, and the Republican plan continues to provide the resources needed to find a treatment and cure.

We should support the National Institutes for Health because it is truly one of the great institutions of the entire world. Dozens and dozens of Americans have been awarded the Nobel Prize with help from NIH research grants. Some of the most important medical discoveries of the 20th century have occurred at the NIH campus or through NIH grants to the Universities in this country.

America has created the finest medical research facility in the world, and this bill ensures that it will remain a true force for the improvement of our health and well-being as a society.

Another great institution is the Centers for Disease Control in Atlanta. It reaches across the entire country and entire globe. This bill increases funding for several CDC prevention programs. We increase funding for breast and cervical cancer screening, chronic and environmental disease prevention, infectious disease, AIDS education and prevention, lead poisoning prevention, and the preventive health services block grant. CDC is an example of an activity the Federal Government is uniquely qualified to accomplish. We have increased funding in 1996 and again in 1997.

This is a good bill. I urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LIVINGSTON) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–666) on the resolution (H. Res. 474) providing for consideration of the bill (H.R. 3396) to define and protect the institution of marriage, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3755 and include extraneous and tabular material and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 472 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] has 43 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 39½ minutes remaining.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I would call the attention of the Members to the charts beside me. First, a chart depicting the expenditures of the U.S. Government in 1962, Jack Kennedy's heyday, when the Federal Government in that fiscal year spent $106.8 billion with a very minor deficit. The deficit today runs around $150 billion.

It was a different day, a different era. Half of that was defense, which is depicted in the lower yellow portion of the pie, and roughly one-sixth of the budget, a little bit more than one-sixth, is the nondefense discretionary portion, which includes the programs funded in this bill.

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The blue portion refers to the entitlements, which at that time consisted of Social Security and welfare and various other mandatory spending programs. The red is interest on the debt, which then was a "big" $7 billion.

Times have changed, Mr. Chairman. Today—for fiscal 1997—the chart looks entirely different. More than half is blue, the mandatory portion of the budget, which is now Social Security, Medicare, Medicaid, welfare and other mandatory programs. The total amount now that we propose to spend is $1.6 trillion compared to $106 billion in fiscal 1962.

Today we spend 15 times more than we spent back in Jack Kennedy's day. As I say, half of it is for mandatory spending. We raise most of the money, and we transfer it to other people. We tax the American people and pass it on to the next guy.

The discretionary portion looks entirely different. Before, half of the whole budget was defense; now it is only one-sixth. But the other sixth, or the other half of the third, represents discretionary spending which is now about $269 billion, and a good portion of what is in this bill makes up that amount.

Actually some of what is in this bill is also funded in the blue, or the mandatory portion, but what is significant about this chart is the red. The significant of the red on this chart is the fact that it has grown disproportionate to the entire pie, which itself has grown by 15 times since 1962. The red represents the interest on the debt.

Within the next year or so the red, the interest that we pay on the debt, the borrowing of $100 billion, $200 billion, $300 billion a year over the last many years, is now rapidly approaching the same amount of money and soon will, exceed what we spend on the defense of this Nation, our first priority under the Constitution of the United States.

So I have heard various Members from the other side of the aisle troop down here and say we have to take care of the little children, the infirm, the elderly, we have to take care of the disabled and people who cannot help themselves, and my answer is if we do not get a handle on this problem, all of those people along with every one of us is in deep trouble.

The interest on the debt is the first thing the Government must pay. Otherwise we default. If we do not want to default, we have to pay the interest on the debt even before we worry about the security of our Nation and of every man woman and child in this Nation.

If we do not get that interest on the debt under control, if we do not get this borrowing in control, that tendency that has caused us to borrow up to $100, $200, to $300 billion a year, because we are spending that much more than we receive every single year with the exception of perhaps 3 years since World War II, frankly, the red color on the chart will encompass everything else, and we will not be able to afford anything else.

So I would say take care of the little children first by balancing our books. Now, the other side will say, well, we are balancing them on the backs of the children. I say that is not true. The fact is we are making significant savings. In fiscal year 1995 we saved a net of $16 billion, in fiscal year 1996 a net of an additional $20 billion. In fiscal year 1997, which we are in now, it will be another 15 to $20 billion. Minimum, a net savings to the American taxpayer of $53 billion under what was appropriated by the Democrats when they had control last in the Congress.

If we look at President Clinton's budget compared to where he would take us had he had a Democratic Congress, we are saving around $80 billion, all of that out of the discretionary spending. That savings is achieved by cutting everything fairly and equitably.

Is it out of education? No. First of all, the Federal Government only spends roughly 5 percent of the entire education budget. This is the chart showing what the United States spends on education. State and local governments spend 95 percent; the Federal Government puts up an additional 5 percent.

Mr. Chairman, I want to point out that despite the fact that we have heard this hue and cry about cutting the people that are least able, total nondefense discretionary spending is going up. The fact is, yes, we are eliminating duplicative programs. We have cut unnecessary programs. We have already eliminated a number of programs; gone from 655 in 1995, to 515 in 1996, and to 464 in 1997, in this bill.

At the same time the savings generated by these eliminations are, in fact, going to the States in the form of block grants, block grants for States and localities to spend the money as they please. Community service block grants has gone up from $390 to $490 million. For child care and development programs, it has gone up from $935 to $950 million. For social services block grant, it has gone up from $2.4 to $2.5 billion. And for maternal and child block grants, it has gone up by $3 million from $678 to $681 million. We are spending more, not less, on block grants.

Student aid is going up. The student aid has increased. Maximum Pell grants are going up per person, per individual recipient. The overall student aid has gone up. The TRIO Program has gone up. For the very most disadvantaged people spending has gone up. Work-study spending has gone up. So has spending for various other programs.

It has already been pointed out title I grants to the States are kept even. We have been hearing there are cuts in these programs. Head Start is staying even. We are not cutting these things. There has been a lot of rhetoric, a lot of political breast beating about how these programs are being cut. They are not being cut. They are staying even.

The point is we can go ahead and spend all the money and worry about mañana if we would like to, but the poorest of the poor will suffer the most. The people on pensions will suffer the most. The people trying to plan for their children's education by borrowing to get them in college or borrowing money to buy a house or to buy a car will pay most as long as the Government continues to borrow to make up for the deficit that it has created by spending more money than it receives year after year after year.

When are we going to bring some common sense to the system? Well, I will tell my friends, we have begun, and we are not balancing the books on the backs of the poor and the disadvantaged; we are putting this country back on an even keel in an orderly fashion. If we have our way, within 6 years we will have a balanced budget. If we do not have our way, if the other side has their way, this country is going broke.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply respond to the gentleman who just spoke by saying the following: On defense, the difference between now and Jack Kennedy's time is that when Jack Kennedy was President we were in the beginning of the Vietnam war, we had a raging hot cold war, and the Soviet Union was in its heyday. That is a little different than the situation is today.

With respect to interest on the debt, I would simply suggest that that interest on the national debt is not out of control because we are overinvesting in education. In fact, under this bill and under the Republican budget over the next 5 years, we will see a per pupil reduction in the Federal investment of almost 20 percent.

On the Pell grant front, which is the main program that helps kids go to college, in 1976 that program covered about 48 percent of the cost of going to college. Today it covers only about 20 percent of the cost. Federal support for education as a percentage of what local school districts provide has shrunk from 5.6 percent just 2 years ago when the Republicans took control of this place to about 4.7 percent under this bill. That is almost a 20-percent reduction. At the same time, the States' share of meeting the cost of public elementary and secondary education at the local level has declined from 50 to 45 percent. So we are seeing both at the State level and at the Federal level a real reduction in deliverable program levels to support education.

I would simply add one additional note. I find it quaint that when the gentleman defends this bill he says "We are not cutting anything, we are just holding it level," which denies the fact that because we have inflation and we also have an increasing student population, which means, again, that in deliverable aid to each student we are having a real reduction each year.

I find it interesting that somehow this is not a cut when we are talking about education, but last month, on page 2 of the document that the gentleman's committee reported, the Department of Defense appropriation bill for 1997, what they pointed out is that they provided a $3.7 billion increase in raw dollars above 1996, but they described it as a $4.4 billion reduction because it did not meet the cost of inflation.

So somehow when we talk about defense, then we are supposed to take into account the ravages of inflation and add to spending; with you, when we are counting what we provide for aid to kids, we are not supposed to do the same thing. That seems to me a very quaint accounting system, especially if we are concerned about making investments in protecting the country's future.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the subcommittee, for yielding this time to me.

Mr. Speaker, I rise in opposition to H.R. 3755, the bill setting the fiscal year 1997 appropriations levels for the Departments of Labor, Health and Human Service, Education, and related agencies.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, and as the ranking member of the VA-HUD Subcommittee, I know first hand how difficult it is to craft a bill that truly responds to the needs of the American people. So, first, I want to take this opportunity to commend the chairman of our subcommittee, the distinguished gentleman from Illinois, Mr. JOHN EDWARD PORTER, and our distinguished ranking member, Mr. DAVID OBEY, of Wisconsin, for their hard work and doing what they could to craft such a bill within the subcommittee's inadequate allocation.

While there are some things that we can be especially pleased with in this bill, there are a number of others where we should be extremely concerned. For example, we can be pleased about the fact that the bill includes an $820 million increase for furthering biomedical research and restoring the infrastructure at the National Institutes of Health; a $75 million increase to further disease prevention and health promotion activities at the Centers for Disease Control; a $37 million increase to expand higher education opportunities for disadvantaged students under the Trio programs; a $45 million increase for Job Corps; and a $33 million increase in health professions training to ensure a cadre of health care providers to meet the Nation's health care needs especially in urban and rural underserved areas.

While we can be pleased with these investments, we must be equally disturbed by the major shortfalls in H.R. 3755 which threaten the quality of life for the most vulnerable among us. For example, the bill eliminates funding for the Healthy Start Program. This is a program which is designed to improve the Nation's infant mortality rate. It is appalling that the United States, ranking 22d, in fact has the worse infant mortality rate among industrialized countries. The Healthy Start demonstration projects have proven their effectiveness in reducing infant mortality.

As such, I cannot understand how my colleagues on the other side of the aisle can label themselves as "pro-lifers" and then zero out funding for this highly successful pro-life program—which is designed to save the lives of babies. Now is the time to provide the resources needed to begin to implement and to apply the Healthy Start Program's lessons learned to other communities that have a dramatically high rate of infant mortality. For the sake of families across this country—we now know what works—let's use it.

Mr. Chairman, H.R. 3755 falls seriously short on addressing the needs of our Nation's youth. Funding for the Summer Jobs Program is $171 million short of the amount needed to just support the same number of summer jobs as in fiscal year 1996. As a result, nearly 80,000 kids who need and want to work would be denied that critical opportunity.

Out-of-school youth are hit even harder, as the bill virtually ignores their employment training needs at a time when we know that education and skills matter most in today's job market. The Youth Employment Training Program was gutted in the past rescission and appropriations cycle, and is now flat funded at $127 million.

Substance abuse treatment is cut by over $38 million. With respect to at-risk youth alone, 5 million individuals will be denied the substance abuse prevention services they desperately need.

The dramatically high rate of unemployment among out-of-school youth and the high rate of teen pregnancy are two of the most significant problems confronting this country, consuming scarce resources, and compromising our youth's future. We can and must do something to effectively address each of these ongoing problems. They are too costly in terms of human capital and monetary expenses to ignore.

Mr. Chairman, H.R. 3755 also fails our Nation's school children, jeopardizing their academic future. At a time when school enrollments are on the rise, and are in fact the highest in history, the bill freezes funding for teaching assistance in basic reading and math under the title I Grants to Local Education Agencies Program. Funding for Safe and Drug Free Schools is cut $25 million below the current funding level despite the increase of crime and violence in our Nation's schools. Funding for training and advisory services associated with carrying out title IV of the Civil Rights Act is not only frozen, but is also 48 percent below the President's fiscal year 1997 budget request. In addition, no funding is provided for the Women's Educational Equity Program. These two programs are critical to ensuring educational equity for minorities and women.

The bill also eliminates funding for Goals 2000, which is designed to assist and provide communities critical resources needed to raise education standards and children's academic achievement. Funding for these five programs alone falls nearly a billion dollars below the President's fiscal year 1997 funding request level, and $375 million below the current funding level.

The bill also threaten's seniors' quality of life by short funding low-income home energy assistance, the Administration on Aging, and the National Senior Volunteer Corps. Funding provided for these three programs alone falls over a billion dollars short of the administration's request.

At a time when we speak of the critical need to insure personal responsibility, H.R. 3755 is weak on addressing the needs of families. Funding for the mandatory Social Services Block Grant Program and the child care development block grant are $320 million and $98 million respectively short of the administration's request. These resources are desperately needed by working poor families who not only need to work but equally important want to continue working. In addition, funding for the Centers for Disease Control's National Center for Injury Prevention and Control Program is cut $2.6 million. These funds are critical to further research on the prevention and control of fires, poisonings, and violence including homicide, suicide, and domestic violence. Programs under the auspices of the Substance Abuse and Mental Health Services Administration are also especially hard hit by H.R. 3755. The over $38 million cut in substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent in fiscal year 1996, and that for treatment demonstrations was cut 57 percent. As a result of the dire funding situation, with respect to at-risk youth alone, 5 million individuals will be denied the substance abuse prevention services they desperately need. In total, funding for these four programs alone is $670 million below the administration's request, and over $70 million below the current funding level.

Mr. Chairman, each and every day, parents across this country continue to raise their children telling them to get a good education, work hard, and play by the rules, and you will succeed. H.R. 3755 denies these kids access to many of the most critical tools they need to succeed. I strongly urge my colleagues to vote "no" on H.R. 3755 in its current form.

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Mr. PORTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Mississippi [Mr. WICKER], a very valuable member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee, for yielding time.

Mr. Chairman, this is a very important debate. This bill is a very important part of our effort to balance the budget for this Nation. If the President of the United States had his way with this appropriation, we would spend an extra 12 percent on this bill. We would spend an extra $7.8 billion in 1 year alone if the President had his way on this bill.

On the other hand, the bill that we have before us is level-funded from last year's appropriation. So the first question we have to ask ourselves is: Do we level-fund for the next fiscal year in the context of a balanced budget, or do we spend an extra $7.8 billion? I come down on the side of balancing the budget.

The second question we ask ourselves tonight is: Are we making an adequate investment in these very important programs, and in particular I would ask, are we making an adequate investment in education? I would submit to my colleagues that under this bill we are making substantial additional expenditures in education.

Mr. Chairman, this first chart I have gives a history of Head Start funding. It shows that under this appropriation bill we will appropriate an additional $31 million for Head Start in fiscal year 1997. It also shows that in the last 7 years alone Head Start expenditures have increased by 132 percent. This is at a time when enrollment in this program has not increased by nearly that percent.

Now, the second chart I have is simply an account of Pell grant maximum awards, and my colleagues can see that the maximum award for 1996 is $2,470. Under this bill it will go up to $2,500.

Other increases in this bill are the Job Corps program, a $45 million increase; the work-study program, an increase of $68 million; impact aid, an increase of $68 million. We have also level-funded important programs such as job training, the Safe and Drug-Free Schools State grants, and Title I funding for the disadvantaged.

It is very, very easy to be for a balanced budget back in our districts in an election year, but it is hard work to actually get to a balanced budget. It is hard to actually plug in those numbers that will reduce the deficit, when we consider them item by item by item.

I would respond briefly to the comments of the gentleman from Maryland [Mr. HOYER], my dear friend. His quarrel is with the overall budget plan which includes tax relief. There are many colleagues on the other side of the aisle who object to the budget allocation. They said, "We did not vote for these tax cuts and we should not be bound by the budget plan."

Mr. Chairman, we have to make judgment calls, and if I have to make a judgment call on the side of the hard working taxpayer, I will do that. If I can put another $1,000 in the take-home pay of a young family making $25,000 or $30,000 and still level-fund these very important programs, I will do that.

This is a choice of another $7.8 billion in spending or a balanced budget. Mr. Chairman, I urge my colleagues to choose a balanced budget and vote for the bill.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York [Mr. LOWEY].

Mrs. LOWEY. Mr. Chairman, first I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership for funding for the National Institutes of Health. This bill provides for a 6 percent increase which I wholeheartedly support. This increase will enable important research to continue in the area of breast cancer, diabetes, Alzheimer's disease, AIDS and many others.

The bill also increases funds to train child welfare workers to better care for abused and neglected youngsters. In addition, I thank the chairman for working with me to prevent cuts in public television funding, and I also thank him for continuing to work with me to fully fund domestic violence programs.

However, Mr. Chairman, I rise to state my deep concern with this bill. This bill has always been called the people's bill. But again, for the second year in a row, this bill falls short of meeting the needs of the people of this Nation: our schoolchildren, college students, elderly, and hard-working men and women across the country.

Unfortunately, this bill represents a serious reduction in our Nation's investment in education. While the draconian cuts above $4 billion proposed by the majority party of last year have not been repeated, the bill still fails to make the necessary investment in our Nation's schools.

It was the proposed $4 billion in education cuts, coupled with steep reductions in job training and worker protection, which led to two government shutdowns and an 18-month stalemate over the budget. Finally, the majority retreated from their extreme position and 90 percent of the cuts in education, 60 percent of the cuts in job training, and 75 percent of the cuts in worker protection programs were restored.

But the bill before us today takes us down the same path as last year. Under this bill, the Federal Government is further shirking its responsibilities to our local schools. In the 1994–95 school year, when Democrats were still in control of the Congress, the Federal Government contributed 5.6 percent of State and local expenditures for education. Under the bill before us today, the Federal contribution to local schools is down to only 4.7 percent.

This bill also shortchanges students in colleges, universities, community colleges and training programs across our Nation.

By the year 2002, an additional 1.5 million students will be enrolled in college. This is an increase of almost 10 percent in student enrollment. The cost of a college education is increasing faster than the rate of inflation. Unfortunately, this bill does not take into account increased college enrollment or increased college tuition.

The Pell Program is the cornerstone of Federal college assistance, providing aid to 4 million needy students. Pell recipients are not well-off, and more than 90 percent of the aid goes to students from families and incomes below $30,000. The Pell Program is one of the few sources of grant aid still available. Pell helps to cut down on the crushing college debt burden assumed by so many students and their families today.

But in the bill before us today, the maximum Pell grant is $2,500, only $30 above last year. This $30 increase in the Pell grant would buy a single college textbook. The Pell funding in this bill is simply inadequate to meet the costs of higher education today.

The bill is also inadequate when it comes to the Perkins Program. The bill provides no capital contributions to the Perkins Program. Three-quarters of a million low income students depend on the Perkins Program. In my state of New York, Perkins provided low-interest loans to nearly 60,000 deserving students.

In addition, the bill before us today completely eliminates the SSIG Program. In fiscal year 1995, SSIG was funded at over $60 million. Last year we funded SSIG at $31.3 million, but only after a long and protracted fight over funding priorities. If we added a modest $31.3 million to the SSIG Program, we could provide aid to 105,000 students and generate over $100 million in State students aid funds.

The bill also fails to fund the President's important teen pregnancy initiative, provides no funding for school infrastructure, and eliminates the Women's Educational Equity Act.

The bill was flawed from the start because it was a direct outgrowth of mixed-up Republican priorities. Like last year, the House gave the Pentagon billions more than Pentagon requested. This year the House voted to give the Pentagon $11 billion more than it requested. This is wrong, Mr. Chairman. It is shortsighted. We cannot afford to keep shortchanging the important priorities of this Nation.

Mr. PORTER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to point out that under Republicans in the last 2 years we have raised maximum Pell grants by $160, and under the last 4 years of Democratic administrations, the gentlewoman from New York might realize that they cut maximum Pell grants by $60.

Mr. Chairman, I yield 3½ minutes to the gentleman from Arizona [Mr. KOLBE], a member of the full committee.

Mr. KOLBE. Mr. Chairman, I want to begin by commending the gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, HHS, and Education, for the very hard work he has done, he and his staff, on this bill, putting together a very tough bill under very tough circumstances. Mr. Chairman, I think they put together a very workable appropriation for the Departments of Labor, Health and Human Services, and Education, ensuring that the medical needs and the education needs of the young and the old are met, and that we feed not only the body but the mind and the soul.

But I stand here today mostly not in my capacity as a member of the Committee on Appropriations, but as a member of the Committee on the Budget where some of these overall priorities are being established, because this bill that we are looking at today incorporates the goals and the promises that the Republican Congress made to provide our children with a better future.

Mr. Chairman, simply stated, the best thing we can do for our children is to balance the budget. If we do not get runaway Federal spending under control, we are not going to have any money for college loans in the future; we will not have money for Head Start; we are not going to have any money for children's health programs.

Through all of our history, each succeeding generation has always enjoyed the promise of having a better life and standard of living for themselves than the previous generation, but compare what Government spending has been between 1962 and 1997.

This chart here shows the amount of money that was spent on discretionary nondefense spending in 1962 was enormous, more than half of the total Federal budget, and when we add the other part of the yellow in there, almost all of the budget was in discretionary spending. Look at how that has dropped by the year 1997, so discretionary nondefense spending is down here to a much smaller part of the pie. Whereas it was once 50 percent, today it is less than 20 percent on those same kinds of programs.

The kinds of programs that the gentleman from Illinois [Mr. PORTER] and his subcommittee have to deal with are being squeezed down by the entitlement programs, Medicare, Medicaid, Welfare, and Social Security. They are consuming an ever larger portion of the total Federal expenditure. When in 1962 they consumed 25 percent of Federal expenditures, today by comparison they consume 50 percent of those expenditures.

We made, in the Committee on the Budget, a promise to cut Federal spending, to decrease taxes, to balance the budget. With a balanced budget we are going to give families lower car payments. We are going to give them lower student loans and lower house payments for their mortgages, and therefore they will have more money in their pocket.

Once again, if we do not balance the budget, the people we are hurting are our children and our grandchildren.

The President and some of those on the other side of the aisle would have us believe that the budget resolution in this appropriation bill is going to strip away valuable services, including education and health care for the elderly, women and children. This is simply not true. Under the budget conference agreement, and this bill fulfills that agreement, spending for education and job training increases from $47.8 billion in 1996 to $50.4 billion in 2002.

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That is a $3 billion increase. Anybody outside Washington, Mr. Chairman, understands that that kind of spending, a $3 billion increase, is just that, it is an increase. So we are not talking about cuts. We are talking about increases. It is the other side that wants to talk about cuts.

We know that money does not necessarily mean better education. We have a lot more bureaucracy in Washington with the Department of Education, when we do not have better education, not necessarily. So we need to be sure that we target the money that we do have available to those things that are absolutely vital and absolutely critical. This bill does that in health and human services, in education. I strongly urge that we support the passage of this legislation.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BONILLA], a member of the subcommittee.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding me the time.

I am going to lay a guilt trip on some of my colleagues who are considering at this time voting against this bill, because if they are for children and if they are for education and if they are for an improved health care system, they want to vote for this bill. Otherwise, frankly, I do not know how my colleagues who are considering voting against this bill can sleep at night.

Examples: We are increasing Job Corps funding in this country that would allow nine new Job Corps centers to be built by June of 1998, $45 million more for Job Corps this bill contains that we had in the last bill. So if Members want to support young people who are trying to get a second chance in communities across this country, they are going to vote for the bill. Otherwise, I do not know how they can live with their guilt of abandoning these young people who desperately need this money.

The same could be said for the Centers for Disease Control. We are increasing funding for them $75 million over fiscal year 1996. How can my colleagues live with themselves if they consider voting against this bill and abandoning the good work that is done at the Centers for Disease Control.

Breast cancer screening increased by 8 percent. How could we live with ourselves if we vote against this bill when it provides increased funding for this most important cause? Community and migrant health care centers, again very necessary in many of our rural and poor areas of this country. How can Members vote against this bill and abandon the people who need this service so desperately in our communities?

Pell grants. We have been talking about that for awhile now. We are increasing funding for Pell grants, when under previous leadership of the other party, Pell grants were actually cut. How can my colleagues live with themselves if they consider voting no on this bill that provides more money for Pell grants?

The TRIO Program, that is an extremely important program for this country. We are providing $37 million more money for TRIO programs in this country. Think about the young people that come from families that have never had an opportunity before to go to college, families around this country that have been struggling, they are finally getting an opportunity to send someone to college in their family, and TRIO is going to give them an opportunity. How can we live with ourselves if we vote against this bill that provides more money for TRIO?

The bill also contains additional money for health care professions, young people from disadvantaged areas in this country who are wanting to study to become nurses and dental hygienists in low-income areas, that provide health care in low-income areas, rural areas that oftentimes do not have health care that is necessary in their areas, this is going to provide $31 million more in funding for health care professions.

I ask my colleagues, how can they live with themselves if they consider voting no on this bill?

Please consider voting yes on this bill. We are all in this together. We want to help children, education and health care in this country. I ask Members to support us in passage of this bill.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], ranking member, for yielding me this time and commend him for his leadership, especially now, in defining the problems in this bill.

I also commend our distinguished chairman, the gentleman from Illinois [Mr. PORTER], for his efforts to do the best he could with inadequate resources.

I rise in strong opposition to this bill as reported for many reasons. The bill is simply underfunded by 7.8 billion, or 11 percent, below the President's request. President Clinton demonstrated that there are ways to balance the Federal budget while at the same time investing in health and education of our people, especially our children. Indeed we will never balance the budget unless we make these investments in our children.

This bill falls short because it follows the flawed budget blueprint adopted by the Republican majority. There are three reasons, there are many reasons, but I put forth three reasons to vote against this bill: cuts in education, cuts in education, cuts in education.

Our colleagues on the Republican side get up and say that the Federal role in educating our children is only 5 percent. Indeed, under this bill we would not even be able to live up to that 5 percent. My democratic colleagues have addressed the education cuts over and over again in this debate, so I will turn to some of the cuts that affect American workers.

Mr. Chairman, during the committee's deliberations, I presented an amendment addressing a number of the concerns about protecting American workers. Under the rule I was not able to offer that amendment as presented. I would like, however, to outline my concerns with the bill with regard to vital worker protection programs.

In this bill, the Republican majority has declared war on the American worker. As the national debate continues over our commitment to American children, their education, their health and well-being, we must also address the economic well-being of their families. Over the last 2 years, primarily through the appropriations process, the 104th Republican controlled Congress has reversed decades of progress on job training, education, pensions and worker protections. This is particularly alarming when American workers and their families are menaced by trade, downsizing, technological downsizing, and other layoffs.

This year the Labor-HHS-Education appropriations bill makes further cuts to important initiatives for America's 923 million working men and women in 6,000,000 workplaces across the country. These initiatives promote workplace health and safety, ensure pension security, and ensure that employees have fair wages and working conditions, and indeed even limits their ability to begin to bargain collectively. Indeed they even prohibit voluntarily guidelines for ergonomics, that is, repetitive motion injuries, which are the fastest growing health problem in our workplace.

I want to refer my colleagues to this chart on the war on American workers. Safety and health enforcement in this bill is cut by 13 percent below the President's request, 9 percent below last year what is required to maintain last year's levels.

It even prohibits the new OSHA initiative and assistance to small businesses enabling them to reduce workplace accidents and fatalities.

Mine safety: The cut of 6 percent below the President's request for mine safety will mean no funds to acquire new mine safety equipment and a reduction of mine safety inspection.

Pensions: On pension protection, a cut of 22 percent below the President's request, 6 percent below current services. No funds are provided for three of the administration's pension priority protection initiatives, pension education and participants assistance, the electronic filing initiative, and the 401(k) enforcement initiative.

This is in addition to last year's Budget Reconciliation Act, which turned back the clock on protection of pension plans. Fortunately, the bill was vetoed by the President, but it would have threatened the security of pensions in 6000 pension plans.

Employment standards, the Employment Standards Administration, ESA, makes sure that ordinary Americans get a fair shake at the workplace. The enforcement of child labor laws, sweatshops, fair wage laws and fair hour laws are critical to American workers.

Funding for ESA is cut by 6 percent and is 15 percent below the President's request. As a result, reductions will have to be made in efforts to eradicate garment sweatshops and protect workers' newly won family and medical leave.

Collective bargaining, the National Labor Relations Board investigates and prosecutes unfair labor practices. It is being cut substantially, minus 20 percent, $36 million in this bill. Dislocated workers cut by 15 percent. Over 2½ million American workers lose their jobs each year due to global competition, et cetera, and will not receive assistance.

There are 81,000 fewer laid-off workers being served.

American workers are the engine of our economy. They deserve to be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protection. This is the wrong place and the wrong time to cut back. American workers and their families deserve better.

With that, I commend the chairman for doing the best he could with what little he had. I hope that in this battle of priorities, our national value system will say we need more for children, more for American workers, more investment in the future of our country.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS], a valued member of the subcommittee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his outstanding leadership on this very important piece of legislation. Just so this does not turn into too much of a he-said, she-said type of debate on this floor this evening, I would like to point out to my colleague, the gentlewoman from San Francisco, that we were able to team up in this legislation to address a very high priority for us, for our districts, and our constituents; that is to say, funding for AIDS research, prevention and treatment programs.

I wish that we could at least have the intellectual honesty to come down to the floor and acknowledge what we would like about the legislation before engaging in the partisan bashing of what we do not like about the legislation. That would be for me a very refreshing approach, I think to discussing and debating legislative issues on the House floor.

Second, I also want to point out that the bill funds the Ryan White Care Act at the House and Senate approved funding levels. So I thank both of those items are very welcome news to northern California and to those other parts of the country which have been experiencing and attempting to cope with the AIDS epidemic.

I also want to commend the subcommittee chairman for increasing funding for Head Start. I recognize that there are problems with this program regarding the lack of accountability and the lack of demonstrated results on a long-term or longitudinal basis which I hope we can address again through a serious and honest bipartisan debate. But I think it is important, since I happen to be an advocate of universal early childhood education, to continue our funding support of Head Start.

With that, I also want to point out, as previous speakers before me have on this floor, that this bill, the 1997 appropriations bill for the Departments of Labor, Health and Human Services and Education increases—I did not say decrease or cut—increases by 2.4 billion, to a total of 40.7 billion, Federal taxpayer assistance for higher education in this country. So another way of putting that is, we continue to make student aid a top priority of this Congress. And we increase funding for all of the major student aid programs as the chairman and other Members have pointed out.

Let me use this chart very quickly to make my point. We increase funding for Pell grants by $5.3 billion, we increase it to a $5.3 billion level. As the previous speakers have pointed out, the maximum Pell grant is raised to $2500 from $2470 last year. This will be the highest maximum ever provided in this country. That does not sound to me like a Republican majority, a Republican controlled Congress drastically cutting education funding.

Work study, the second most important Federal higher education program, is also increased by $68 million, and that is higher than the President's request. So come down to the floor and talk about the draconian and drastic and dire proposed cuts in the President's budget if you want to use this same rhetoric.

Lastly, the TRIO Program is increased to $500 million. This is a very important program for outreach to minority Americans. So please, do not come down here and contend that we are cutting student financial aid. This is a good spending bill. It is good policy and it increases aid for students.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding this time to me.

Mr. Chairman, I have been listening to the debate here this evening and have been troubled by the perverse logic that this small, but important, 5 percent of the Nation's educational expenditure is dismissed. It is dismissed by people who obviously have not been talking to the struggling school boards, teachers and principals who are tying to make do, particularly in areas like this bill that would provide less per pupil at a time when many communities are struggling with growth, as has been documented by the gentleman from Wisconsin [Mr. OBEY].

But most of my concern, I guess, is focused on the dismissal of the critical partnerships with State and local government. Every Member of this Chamber has benefited in the Nation's prosperity in the 25 years after World War II due in no small measure to Federal educational investment and unprecedented partnerships with local schools. Everyone benefited from that. This bill would turn its back, and I use just one example:

The bipartisan effort, the Goals 2000 to promote educational reform that has made a great deal of difference in my State increasing academic standards for students, bringing technology into classrooms, fostering an increased relationship between schools and higher education, and developing those public private partnerships between schools and employers that people talk so much about; this has been done in my State using this. And somehow we could not find less than 1 quarter of 1 percent in this bill to fund Education 2000. It is a tragic mistake. It is shortsighted and counterproductive.

Yes, it is difficult to balance the budget, but the issue is one of priority.

I just want to say that turning our back on the Federal partnership and investment, ignoring our past successes, our current obligations and our children's future is no way to achieve that goal of a balanced budget.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY], an able and valued member of the subcommittee.

Mr. DICKEY. Mr. Chairman, during the War of 1812 this building was surrounded by the British. In fact, the British came in and tried to burn it. There is evidence of that as we go about this wonderful structure. What we have now, though, is an enemy, not something that is tangible, but something that we are faced with and we might get into, and that is indulgent spending.

Our Nation is spending money, this Congress is spending money, that we do not have. We are spending money of our children and our grandchildren, and what is immoral about that is it is without their permission, and this is why this bill that we have here today is so important, that we are trying to balance the budget for the sake of our Nation and, particularly, our children and our grandchildren.

On this Committee on Appropriations, this is my first term, and I was told that it was a very prestigious committee and it is one that one can go on and gain a lot of friends. But there are not a whole lot of constituents that come in and say, please, cut my program. And so we have had the job of looking at the responsibility that we have, the moral responsibility that we have, of cutting the budget and saving this country from the enemy that is from within, and we have had to say "no." We have had to say "no" to program after program after program, and it has been tough, but we have wanted to cut spending first.

The sad thing is that we have not been able to do it with the very people who could help us the most. The architects and the caretakers of all of these spending programs that started roughly in 1964 are here today, and they could point out the waste, fraud and abuse that we have and help us, in a patriotic fashion, work together to try to balance the budget.

No. What they are doing is taking cheap shots, throwing hand grenades and trying just to get by this 1996 election. Where they could be helping us, where they could be taking some responsibility for what has happened, they are not doing it. They are saying this is cruel, this is wrong; they are bringing emotional arguments to bear so we will back down off our promise to the American people. But in 1994 we said, no, we wanted to balance the budget, and we were going to take the tough cuts.

Let me give my colleagues an example of one instance, just one agency, and that is the NLRB, the National Labor Relations Board. This board administers a program that has 1,934 employees, 500 in Washington, and the balance in field offices. It has 792 lawyers. It has 52 field offices, three in Los

Angeles alone. It has an annual rent of $8 million. We have been through the second year now of trying to ask them to help us and come on our side and bring us some semblance of reasonableness to this budget.

We have cut this budget by 15 percent not because we know how to do it, not because they have helped us do it, but they have stonewalled and said, no, we want an 8.3 percent increase, we do not want to participate to help our children and our grandchildren, and this is what we are trying to do, and that is the reason why I am supporting this bill and going to vote for it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding this time to me.

Mr. Chairman, I rise this evening to oppose this bill. Education is the key to the American dream and the key to global competitiveness for jobs, and this bill is inadequate, woefully inadequate to meet our young people's educational needs. Overall in this budget education is cut 7 percent below 1995 levels, 7 percent below 1995 levels, while enrollment is projected to increase by 7 percent over the next 6 years. In my State of Maryland alone enrollment has increased 12 percent between 1990 and 1995.

This bill in inadequate. It provides $7.8 billion less than the President requested.

Now, I have to tell my colleagues I am amazed when I hear Republicans puff out their chest and say, well, we only pay 5 percent of the cost of education anyway coming from the Federal Treasury. That is not something to be proud of. I dare say most taxpayers would like to see more Federal aid for education.

Now, do not be fooled. Less Federal aid means only one thing: Higher State and local taxes, higher property taxes at the local level. Less Federal aid means larger classes, less equipment and materials, and poorer classes. And I assure my colleagues that the taxpayers in poorer States and counties would like to see more Federal aid for education.

Now my colleagues have heard several of our colleagues stand up here piously and say, but we have to balance the budget. Let me give my colleagues the truth about this. They are providing $7.8 billion less than the President asked for for education, but they are providing $11 billion more than the Defense Department asked for for defense.

Mr. Chairman, I would just add that they have cut the Goals 2000 Program, which provides local assistance. They have cut safe and drug-free schools, but they say they want to fight drugs. They cut $25 million out of safe and drug-free schools, and they cut Healthy Start, which is designed to save kids. In Baltimore and my State, infant mortality under Healthy Start was reduced by 31 percent. This is an important program.

Mr. Chairman, I think this is a bad bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the full committee.

Mrs. VUCANOVICH. Mr. Chairman, many years ago a song stated that "Diamonds are a girl's best friend". Today, women are seekng more from life—they are looking for good health, safe communities and a future for their children. I can tell my colleagues in this regard, H.R. 3755 is truly a precious gem.

In this bill this Congress has not only talked about helping American women and their families, but it has really done it. More money has been put into the National Institutes of Health for research of heart disease, diabetes, AIDS, and cancer.

Of particular significance to me as a breast cancer survivor, and to the thousands of women who have been diagnosed with this disease, is funding under the National Cancer Institute. An increase of $6 million is provided, bringing funding level totals to $409 million to be used for breast cancer research next year. I want to personally thank my colleagues for their support of this research, and especially thank the chairman of the subcommittee and the staff. More than 46,000 American women will die from this devastating disease this year. Let me repeat—46,000 women. We are coming close to understanding this disease so that a cure may be found, and this money is sorely needed.

This Congress knows that in order to treat breast cancer and cervical cancer, women must first detect the cancer. That is why an additional $10 million has been provided for the breast and cervical cancer screening program. This program helps ensure that low-income women get the information and assistance they need to maintain good health—so that they may spend a life together with their families.

My friends, every day on the news we hear about the crimes in our streets—but what about the crimes in our homes? Every day thousands of women must face horror right in their own homes, with no one to protect them. While Congress cannot eliminate domestic violence, it can provide women with the means to get help. We in this Republican Congress have made a commitment to helping these unfortunate women. H.R. 3755 contains $25 million for battered women's shelters; $2 million for runaway youth prevention; $400,000 to operate the domestic violence hotline; and $5 million for domestic violence community demonstrations. And since violent crimes happen outside the home, as well as inside, this Congress has included $28.6 million for rape services and prevention block grants to the States, which can better serve these women.

Mr. Chairman, this Congress is compassionate and this Congress is listening. More than that, this Congress is doing something. We do not take our women for granted, we do something for them. Mr. Chairman, diamonds are no longer a girl's best friend, the 104th Congress is. I congratulate the chairman of the subcommittee and his staff for putting together a good bill. I urge all of my colleagues to show their friendship toward women by voting for this important bill.

Mr. OBEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to stand in opposition to this bill because of the elimination of the Goals 2000 Program.

I applaud Mr. PORTER for his efforts. Mr. Chairman, I rise in strong opposition to H.R. 3755 for several reasons: Freezing summer youth jobs programs, eliminating healthy start, and abortion family limits.

Perhaps the most pressing reason, however, is the elimination of funding for the Goals 2000 Program.

As a former teacher and a person who still cares passionately about the education of our youth, I am appalled by this political attack on the future of our Nation.

Mr. Chairman, the United States is currently ranked third in the world in terms of the reading skills of our youth.

While this may be admirable to some, I would in fact argue that we need to do better.

Given the global economy into which our children will soon be entering, and the need for the United States to remain competitive in this new international arena, it is imperative that we offer them the best education possible.

In order to help prepare our children for the future, the Congress passed, in 1993, the Goals 2000 legislation.

Unfortunately, since that time, the purposes behind Goals 2000, and the methodology involved in its implementation, have been grossly distorted.

To set the record straight, Goals 2000 is a framework to help States develop a curriculum for their public school students to help them gain the knowledge and learn the skills that will be necessary for us as a nation to remain competitive.

Goals 2000 was developed to enable us to deal with the almost 15,000 public school districts in our Nation which are charged with educating and preparing the 50+ million public school children who will be looking for help and guidance as they face the future.

It may interest my colleagues to know that approximately 5.2 million of these over 50+ million public school students reside in my home State of California.

It is in my home State in fact that our Governor, who by the way is a member of the other party, has included in his latest budget a request for funding to increase the quality of public education and decrease the class size of public school.

While I do not agree with our Governor on everything, I do agree that we need to put public education at the top of our priority list.

We need to stay competitive, and we need to educate our children. If we are sincere about changing behavior in our urban children, if we are sincere about giving them a fighting chance to move from the bowels of despair Goals 2000 is one of the many tools which we can and should use in their fight for the future.

I therefore object strongly to this bill, and I hope that the other body shows more foresight when they consider this legislation.

I thank the gentleman again for this time and I urge my colleagues, in the strongest terms possible, to oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I am deeply concerned about this appropriations bill and what it does to education. I supported the coalition budget which would have balanced our budget in 2002, and provided more—not less—money for education.

It is our duty to ensure that every American child has access to education and training needed to be productive citizens. This freezing of education funds and particularly the defunding of Goals 2000 undermines our ability to honor this commitment.

Goals 2000 was created in my district in Charlottesville, VA in 1992 when President Bush and our Nation's governors conducted an education summit to determine what we could do as a nation to be more competitive in a global economy.

Goals 2000 is an effective investment in our children's future. It is fiscally responsible. Perhaps most importantly, Goals 2000 is needed by our Nation's schools.

Goals 2000 provides money for computers, microscopes, and library books. As honorary chairman of Pittsylvania County Goals 2000, I know first hand the vital aid it gives to schools—particularly in rural areas, such as my own.

We owe it to our children, ourselves, and future generations to provide adequate funding for education and to restore funding for Goals 2000.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BUNN], a valued Member of our full committee.

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Mr. BUNN of Oregon. Mr. Chairman, let me start my remarks by saying that I appreciate all the hard work the gentleman from Illinois [Mr. PORTER] has put into this package. Funding for crucial health care programs was increased over last year and I fully support those efforts. However, I think we could have done more for higher education.

We can all argue the merits of Federal education funding versus State education funding, but maintaining access to higher education is a crucial role of the Federal Government. We need to ensure that our students who have the ability can continue to attend the best higher education facilities in the world. If we continue to decrease our commitment to higher education students, our schools will decline and our colleges and universities will be for the rich, not the best and brightest.

This bill eliminates the State student incentive program. This bill eliminates capital contributions to the Perkins loan program. This bill increases the maximum Pell grant by a little over 1 percent, not even keeping up with inflation. We need to do better, and I think we can.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding this time to me, and I want to commend all of those involved in this important issue of providing education and other resources for our Nation.

Mr. Chairman, although there are many features of this bill that are better than last year, there are far many more features of this bill that we find unacceptable. I only want to use my time to highlight two of those, and perhaps not emphasize as much as my other colleagues have about education, but education indeed is important, and we have not invested enough in education.

Also, the other issue that we have not invested anything whatsoever in is teenage pregnancy. Teenage pregnancy is a hot subject now; we talk about that, but we have the dubious distinction of leading the world in this area. No other industrialized nation with a standard of living comparable to the United States has a problem of this dimension.

Eash year approximately 1 million teenagers become pregnant. Teenage pregnancy significantly affects the health of teenagers, as well as their economic and educational future. Once a teenager becomes pregnant there is no good solution. The best solution indeed is to prevent the pregnancy in the first place.

Teenagers having kids, we talk about that. In fact, many of our Members here on the floor say we can no longer afford that. Demagoguery is very easy. Meaningful action means deeds are difficult. We have provided no funding whatsoever. The President asked for $30 million for the teenage pregnancy prevention initiative, and not one cent was provided, when we know it costs this Nation about $6.9 billion in the costs of providing for teenage pregnancy and their children. This would have been less than one-half of 1 percent. Again, voting for teenage pregnancy would indeed have enabled our young people to improve their health and education and economic opportunity for our Nation's youth.

Finally, Mr. Chairman, our investment in education is indeed our investment in our future. Many organizations, our colleagues, and millions of citizens say we should invest more in education, not less.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Economic and Educational Opportunities.

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentlewoman who just spoke: Education is the future of this country. I do not think there is demagoguery. I think there is an honest debate here on policy, whether we want the Federal Government to be able to have the control to spend the dollars in education, or we want people in States to control that. I think that is a legitimate debate. That is what is before us today. I do not think there is demagoguery. I think people truly believe. I believe that those that believe that a socialistic model for the poor is better are wrong. That is what I would like to speak about tonight.

Mr. Chairman, my friend who spoke in the well a minute ago said he wishes there were more dollars in the Federal education system than just 5 percent. I believe that is not demagoguery, I believe he believes that. We, however, believe that people can control their dollars more and spend it on their children than the Federal Government can. They can get a bigger bang for the dollar than the Federal Government can with its big bureaucracy.

Yes, only 5 percent of education funding comes from the Federal Government. In some cases, as little as 23 cents on a dollar, 23 cents on a dollar, gets back into the classroom in many areas. That is wrong, Mr. Chairman. That is a waste. That is cutting education. And I propose that the liberal Democrats that are trying to save education have done it a great harm and have actually cut education. When we only get 23 cents on the dollar back into the classroom, that is cutting education. We are proposing to turn that around.

How? First of all, that 5 percent of education funding, we have found there are 760 education programs. Think about the bureaucracies, think about the overhead that takes. We eliminated over 187 programs. We believe, yes, that medical research, the Government has a direct function in. Those savings ought to go to that. We believe that Pell grants for the poor are important and a priority. We took the savings from that and put it into the Pell grants. We increased student loans by $3 billion.

Yes, even though the dollars come to the Federal Government and are returned at a low rate, those are priorities, and I think most taxpayers do not discern those dollars because they go to help the poor and the children. But we do believe that the Federal waste in the programs is not the way to go.

Let me give an example. Some of my colleagues truly believe, they are not demagoging, they believe in Goals 2000. But as the chairman of the committee, let me tell the Members about Goals 2000. There are 45 instances in Goals 2000 that says States that mandate, it says States will. They say it is only voluntary. It is only voluntary if you do not want the money.

Let us take one of those 45 instances. My wife is a principal. You have to take all of the requirements from Goals 2000, internalize it, have a board that literally looks and sees how to run Goals 2000. They report to the principal. The principal reports to the superintendent. Then all of that paperwork goes to Sacramento, to our State Department of Education. Think of the bureaucracy in the State that has to take the flow of all the schools in the State of California. Think of that paperwork flow and all that wasted energy. Then guess what they do? They have to send it back here to River City, in Washington, DC, to another big bureaucracy.

That is wasteful, Mr. Chairman. In many cases they have to hire grant writers to apply for Goals 2000 money. The small schools in many cases never get a dime, and some that do, the cost of the grant writer, either in the little funding they get or the cost to exercise Goals 2000, is more than the grant that they get. That is cutting education, Mr. Chairman.

What we do is give the money to the State and say, listen, if you want to do a George Bush Goals 2000, let the State do it. We think Goals 2000, by setting local standards, local goals with teachers and parents and children and administrators is good. But what the real policy fight is about is if the Federal Government can manage all of that, if the Federal Government can control the dollars.

Where do they get those dollars? They keep saying the President's request. Does he get that money from God? No. He gets it from the same working families that he returns it to, at 23 cents on a dollar. Yet he wants more money to spend.

Mr. Chairman, I ask for support of this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me time to rise in opposition to this year's spending bill for the Departments of Labor, Health and Human Services, and Education.

This measure provides inadequate funding for many of our vital programs that have proven to be beneficial to individual families, our communities and our nation as a whole.

I am deeply dismayed that this measure has taken a "meatax" to the Healthy Start Program. H.R. 3755 radically eliminates all funding for this program that is saving lives across the country.

Historically, my congressional district of Baltimore has experienced an exceedingly high rate of infant mortality. Many high risk areas in the city had twice the national average of infant deaths.

However with the implementation of the Healthy Start Program in 1993, Baltimore has severely reduced the number of babies born with low birth weights, and dramatically reduced the number of infant mortalities. Ours, is truly a success story.

The Baltimore Healthy Start Program is one of the most successful programs in the entire country. We have targeted the program's services to the poorest areas of the city which are at the highest risk. Baltimore's neighborhood Healthy Start program has currently serviced about 2,000 women.

The staff is mostly comprised of community residents who have been hired and trained through the program—thereby providing important employment opportunities to the community.

The staff in conjunction with the mayor's office, and the surrounding community are committed to ensuring that all babies have a strong and healthy beginning by providing important prenatal care to high risk mothers who need it most.

Mr. Chairman, I am certainly shocked that this body would attempt to pass a measure that eliminates this vital program which has proven and tangible results.

I am shocked that this body would take away the one opportunity to give our poorest and most vulnerable citizens the gift of life.

Mr. PORTER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to begin by thanking and congratulating the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for what has been a remarkable job, given the conflicting desires that exist in trying to manage a bill as large as this Labor-HHS appropriations bill. He has done, as I say, a magnificent job. He has one of the toughest jobs on Capital Hill.

I want to talk to Members a bit about one program, one very important program that is in this bill that has received an historic increase, the Community Service Block Grant Program. This is a program that the President recommended no increase in. It is a program that receives in this bill a 27-percent or $100 million increase. We have never in the history of funding the community service block grants ever received an increase as large as this. It is deserved, because it encapsulates everything we are trying to do in terms of an important antipoverty program. It is one of the premier antipoverty programs within the Federal arsenal.

It is important and significant and worthy of additional funding because it does all the things we say we want to do. It leverages public dollars. Over $1 billion in non-Federal spending will exist because of the spending in the community service block grants. It ensures that there is volunteer activity. There is almost 20 million hours of volunteer activity as a result of the community service block grant programs and the community action programs that are part of the network through the community service block grants. It is a program that targets the neediest, the low-income, the people who are struggling. It facilitates nutrition programs. It helps seniors. It deals with the retired programs. It ensures that there are training programs that go forward.

Part of the money is used to ensure that there is comprehensive collaboration so money is not wasted in duplicative efforts. Only 5 percent of the money can be spent by the States. The rest of it goes down and gets to the intended targets. Get down there it does. It is a program with proven results.

This does not create bureaucracies, it empowers people. Let us save people first, and if we do it right, we will save money in the same process. In 1981, Mr. Chairman, there were over 1,000 Federal employees that helped administer this program. Do Members know how many exist right now to administer this program? Five hundred, 400, 300, 100, 50, 25? Forty-five Federal employees now administer a program that was once run by over 1,000 Federal employees. That means more money gets to the grass roots. It means more money is being used to help people at the bottom rung of the economic ladder.

It is a program that has gotten the attention of people who are deeply concerned in poverty programs and not interested in building more bureaucracies. It has gotten the attention of people who are interested in measuring results, not inputs. It has gotten the attention and support of people who are not interested in creating more patronage, but people who are interested in creating more empowerment and more opportunities for the lowest income people, lowest income Americans among us. There were over 1,000 community action agencies throughout our Nation. Over 98 percent of the counties throughout our Nation receive some form of this block grant. It goes primarily to not-for-profits, people who have dedicated their lives to ensure that they help the neediest among us.

This is a vision that we have of anti-poverty programs, not to throw more spending. Again I want to commend the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for funding a very important anti-poverty program in the most significant and historic way.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, almost all of the money in this bill that is being expended is for good purposes. The problem is not with what is in the bill, it is what is not in the bill, what is out of it. I am glad we are able to do something on community service, put $100 million in, but we take $1 billion out of LIHEAP. I am glad we are able to provide some money for education, but when someone says the Federal Government is the program, is the sum and total program for higher education, that is it. The nonprofits and others are running out.

But the real problem is that beneath the veneer of fighting for fiscal discipline and budget balance, the policy path evoked by this measure will build upon the distorted priorities of the 1996 Republican appropriation effort, in sum, adding to the human deficit in this Nation, a human deficit which is borne by those with less power, the children, the working poor, the students, and those who struggle to achieve the promise of America. The opportunity to get ahead.

Investment in people is our best American investment. It pays the greatest dividends. Yet this measure in the Republican-led House has repeatedly broken faith with our children, our workers, and, in reality, our American future. I urge my colleagues to oppose this measure for that reason.

As a teacher, as a science educator, I understand. In my district, 25 percent of the kids are Southeast Asians. They need the bilingual education. They need the help so that they can achieve the type of success and the American dream that has been the promise, the renewed promise, of this Nation. But we cannot do it because we have put 7, 8, 9, $10 billion more into Pentagon spending, because we need to have tax breaks.

What is wrong with this measure is that the money is going in other directions where it is not needed. I think it is more justified here. And if it is efficiencies and new definitions and all the other rhetoric that is going on here today in terms of what we are going to do, the fact is, the bottom line is the States are not capable of the miracle of loaves and fishes. So if we do not give them the dollars, we are going to hurt the people that we purport to be helping in this bill.

Mr. Chairman, I rise today in opposition to the fiscal year 1997 Labor, Health and Human Services, Education appropriations bill being considered today.

Investments in education, whether in our children or workers, determine a nation's standard of living and a country's ability to be competitive in the global marketplace. This legislation, like last year's spending bill, targets labor, education and job training programs for the most severe funding cuts. These types of programs, which invest in America's working families and children should not and must not be undermined.

This legislation reduces funding for elementary and secondary education programs such as Title I, Safe and Drug Free Schools and bilingual education. The cut in title I funding is in addition to the funding freeze the program endured last year, which translated into a real cut for growing school districts. Title I provides students who are falling behind their classmates additional academic help. In my district in St. Paul, MN, the title I program cannot currently reach every student who needs such assistance. Reducing funding for this program would cause even more students to fall behind in their studies, and this type of policy has consequences that reach far beyond these students' school years into their post-academic lives. We cannot ignore some students, inhibiting their success, simply because they have difficulty learning.

In the same regard, we also cannot ignore that today's school environment is becoming more violent and dangerous in many, especially but not solely urban, areas. The Safe and Drug Free Schools Program is one initiative, run in virtually every school district in the nation, working to fight that trend. However, the program after protracted debate over a 57 percent cut was finally level funded in last year's Republican budget, and the bill we are debating today proposes to reduce funding for this program by again $25 million in fiscal year 1997. This means that in fiscal year 1997, the Safe and Drug Free Schools Program will be funded at a level below its allocation in fiscal year 1995, at a time when the need for such drug, alcohol and violence preventative programs are dramatically increasing!

One other population of students who will be hurt by this legislation is immigrant children. Funding for bilingual and immigrant education programs is set to be reduced by 11 percent in this spending bill. Multiethnic communities and schools will be hit especially hard since these schools must continue providing such services with less Federal help. Investing in the education of these children is important. These children should not be left out in the cold regarding educational opportunity, unable to improve their lives and become productive members of our society.

The bill also takes aim at higher education, increasing funding for some student aid programs while eliminating or sparsely funding others. The measure modestly increases the maximum Pell grant award by $30; not enough for a book much less inflation but this bill does increase funding for the Work-Study Program. However, at the same time, the bill reduces Perkins Loan funding by 82 percent and eliminates the State Student Incentive Grant Program altogether. In a time when the cost of a higher education is skyrocketing, the need for such a degree is growing, and parents are less able to help with such expenses, we cannot afford to pull the financial rug out from under our Nation's students.

The Federal Government is the lifeline of higher education funding, States and nonprofits are stretched to the limit, yet this Congress proposes to do less compounding and cutting off opportunity for 100,000 students.

Today's workers could also lose the ability to acquire additional education and job training under this bill due to the lack of sufficient funding for such programs and services. This measure freezes spending on such programs at the fiscal year 1996 level. Our Nation benefits greatly from developing the skills and abilities of future generations of workers and allowing those workers to update that knowledge and skill. No amount of infrastructure, technology, or opportunity will help our Nation's workers and future workers if they are unable to meet the challenges of the world of work.

Another drastic provision in this measure is the reduction in funding for the Occupational Safety and Health Administration [OSHA] by $6 million from the fiscal year 1996 level in this Republican spending bill. This funding is vital to workers, whose lives, health and safety are literally at risk on the job. Each year, thousands of workers are killed on the job and millions suffer disability related injuries. The National Safety Council estimates that work-related accidents and deaths cost the Nation over $100 billion every year. Cutting the budget of the principal public entity OSHA, that attempts to reduce that figure and increase workplace safety not only is a slap in the face to every American worker who puts their health and safety on the line, but also does not make fiscal sense. Furthermore, the National Labor Relations Board [NLRB] is targeted for a 15 percent cut when combined with funding cuts from last year. This proposed reduction would cripple the NLRB's ability to adjudicate labor disputes and appears to be yet another slap at working people who seek equitable wages and work conditions based upon worker rights promised in Federal law.

I agree that we should work toward a balanced Federal budget, but there are many ways to achieve such a balance than abandoning the investments that America has long made in its working families. Not all of the cuts need to be made from people programs and surely the ideological mindset that guides these cuts cannot be glossed over by the rhetoric of budget balancing. The Pentagon, space programs, corporate welfare and natural resource giveaway are just some of the many Federal programs that should also be subject to fiscal discipline and tough choices. The price for reducing investments in America's people should not be new tax breaks for corporations and investors or increasing the defense budget to a greater level than that Department even requested. But this 104th Congress has acted repeatedly to insulate from shared sacrifice this laundry list of special interests and placed foremost for cuts the vital programs that affect health, education, job training, and the environment.

This Labor, Health and Human Services, Education Appropriations measure for fiscal year 1997 continues the assault on working Americans and families that was so vigorously waged last year. I urge my colleagues to vote "no" on this measure and return our Nation to one that values all of its people.

Beneath the veneer of fighting for fiscal discipline and budget balance, the policy path evoked by this measure would build upon the distorted priorities of the 1996 Republican appropriation effort, in sum, adding to the human deficit in this Nation.

A human deficit which is borne by those with less power, the children, the working poor, the students and those who struggle to achieve the promise of America; the opportunity to get ahead. Investment in people is our best American investment; it pays the greatest dividends yet this measure and the Republican-led House has repeatedly broke faith with our children, our workers, in reality our American future.

I oppose and urge Members to oppose this appropriation measure.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in opposition to this bill.

As ranking member OBEY said, "This bill puts forth systematic disinvestment in education, health, seniors, children, women, and the list goes on.

Specifically, I would like to talk about the disastrous effects of zero funding the Healthy Start Infant Mortality Prevention Program.

By eliminating funding for Healthy Start, this bill abandons America's children.

In New York City, Healthy Start has saved lives.

From 1990 to 1994, over 70,000 women and infants have benefited from this program; the infant mortality rate dropped by 38 percent; the rate of late or no prenatal care fell 32 percent; and the number of low birth-weight babies went down.

We also know that Healthy Start is responsible for saving precious Medicaid dollars by producing healthier babies.

Mr. Chairman, if we refuse basic health care to our newborns, what kind of priorities have we set?

If we turn our backs on young mothers-to-be what kind of example have we set?

If we don't prove that we care about giving every newborn baby the opportunity to have a Healthy Start, what kind of nation are we?

Mr. Chairman, totally defunding Healthy Start is a sad example of a tragic reversal of priorities.

No one should support this bill.

The Labor/HHS bill cuts any specified funding for the Long-Term Care Ombudsman Program, which funds each State office that trains volunteers who serve as watchdogs over nursing home abuses and serve as advocates for nursing home patients.

Mr. Chairman, I rise today to stand up for the rights of seniors who live in America's nursing homes.

Today, the war on America's seniors continues as the Long-Term Care Ombudsman Program faces elimination by this Congress.

Mr. Chairman, New York State's network of 51 countywide ombudsman offices have a trained team of over 500 volunteers who protect seniors who are being abused, neglected, and mistreated in nursing homes in this State alone.

Long before this program was created in 1987, we saw rampant abuses in nursing homes—including patients being tied to their beds, drugged, and worse.

By creating the Long-Term Care Ombudsman Program, many of these problems were corrected, but we still have more work to do.

In total last year, New York's team of nursing home watchdogs handled over 10,000 complaints from nursing home residents and their advocates—at least 2,000 of them in New York City.

For those residents of long-term care facilities who have no one to protect them from mistreatment, the Long-Term Care Ombudsman is their only hope.

To eliminate funding for this important program in gross negligence on the part of this Congress.

As responsible legislators, we must provide a voice to those who are silenced by abusive conditions in our States' nursing homes.

Mr. PORTER. Mr. Chairman, I yield myself 1 minute.

The gentlewoman from New York and the gentleman from Maryland before her both have mentioned the Healthy Start program, and I want to respond to that, because they are correct, it has shown itself through demonstration to be a very good program.

The difficulty, Mr. Chairman, is that this was a program proposed by and started by the Bush administration in fiscal year 1991, funded by Congress with the clear understanding that it would be a 5-year demonstration, including evaluation, with the last year of funding to be fiscal year 1996.

We believe that the program has proved itself very adequately. The difficulty is that it should not continue as a demonstration program where it is not made available generally. Under the original conception of the program, it was to be a 5-year demonstration. That period has expired. It is time that we either fund this as a general program available broadly across the country or not fund it at all.

I think that the points made about the program are very good ones. What we have to do is come to grips with which way we are going to go on that. We cannot do this in the appropriations process.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. I thank the gentleman from Wisconsin for yielding me the time.

Mr. Chairman, I guess I would just ask rhetorically to the chairman of the subcommittee from Illinois, under those circumstances, why did they not make it a general program and put money in for making it a general program? I will yield time for that answer if there is any left when I get finished.

Mr. Chairman, I rise in opposition to this bill. I could find compelling reason to oppose many features of the bill but I want to confine my comments to the field of education.

Mr. Chairman, once again this body is jeopardizing our children's future. So far the 104th Congress has cut $1.1 billion from education. This proposal cuts $400 million more. When do we say enough is enough?

Eliminating the Goals 2000 education reform, which this bill does, when academically our students lag behind virtually all our industrialized competitors, is foolish. Cutting $25 million from safe and drug free schools, which this bill does, is bad judgment. And cutting funds for reading and math assistance for students who just happen to live in desperately poor school districts, which this bill does, is without compassion as well as violates our national security.

Balancing the budget is everybody's goal but slashing education is, in my view, simply wrong. I urge my colleagues to reassess our priorities and put education first, ahead of tax cuts for the already well-off, ahead of unrequested defense spending, ahead of corporate welfare. Thereby, I urge a "no" vote on the bill.

Mr. PORTER. Mr. Chairman, I would inquire how much time is remaining on each side.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 5 minutes remaining, the gentleman from Wisconsin [Mr. OBEY] has 6 minutes remaining. The gentleman from Illinois has the right to close.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank ranking member OBEY for this opportunity to really offer an apology to the American people. I was hoping that as we looked at a bill that had the opportunity to really change the direction of this country, to focus on the front end and not the back end, if you will, this bill has missed its opportunity and I rose to the floor to say this is not the "3 strikes bill and you're out," it is the "multistrike bill and we're all out," primarily because you do not know where to start in the cuts that have come about that would help people to rise out of their condition and become independent.

We have heard so much about welfare reform and the dominance of this country in having people extend their hand to get a handout. This labor-HHS bill could have given people an opportunity never to look back and to become independent, particularly when we look at the President's youth employment training program. When we go throughout this Nation, aside from those who are attempting to get a higher education, there are those youth who have been lost between the cracks of either not finishing high school or finishing high school and being undertrained for jobs in this community. This program would have allowed us to train youth to become available and well trained for the jobs that America has to offer. This money now has been gutted. And so we are not investing in the front end, we are looking to the back end when ultimately maybe these youth will wind up being incarcerated.

The youth summer jobs program has no growth in it, although I am gratified we have saved it, this program that helps to employ some 4,000 youth in the city of Houston had to be cut. Many parents came to me and said, "What are we going to do in training our youngsters to know what work is all about?" And then unfortunately with a Nation that has one of the highest infant mortality rates in the western world, we cut the Healthy Start Program. There we go again with no investment in the front end, waiting on the back end results of low birth weight opportunities.

I would simply ask my colleagues to review this legislation and this appropriation bill, go to the front end and invest and not wait for the back end. Defeat this legislation so that we can treat Americans right.

Mr. Chairman, I rise to express my opposition to this legislation. I am afraid that, in its current form, this bill does not do enough to protect the quality of life for our most vulnerable citizens. This bill funds a great number of the programs and services that are relied upon by our Nation's families—our children, women, and senior citizens. I do not believe that these are the programs that we should be drastically cutting in our efforts to balance the budget. We must maintain our commitment to protect children and families, to support education and training, and to continue programs such as head start, healthy start, substance abuse prevention and treatment, and summer jobs.

LABOR PROGRAMS

This bill seriously jeopardizes worker protection by dramatically cutting programs that promote workplace safety and health, and pension security. Funding is cut by $129 million below the President's request and $83 million below the amount needed to maintain last year's operating level. The Pension and Welfare Benefit Administration is provided with only $65.8 million, which is a $1.3 million cut from the current funding level and $19.7 million below the President's request.

One of the best known worker protection agencies is the Occupational Safety and Health Administration [OSHA], is cut by over $6 million. This bill would specifically reduce Federal enforcement of workplace safety by $4,765,000. OSHA enforces this Nation's labor protection laws and as a law enforcement authority it may not be popular with the law breakers, but for those they serve and protect everyday do not want this Congress under valuing their life or health.

When my colleagues speak so passionately about the American taxpayer, there are speaking about people that the Department of Labor should be in the business of protecting and whose pension plans should be assured of solvency when they are needed. That is the least the working American taxpayer should expect from the 104th Congress.

This bill would also zero out funding for the President's new youth employment training program, the Opportunity Areas for Out-of-School Youth. The President only requested $250 million to help address the special employment training problems faced by many of our Nation's youth.

This legislation will once again shortchange our youth through the underfunding of the Youth Summer Jobs Program for fiscal year 1997. The $625 million appropriated is the same level funded for this fiscal year. At this level of funding only 442,000 youth can be served while those in need number over 600,000.

HEALTH AND HUMAN SERVICES DEPARTMENT

This bill would eliminate funding for the healthy start program, which is designed to reduce the Nation's high infant mortality rate. Now is not the time to dismantle this critical life saving program. The United States has the highest infant mortality rate of 22 industrialized nations. Furthermore, while low birthweight babies represent 7 percent of all births, they account for 57 percent of the cost of care for all newborns. Long term health care costs for a low birth weight baby can reach $500 thousand, while prenatal care to prevent low birth weight costs as little as $750.00. Clearly, we must continue this important program.

I am concerned that this bill includes less funding for the Centers for Disease Control's National Center of Injury Prevention and Control. This important program focuses on motor vehicle accidents, falls, fires, poisoning, drowning and violence including homicide, suicide and domestic violence.

Similarly, the bill provides less funding for the Substance Abuse an Mental Health Services Administration. The amount ($1.85 billion) is an aggregated cut of $33.9 million below the current funding level and is $248 million below the administration's request. The $38.4 million fiscal year 1997 funding cut for substance abuse treatment is compounded by the fact that funding for treatment was gutted 60 percent, or $148 million in fiscal year 1996. As a result of this decrease in funding, 5 million at-risk youth will be denied the substance abuse prevention services they need.

The $3.6 billion provided for the Head Start Program is $381 million less than the administration's request. This program currently serves less than half of the estimated 2 million children eligible for head start services. At the level provided in this bill up to 15 thousand head start slots would be eliminated next year.

This bill provides only $900 million for the Low-Income Home Energy Assistance Program [LIHEAP], which provides assistance to low-income households in meeting the costs of home energy. This is $100 million less than the administration's request. Furthermore, the bill does not appropriate any of the $1 billion requested for fiscal year 1998. The advance appropriation is critical to States' budgeting and planning and allows them the time necessary to determine the program eligibility rules.

This bill includes a large cut in funding for the Administration on Aging, including the elimination of all funds for aging research, training and special projects which will hamper local communities' ability to improve, develop and test innovative solutions. Similarly, the amount of funding provided for the Social Services Block Grant is still $320 million below the entitlement level of $2.8 billion required by current law, and requested by the administration. For States that do not provide additional funding for social services, the impact will be especially severe as this program, includes support for protective services for children and adults, home-based care, and child care.

This bill does not include the $30 million the administration requested for a concentrated teen pregnancy initiative, which would have been invested in comprehensive interventions to provide opportunities for young people to take responsibility, increase their life skills and to become contributing members of society. The U.S. has the highest rate of teen pregnancy of any industrialized country. Addressing this problem is key to reforming the Nation's welfare system.

I am pleased that this bill increases funding for the National Institutes of Health, however the $1.4 billion provided for AIDS is provided at the institute level rather than in a single appropriation to the Office of AIDS Research as requested by the administration and as consistent with the NIH Revitalization Act.

EDUCATION

The bill does nothing to address what nearly everyone agrees is our most important task—educating our children. Funding for Goals 2000 is eliminated. The program is currently $350 million and the President requested $491 million for Goals 2000 in fiscal year 1997. This program strives to raise academic standards and encourage students to work hard to meet them. Now it not the time to scale back on improving education standards for children across the Nation.

This bill freezes Title 1 grants to local education agencies at $6.73 billion. This means that given inflation and increased operating costs, fewer funds will be available to provide students the assistance they need in basic reading and math skills. Title 1 currently provides supplemental funding to 50 thousand schools serving nearly 7 million disadvantaged students nationwide. Under Title 1, disadvantaged students are provided the assistance they need to achieve the same high standards as other children.

This bill cuts the Safe and Drug Free School Program by $25 million compared with fiscal year 1996 and $99 million less than requested by President Clinton. In this time of increased crime, violence, and drug abuse, we must help our schools become safe havens where children can learn and study free from the dangers of these afflictions.

For college students, the bill eliminates aid for the Federal Perkins Loan capital contribution account. In fiscal year 1996, $93.3 million was provided for this program. In almost every other educational program—Adult and Vocational education, Special Education Grants for Children with Disabilities, Bilingual and Immigrant education, Pell Grants, Charter Schools and many others—the funding levels in this bill are far below the level requested by President Clinton.

The priorities of this bill are out of line with common sense. All participants agree that balancing the budget is a goal that we all share. However, we must also invest in our children and their future. There is no use in passing on a balanced budget to our children if we deprive them of the education that is necessary in order for them to take the mantel of leadership.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for the outstanding job he did with this piece of legislation. Make no mistake about it, people on both sides of the aisle here have the same ultimate purpose. We want to help kids. We want to make sure kids have a chance to go to college. We want to help protect our workers. We want to make sure that education is a key priority. We agree on that. My personal experience as someone who went to school on a student loan and could not have gone otherwise, as someone who taught in a public school for 7 years and in an urban depressed school district and as someone who ran a Federal title I program for 3 years, I think I know something about some of the programs we are talking about.

There is a key difference, Mr. Chairman, between what the administration wants and what this Congress wants. The difference is that the administration wants to empower the bureaucracy and we want to empower people. It is very simple and very fundamental. We heard in the debate on the other side from our more liberal friends that there is no help for job training, for housing assistance, for energy assistance, for child care, for homeless shelters, for health care for the poor and for housing rehab, to name a few. What they did not say, Mr. Chairman, is that this bill increases the community service block grant by the single largest amount in the program's history since 1981, $100 million, Mr. Chairman. Where is the rhetoric coming from the other side in the largest single increase in this program's history? And where is the acknowledgment, Mr. Chairman, on the other side that this will allow us to assist 2.1 million more people than we assisted last year to a total of 10.3 million? And where is the information from the other side about the leveraging of another $267 million of private sector investment which is what all 1,200 community action agencies across the country do in every one of our Members' districts.

This is a good bill. It is a key difference between what the liberals want and what we want. We want to empower people. We want to empower grassroots decisionmakers. We want to empower those people who are involved in community action agencies like the one I started in my county back in 1979 which has grown to a $14 million a year agency providing all of these services.

I say vote "yes" for this bill and I thank the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a member of the full committee.

Mr. KINGSTON. Mr. Chairman, as I went back through the CONGRESSIONAL RECORD and looked at what the Democrats had to say about this bill last year, it was just absolutely ridiculous, offbase political rhetoric, just like we are hearing this year: war on children, mindless, mean-spirited package. It is the same old thing. The Democrats want to smoke but they do not want to inhale. They want to cut the budget but not here, not this bill, not now, not this group.

The fact is, my Democrat friends, that money is not always the solution. Just one particular case, one small example: Since 1970 per-student spending in America has increased from $4,000 to $7,000 per student. Yet during that same period of time SAT scores have fallen from 937 points in 1972 to 902 points in 1994.

Money, money, money is not always the answer. So let us try to put our investments in programs that work, cut out the Washington bureaucracy, empower the people back home, and pass this bill.

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Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to make clear we have absolutely no quarrel with the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER]. He has done a fine job under the circumstances, and I honestly believe his heart is in the right place. The problem, frankly, as we see it, is simply that the budget priorities of Speaker GINGRICH and the majority party in this House are simply wrong. They say, oh, it is okay to give $11 billion more than the President or the Pentagon is asking for the Pentagon; but, oh, by the way, we have got to balance the budget.

So what did they do? They put us on a 6-year track that will knock one million kids off the most important program supported by the Federal Government to teach kids to read and to help them to master science and mathematics. They cut the Eisenhower teacher training program, an immensely popular program with any teacher in any district who is interested in improving his or her ability to convey information to children.

They zero out Perkins loans. They, in fact, in the education area provide over the next 6 years—and this is the first step in that process—they provide 20 percent less in real deliverable program support for education over that time period at the very time when student populations are rising after a long time when those student populations were declining. They say, oh, we must make up for inflation when we appropriate funds to the Pentagon; but, oh, no, there is no need to make up for the cost of inflation when we are dealing with education. I find that separation and logic to be an extremely interesting revelation in terms of the respective priorities of the parties.

The majority party says we should honor work. I agree with that. I worked hard all my life. So did my kids. So did most other people in this Chamber. But after they say we should honor work, what do they do? They cut the National Labor Relations Board by 15 percent so they limit the ability of that agency in a severe way to protect worker health, to protect worker safety, to protect the integrity of worker pension plans, and to enforce the law that guarantees that workers will be treated fairly and squarely on wages and hours.

They drive a billion-dollar hole through a crucial program that provides assistance to low-income elderly and low-income individuals under the low-income heating assistance program. Then they brag about putting 10 percent of that money back by way of community service block grants.

I take a back seat to no one in my support for community service block grants. For year after year after year on that subcommittee, it was DAVE OBEY who pushed that program against many times almost unanimous opposition on the Republican side of the aisle and some opposition on my own side of the aisle. So I take a back seat to no one in my pleasure that that program is finally getting a justifiable increase. But do not pretend that that tiny increase for that program makes up for the deep-sixing that my colleagues are doing on so many other initiatives to help the very same people that that program is aimed at.

I thank God for small favors, and I thank the subcommittee chairman, but I do not get overly excited about it. I would simply say that this bill, more than any other, as Bill Natcher used to say, this bill more than any other is meant to help meet the needs of workers and people. We should not be squeezing it, as this proposal does.

Mr. PORTER. Mr. Chairman, I yield my remaining time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I really want to acknowledge Chairman PORTER and the members of the subcommittee for their efforts on a very difficult bill. While I have some concerns with some of the programs in terms of the education area, I do appreciate the chairman's work to develop a fair bill that funds so many critical programs. I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman PORTER. And as the representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH professional judgment budget.

I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community. In that regard, the Office of AIDS Research at NIH continues to plan for AIDS research, which is conducted among the 24 institutes, also centers and divisions at NIH. The committee has provided report language that clearly recognizes the integral role which the NIH Office of AIDS Research plays in coordinating AIDS research. I believe there is a critical need for the OAR to have sufficient budgetary authority to effectively manage AIDS research dollars, and I look forward to continuing to work with Chairman PORTER and the committee to see that OAR be granted the budgetary authority it needs to manage the AIDS programs across the NIH. Such authority, which has been strongly endorsed in an external evaluation of the NIH's AIDS program by our Nation's leading scientists, will ensure accountability in spending AIDS research dollars.

I commend the chairman of the committee for including funding increases for AIDS research and prevention and the Ryan White Care Act. I also appreciate the inclusion of report language that I submitted again this year expressing the importance of continued funding for research on microbicides.

Mr. Chairman, I guess there is no more time left, but I want to comment on continued support for the violence against women program and the increased funding for breast and cervical cancer research.

Mr. Chairman, I want to acknowledge Chairman PORTER and the members of the subcommittee for their efforts on a very difficult bill. While I have concerns with the funding levels for education, I do appreciate the chairman's work to develop a fair bill that funds so many critical programs.

I am strongly supportive of the 6.5 percent increase in overall funding for research at the National Institutes of Health. I know of no Member of Congress with a greater commitment to biomedical research than Chairman PORTER, and, as the Representative in Congress for the NIH, I greatly appreciate his strong support in protecting the integrity of the NIH professional judgment budget. I also commend him for his efforts to ensure that Congress does not interfere with funding priorities established by the scientific community.

In that regard, the Office of AIDS Research [OAR] at NIH continues to plan for AIDS research, which is conducted among the 24 institutes, centers, and divisions at NIH. The committee has provided report language, similar to the report language provided in fiscal year 1996, defining the authority of the OAR. While I am pleased that the committee has continued to provide limited transfer authority to the OAR, I remain convinced that AIDS research funding at NIH can best be managed through providing maximum budgetary authority, in the form of a consolidated appropriation, to the OAR.

During the past year, a group of highly respected leaders in the biomedical research community conducted a thorough evaluation of AIDS research funding at NIH. This group, which was chaired by Dr. Arnold Levine of Princeton University, released a report in March 1996, which included recommendations to strengthen the management, oversight, and accountability of AIDS research funding among the 24 institutes, centers, and divisions, involved in AIDS research at NIH.

Dr. Levine's working group has provided specific recommendations regarding scientific priorities and improved coordination of AIDS research activities, and has recommended that Congress provide the OAR with maximum budgetary and management authority.

I believe strongly that Congress has a responsibility to ensure that our biomedical research dollars are being spent in a well-managed, coordinated fashion. Decisions relating to the provision of budget authority to the OAR should be made in the interests of the best possible management of scientific resources. As the committee works to reconcile differences with the other body later this fall, I urge the committee to re-think their position on the level of budgetary and management authority provided to the OAR, and to use the Levine Report, with an eye toward achieving the most effective possible management of AIDS research funding.

I commend the chairman and committee for including funding increases for AIDS research, prevention, and the Ryan White CARE Act. I also appreciate the inclusion of report language I submitted again this year expressing the importance of continued funding for research on microbicides for STD/HIV prevention and the Women's Interagency HIV Study, two research priorities for women in the HIV epidemic.

I am also pleased with the continued support for the Violence Against Women Act programs, and the increased funding for women's health research and services.

As a former teacher, I believe that education must be one of our top priorities. I am concerned that this bill cuts another $400 million from public education programs.

Violence in our Nation's schools and student drug use are among the top concerns of most Americans. Yet, this legislation cuts $25 million from the Safe and Drug Free Schools program. The number of students served by the Individuals With Disabilities Act [IDEA] is increasing. Yet, this bill freezes, at last year's level, funding for special education grants to the States. That means that States will get even less Federal assistance with the burgeoning costs of educating children with disabilities.

I also oppose the portion of the bill that prohibits funds from being used to benefit persons not lawfully within the United States. School officials throughout the U.S. would then be required to determine the citizenship status of every student and their parents. This would create a paper nightmare, and would turn local school districts into mini-immigration services.

Most immigrants, documented or not, most likely will remain in the United States. If we do not educate these individuals, they will end up on the streets. Instead of contributing to the tax base of our society, these children would only add to the long-term problems of homelessness and crime.

The future of our country is linked to the quality of education that we afford our children. It is in the national interest to assist States and local governments to provide the best possible education for our Nation's students.

I look forward to working with the chairman to increase funding for these programs in conference, and I appreciate his skill and sensitivity toward meeting the tremendous needs addressed in this critical bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The Chairman, of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 3755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,171,482,000 plus reimbursements, of which $3,297,011,000 is available for obligation for the period July 1, 1997 through June 30, 1998; of which $73,861,000 is available for the period July 1, 1997 through June 30, 2000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $175,000,000 shall be available from July 1, 1997 through September 30, 1998, for carrying out activities of the School-to-

Work Opportunities Act: *Provided*, That $450,000,000 shall be for carrying out section 401 of the Job Training Partnership Act, $65,000,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $2,530,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $850,000,000 shall be for carrying out title II, part A of such Act, and $126,672,000 shall be for carrying out title II, part C of such Act: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds provided to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: *Provided further*, That service delivery areas may transfer funding provided herein under authority of titles II–B and II–C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: *Provided further*, That service delivery areas and substate areas may transfer funding provided herein under authority of title II–A and title III of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: *Provided further*, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 2, line 14, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 2, line 15, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 3, line 4, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 10, line 1, after the dollar amount, insert the following: "(increased by $5,000,000 for sweatshop enforcement in the garment industry)".

Mr. OBEY. Mr. Chairman, I ask unanimous consent to take my name off the amendment and replace it with the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. The gentleman from Wisconsin will have to withdraw the amendment and have the gentlewoman offer the amendment on her own.

Mr. OBEY. Mr. Chairman, we have had a timing problem here.

Mr. Chairman, I ask unanimous consent to withdraw the amendment so it might be reoffered by the original author, the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

On page 2, line 14, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 2, line 15, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 3, line 4, after the dollar amount, insert the following: "(reduced by $5,000,000)".

On page 10, line 1, after the dollar amount, insert the following: "(increased by $5,000,000 for sweatshop enforcement in the garment industry)".

Ms. VELÁZQUEZ. Mr. Chairman, we cannot pick up a newspaper, turn on the radio or television without seeing the names and faces of celebrities caught using sweatshop labor to produce their signature line of goods. Last month it was Kathie Lee Gifford; then it was Michael Jordan; and next week, it will be someone else. The fact of the matter is, sweatshops are a very serious problem throughout the United States.

As sweatshops have spread like wildfire, Congress has turned a blind eye and ignored this problem. This has caused millions of workers and American businesses to suffer.

My amendment takes the first step to rectify this national disgrace, by restoring funds to the Department of Labor to fight sweatshops, across this country. It provides $5 million to the Wage and Hour Division, to specifically fight sweatshop violations in the garment industry. To pay for this, we would transfer $5 million from the Jobs Training Partnership Act, that was funded at $25 million over its fiscal year 1996 level. Both of these efforts serve to help disadvantaged workers. We must provide these professionals, who are on the front lines of this battle, a fighting chance. In recent years, the Wage and Hour Division has seen its budget slashed, while the number of sweatshops have skyrocketed.

From New York to Los Angeles, all across this country, millions are being exploited by unscrupulous employers. In California and New York, studies have found that over half of all garment factories currently operating are sweatshops. Most shocking of all is how society's most vulnerable—our children—are being abused. How can we permit these people to be treated like this?

My colleagues, fly-by-night kingpins open sweatshops for just a few months and then close without warning. They collect money from manufacturers and pay workers a pittance—if anything at all. Then, as quickly as they appear, they disappear with the cash—only to open again somewhere else under a new name, to start the cycle of despair all over again. They operate a classic shell game, with women, immigrants and children as their pawns. These crooks must be stopped and we must begin by adopting this amendment.

Take a good look at this picture of workers in sweatshops. Note how the workers are hunched over their machines, how dirty and crowded the factory is. In many cases, women and children work behind bars and barbed wire that seem more like a prison than a workplace. I have seen first-hand the suffering these workers are forced to endure. This exploitation has left many maimed, blinded and scarred from a life in these sweatshops.

How would you feel if your child, your mother, or your sister was forced to work 60 hours a week, and only be paid a couple of dollars an hour? What if they were forced to work in a factory like this—crowded, filthy and with emergency exits that were blocked? What if they told you that they dared not complain for fear of being fired—worse yet, they worked even when sick for fear of losing their job and having no income.

The individuals slaving away in sweatshops are not the only ones forced to suffer. Legitimate American businesses and their employees are also victims, unfairly forced to compete against sweatshops. By allowing sweatshops to operate, in our own backyard, we are allowing the livelihood of many to be stolen. By supporting efforts to combat this problem, we are ensuring a level playing field and simple fairness for our workers and American businesses.

By adopting this amendment, we have a rare opportunity to help workers, businesses, and to support American-made products. This amendment is supported by labor groups, like UNITE, which represent workers. It is supported by business groups, like the National Knitwear and Sportswear Association, which represent manufacturers. This amendment is truly a win-win situation for everyone.

If you think this issue does not affect you or your district, think again. There may be people in this Chamber today that are wearing clothes made in sweatshops. If you shopped in stores like J.C. Penney or Macy's, or purchased a pair of Air Jordans, you are guilty of adding to this problem.

Let's show the American people and the world that Congress is no longer going to turn a blind eye and keep this dirty little secret, here or abroad. I urge you to vote "yes" on this amendment.

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Mr. PORTER. Mr. Chairman, I rise in support of the amendment. We believe that this amendment addresses a very serious problem.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we likewise congratulate the gentlewoman for offering the amendment, and support the amendment on this side.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Velázquez amendment to restore funding to the Department of Labor's wage and hour division and Department of International Labor Affairs. These funds are critical to the Department's ongoing efforts to combat worksite safety and fair labor standards violations, particularly in the garment industry.

Most Americans are aware of the recent news reports documenting sweatshop abuses in foreign nations. We have heard about the rampant wage exploitation of hundreds of thousands of workers—many of whom are children who produce popular American consumer goods and designer products, while laboring under inhumane working conditions.

However, many Americans are not aware of the fact that similar abuses are occurring daily in places like Los Angeles, New York, Miami, and Texas. The unfortunate reality is that despite our Nation's historic tradition of protecting workers and the voluntary compliance efforts by reputable garment contractors, sweatshop exploitation is a pervasive problem in America. It is estimated that more than 7,000 garment shops nationwide can be classified as sweatshops.

There are numerous examples of the nature and extent of the problem. In August of last year, the raid of a garment sweatshop in El Monte, CA, exposed the working conditions of 70 immigrants enslaved in a factory ringed with razor wire. More recently, a February raid in Irvine, CA, found workers routinely working 12-hour shifts, locked in a windowless room with a single fire escape. In Dallas, a sweep of 11 garment shops found that 82 percent of these businesses were in violation of Federal labor laws. This is nothing less than a national disgrace.

The Department of Labor's wage and hour division and International Labor Affairs Department are important lines of defense against sweatshops. Currently, the wage and hour division is combining an aggressive enforcement strategy with an educational program that encourages retailers, manufacturers, unions, and consumer groups to work in partnership to address the problem. Limited resources, however, have cut the number of investigators at the wage and hour divisions by 18 percent at a time when the workload of the division has expanded to include the monitoring of over 110 million workers in 6.5 million workplaces. The funding reductions contained in this bill hampers their ability to police the garment industry, protect workers, and ensure their workplace safety.

I urge my colleagues to support our efforts to fight sweatshop abuses by voting in favor of the Velázquez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $242,450,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $130,550,000.

The funds appropriated under this heading shall be transferred to the Department of Health and Human Services, "Aging Services Programs" following the enactment of legislation authorizing the administration of the program by that Department: *Provided*, That the funds shall be available for obligation for the period July 1, 1997 through June 30, 1998.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $324,500,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $132,279,000, together with not to exceed $3,096,111,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1997, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1999; and of which $132,279,000, together with not to exceed $701,369,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1997 through June 30, 1998, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $260,573,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1997 is projected by the Department of Labor to exceed 2,828,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP: Page 6, line 5, insert "(reduced by $3,800,000)" after the first dollar amount.

Page 18, line 15, insert "(increased by $3,800,000)" after the dollar amount.

Mr. STUMP. Mr. Chairman, I offer this amendment for myself, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking member of the Veterans Affairs Committee; the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Rules Committee; the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Employment and Training; and the gentleman from Florida [Mr. MICA], the chairman of the Civil Service Subcommittee.

Our amendment would increase the funds available for administration of the Veterans Employment and Training Service by $3.8 million.

This increase would be offset by a reduction in funding from the national activities account of the Employment Service.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the chairman for yielding and for offering the amendment. We support the amendment very strongly and have no objection to it.

Mr. STUMP. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we likewise think the amendment of the gentleman is a good one and accept it on this side of the aisle.

Mr. STUMP. Mr. Chairman, I thank the gentleman from Wisconsin and thank the chairman.

Mr. Chairman, the Veterans' Affairs Committee has worked hard this Congress to improve the operations of the Veterans Employment and Training Service and employment opportunities for veterans. And one again, we've done it in a bipartisan manner.

We've had great cooperation from the Economic and Educational Opportunities Committee, the Subcommittee on Civil Service, and the Labor Appropriations Subcommittee. This amendment would make a small but important addition to the bipartisan work already accomplished.

Veterans preference and reemployment rights are important benefits. For many veterans, they may be the only benefits ever used.

Simply put, at a time when the Federal government is down sizing, we must ensure that veterans preference laws are followed. These funds would also ensure that veterans reemployment rights are vigorously enforced in both the public and private sectors. This is vital at a time when we rely so heavily on our National Guard and Reserve forces.

Mr. Chairman, this amendment will allow the Veterans Employment and Training Service to meet its expanding enforcement responsibilities, fulfill its Transition Assistance program training requirements, and find thousands more jobs for veterans.

I strongly urge my colleagues to support the Stump amendment.

Mr. MONTGOMERY. Mr. Chairman, I am pleased to support the Stump amendment to increase funding for the Department of Labor's Veterans' Employment and Training Service [VETS]. Although this amendment would increase the VETS appropriation by only $3.8 million, this modest amount will significantly enhance the ability of VETS staff to provide employment services to veterans. The amendment would provide an additional $2.8 million for the veterans administration account. This will bring that account up to the funding level requested by the President. The additional $1 million will be used to fund new positions for investigators who will ensure that Federal and State governments and private employers meet their responsibilities to veterans.

The Veterans' Employment and Training Service, under the expert leadership of Assistant Secretary Preston Taylor, has done a great job helping veterans find good, permanent employment. VETS staff have also trained hundreds of thousands of separating service members how to make a smooth transition to life in the civilian community and workplace. I appreciate Assistant Secretary Taylor's hard work and commitment, as well as that of his entire staff. The men and women in VETS are dedicated to assisting and supporting our Nation's veterans. Congress must give them the tools they need to accomplish their goals.

I urge my colleagues to support the Stump amendment.

Mr. FILNER. Mr. Chairman and colleagues, I rise to express my strong support for the amendment to the Labor/HHS/Education Appropriations bill offered by the Chairman of the Veterans' Affairs Committee [Mr. STUMP]. Under this provision, $3.8 million would be added to the funding level for the Department of Labor's Veterans' Employment and Training Service and $2 million for the Homeless Veterans Reintegration Program.

On June 18, I spoke about my deep distress when the Labor/HHS/Education Appropriations Subcommittee slashed veterans' employment funding by almost $12 million below the level recommended by President Clinton—far below the level of funding that is needed to place our veterans into permanent, good-paying jobs. I shared with my colleagues the fact that 28,000 fewer veterans would be placed in jobs than proposed in the President's budget. I called attention to the Republicans' recommendation that the transition assistance program be terminated, a successful program that has trained hundreds of thousands of men and women so that they could quickly find good civilian jobs upon leaving the Armed Forces.

Fortunately, most members of the Full Appropriations Committee heard these concerns expressed, not only by me but by many other veterans supporters. An amendment offered by Mr. OBEY to restore most of the funding was approved.

This amendment, which we are now considering, will go a step further and fully restore veterans' employment funding to the level originally requested by the President. I thank the Chairman of the Veterans' Affairs Committee for this responsible amendment, and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. STUMP].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHRYSLER

Mr. CHRYSLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHRYSLER:

Page 6, line 5, after the first dollar amount, insert "(decreased by $2,399,000)".

Page 38, line 8, after the dollar amount, insert "(increased by $2,399,000)".

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment. We do not have a copy of the amendment. We were not aware this was going to be offered. I would appreciate it if we can get a copy.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. CHRYSLER. Mr. Chairman, almost 4 million women were physically abused by their husbands or boyfriends in the last year. We owe it to those abused women to take a stand against domestic violence.

Domestic violence accounts for more than one-third of all emergency room visits by women. We owe it to those injured women to take a stand against domestic violence.

Child abuse is fifteen times more likely to occur in families where domestic violence is present. We owe it to those abused children to take a stand against domestic violence.

I appreciate the chairman's work to increase funding for domestic violence programs in the committee bill. Overall, the Violence Against Women Act programs are increased in the appropriations bill by over $8 million, to a total of $61 million.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CHRYSLER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say, now that we have a copy of the amendment, I now understand what it is that is being offered and we have no objection to it on this side of the aisle.

I understand that the gentleman from Illinois [Mr. PORTER], on the majority side, also has no objection to it.

Mr. Chairman, I withdraw my reservation of a point of order.

Mr. CHRYSLER. Mr. Chairman, reclaiming my time, within the Violence Against Women Act programs is a special program that is very dear to me and the people of the eighth District of Michigan. I am referring to the battered women's shelter programs administered through the Department of Health and Human Services.

Although the committee has increased the dollars for battered women's shelters, my amendment would give the program an additional $2.4 million to fully fund the program at the President's request.

In my home town in Michigan, the LACASA women's shelter provides hundreds of abused women and their children shelter, food, and counseling. For many years, my wife Katie and I have worked arm in arm with the dedicated workers and volunteers of LACASA to find the scarce resources to keep their shelter operations continue. I am now in a position to do more as a congressman, and I intend to.

It's time for this abuse to stop. These women and children need our help, and they need our help now because there is simply no tomorrow for some of them.

Even with the hard work and dedication of groups like LACASA that are working for women around the country, the need for more services and more Federal dollars continues to increase. In Michigan, for instance, the nights of shelter provided each year to abused women has increased 23 percent since 1991.

However, even with these increased services in Michigan, the number of domestic violence victims denied shelter since 1991 has increased 25 percent.

This is one area of service where it seems we cannot do enough. When abused women and children need to get themselves out of terribly abusive relationships, they need to act quickly. We must provide a secure safehouse for battered women and their children. We must provide for them today.

My amendment takes another step forward to provide all the help we can to the women and children who most need it. I urge my colleagues on both sides of the aisle to support my amendment to fully fund the battered women's shelter programs within the Violence Against Women Act.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CHRYSLER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I want to commend the gentleman from Michigan for his leadership and dedication to the prevention of domestic violence, to the providing of help for victims of domestic violence, and particularly his commitment to providing for battered women's shelters. I believe he is showing the kind of leadership that we really need to have in Congress to address this very serious problem, and we strongly support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CHRYSLER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal uemployment benefits and allowances" account, to remain available until September 30, 1998, $373,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1997, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $81,393,000, together with not to exceed $39,977,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $65,783,000.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER: In the item relating to "DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert the following: "(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities)."

In the item relating to "DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(reduced by $300,000)".

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise today to offer an amendment designed to take steps toward putting an end to genetic discrimination in health insurance. With progress being made through the human genome project and other genetic research, we are making new discoveries at a startling pace about the genes associated with different disorders.

Indeed, most geneticists say that with the exception of trauma, every disease of the body has a genetic component.

Genes have been located already that are linked to breast cancer, to Alzheimer's disease, Parkinson's disease, basal cell carcinoma, to name just a few. Unfortunately, some insurance companies are already using these medical advances to deny health insurance to consumers.

A woman carrying the BRCA01 breast cancer gene may find her insurer drops her coverage entirely or denies her coverage in the event that she develops breast cancer. In addition, some companies are discriminating against policyholders based on their blood relatives' genetic information. Children are being denied coverage for disorders that their parents develop.

Mr. Chairman, we should put an end to this reprehensible practice. My amendment will provide additional resources in the Department of Labor's Pension Benefits and Welfare Administration, which is responsible for regulating ERISA plans.

I am thoroughly committed to trying to make sure that the antidiscrimination legislation is passed by Congress and PBWA should be prepared to enforce this law when it is.

Mr. Chairman, I urge my colleagues in the strongest possible terms to support this amendment as well as my genetic nondiscrimination bill, H.R. 2748.

In conclusion, Mr. Chairman, I would like to thank the gentleman from Illinois, Chairman PORTER. From the day I arrived in Washington, I have recognized in him a superb public servant, and, frankly, I consider him to be one of my best friends and one of the finest Members of Congress. I thank him for his consideration.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me thank the gentlewoman for those very generous and kind words. We certainly think the amendment is a very important one and very strongly support it and thank her for her leadership in offering it.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply say that on this side of the aisle we certainly accept the gentlewoman's amendment, and I would like to talk just a moment about it because I have such a deep personal interest in the issue myself.

I think often in the subcommittee a few years ago, when the human genome project just started to be funded, I was often misunderstood when I raised with NIH witnesses my concerns about the fact that science is getting ahead of the state of the law on the issue of genetics. It would be a tragedy if the billions of dollars which taxpayers are seeing invested on their behalf to discover the secrets of the human genetic makeup, if those dollars, instead of winding up producing a net good for the American people, wind up simply producing a greater ability for different powerful parties in this economy to discriminate on the basis of genes which individuals could not order beforehand but were stuck with after they were born.

It seems to me that there has been a very slow reaction to this on the part of both the legal profession and on the part of good segments of the scientific community as well. I very much commend the gentlewoman for her efforts on this. I think it highlights probably the most important fundamental long-term issue associated with this bill, and we very enthusiastically support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The amendment was agreed to.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois, Chairman PORTER.

The gentleman is to be commended for his support on behalf of the Job Corps Program. As he knows, Job Corps has been our Nation's most successful federally funded residential job training and education program for at-risk youth for over 30 years. Because of its proven record of accomplishment in providing opportunities to disadvantaged youth, it has historically generated strong bipartisan support.

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Program year 1995 exemplifies the success of Job Corps with 73 percent of all Job Corps participants either obtaining employment, enrolling in the military, or attending an institute of higher education.

The Labor-HHS appropriations bill before us provides $1.138 million for Job

Corps. Mr. Chairman, through the leadership of the gentleman from Illinois, Chairman PORTER, Job Corps received an increase of $35 million over last year's appropriation, which fully funds the operations portion of the program. I commend the gentleman on this accomplishment.

However, I have two concerns. First is the possibility that the Senate may provide a lower operation funding level for Job Corps than the House level. Second, there still exists a $14.8 million shortfall in the construction and renovation budget for the program. Adequate funding for the repair and rehabilitation of Job Corps campuses is critical for safe training and efficient operations. These campuses serve as a positive alternative to the dangers of street crime and drugs that many of our Nation's young adults face daily.

Mr. Chairman, I would say to Chairman PORTER that, based on previous discussions that we have had, it is clear that the gentleman shares my strong commitment to Job Corps. Therefore, when the bill is sent to conference, I respectfully urge the gentleman to continue to exercise his leadership to ensure that the operation funding levels for Job Corps contained in the House bill are maintained and to support any increase to the construction and renovation budget of the program.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me assure the gentlewoman that I am a very strong supporter of the Job Corps Program. I agree with the gentlewoman on its great importance, particularly for the most at-risk youth in our society, and I will clearly work toward a conference agreement that will provide, at the minimum, the House level of funding for the Job Corps and will fight to try that make that level even higher.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1997, for such Corporation: *Provided*, That not to exceed $135,720,000 shall be available for administrative expenses of the Corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $258,422,000, together with $983,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $213,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1996, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1997: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $11,390,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,644,000, of which $961,665,000 shall be available until September 30, 1998, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,071,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $287,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $297,734,000, including not to exceed $66,929,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise

Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $191,810,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $302,947,000, of which $16,145,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1998, together with not to exceed $52,053,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,271,000 for the President's Committee on Employment of People With Disabilities, $137,504,000; together with not to exceed $297,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $178,149,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1997.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,938,000, together with not to exceed $3,543,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act for the development, promulgation or issuance of any proposed or final standard or guideline regarding ergonomic protection or recording and reporting occupational injuries and illnesses directly related thereto.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI: Page 19, strike lines 8 through 15.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from California [Ms. PELOSI] and the gentleman from Texas [Mr. BONILLA] will each control 15 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to the Labor–HHS–Education appropriations bill would delete the rider that bans OSHA from protecting workers from musculoskeletal disorders which represent America's fastest growing workplace health problem.

Mr. Chairman, what we are talking about is the legislative rider bans any ergonomic guidelines. Ergonomics is the study of force in motion. What we would like to see the ergonomics look at is how to redesign the workplace so as to put less force on the body. This is the force that is causing so many musculoskeletal disorders and represents the fastest growing workplace health problem, having multiplied sevenfold in the past 10 years. Current estimates range from over 700,000 lost work day injuries to 2.7 million accepted worker's comp claims annually, affecting meat packing, poultry workers, computer programmers, auto workers, and supermarket employees, among others.

Affected workers suffer pain, restricted life activities, lost work time, and often permanent disability. These repetitive motion injuries include carpal tunnel syndrome, of which you may be familiar, Mr. Chairman.

The legislation in this appropriations bill prohibits OSHA from using funds for the development, promulgation, or issuance of any proposed or final standard or voluntary guideline. Mr. Chairman, I repeat, voluntary guideline regarding ergonomic protection or recording or reporting occupational injuries or illnesses directly related to.

This language goes beyond the fiscal year 1996 language to ban OSHA from developing protections or even collecting data on the problem.

Mr. Chairman, worker's compensation costs arising from musculoskeletal disorders amount to an estimated $20 billion annually, accounting for roughly $1 of every $3 employers spend on such claims. Indirect costs such as hiring and training replacement workers add billions of dollars more. Unfortunately, many thousands of U.S. employers are unaware of the extent of this problem.

My amendment would allow OSHA to issue a proposed ergonomic standard. And what that would do is trigger OSHA's open rulemaking process. This process includes both lengthy comment periods and administrative hearings at which witnesses can cross-examine each other, designed to facilitate a thorough public debate to improve the standard and strengthen its scientific basis.

If enacted, the rider in the bill would ban OSHA from even developing such a proposed standard to permit the debate to begin. My amendment will allow the debate to begin.

A no vote on my amendment would preclude OSHA from even gathering the data, as I mentioned, on musculoskeletal disorders. Ignoring the fastest growing workplace health problem will not make it go away. Ironically, the rider's sponsors claim OSHA needs to improve the science upon which ergonomic protections would be based, but the rider would ban OSHA from gathering the data necessary to meet that need.

A no vote on my amendment would fly in the face of congressional efforts to reform the regulatory process to ensure that regulations are premised on sound science.

Mr. Chairman, I talked earlier about the cost to employers, and many of them would like the protection of guidelines. Even those employers who have recognized the problem are often unaware of the broad range of cost-effective solutions currently available.

Smaller businesses are particularly at a disadvantage since they typically cannot afford to hire safety and health consultants. These employers need help. My amendment would allow OSHA to issue voluntary guidelines to assist employers in controlling the soaring costs associated with musculoskeletal disorders as well as opening up this debate to go further, if it is determined in that open period of public comment.

Recently enacted legislation gives Congress a mechanism for modifying or disapproving Federal regulations through an expedited legislative process. My amendment would allow OSHA to move forward on ergonomics, but would retain this effective means of reviewing OSHA's protective standards before they even take place. This is not disruptive of changes that have occurred in this Congress, Mr. Chairman. In fact, it is in keeping with those changes.

Countless employers have already cut injury rates and saved millions of dollars in workman's compensation costs through simple measures that quickly pay for themselves. A "no" vote on this amendment would preclude OSHA from developing protective standards or even voluntary guidelines based on such cost-effective solutions. These ideas, the initiatives, assist business at the expense of thousands of employers struggling with soaring worker's compensation costs, and to the detriment of millions of American workers.

A yes vote would improve working conditions and safety, would save money for the employers and increase productivity of the American work force. I urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Pelosi amendment. What we have here is a basic disagreement among those of us who feel very strongly that the private sector is capable of policing its own work force and its work environment, and those who believe that it cannot be done without Big Brother stepping in with a whole ton of Federal regulations to tell them how to do it.

The language in the bill as it currently stands would be removed by the amendment proposed now. It is a funding limitation. It is not a legislative rider. Perhaps the gentlewoman who proposes this amendment is not clear on that particular point. It simply says that the Labor Department and OSHA cannot spend money on developing a ton of bureaucratic rules on ergonomics that would apply equally to businesses like restaurants, like professional athletic teams, like trucking companies, to parcel post carriers.

In other words the Federal Government is now poised and interested in trying to develop a new set of regulations that it would apply uniformly to every small business in America, and it is absolutely absurd to think that OSHA is capable of conducting such research to apply these rules.

Mr. Chairman, let me cite as an example, in the gentlewoman's own State of California, under a legislative mandate CALOSHA will issue an ergonomic regulation by the end of the year that is estimated to cost Californians $9.7 billion and cost more than 12,000 jobs, because anyone who has ever been in the private sector, as I have as a manager in a private business, understands that when you get a whole ton of regulations that suddenly come into our office, your productivity is automatically cut back.

The implementation of silly regulations suddenly causes additional costs and in some cases causes tremendous job loss, and that is what we are talking about here. Think about in California what 10 pages has done, as I have cited here, and I have an example here of so far what OSHA has developed on proposed ergonomic standards in the private workplace or small businesses in America across this country.

Mr. Chairman, can you imagine running a restaurant in this country or running any kind of a small business where you are trying to make ends meet, operate on very marginal profits, and suddenly you see this show up at your front door? Who, first of all, is going to be able to understand any of this? How much is it going to cost a small employer in this country to implement such regulations?

Mr. Chairman, I think what people who love big government fail to understand is that there is not a staff of people at every business in this country that is prepared to handle such a load of bureaucracy and rules and regulations just waiting to do that.

If any of my colleagues have ever managed a business or owned a business or worked in the private sector, done real work in this country, they know that everyone there is already interested in doing something, answering the phones, putting together, making a product, delivering a product. This kind of thing, Mr. Chairman, only adds to the burdens that so many people in the private sector have at this point.

Unlike what was pointed out earlier by my colleague from California, the language in the current bill does not prohibit OSHA from continuing to use ergonomics data collected by the Bureau of Labor Statistics and does not prevent research institutions such as the National Institute of Occupational Safety and Health [NIOSH] from collecting scientific research on ergonomics.

Mr. Chairman, OSHA relies on those organizations because it does not conduct its own scientific research. If I could be convinced that suddenly OSHA has qualified doctors and scientists to be able to develop these regulations, but I am not convinced that they are qualified to do this kind of research.

Mr. Chairman, I ask my colleagues to look hard at this amendment. It is something that if my colleagues believe, as I do, that what distinguishes our economy in this world is the private sector and private sector jobs, that is what makes us the greatest economy on Earth.

Why do we want to put this monkey on their back and drive them back into the Stone Age because big labor is interested in promulgating such rules as I am holding in my hand? And this, Mr. Chairman, is only the beginning.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of our committee.

□ 2115

Mr. OBEY. Mr. Chairman, this is a funny place. We get elected. We get into our offices out here, and every day we have visitors from home. And sure, some of them are on vacation and some of them are regular working people. But I would venture to say that at least 70 to 75 percent of them are people who are representatives of the business community.

They walk into our offices. They wear suits. They are good people, but they have a distinct economic point of view. And we hear a lot of it when they come and visit us in our offices. They are the people who can afford to come out here and lobby us directly from home.

Then we go home. Often Members go to the Rotary Clubs; they go to business lunches. They talk to people who are also wearing suits then, and they all generally see life from the upper side.

I think we need to get beyond that and we need to think about how the world looks to people who work for a living, whether they wear blue collars or white collars or pink colors, just name it.

I do not know what my colleagues do when they go home, but when I go home I often visit plants. I cannot begin to tell Members how many times I walk through a plant, and I have seen a woman wearing something on her wrist and I say, what happened? Carpel tunnel syndrome. I hear that time and time again.

Talk to people who have suffered lower back problems. I happen to have an insurance company in my district that is very skilled in the problems of worker compensation. If we talk to people in that field, they will tell us that there are many companies who want to avoid problems but they do not know how. They do not have the expertise to do it. What this amendment says is that it is going to be a long, long time before they learn.

OSHA is the agency which is charged with the responsibility to develop standards to protect the health and the well-being of workers. What the committee bill says is that that agency is not going to be allowed to perform its duty when it comes to just about the most expensive workplace injury problem around today, about a $20 billion problem, the most reliable estimate. And the gentlewoman from California [Ms. PELOSI], is trying to correct that problem with her amendment.

I do not see why it is in the public interest for us to say that not only can OSHA not promulgate an official standard, they cannot even begin to develop one. They cannot even go about collecting their own data on the problem.

I do not see how that is in the interest of workers. I certainly do not see how it is in the interest of companies, many of whom do not know what to do to avoid the problem.

Just one example. My grandmother used to work for Pied Piper Shoe Co. a long time ago. One of Pied Piper's competitors was Red Wing Shoe Co. They paid $4.3 million in worker compensation premiums in 1990. After they implemented an ergonomics program and changed production techniques, that company reduced lost time days by 79 percent. By 1995, premium costs had dropped to an estimated $1.3 million from the original $4.3 million. That company knew how to deal with the problem. There are a lot of companies that do not.

The value of allowing OSHA to develop voluntary standards, I emphasize "voluntary," is that that would mean that OSHA could do the work which would enable many other companies who are looking for the right way to attack problems to have some idea of how to do it. A lot of them are small companies. They do not have the ability or the financial ability to hire industrial engineers. This agency can help them do that. But it just seems to me that this Congress is lock, stock and barrel in the hands of people who wear suits 365 days a year. It apparently is not going to get beyond the views of those folks and to take into account the fact that there are many, many millions of Americans who have a right to expect that the Government is going to act on their behalf to see to it that they have the safest working place and the healthiest working place possible under existing circumstances.

That is what the Pelosi amendment tries to do. I think this Congress ought to be ashamed of itself, if it does not adopt this amendment.

Mr. BONILLA. Mr. Chairman, I yield 6 minutes and 30 seconds to the distinguished gentleman from Texas [Mr. DELAY], Republican whip.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding time to me, and I appreciate his work in this area.

All I can say is, after the gentleman from Wisconsin's remarks, here we go again. Class warfare. the only argument in favor of the Pelosi-Nadler amendment is that people that wear suits do not understand the working man.

I think we have to first understand that OSHA is not only not equipped to do this scientific gathering or scientific evaluation, nor does it have the authority to do the scientific gathering. What OSHA does is promulgate regulations.

Mr. Chairman, I rise in opposition to this amendment, and it is really unfortunate that we have to fight this battle all over again. I do not understand why some Members of this body are so willing to allow OSHA to put forth a standard that has absolutely no basis in science. Just last month the American Academy of Orthopedic surgeons issued a report based on a comprehensive study of back injuries. Do you know what its findings were? There is no relationship between back injuries and work. That is not TOM DELAY saying that. That is the American Academy of Orthopedic Surgeons. Earlier this year, the Association of Hand Surgeons determined that there is not enough data available for the Federal Government to move forward with an ergonomic standard.

Further, the National Coalition on Ergonomics reported that OSHA cherry-picked and manipulated the data, which bureaucrats are so prone to do, that it gathered last year in order to put forth its proposal. My point is that there is no consensus in the scientific community over risks and remedies or implementing or failing to implement ergonomic policies.

There is certainly no consensus that a Federal ergonomic standard can actually have any positive impact on the working man or woman in the workplace and the impact on health and safety. Yet OSHA itself admits its draft proposal is likely to be the most expensive, the most far-reaching ever promulgated by this agency.

So by focusing on work spaces and stations, tools and equipment, lighting, typewriter keys and telephones, ergonomics virtually affects every aspect of American businesses large and small. It has been estimated that it could cost American businesses and cost us jobs to the extent of billions of dollars to implement.

The sheer magnitude of the paperwork required would impose an enormous and unnecessary burden. The number of professions that would be affected is potentially limitless.

A truck driver would be affected since he is exposed to vibrations for an extended period of time, sits in a truck cab, keeps bent wrists on a steering wheel and grips the steering wheel. It has been proposed that every hour that truck driver would have to sit down for 15 minutes because he has had too much vibration. Then there are hair stylists who open and close scissors for hour after hour. What about day care employees who have to lift children all day? Of course, there is the job of the golf pro who has got to swing a club over and over again, the florist who must wrap flower arrangements one after another, and the painter who has got to paint wall after wall.

After identifying an at-risk job, according to OSHA's draft proposal, the employer must control the job. The OSHA does not give any indication how this can be done. It simply mandates that the employers control the job.

If the employer cannot control the job, OSHA could require that the employer eliminate the job. Because of the lack of existing scientific data to support its draft proposal, OSHA has resorted unbelievably to creating its own data. Currently, OSHA requires employers to report work-related injuries and illnesses. In its proposal, OSHA would expand this recordkeeping requirement to include aches and pains which cannot be definitely tied to the workplace on injury and illness logs. The result would be a database of injuries that is outrageously inflated to show a far greater number of truly work-related injuries than there really are.

I cannot condone this kind of activity. The Bonilla amendment rightly prohibits OSHA from continuing to develop an ergonomics standard that involves the imposition of regulations costing billions of dollars on the private sector and a radical new level of government intrusion into the workplaces, work practices without scientific support. The Bonilla language does not prevent the scientific community from developing any necessary data to show a relationship between musculoskeletal disorders in the workplace.

Congress has given the authority to do this kind of research to the National Institute for Occupational Safety and Health. Nothing prevents NIOSH from continuing this research. OSHA's mandate is to promulgate work safety standards that are based upon sound science and statistics. Without regard to an ergonomic standards, the debate that should be taking place now is the scientific area, not in the regulatory area. I urge my colleagues to vote against this amendment and in favor of sound science.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would say the gentleman talks about how it is okay for NIOSH to do this. I find it very interesting that this committee is short-sheeting NIOSH to the tune of $32 million because it is transferring to them all of the obligations laid on by the Bureau of Mines programs, but it is not funding those programs.

So the very agency my colleagues say will be allowed to continue is going to have a $32 million shortfall in their budget.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I simply want to say to the gentleman from Wisconsin that we are not short-sheeting NIOSH. As a matter of fact, that shortfall of $32 million will clearly be made up in conference when we get there. There is no intention to not provide that funding. That was a transfer from the Interior Appropriations Subcommittee, and we simply never came to an agreement about offsets between our two subcommittees.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would say that that is a nice promise, but the fact is that the bill before us does in fact short-sheet NIOSH by $32 million. It does not allow NIOSH to meet the obligations that they are supposed to meet by accepting the Bureau of Mines programs.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

I would like to respond to some of the comments made by my colleagues, in addition to Mr. OBEY's observation about the short-changing of NIOSH in this bill. Last year the proposal by this Republican majority in the Congress on NIOSH was to cut it by 25 percent. The flat funding this year is not in keeping with, does not even keep up with the responsibilities that it has. I do want to call to the attention of our colleagues the packet that our colleague, the gentleman from Texas [Mr. BONILLA], held up and said, what would happen if this was laid on business? The fact is, that packet of information, and I question it because there have been no regulations released by OSHA, as that packet indicates, it does not contribute rulemaking or notice of rulemaking. So I think it is a little disingenuous to give the impression to our colleagues that that is a regulation that is being proposed by OSHA that is something that exists.

□ 2130

Second, I say to our colleague from Texas, Mr. DELAY, that part of his work in this Congress was to pass legislation that gives Congress a mechanism for modifying or disapproving Federal regulations through an expedited legislative procedure, and that would, of course, still be allowed under my amendment should he not like the information that the ergonomic studies provide in terms of data on the occurrence of repetitive motion illnesses.

The other point that I want to make is that, of course, this has to be based on science and scientific data. But this is not a one-sided issue. This is to protect businesses. Certainly it is to protect workers as well, and I do not have enough time allocated to me to read the entire statement of Mr. Dear when he came before our committee, but when I get my time again I would like to read from that statement, which talks about the need that some smaller businesses in particular have for the protection that voluntary guidelines and opening up of this debate would provide to them.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I have no additional speakers, and I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I mentioned before, in the balance of my time I wanted to make the case that this ergonomic study is to benefit workers and businesses. When I asked the very distinguished director of OSHA, Mr. Dear, to respond as to what the developing of voluntary guidelines and what the government-business response to such voluntary guidelines would be, he responded by saying:

> From my own experience in meeting with employers I know that injuries caused by repetitive motion are a serious problem of concerned employers. I have met with one after another after presentation made here on the Hill after the employers have specifically asked me, "Aren't there any guidelines? Couldn't you give me some help?" And I had to say, "Well, I would very much like to, but I cannot."

And that is what this rider in this legislation does. It prevents OSHA from giving any direction whatsoever to small businesses.

Again I say that support for my amendment will protect workers, protect businesses from excessive cost, and increase productivity. I urge my colleagues to support the amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, what we have here is again a debate between those of us who believe that people who are out in the heartland operating, managing, working for small businesses are pretty smart people and they are what make our economy tick. After all, the small-business community in this country is the backbone of our economy and employs 80 percent of the workers in this country.

On the other side we have those who believe that they cannot police their work force and their work environment effectively without having a big set of Federal regulations handed to them, and Big Brother, after all, is smarter, according to the opposition on this debate, smarter than the people who are the entrepreneurs and those who pursue free enterprise ventures in this country. The bureaucrats are smarter, and the entrepreneurs are too dumb to implement ergonomic standards in their own workplace.

Oftentimes those who are opposed to this issue in the past somehow think that those of us who are trying to stop this regulatory burden on small business are not concerned about worker safety. Nothing could be farther from the truth. I do not understand why Federal bureaucrats and those who advocate big government do not understand that any business owner out there, any manager, is interested in keeping as many workers as they possibly can healthy and productive, on the job every day. When someone gets injured on the job, when they have got to pay Worker's Comp, productivity suffers, the product suffers; the people running the company, oftentimes they would have to make cuts in other areas. No one in this country in the private sector is interested in allowing unhealthy conditions and bad working conditions to exist in the workplace in this country.

And I think oftentimes we get mired in the debate, and some of those on the other side try to make it seem like we do not care about worker safety. We not only care about worker safety, we care about preserving jobs and about keeping the regulatory burden off the small-business community in this country so that they can continue to be more productive and to increase productivity and increase the number of jobs in their communities. That is what we are interested in doing.

Finally, I would like to just point out how voluntary standards that have been referred to here tonight can exist out in the workplace without the Federal Government coming out and saying: "Hey, we have some paperwork here or some kind of new standard that you can voluntarily impose."

We have been around long enough in this country to understand that once something becomes voluntary on paper via the Federal Government and OSHA and regulators, sure enough before too long it becomes a real regulation, and we are trying to stop that from occurring.

A lot of good employers in this country are already developing their own ergonomic standards. When I visited a lot of these good work environments across this country, I am delighted to hear people on the front line talk about the priority at companies these days, about worker safety. Safety, safety, safety is the most important thing now that more employers are recognizing how significant it is to increase their profits and become more productive and to employ more people, because after all, when they have more productivity and more profits, that means more jobs, more expansion and more people able to pursue the American dream in this country.

Once again, in closing on this argument, I want to emphasize that those who vote for the Pelosi-Nadler amendment are voting to burden small business in America with a whole new set of regulations that have no scientific data at all to back it up. We do not believe at this point that OSHA is made up of scientists, doctors and researchers that are capable of implementing these kind of regulations.

So vote with small business in America. Vote against the Pelosi amendment. I ask all my colleagues to support me in this cause.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. PELOSI].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. PELOSI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from California [Ms. PELOSI] will be postponed.

The Clerk will read.

The Clerk read as follows:

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 104. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 105. No funds appropriated or otherwise made available in this title shall be disbursed without the approval of the Department's Chief Financial Officer or his delegatee.

SEC. 106. (a) GENERAL RULE.—In the administration and enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, employees who are 16 and 17 years of age shall be permitted to load materials, but not operate or unload materials, into scrap paper balers and paper box compactors—

(1) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors, and

(2) that cannot operate while being loaded.

(b) DEFINITION.—For purposes of subsection (a), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

(1) such scrap paper balers and paper box compactors are in compliance with the current safety standard established by the American National Standards Institute;

(2) such scrap paper balers and paper box compactors include an on-off switch incorporating a keylock or other system and the control of such system is maintained in the custody of employees who are 18 years of age or older;

(3) the on-off switch of such scrap paper balers and paper box compactors is maintained in an off condition when such scrap paper balers and paper box compactors are not in operation; and

(4) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on such scrap paper balers and paper box compactors stating that—

(A) such scrap paper balers and paper box compactors meet the current safety standard established by the American National Standards Institute;

(B) 16- and 17-year-old employees may only load such scrap paper balers and paper box compactors; and

(C) any employee under the age of 18 may not operate or unload such scrap paper balers and paper box compactors:

Provided, That this section is not to be construed as affecting the exemption for apprentices and student learners published at 29 Code of Federal Regulations 570.63.

SEC. 107. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 2 (HO 2) with respect to incidental and occasional driving by minors under age 18, unless the Secretary finds that the operation of a motor vehicle is the primary duty of the minor's employment.

This title may be cited as the "Department of Labor Appropriations Act, 1997".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CAMPBELL) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

TERMINATION OF SUSPENSIONS UNDER FOREIGN RELATIONS AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–242)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) ("the Act"), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a) of the Act with respect to the issuance of licenses for defense article exports to the People's Republic of China and the export of U.S.-origin satellites, insofar as such restrictions pertain to the Globalstar satellite project. License requirements remain in place for these exports and require review and approval on a case-by-case basis by the United States Government.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1996.*

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Jim Dyer, currently the staff director of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BOB LIVINGSTON,
Chairman.

COMMUNICATION FROM THE CHAIRMAN, COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that

Deborah Weatherly, currently a staff assistant of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BOB LIVINGSTON,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2145

PRESIDENT CLINTON'S FAILURE TO SIGN THE WISCONSIN WELFARE REFORM WAIVER

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise during special orders to point out that today the countdown is up. Today marks the day that President Clinton should have signed the Wisconsin welfare reform waiver. Why is this important to me as a Californian? Because our Governor and State legislature have also requested from the Federal Government, specifically the Department of Health and Human Services, certain waivers to allow us in California to reform and streamline our welfare service to California residents.

I think we can all remember that a month ago the President said publicly that he approved of the Wisconsin reform plan. He did not just mention his approval of the plan in passing. This is the plan that was originally known as putting families first, or now, as it is known simply in Wisconsin, W2. The President devoted an entire weekend radio address to this subject.

Immediately after, though, he made those remarks his administration, encouraged by their liberal allies here in the Congress, Democratic allies, began to backtrack. Now it appears that the deadline today has come and gone with no waiver for the Wisconsin plan. I cannot really say that that surprises me too much, but I do not want to allow my cynicism to show too much. I actually had some hope that the President might at least in this one instance keep his word to the people of Wisconsin and the country.

He may someday sign this waiver, but not until Wisconsin has had to go through all kinds of contortions at the mercy of the Department of Health and Human Services. Wisconsin's difficulties in obtaining this waiver are not unique. As I mentioned, California and many other States have had to come to Washington, hat in hand, and beg for a waiver to implement their welfare reform plans. Some States, including California, have had to wait months upon months for their waivers to go through.

In fact, again in the case of California, we are still waiting to hear regarding three major welfare reform waiver requests to the Federal Government. The changes that are then required by the Washington bureaucrats have watered down so many of these State plans, of these State waiver requests, that in some instances the Governors and the State legislatures which initially requested those waivers no longer want to implement them. In South Carolina, it cost millions of dollars to go through the waiver process, and when that waiver was finally approved it was so modified that the State of South Carolina deemed it no longer effective.

We Republicans in Congress over the last 18 months, as the new majority in the Congress, have twice passed genuine welfare reform that would eliminate the need for States to have to go through the cumbersome counterproductive waiver process. But President Clinton, who as Candidate Clinton in 1992 promised to end welfare as we know it, has vetoed the welfare reform legislation not once but twice.

This welfare reform controversy illustrates a key difference between Republicans and Democrats and between Bob Dole and President Clinton. Bob Dole and Republicans think it is absurd that the States, which really are the laboratories of democracy nowadays, and where the only genuinely successful welfare reform efforts have taken place, must come begging to Washington, to the very people who are the architects and protectors of the failed status quo, our current welfare system. It is Washington's disgraceful mess, after all, that the States are having to clean up.

Mr. Speaker, although Wisconsin has been the Nation's leader in successfully reforming welfare, witness again the President's promise in his radio address a couple of months ago, and again President Clinton and congressional Democrats still think that Washington knows better than the people of Wisconsin how to fix their welfare program. They think that power, money, and resources should stay in Washington.

The American people are sick of our disgraceful welfare system, which traps people in lives of dependency, illegitimacy, and despair, and which has led, according to the most recent statistics in America going back to 1993, to almost one-third of all births, 31 percent of all births being out of wedlock. The American people are sick of a heavy-handed Federal Government that thinks it is so much smarter than everybody else. And most of all, they are sick of a President who will say literally anything that the polls tell him the people want to hear, and then turn around and do just the opposite.

THE ESSENTIAL 30-DAY COMMENT PERIOD IN WISCONSIN BEFORE ACTION ON WELFARE REFORM WAIVER REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I have the following one-word reply to the gentleman who just spoke: Baloney. A two-word reply: Double baloney.

I represent Wisconsin. I take a back seat to no one in wanting to see massive welfare reform. I know that taxpayers are tired of seeing people collect money on welfare who are not willing to work to earn it, and I know that people are tired, and justifiably so, of seeing people in this society who often have their hand out but who are not willing to go to work in order to improve their own condition. I believe in personal responsibility, and I believe that people ought to be willing to accept the consequences of their own actions in their own lives.

But I want to make a few remarks that correct some of the wildly inaccurate statements just made by the previous speaker. There is no 30-day deadline for the President to consider Wisconsin's W2 program. There is simply, thanks to the fact that the Congress did not eliminate it, as the majority party tried to do, there is still the protection in law that allows every single one of my constituents in Wisconsin to have at least 30 days to comment on the deal that the politicians put together at the State level in Wisconsin. That 30-day requirement is simply a 30-day minimum requirement during which the public has a right to speak out before the politicians and the bureaucrats make their final decisions. I make no apology for insisting that that 30-day public comment period be retained. My citizens have the same right to comment that citizens from every other State have had before waivers were granted for their welfare reform proposals.

I wonder if the gentleman knows that in the original W2 waiver request which this party demanded that we pass, sight unseen, without any Member having read it on this floor, I wonder if the gentleman knows that Wisconsin later had to, at least the Governor and the welfare director, had to indicate they made a mistake in the presentation they made to the national government, and they recognized it needed to be amended.

Why? Because the press discovered during that 30-day public comment period that they tried to wipe out on that side of the aisle, the press in Wisconsin discovered that the W2 waiver proposal would have allowed employers to cut the hours of their regular workers, to cut the benefits of their regular workers, in order to make room for welfare workers in those plants.

It also inadvertently would have allowed employers to cancel promotions for their regular workers and, instead, give those promoted jobs to welfare recipients newly hired by the company. The State admitted that that was a mistake, but that mistake would not have been corrected if this House had rammed through the Senate the legislation which the majority party tried to ram through.

You bet workers are tired of seeing tax dollars gobbled up by people on welfare who will not work. You bet taxpayers are tired of that. But I can tell the Members something taxpayers do not want to see even more. They do not want to see their jobs gobbled up by welfare recipients.

So if we are going to solve welfare reform, let us solve it by correcting the behavior of people whose behavior needs to be corrected. Let us not solve it by whacking the ability of workers to maintain their wages, to maintain their hours, to maintain their benefits at work, and to maintain their rights to be considered for promotion before newly hired workers who just the day before were on the welfare rolls.

I would simply say that I want Wisconsin's welfare program to be approved, but only after my constituents have had ample time to examine that waiver request to make certain there are no other mistakes which wind up threatening the welfare of workers.

REVISED 602(a) ALLOCATIONS AND BUDGETARY LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to section 606(e) of the Congressional Budget Act of 1974 (Budget Act), as amended by the Contract with America Advancement Act (P.L. 104–121), I hereby submit revised 602(a) allocations and other appropriate budgetary levels. Section 606(e) of the Budget Act provides for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews (CDRs) under the Supplemental Security Income program.

Section 606(e) of the Budget Act directs the Chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of CDRs.

For fiscal year 1997, the adjustment reflects $25 million (and $160 million in outlays) specified for additional CDRs in the report accompanying H.R. 3755, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, as reported by the Committee on Appropriations on July 8.

These revised levels will supersede those established by H. Con. Res. 178 and the accompanying joint statement of the managers (H. Rept. 104–575) and shall be binding for purposes of enforcing sections 302(f) and 311(a) of the Congressional Budget Act of 1974.

The revised allocations and other budgetary levels are as follows:

[In millions of dollars]

	Budget authority	Outlays
Discretionary spending limits	492,692	535,699
602(a)/302(a) allocations	497,375	538,772
Budget aggregates	1,311,309	1,307,081

If you have any questions, please contract Kathy Ormiston or Jim Bates at extension 6–7270.

WORKING FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, before I speak on the issue of working families and what is happening to working families in my district and what I think is happening to working families all over the Nation, I yield briefly to the gentleman from California [Mr. RIGGS] to make some additional comments about the Wisconsin welfare reform plan and Republican plans to truly reform welfare, to stop talking about reforming welfare and actually start doing it.

WISCONSIN'S WELFARE REFORM PLAN

Mr. RIGGS. I thank the gentleman for yielding, Mr. Speaker. It is unfortunate that just when I thought we were hopefully going to have a constructive debate on welfare reform, the gentleman from Wisconsin marches off the floor. He has taken his ball and apparently he is going home. If he was still here, my response to him would have been baloney, double baloney, and triple baloney, or see your baloney and raise you one, because the reality is he is not going to support welfare reform in any form or in any version.

He not only has voted with the Democrats twice against our welfare reform proposals, but he is actively now attempting to thwart and to delay and to obstruct the efforts of the Wisconsin State legislature and the Governor of Wisconsin, Tommy Thompson, the Governor of his own State, to obtain a reasonable welfare reform waiver from Washington, the big government bureaucracy back here.

Mr. Speaker, the reality is he talks about taxpayers and working people, but the current welfare system is fundamentally unfair to working American families. It pays for non-work, it reinforces personal abhorrent behaviors and values which harm parents, children, and families. It is another classic "Let's rob Peter to pay Paul" scenario.

The Washington liberal establishment, make no mistake about it, despite all his populist rhetoric the gentleman from Wisconsin is very much a part of that Washington liberal establishment, and they refuse to accept the fundamental reforms demanded by a majority of Americans.

Where has the Democratic Party in the last 3½ years that President Clinton has been President and the leader of their party, where have they been on welfare reform? They did not put forward a welfare reform proposal in the last Congress when they had control of both the legislative and executive branches of Government. The gentleman from Wisconsin could have been a leader in those efforts, had he had the courage of his convictions and brought forward a proposal.

So let us be real clear whose interests are being served here by protecting the status quo: the current welfare system. It is the whole political constituency of dependency we have built up in this country. We are not addressing the concerns of workers whose taxes have paid for the unfair and broken welfare system, but we are, of course, seeing the consequences of preserving a system which the President and his liberal allies in the Congress are desperately fighting to protect.

What we believe, and I thank the gentleman for yielding to me, we believe that we ought to respond to the demands of hard-working American men and women. That is why we have passed welfare reform that restores individual dignity by requiring able-bodied recipients to work in exchange for their benefits, encouraging personal responsibility by discouraging illegitimacy, and toughening child support enforcement, putting time limits on welfare benefits, because we want welfare to be a safety net, not a permanent trap into dependency, empowering those closest to the problem, States and local communities to address welfare needs with innovative and flexible solutions, that is the very essence of W2 or the Wisconsin plan.

I just would remind Members again and remind the gentleman from Wisconsin [Mr. OBEY], if he wants to walk his talk, in 1992 candidate Clinton appealed to working families. This was one of the things that allowed him to posture himself as the centrist new Democrat. He appealed to working families with a promise to end welfare as we know it; yet since his election and during the last Congress when the Democrats had sole control over this House, lock, stock, and barrel, or should I say House Bank and Post Office, going back to my first term in office, the President aligned himself with the Washington liberal elite and has repeatedly vetoed legislation that would end welfare as we know it.

It is too bad that the President and the gentleman from Wisconsin and their liberal Washington friends want to defend a failed welfare system rather than work with millions of hardworking taxpayers who want real welfare reform.

☐ 2200

THE FORGOTTEN AMERICANS

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, every day in this country men and women get up at the crack of dawn, pack their lunches, send their kids off to school, go to work and work harder than ever in their lives, and then realize they are taking home less money. The reason they are taking home less money is that Government is taking more of their money, and Government is taking more of their money because Government is too big. It is too big at all levels, at the local, at the State and the Federal level. These people, who are laboring in the fields and working harder than ever in their entire lives and taking home less money because Government is too big, are the forgotten Americans.

In 1950 the average family in America paid 2 percent of their income for Federal income taxes. Today it is 26 percent. If we add State and local taxes, it is around 40 percent. Just think of that. Forty cents of their dollar earned goes for taxes.

While taxes increase, your take home pay decreases. The more Government takes, the more Government taxes, the less freedom we have. We work from January 1 through May 7 just to earn enough to pay taxes. Just think of that. The American worker has to work more than 4 months just to pay taxes. In fact, if a husband and wife are working, one of them is working almost solely to pay for taxes.

If Government taxes you 10 percent, then it controls 10 percent of your life. If Government taxes you 20 percent, then it controls 20 percent of your life. If Government taxes you 30 percent, it controls 30 percent of your life. If Government taxes you 50 percent, it controls 50 percent of your life.

How does Government control our lives by taxes? It does so by making choices for you that you cannot afford to make for yourself. Big Government chooses to spend money on welfare for immigrants while you worry where you are going to get money to pay for your kid's braces.

At the same time President Clinton claimed that the era of big Government was over, he increased your taxes in 1993 with the biggest tax increase in American history. The American family is hurting because taxes are too high.

The Republican-controlled Congress set out to free the American family from this tremendous tax burden. The Republican Congress passed the $500-per-child tax credit so that American families could decide how to spend their own hard-earned dollars, as opposed to Washington, but it was vetoed by President Clinton.

If President Clinton had not vetoed this bill, 1.3 million families in Ohio and the same number in Illinois would have been eligible. That means that these households in Illinois and Ohio would have had an extra $1,000 per year to spend on clothing, education, food and shelter. But people who like big Government do not trust Americans to make those decisions because they want Government to spend money that rightfully belongs to the hard-working Americans.

The Republican Congress passed the $2,500 interest deduction on student loans so that families could better afford to send their kids to college, but President Clinton vetoed that, also. The Republican Congress passed a meaningful welfare bill so that the hard-working Americans could take home more of their money, and the President vetoed that bill, also.

So who is the friend of the working person in America, the forgotten American, the one who is lost in the shuffle of big taxes, the one who is lost in the cloud of big Government? Certainly the friend of the working person is not the ones who insist on taxing more and more. The friend of the working people insists that Government is too big, it is too intrusive, it is too invasive, it takes too much money, it is robbing the American family of the ability to support themselves.

Mr. Speaker, we have reached a point in American history where the debt is so big because of a runaway liberal big Government mentality, with a $5 trillion debt that, according to a chapter in the budget called Generational Forecasts, if we do not put a rein on Government, by the time children born after 1993 go into the work force, they will pay between 84 and 94 percent of their income in taxes. That is no future for Americans. That is no future for our children.

This Government is too big. It has to shrink. This Government has to lower the taxes on the working people. This Government has to allow working people to keep more of their money. The message is this: The forgotten American, the one who works hard, the one who asks for nothing but freedom, the one who wants to raise his children in a society where he can afford to send them to college, the forgotten American covered by a sea of redtape and taxes, deserves a break. He deserves freedom in government, he deserves freedom from government, he deserves these Republican proposals to allow him to keep more of his hard-earned dollars.

VISIT OF ISRAELI PRIME MINISTER NETANYAHU AND TRIBUTE TO ALONZO SUDLER, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I first want to compliment the comments of the prior speaker, the gentleman from Illinois [Mr. MANZULLO]. I think they are well taken in regards to the working man and woman and how much we need to do to make sure that our pro-people and pro-economy philosophies that the gentleman just outlined certainly need to be adopted in this Congress, and I compliment the Congressman for his hard work in moving that agenda forward for America's workers.

Today was a historic day in the Congress, Mr. Speaker. We had a visit from the new prime minister of Israel. Unlike prior visits which have been certainly important to the country, I had a more personal involvement today because Binyamin Netanyahu, the new prime minister, and I share the same alma mater. We went to the same high school.

While he was born in Israel and is now Israel's prime minister, he was taught at a Montgomery County school, Cheltenham High School, in my district. I think people should know that his focus of seriousness of purpose, of vision for the future is one of peace and progress, and someone who certainly has good values and good morals and principles for the community and having the world's interest at heart as well as this country. Binyamin Netanyahu is certainly a credit to Israel and to the relationship with our country.

It was interesting to note in his speech today, which I think was very important, that he says that we can have peace in the Middle East and in our lifetime but we need 3 pillars of that peace.

The first, security, and end to terrorism; two, reciprocity, to make sure that we in fact have on both sides, whether it be Israel or whether the Arab neighbors, that there be peaceful resolutions and to have agreements actually held up to and actually abided by; and, third, having a strengthening of the democracy and of human rights in that region of the world.

I was also happy to hear from the prime minister that he is working on trying to make sure that they have a free market economy in Israel and one that would reduce taxes, that would lead to deregulation and of Israel's economic self-reliance. That is certainly taking a page out of the majority House leadership, I think, from this year, and that is certainly an example we can live up to.

I also want to take a moment of the time of my colleagues tonight to talk about an American hero, someone in my district who recently died, Alonzo Sudler, Jr. This gentleman was the chief pharmacist of our largest hospital in the district, Abington Memorial Hospital. He was married for 45 years to Winifred and loving father of Julia and Steven and the grandfather of twins Alexandra and Zachary. He was a great father and a great husband but beyond that a great community leader. He was involved with the Red Cross, involved with all community activities, and a humble man who cared deeply about his neighborhood, about his family, and about progress in Montgomery County and in Pennsylvania. He gave all this free time back to the community and his family. There is nothing he would not do for others.

For me, he was an American hero, who died prematurely at the age of 71. There are many more years I would liked to have had time to spend with him. He was like a father figure to me in teaching me lessons about life. He was almost a pastor in many respects because of the lessons he taught to younger people about how they should lead their lives.

To Alonzo Sudler and his family and to those who will hear about him, I hope that we all can live our lives in his image and in his memory. I ask God's blessings on his family and we remember them tonight.

REVISITING THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, in 1994 Republicans were elected to the House in great numbers, 73 new Republican freshmen. They came to Washington with lots of reforms in their mind. But since then they have been called extremist, mean-spirited, callous, fanatical and so forth and that has become their label. Yet when we see what their agenda really was, this thing called the Contract With America, what was it designed to do? It was designed to reduce the size of government, to cut wasteful spending, to lower taxes, to balance the budget, to reform welfare, and to increase personal freedom.

The folks I talk to back home in the grocery store checkout line, they do not consider these things extremist ideas. They think that they are commonsense ideas and reforms that we need to do.

Let us look at this in a little more detail. Do you think it is extreme to try to balance the budget the way you and I have to in our household at the end of each month? Do you think it is a good idea to do something about the $20 billion that we spend each month just in interest on the national debt? Do you think we should pass this legacy on to our children? Or do you think we should do something about it? And do you think, Mr. Speaker, that it is extreme to try to balance this budget in a 7-year period of time, so that you do not pull the rug out from under anybody? Do you think that lowering the rate of spending is extreme, so that one day the revenues that come in, tax dollars, and our spending will be equal? I do not believe that is extreme, Mr. Speaker.

What did the Democrats do when they controlled this House? They say what we are trying to do is extreme. They increased domestic spending $300 billion. Years and years of overspending, on tilting the scale toward big bureaucracy, has left us with 163 different Federal job training programs, 26 different Federal food and nutrition programs, and 180 education programs. A lot of duplications in that, Mr. Speaker. I think we can do something about it.

Let us talk about taxes. Under the Democrat rule, we had a tax increase of $245 billion, a gas tax increase of 4.3 cents a gallon, a tax on Social Security, and a tax on small businesses and partners. What do the Republicans want to do, these so-called freshman extremists? They want to cut taxes. One of them is a $500 per child tax credit. Do you think that your friends and neighbors and your people that you see in car pool lines deserve a $500 per child tax credit? Do you think that they could use that to buy a few more pairs of tennis shoes, T-shirts and back packs for their children? Do you think the workers of America deserve that? Do you think that they have paid enough and maybe something like that would help them?

Let us talk about some of these other taxes that we are accused of giving a tax cut for the wealthy. Do you think that our senior citizens should get the tax relief on their Social Security when the President increased taxes on Social Security in 1993? Do you think it would be fair to take that tax off of our seniors? Do you think that it would be fair to let seniors work longer without being penalized on their Social Security? I do not think that is extremist.

What about the capital gains tax? If we pass a capital gains tax, will Ted Turner benefit from it? He will. I do not have a problem with that, Mr. Speaker, because who else will is all the widows in my area, which is a growth area, who have bought their house 30 years ago, it is now paid for, but the house that they bought for $50,000 in the 1960s is now worth $300,000 and they could benefit from a capital gains tax cut.

Welfare. Let us talk about welfare. We have been accused of extremism in welfare and all kinds of quotes that almost are hard to recognize. The President, as you know, promised to end welfare. He did not offer a welfare reform bill. When we tried to offer one, we were accused, here is one, of Representative LEVIN, "You use a meat ax against the handicapped children and their parents."

President Clinton said in February 1995, "What they want to do is declare war on the children in America."

Here is another quote from a Member of the House of Representatives on the House floor said, "These people," they are talking about these Republican freshmen, "are practicing genocide with a smile. They are worse than Hitler."

Here is another one. These are all from House Members. "There is a similarity between NEWT and Hitler. Hitler started out getting rid of the poor and those he said were a drag on society and NEWT is starting out the same way."

These words have been said on the floor of the House by Democrats.

□ 2215

Now I ask, does that sound a little extreme in terms of rhetoric? Is that based on reality? What is the Republican welfare bill?

SUPPORT THE CHILD TAX CREDIT FOR FAMILIES

The SPEAKER pro tempore (Mr. CAMPBELL). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. You are truly a gentleman for doing that.

Mr. Speaker, I rise to speak on an issue that I think is of critical importance to the people in my district, and that is the people who I believe truly are the forgotten people, and those are the people that work day in, day out to try to struggle to make ends meet.

It is really a privilege to be in this body, it is really a privilege to try my best to represent the people of my district. But one of the things that bothers me and that honestly I am sick and tired of is that there are thousands of people in my district who I honestly feel are ignored, their concerns, their interests are overlooked by the politicians in this city. They are the people who dad works, dad works two jobs to try to make ends meet, mom is working as a cashier at the supermarket to try to make ends meet, and honestly at the end of the month, at the end of the day, they frequently do not have enough money to try to pay for the things that they need.

They are trying to set aside money for college, and they cannot do it. They do not know how they can pay for braces for the kids. The car needs new tires, and they do not have enough money after they pay the rent. They do not have enough money after they buy the food to be able to put new tires on the car. So what do they do? They drive around with a car that needs new tires.

And one of the biggest problems for these working families is the burden of the taxes that forces them to have to put mom out to work when she does not want to or forces dad to have to work that second job and, as a consequence, he cannot spend the time with the kids that he really needs to.

We Republicans, we were trying to do something about that this year. We put forward a $500 per child family tax credit. Those families today in America, typically the working family today in America, they are sending 25 percent of their income to Washington, DC, and 40 years ago when I know when my mom and dad were raising us, when I was a kid growing up, they were sending 4 percent or 2 percent of their income to Washington, DC.

It is the burden of government, of the bureaucracy, of the programs after program after program, the wasted money that is shackling and hurting our working families in this country. So we put forward a $500 per child tax credit, a tax credit that I thought was really going to help some of those working families, working families like the Tanner family in my district, who Bill Tanner works as an electrician. His wife, Anne, just recently had their fifth child, and our $500 per child tax credit would have meant $2,500 more for Bill and Anne Tanner to put toward the new tires on the car, to put towards money for college for the kids, to help them make ends meet.

The President of the United States, he opposed us on that $500 per child tax credit after he ran in 1992 promising a middle-class tax cut, and we put forward a reasonable proposal, and the Democrats in this body opposed us on that $500 per child tax credit.

I think it is wrong for politicians to come up here to Washington and say that they are working hard and they are fighting for those working families, those families that are having trouble making ends meet, and what happens, what is the end result: that they oppose the proposals that we are trying to put forward to honestly try to help them.

They even opposed us on the balanced budget. The economists tell us if we could balance the budget, interest rates in this country could drop 2 percentage points. What that means for those working families is a car loan that is 2 percentage points less, a mortgage that could be 2 percentage points less. That can translate for those working families into more money in their pocket, and that is money again that they could turn around and use for their families.

This government has gotten too expensive. It has gotten to be too costly. Oliver Wendell Holmes said that taxes are the price we pay for civilized society. I believe that the price is too high and that working families in this country need a break. The President and the Democrats in this body need to change their position on this issue. They need to support the family child tax credit. They need to support our balanced budget effort.

ISSUES OF THE DAY AMONG AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I am delighted tonight to ask the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Georgia [Mr. KINGSTON] to join me in probably about 30 or 35 minutes of a dialog regarding issues facing the American people today. With that, I have asked my friend, the gentleman from Minnesota, if he would be the floor manager of this discussion. With that, I will ask him to initiate the discussion.

Mr. GUTKNECHT. Mr. Speaker, we have just returned from some time back in our districts, and I do not know about the rest of my colleagues, but we have had a chance to hear what some people have had to say on the issues of the day. I had, I think, eight different town meetings, I was involved in about nine parades, did one special meeting with seniors in my district, and so I think I got pretty good feedback, and I thought maybe we could talk a little bit about some of the things we heard during the district break.

But I know that the gentleman from Georgia [Mr. KINGSTON] has some points that he wants to make and so I would like to yield to him for as much time as he may consume, if that would be all right, then we can get more into a discussion.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I wanted to address something that I think is dear to your heart, and that is the label that Republican freshmen have been getting hit with about being called extremists. Your class came to Washington with a spirit of reform and yet the press and the Washington establishment, who likes the status quo, has called you extremist, mean-spirited, callous, and so forth. The reason why is because you have tried to do this thing called the Contract With America. The Contract With America is a legislative package designed to reduce the size of government, cut waste, lower taxes, balance the budget, reform welfare and increase personal freedom.

Now, my friends and neighbors that I see at the grocery store at checkout lines do not consider those extreme ideas. But let us examine this in detail. First of all, do you think it is a good idea to balance the budget? Do you think we should do something about the $20 billion in interest we pay each month on the national debt? Do you think we should pass this legacy on to our children? Do you think it is extreme to try to balance the budget in a 7-year period of time? I think not. I think that is a responsible legislative agenda, and I am glad that you are taking it. I applaud the gentleman for it.

What did the Democrats do before when they were in the majority? Well, they increased domestic spending another $300 billion. They created over a period of time 163 different Federal jobs training programs, 26 different food and nutrition programs, 180 education programs. We may need more than one, but do we need all that duplication in Washington? Do we need all that bureaucracy?

What did the Democrats do about taxes? Well, in 1993, President Clinton passed a $245 billion tax increase, which included a four cents per gallon gas tax, a tax on Social Security, a tax on small businesses and partnerships.

What do the Republicans want to do? Well, we extremists have been accused of wanting to give tax breaks for the rich and the elderly. One of these taxes is a $500 per child tax credit. I ask the Members, is it extreme to give the working families of America a $500 per child tax credit so that they can buy a few more tennis shoes, a few more lunch boxes, a few more books, a few more clothes and so forth? I do not think that is so extreme.

What about our seniors, shouldn't they be able to work longer without being penalized on their Social Security? That is one of the tax relief ideas that we had, allowing seniors to work longer.

What about the capital gains tax cut? Now, will Ted Turner benefit from a capital gains tax cut, and all the wealthy people? Yes, this he will. Do you know who else will? All the widows in my district who bought property in a growth area during the 1960's. They bought a house that was worth maybe $35,000 at the time, and today it is worth $200,000, and they can sell that money for long-term personal care home or a medical emergency and not be taxed at the highest tax bracket because of this thing called the capital gains tax.

What about the marriage tax penalties? Should we give the same tax rate to people who are married as we do to the people who live together? Right now, a couple can live together and they pay less taxes than a couple that gets married. Is that right? Is it extreme that Republican freshmen want to change that? And what about welfare? Members know, we tried to change that.

Mr. JONES. The gentleman from Georgia, I just wanted to further refine and clarify something he said about working people. Is it not true in America today that the average working family will spend more on paying taxes than that same average working family will spend on clothing, housing or food? Have you heard that?

Mr. KINGSTON. That is absolutely right. Another statistic I have heard is that the real Independence Day is July 3 instead of July 4th, because from January 1 to July 3, that is when you are working to pay for all the cost of the government at every level plus the cost of regulation at every level, and that is right out of working people's pocket.

Mr. JONES. Is it not true also, according to the General Accounting Office, known as the GAO, that in 17 years without a balanced budget, which the Republican Party is committed to achieving, without a balanced budget in 17 years, according to the GAO that average working person will pay 80 cents out of a dollar to taxes? Have your heard that?

Mr. KINGSTON. I have heard that, and all I can say is that family will quit working.

Mr. JONES. Absolutely.

Mr. KINGSTON. There comes a point when the mule cannot pull the load anymore.

Mr. Speaker, let us talk about welfare. The President promised to end welfare as we know it, never introduced a bill when the Democrats held the Senate and the House, and yet when the Republicans did, what were we accused of? And these were quotes, actual quotes that I got out of the CONGRESSIONAL RECORD that we were accused of by our Democrat colleagues: These people, the Republicans, are practicing genocide with a smile. They are worse than Hitler.

And here is another quote: There is a similarity between Newt and Hitler; Hitler started getting rid of the poor and those he said were a drag on society, and Newt is starting out the same way.

Here is another quote: But not since the biblical day of King Herod have our children been in such grave danger. But unlike King Herod, who went only at the male child, the Republicans are going after all children.

Now, what is it that we were doing that was so extreme, so hard for the Democrats to take, so that they were accusing us of declaring war on the children? Well, the main thing we are trying to do is say able-bodied people who are on welfare who can work are required to work. Is that extreme? Is it fair for a guy who is out there working 40, 50, 60 hours a week paying for somebody to stay at home, is it extreme to say to the guy who is able to get to work and join him to be required to work? I do not think it is.

What about illegal immigrations? We said no more permanent benefits for illegal aliens, people who are not American citizens. Is that extreme? I would say it isn't. That was part and that was one of the things the President vetoed.

Mr. JONES. I would like to ask the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Minnesota [Mr. GUTKNECHT], we recently, as you were talking about welfare reform, if my colleagues remember, the House of Representatives passed a bill, and I am going a little bit off your subject but it does tie in, about we are talking about late-term abortions, and the President of the United States, the highest office in this land, when the majority of people in America said, even women and men that were prochoice said, that late-term abortions are wrong when a child in the 7th and 8th month of life in the womb of a mother, is murdered, and yet the President vetoed a bill that Democrats on that side and Republicans on this side said that we need to ban late-term abortions in America.

□ 2230

And yet the President vetoed it. Now, I want to ask the gentleman from Minnesota how his people in Minnesota feel about that issue.

Mr. GUTKNECHT. Well, I think it ties together with what we are talking about, because when we are advancing what I think is a commonsense agenda, and I think it is commonsense whether you are from North Carolina or Georgia or Minnesota, of putting the Federal Government on a diet, making the Federal Government live within its means in advancing policies, whether it is the Defense of Marriage Act or eliminating or making illegal these diabolical late-term abortions where the baby is literally pulled from the mother's womb, all except the head, the head is left in, scissors are inserted in the back of the baby's brain and literally the baby's brains are sucked out with a suction device, I think everywhere outside this Beltway that is considered extreme.

The agenda we have advanced is commonsense. The extremism, if there is any here in Washington, DC, is I think confined to our liberal friends.

Mr. KINGSTON. Is it not true that two of the most liberal Democrat leaders, the gentleman from Missouri, DICK GEPHARDT, and the gentleman from Michigan, DAVID BONIOR, voted to ban these partial birth abortions?

Mr. JONES. Absolutely.

Mr. KINGSTON. Yet the President still vetoed it.

Mr. GUTKNECHT. That is a good point. Many of our friends on the other side, who you would consider liberal, joined us in that particular vote, and hopefully this Congress is going to have another opportunity to revisit that issue and we are going to have a chance to override that veto.

Because I do not know about you, and we have talked about going home over the Fourth of July, I was at one county fair, and I must tell you that was the number one issue that people wanted to talk to me about, because they had learned the facts about this procedure and they said you have to do everything in your power to override that veto, to make certain that that stops.

Mr. KINGSTON. Is it not true this procedure is so gruesome that the extremists who are against the legislation did not want to allow the sponsor to have a postor, a chart that actually showed the procedure, and they tried to vote not to allow it on the floor? Is that not the case?

Mr. GUTKNECHT. That is exactly right. And it was a very simple medical type diagram to demonstrate exactly what happens in this procedure. But again it comes back to what the gentleman has been talking about what we have been advancing, whether we are talking about regulatory reform, balancing the budget, or allowing families to keep more of what they earn. And your point was made as well that back in the 1950's when we were growing up, I am not sure about you, Mr. KINGSTON, you are quite a bit younger than us, but when we were growing up, my parents, and we talked a little too about working families, my dad worked in a factory all his life, union man, member of the AFL–CIO, and my folks raised three boys and my mother did not work. She stayed home.

Now, we did not have a lot of the things that people think that they have to have today, I am sure, but we never considered ourselves poor. But there was a big difference back in the fifties. Most of the families raised their kids on one income. And why couldn't they? They got to keep 95 percent of what they earned. The average family today has to raise their kids on less than 60 percent of what they earn. Huge difference.

Mr. JONES. In my district, as a candidate for Congress and now as an elected Member of Congress, and going back in my district every weekend since I have been here 17, 18 months, except for about four, the people keep telling me, Congressman, we are tired, we are working harder, we are working longer, but we are taking home less money, what can you do to help us?

I think the Congresses of the past that have been the Democratic controlled Congresses kept increasing programs, increasing the size of government, and when we increase the size of government programs we are taking more money out of working people's pockets.

What has happened in America is that frustration. That is why I think we are the majority now. People are looking for us to reduce programs, particularly those that do not work, which there are plenty, and they are looking to us to say please give us a chance, let us work harder but let us keep more of our money.

I see this frustration every time, every weekend I go home, because I see people at the grocery stores, I see people at church, I see people down the street and they say to me, Congressman, we like what you all are doing, please give us a chance to earn and to have a chance to do for our families what we think we should have a chance to do.

Mr. KINGSTON. One of the examples I like to point out in terms of the Federal registration, which is the book of all the Federal regulations, and so forth, it has grown from 41,000 pages 10 years ago to 68,000 pages today, and we have over 130,000 Federal bureaucrats that basically just look over your shoulder to make sure that you are behaving right and telling you how to do things from educating kids, running a poverty program, to health care, to running your business, to your home. Everything.

Some of it is good. I certainly want to have a safe and sound government, but I want to have a commonsense government, one that is balanced. And is that not what we are saying? Is it not that we want to give the people back home more decisionmaking power and more personal freedom, and is that an extreme position?

Mr. GUTKNECHT. I think the two fundamental questions, and this comes up in my town meetings as well, and I am sure you hear it, and it comes down to two very important questions. The first question is who decides? Is it going to be the Federal Government or is it going to be decided by local units of government and, more importantly, by families?

And second, and I think it is almost the same question, but who knows best? And I think an attitude has developed here in Washington, and I agree that is one of the reasons they sent so many of us here in the last election cycle, was that the attitude that had developed here in Washington that Washington knows best, whether you are talking about raising broccoli or raising kids, there is this attitude that somehow Washington knows best.

I think it was exemplified a few months ago in a hearing in the Senate when one of the education experts ultimately said to one of the Senators that he really felt that he cared more about children than the average parent. And the Senator finally stopped him and he said, well, if you care more about my kids than I do, then please tell me their names.

And when you get right down to it, the truth of the matter is parents care more about kids than bureaucrats and it really is a question of who decides and who knows best. And we have tried to say that we think families know best. We think we ought to allow them to keep more of their own money, to make more of their own decisions so that they can do more for their kids, so that they can save more, so that they can take mom out for supper on Saturday night and leave a little more in the collection plate on Sunday morning.

That is what this is all about. This is not some mean-spirited accounting exercise; it is about renewing the American dream. And for too many Americans that dream is dying today.

Mr. KINGSTON. I had a town meet in the little town of Darien, GA. A teacher came there and she said, you know, each week, or each day I spend 2 to 3 hours on paperwork, most of it for the Federal Government. Now, that is 2 to 3 hours a day, equaling 10 to 15 hours each week, 10 to 15 hours a week she is not teaching reading, writing, and arithmetic to the kids.

Now, the question is, who do you think best knows how to educate the kids in Darien, GA, that teacher or Washington bureaucrats down the street from where we stand right now? And as you have pointed out, as much as these bureaucrats love children all over America, I still think because they are in Washington they might not be able to teach them as well as the teacher who is right there in Darien, GA.

And I do not know why everybody outside of Washington, DC, understands that, but the bureaucrats here just do not get it.

Mr. GUTKNECHT. But the story gets twisted. The unfortunate thing is the story gets twisted somehow between what we are trying to do and as it goes through this cycle here and as it gets filtered through sometimes the dominant media culture out there that somehow if we decide to reduce the size of the bureaucracy, the educational bureaucracy, for example, to follow up your point, that if we vote to reduce the size of the educational bureaucracy then we are hurting kids, when in fact there is no real proof that what we are doing right now is helping kids. Test scores have gone down as we have increased the size of the educational bureaucracy here in Washington.

Mr. JONES. During the week at home during July Fourth, just like I am sure you as well as the gentleman from Georgia, I attend four or five church services that were called God and Country Day.

Mr. KINGSTON. If the gentleman will yield, I am glad to hear that now. You deserve it. You need that.

Mr. JONES. I am going to give this back to you in a moment.

Mr. KINGSTON. I did 15 services myself.

Mr. JONES. Well, I want you to speak about yours in just a moment. I attended four or five church services about God and Country Day and Return to Glory Day, and I must say that it helped, it inspired me for this reason. As you know, both you gentlemen know, and I am on the bill and maybe you both are, I am on the bill introduced by the gentleman from Oklahoma, ERNEST ISTOOK, called the Religious Liberties Amendments, and I had this discussed many times. Why do you in Congress, when you have behind the Speaker's chair "In God we trust," why do you not allow our students to have voluntary prayer in school?

And I was pleased to tell them that ERNEST ISTOOK, a second or third termer from the State of Oklahoma, has introduced a constitutional amendment, and that is the way it should be, to give voluntary prayer back to the States and the schools. And these people applauded in church when I told them that I was on a bill that would help, if it passes the House and the Senate and goes back to the legislatures.

As you and I, all three of us know, and those listening, 38 out of 50 State legislatures have to pass the legislation before it becomes an amendment to the Constitution. But people in America are ready for the clarification of our religious freedoms that the writers of the Constitution promised us, whether you are a Jew, Catholic, Protestant or Moslem.

I will share this and then I will yield to you, the gentleman from Minnesota or the gentleman from Georgia. It so happens that last year, in 1995, a Federal judge in Santa Fe, TX, I think his name was Kent, I apologize if I am mistaken, sent a notice to a high school graduating class that if you were going to use the word "Jesus" in a prayer, and it was a Protestant-Catholic group, 90 percent of it, then he would have to have you removed by the Federal marshals.

So what ERNEST ISTOOK and those of us who have joined in this legislation have done is to say all we are asking is that we clarify our constitutional rights to practice religious freedom in America, whether you are a Jew, Catholic or Protestant or Moslem.

So I am pleased to tell you that back home in my district, in eastern North Carolina, and I am proud of this district, we care about religious freedoms in this country, and that is what I think the Constitution is all about.

Mr. KINGSTON. All I will say about that Federal judge is he obviously wanted to go to hell and he did not want to wait in line.

I think it is real important that we understand that what we are trying to do is just get decisionmaking out of Washington. Think about this. In Minnesota, North Carolina, if your county welfare agency knew that it was in their hands and in their power to end poverty in your home county, what a difference it would make, because really we do not look at poverty as our problem.

The thing about Americans is we see a problem, we want to fix it. And so what we have found ourselves subconsciously doing in many cases is ignoring problems because we see something like poverty and we think, well, we cannot fix that. You know why we cannot fix it? Because there are too many rules and regulations.

If somebody is on welfare, a 16-year-old with a baby, she needs health care, she has education needs, she has transportation needs, she has child care needs, and under our current welfare bureaucracy different agencies do different things, and so if you wanted to you cannot solve her problem because there are too many bureaucrats who are telling you this is my territory; this is my territory, and I get her here and I get her here and we do not want you just to have one A to Z program to get this young woman independent.

So, as a result, we all kind of tend to back away from it. But if you knew in your hometown you could make a difference, then you would make a difference.

Mr. JONES. Is it not true that since the mid-1960's, when the Great Society program was established under the leadership of Lyndon Johnson, that it has cost the American people $5 trillion? This Nation today is about $5.3 trillion in debt. So welfare has cost the American people $5 trillion.

In addition to that, what the Republican majority has proposed that even Democrats supported and the President vetoed is a program that would save the taxpayers in 7 years in outlays about $58 billion and lend the programs, or I should say direct the programs back to the States, which most of them want, and the President vetoed it.

☐ 2245

Is that not correct, please?

Mr. KINGSTON. It is correct. I think, there again, the President was acting from an extreme point. There is nothing extreme about requiring able-bodied people to work. There is nothing extreme about discontinuing permanent benefits for illegal aliens or telling local folks they can get involved in their own poverty program through State grants.

But the President decided to go for the status quo, and if the American taxpayers have paid $5 trillion, is it not time that we tried something different because of no results?

Mr. GUTKNECHT. Mr. Speaker, I think that is the important point. We have spent $5.2 trillion on the war on poverty. It is terrible in terms of the cost in dollars, but the real tragedy of the welfare system we have created in the United States is not the cost in terms of dollars; it is the cost in terms of human potential.

As I say so many times, we do not have to walk very far from this Capitol building to see the effects of what we have done on people. Go to any of the housing projects. In fact, 85 percent of the violent crime in this city is committed within 3 blocks of a Federal housing project.

We see the despair and despondency and dependency that we have created. The cost is astronomical in terms of dollars, but the cost is so much higher in the cost of human potential. The real reason is when we try to substitute Washington-run welfare systems for those old-fashioned traditional values that really made this country work, things like work, and family, and faith, personal responsibility, those are the cornerstone values that really have made this society work. The problem with the welfare system is not the cost in terms of taxes; it is that it erodes and destroys and eats away at those cornerstone values.

That is why we need to reform the welfare system, not just to save money for taxpayers this generation or the next. We need to reform the welfare system and move away from a Washington-run welfare system because we have destroyed all of those basic values. Look at the families that have broken up, and people do not see themselves as personally responsible anymore. We do not encourage faith. All of those things made this country work.

In the 1840s there was a French gentleman who traveled the United States and he wrote several important books. One was called "Democracy in America." I am talking about Alexis de Tocqueville, and he said it in so many ways so beautifully. It was this volunteerism that really made America work. He talked about religion.

The gentleman from North Carolina [Mr. JONES] talked about ERNEST ISTOOK's bill that I am cosponsoring as well. De Tocqueville said religion is the first instrument of democracy. Yet somehow we have driven religion and faith from the public square. The only welfare system was through the churches and faith institutions, and now we have said they cannot participate.

I do believe that we have to reform the welfare system and help the President keep his campaign promise. It is much more about human potential and the waste that the Washington-based welfare system has created.

Mr. KINGSTON. One of the things about welfare, in preparation for Father's Day I was doing some research and found out that police departments unfortunately use as an indicator of crime in the neighborhood, not the drug use and not the location or the geography but how many fathers live at home. Ninety-two percent of the children on welfare do not have a father at home. Those are the kids that do drop out of school, do have teenage pregnancy situations, do have violent crime and so forth.

The fact was unbelievable, but it is that breakup of the family unit. Why is the dad not at home? Because we have a stupid, insane government policy that says if he stays at home, they get kicked out of the housing project because their income will make them ineligible. Does that make any sense?

Would it not make sense to have a housing project where we have stable mom-and-dad relationships, where we can have some model citizens that other folks who live in the housing project can look up to? Does common sense not dictate that we do that?

Instead, we have a Federal Government that says, "No, dad, you are out of here. If you stay here, she is going to lose her benefits," and she cannot go out and find a job and get the benefits and the child care and the health insurance, and she needs that. I do not blame her.

Mr. JONES. The points have been well made. What we are trying to do is to give a program to the States with a financial support because we believe the States throughout America, the 50 States, as has been proven in Michigan and Wisconsin, that the people of the State know what will help those that are dependent on welfare.

The gentleman from Georgia [Mr. KINGSTON] is right. Most of the people on welfare would like to have an opportunity to get off of welfare, but we have a system that punishes them, whether it be that they live in public housing and they go out and get a job and start making a little more money, and they raise the rent and they cannot get caught up. It is the same way with those that want to work.

The point is that we have got to develop a system. I think the States can do a better job—that has been proven—than the Federal Government of saying what works in my country, Pitt County, North Carolina. The State of North Carolina knows better than some bureaucrat that we made reference to 10 minutes ago telling North Carolina or Georgia or Minnesota what works better in their State. Let the people decide. Let the people help people. That is what it is all about.

Mr. GUTKNECHT. If the gentleman would yield, I have had 75 town meetings since I was elected. I did not realize that until we counted.

Mr. KINGSTON. That is extreme.

Mr. GUTKNECHT. That is extreme, but every one of them, I feel better.

Certainly we have a few people that disagree with us, and that is part of a democracy as well.

But there is so much common sense among the American people, and they understand exactly what was just said. They understand that the Washington-based, one-size-fits-all, whether we are talking about education, the environment, whether we are talking about welfare, we can take any issue and they know instinctively that it can probably be run much more efficiently and frankly more compassionately if it is run locally and if we allow people to volunteer and to work together. They know that.

It comes up at my town meetings and I suspect it comes up at every town meeting, that the common sense, the decency and the compassion of the American people is overwhelming. But somehow all of that that we talk about here in Washington is called extreme by some of our friends here in the Congress and by some of the folks in the media, and certainly by the people down in the White House.

But outside of this beltway there is tremendous good common sense among the American people. They understand this. Frankly, I have said this before, I think they are way out in front of us. The things that we are talking about I think the American people understand instinctively.

I know that the gentleman from California [Mr. ROHRABACHER] wants to share some thoughts with us tonight. I wonder if we can kind of wrap up. I do want to talk about some of the other things that we may have heard or learned while we were back in our districts over the Fourth of July break. Does the gentleman from Georgia [Mr. KINGSTON] have any? I have a couple of other points I might share.

While my colleagues think about it, I will share a couple. I was surprised in my district how often the issue of the FBI files came up. Frankly, again, I think the American people are out in front of us and I think they put their fingers on the correct questions.

The first question that they cannot seem to understand and I do not understand is how people could be heard in the White House and not know who hired them.

Mr. JONES. Would the gentleman yield? I am not going to take his time, but I must tell him that is the question that was asked of me numerous times. How could Mr. Livingston have such an important job and nobody knows who hired him? That is the point he is making.

Mr. KINGSTON. If the gentleman would yield, I want to make sure we are all on the same page. The question is who hired Mr. Livingston, and he is the political operative who illegally obtained over 900 FBI files on private citizens and invaded their privacy by looking into those files illegally, and has yet to give us an explanation of what he was doing with them, why and who ordered them, and how he is saying he did not even know who hired him.

Mr. GUTKNECHT. One of my constituents raised a point that I had forgotten, and that is that a number of years ago a guy by the name of Chuck Colson went to jail for mishandling one FBI file, and he went to jail for 3 years.

I think there is an instinctive understanding among the American people that if they can misuse the FBI against Republicans here in Washington, that they can misuse the FBI against anybody. It can happen to them. It is a grave concern to the American people.

They are happy that Congress is looking into it, but they also suggested that we have to be very careful that this does not become just a partisan political witch-hunt. I think we have to do our jobs and exercise oversight without becoming overly partisan.

Mr. JONES. If the gentleman would yield, because we may in 1 minute yield the time to the gentleman from California [Mr. ROHRABACHER] so he can have a full hour, but I would like to add to the point very quickly that you, with a badge on your lapel that says that you are a Member of Congress, and the gentleman from Georgia [Mr. KINGSTON], you will have a very difficult time, as I would or anyone else in this membership, to get into the White House. Yet we have a man running a security that nobody knows how he got there. It is absolutely ridiculous and crazy.

I think I have about 2 or 3 minutes left. I would like to yield, if the gentlemen would agree, the remainder of my time.

Mr. GUTKNECHT. If I could, just for 1 minute, one other very important question was raised. I think this is one of the best questions that I heard. I am embarrassed that I did not think of it. If this is an innocent bureaucratic snafu, why is it that the bureaucrat who was most responsible when he was called before the Senate, why did he take the fifth amendment? There are a lot of unanswered questions and I think the American people are expecting us to get to the bottom of it.

Mr. JONES. I thank the gentleman from Minnesota and the gentleman from Georgia for participating with me tonight.

FBI FILES SCANDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I would like to ask my colleagues to continue joining me in this discussion, and then I will use the last half-hour or whatever I have left to go on about the patent issue, which is an issue that I have been championing here, and will go into great detail for the record after we are done with this discussion.

Let me just note that I worked in the White House for 7 years. I was a speech writer for Ronald Reagan during that time period. I am fully aware of the apparatus in the White House, and I was absolutely horrified to see what was going on there in terms of these FBI files.

Let me also note that I was horrified when Billy Dale, who was a hard-working, just regular human being, a civil servant who spent his time in the Reagan administration but before that the Carter administration, so Democrat and Republican administrations, sacrificed his life, had done a terrific job, always having to improvise because every time it was a crisis getting people here and there, and then to have this person fired dramatically, right off the bat.

This President showed what he thinks of the working people and the standard operating procedures of the White House by firing this civil servant, and trying to replace him with who? Some Hollywood producer who had a travel agency, in order for them to get this person into a position to basically make some money off getting people to and from Presidential functions.

Well, that was totally out of line, the procedure was totally out of line, but the President did that, and now we find out that that was just basically the first significant indication of what this White House was going to be like.

We would not even know about the FBI files, the hundreds of FBI files that are in the hands of a political operative, actually two political operatives, Democrat political operatives people who had been active in campaigns. Not only active in campaigns, but their job in the campaigns was opposition research, dirt diggers.

These people ended up with hundreds of FBI files in their position, and would we know about it if the Republicans had not won control of this body? We had to subpoena these documents. We had to force the While House to give us the documents which eventually led to the information they had violated the procedure, that they were such scofflaws at the White House that they permitted this to happen.

□ 2300

Let us note one thing, Chuck Colson, I was a reporter prior to becoming Reagan's speechwriter, I remember Chuck Colson. I was a reporter during the White House and Watergate years. I remember what Chuck Colson went to jail for. He went to jail because he was in possession of one FBI file and showed half of one FBI file to one person who was not qualified to see that

FBI file. And now this administration has put hundreds of FBI files in the possession of political hacks.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I wanted to make a point. I have a staff member whose file was pulled. I want to give you the background, because when you think about this political operative left over from the Al Gore campaign, this Livingston and Marceca fellow, you think that they are checking out NEWT GINGRICH's file or maybe DANA ROHRABACHER's file, but here is a profile of somebody who they checked on: hometown girl from Savannah, GA, midtwenty's, graduated from the University of Georgia, comes to Washington, idealistic, as we all see thousands of young people each year, comes to Washington, gets a job, maybe making $18,000 a year in the White House. She is not in the inner circle. In fact, she never sees the President. But it is fun and exciting and in her own way she got to help change America. Well, 2 years of that, Clinton wins, she is out. She has moved up the ladder. I hired her for $25,000 a year in her late twenty's. This is the kind of person we are talking about.

Now she finds out that her FBI file has been pulled and that some sleazy political operative is looking at her college education transcripts, her speeding tickets, her employment records, if a neighbor said something bad about her.

Mr. ROHRABACHER. Every dirty little thing that anybody can say, totally unsubstantiated rumors are put in FBI files. And they are put in there so that later on if there is a problem, people might follow up, the FBI might follow up to see if there was someting valid to this terrible rumor.

So this young lady that you are talking about, if she is ever made an enemy of somebody by stealing somebody's boyfriend, if that person is jealous and says terrible things about her moral character, that is in those FBI files.

Mr. KINGSTON. If they can invade her privacy, none of us are safe.

Mr. GUTKNECHT. If the gentleman will yield, I would come back to a very important point that Representative ROHRABACHER raised. That is this whole story started with the firing of the White House Travel Office, and we heard the testimony. We have the documentation, sworn testimony that the reason was they wanted their people out, they wanted out people in. We need those slots. That was a direct quote. That was a direct quote.

What really disturbs me about this story probably more than anything else was they had every right to fire those people. The truth of the matter is, they had the right to fire them. They were at will servants. They could be fired at any time. But they were not satisfied just to fire them. They had to make the story better. They had to embellish the story. They had to besmirch these people.

Mr. ROHRABACHER. They charged them with crimes.

Mr. GUTKNECHT. I will tell you what, what really eats at me more than anything else, maybe it is because my dad is getting on and my father-in-law is now gone, but what really bothered me more anything about that story was that two of the seven of those individuals had to bury their fathers while their fathers went to their graves not knowing that they were not crooks.

In other words, their dads went to their graves not knowing that their sons were not crooks because the White House fabricated these stories. They used the FBI. They abused the IRS. That is all part of the testimony.

Mr. ROHRABACHER. We know what happens when someone is put into this situation. Ordinary working people, they say, you can defend yourself against these charges. We know what that means. That means that someone's life savings is gone. That means that someone who has been saving up for maybe all their life in order to have a little house at the lake or something or a dream vacation with their wife, that is gone. That is over with. Any of the niceties that they wanted to save up for, gone, because the money that should be going into that which they have worked for and struggled for all their life goes to pay some lawyer to defend themselves from going to jail so that the President of the United States can put a crony in that position.

Mr. GUTKNECHT. It is true that the money cannot be replaced. What really cannot be replaced is your reputation. I cannot imagine much worse than having my daughter call me, as I think Billy Dale's daughter did call him when she saw the story on the national news, where they were accusing him of fraud and so forth. And his daughter said to him, Dad, say it is not so. I do not know how you could talk to your family. I do not know how you could face your family when on the national news you are being besmirched this way.

I sat in these hearings. I was absolutely certain, absolutely convinced that they were wronged and that I told them I hoped that whoever was responsible, and I think we have a responsibility to try and get to the bottom of who is culpable under this, but I told them that I hoped that whoever was responsible would have to pay and pay dearly because it seems to me that where this whole story started with the seven White House travel office employees and then you see the pattern that has evolved, and it is always denial, delay, an they do not want to give the documents.

Mr. ROHRABACHER. How this ties in, of course, is that Billy Dale's FBI file was pulled in order to what? In order to destroy that person, in order to give cover to the President and his clique. They were going to destroy this man, and those are the people now who are in possession of hundreds of other FBI files. This is totally outrageous.

Chuck Colson goes to jail for one half of one FBI file and these people and these media, I might add, who are sitting and letting this thing go by, yes, there is some criticism, there is some criticism, but have we seen the follow-up questions and the follow-up questions at the press conferences that we would have seen if this would have been a Republican administration?

Mr. GUTKNECHT. As the one fellow said, if this was an innocent bureaucratic mistake, why is the bureaucrat most responsible taking the fifth amendment: If it is innocent, I would think they would be eager to get all this information out. They would be eager to get it all cleared up.

But somebody said, Well, the people in the White House should come clean. It only helps to come clean if you are clean. And the fear and the suspicion that is building here, and I think among the American people, is that there are people inside that White House who are not clean. And there has been things going on there that they are not proud of, no one is proud of. The only way it is going to stop is if the Congress exercises its constitutional responsibilities and actually, the whole system is built on a system of checks and balances. It would not happen if it were not for the Republican Congress.

Mr. ROHRABACHER. This would never have happened, the American people would never know about this had the Republicans not won a majority in this body. Even with the Republican majority, the White House tried to stonewall us every step of the way in getting this information.

Mr. GUTKNECHT. I am going to close. I just want to share one other thing that I learned from one of my constituents, and it is a very important thing. He said, this was several months ago when I was home, he said, sometimes, and we get into this, Republican versus Democrat, he said, it is not Republican versus Democrat. In fact, he said, it is not even really right versus left. He said, it is right versus wrong. And what we have been talking about, some of the instances that we have been talking about tonight, it really is right versus wrong.

Mr. KINGSTON. I want to mention to you on the subject, I sit on the Appropriations Subcommittee, Treasury, Post Office, White House. We fund the White House and we put in an amendment that said that if you worked for the White House, that unless it involves national security, you are not allow to look at anybody's FBI file, period. That amendment was passed on a bipartisan basis. We had a few Democrats who voted "no", but the ranking member supported it and so forth and we passed it.

Because exactly what your constituent said, this is not Democrat versus Republican, this is right versus wrong. If you are over at the White House and you need to look at somebody's files for national security purposes, particularly with all the people who are falling out of airplanes and jumping over the White House fence, I want the President to be protected. I want him to grow to be an old man. I want him to enjoy his last few months of being President peacefully. But the fact is that we do not want people over there on an extracurricular basis invading the privacy of normal citizens.

Mr. ROHRABACHER. This is totally consistent. Even before Billy Dale was fired, I remember when this administration came in, I remember it like it was yesterday, all of a sudden they started calling taxation, what, contributions. And they started calling government spending an investment. Remember that? They would not use the word "taxation" and they would not use the words "government spending."

And when I knew that when someone who is so disciplined to do something so, what I considered disrespectful as to try to just change the words so the American people do not even know what is going on, so they cannot make a decision based on what policies they like or do not like because they are just corrupting the whole language so the American people will not understand what they are talking about, I said, this is one of the most heinous administrations that I have ever seen.

Mr. GUTKNECHT. It is almost 1984. It goes back to that book. But I will say this, again, I will close becasue I know you want to talk about patents. I think it is really refreshing to go home and have town meetings. And, frankly, I think the American people are a lot smarter than some of the polls and some of the newspaper people and some of the media people and some of the people in this city give them credit for. I think they are beginning to figure this out.

Mr. ROHRABACHER. I had faith that the American people would know that taxes are not a contribution and that all government spending is not just an investment. I think we can trust the American people. It says in God we trust, but was also trust the American people. And we hope that God works his will through the American people. So I wanted to thank you both.

Mr. KINGSTON. I thank the gentleman for yielding.

THE STEAL AMERICAN TECHNOLOGIES ACT

Mr. ROHRABACHER. I appreciate being part of that discussion.

I would like to now talk a few minutes about another issue that is, I believe, perhaps just as disturbing as anything we were talking about in terms of what is going on down at the White House.

I have spoken on the floor on many occasions on this issue. But it has yet to come to the floor because there seems to be some maneuvering going on. The issue I am talking about is whether or not the American patent system will survive as was envisioned by our Founding Fathers and whether the patent rights of the American people will be protected or whether the patent rights as we know them will just totally be destroyed and another system, totally alien to the patent system of the United States, superimposed on us, destroying our rights as Americans and hurting our ability to compete and to produce new technologies.

I have spoken on this so many times that everywhere I go people are asking me, how is it possible that after I have given so many speeches and I have been on so many talk shows that Congress still may pass, and there is a very good chance that this bill still may pass when it comes to the floor, and that is H.R. 3460, I call it the Steal American Technologies Act, how is it possible that a bill like this, like H.R. 3460, that will basically destroy the American patent system as we know it and that will mandate every American inventor to fully disclose all the details of every new invention that he is working on, even before the patent is issued, how is it possible that patriotic Members of Congress may well pass this travesty into law? This attack on America's future may well pass this body and this Congress.

I am standing here basically by myself tonight. So how is it possible, when this room is filled with all of these people, 435 Representatives, that they could possibly pass a bill like this. Because once you know the basics, that it is going to mandate that every inventor disclose to every thief in the world every secret of new American technology even before patents are issued, that does not take a rocket scientist to know what the outcome of that is going to be.

Yet I am telling you today that when this vote comes to the floor, if it comes soon, it will happen, there is a good chance that the 435 Members of this body will vote to make that part of the law. They will vote to take, which is another part of H.R. 3460, the Steal American Technologies Act, they will vote to take the current patent office, which has been part of the United States Government since our Constitution, since Benjamin Franklin wrote it into our Constitution, and obliterate it, eliminate it as part of the Government and resurrect it in a new form, which is a post office like, quasi-corporate entity that, once resurrected, would be under the control of one director who could not be removed for policy decisions but instead only for cause. Once he is in there, he has almost dictatorial power over the patents issued to the people of the United States.

How is it possible that we would be willing to take this system that we have got that has done so well for America and come up with this result?

Well, it is possible, number one, because there are powerful foreign multinational and even domestic corporations that want to steal people's patents. Surprise, surprise. Is anyone really surprised when they hear that? Is it odd that a foreign corporation or some multinational corporation or even a huge domestic corporation would like to steal people's ideas and not pay them for royalties for their new ideas and their new creations?

□ 2315

Well, that is not odd at all when you think about it. That is not odd at all. It is odd, however, that 435 Members of Congress are going to listen to big corporations and perhaps not take it one step further and say: "Wait a minute. What does this mean to the American people?"

Their interests basically, these very, you know, big multinational corporations, their interests are not the same as those people who are part of the citizenry.

Now, that is not hard to understand as well, and basically these large corporations, unlike the American citizenry, have money to pay for lobbyists, they actually have access to congressman, they have access to me as well, just like every other congressman. We will listen to the big corporations in our district because they employ a certain number of people in our district, but we have to understand that when we are talking to corporate representative, that that representative may not even represent the interests of his own working people. He may only represent the interests of the people who own that corporation. And Lord know who own these corporations these days. Might be national interests, might be foreign interests, might be who know who is really controlling the board of directors of many large corporations?

But one thing is for sure: That corporate entity does not necessarily speak for the well-being of the community, or the State, or the country, or even the employees of that corporation, to some degree.

Now, they claim, the big corporations claim, that the reason why they are backing, the most of the large corporations are backing, this H.R. 3460, the Steal American Technologies Act, they claim the real reason they are doing that is to stop a few inventors from gaming the patent system. It is called submarine patenting. That is what they claim is the reason that they want to make these drastic changes in the patent system of the United States of America: because these few people, they are gaming the system, and by doing so they extend the length of time that the patent will be actually in force in the outer years when that time period would not really be due to them had they not, quote, elongated the system and worked it.

Well, to stop this submarine patenting, these powerful forces claim that we must destroy the whole payment system. That is a patent system that has served us well since the founding of our country. We cannot do other things that will perhaps try to solve the problem for administrative, you know, focus on the problem. We cannot do things by trying to basically just single out submarine patenting and say these are the things we need to do to solve that. No, we have to basically destroy the American patent system and replace it with something else. That is their excuse, that is the basic excuse that they are using for their actions, the submarine patent issues.

Basically it is like a doctor saying: "Well, you got a hangnail. Oh, yeah, I see you're in pain, and I really sympathize with that. Hangnails are problems, and hangnails are bad. Look at how evil hangnails—here is a giant picture of hangnails." And then you hear lectures about hangnails, lectures about hangnails, and in the end the doctor says, "And by the way, we're going to amputate your leg in order to cure the hangnail."

You say: "Wait a minute, doctor, I just want my hangnail cured. Can't you just sort of cut the nail off or something?"

"No, no. We're not going to think of anything else. If you want to talk about anything else, we know you're in favor of hangnails. We're going to amputate your leg."

Well, if you get a doctor giving you that type of, you know, that approach to solving your hangnail problem, you better get yourself a new doctor or you better question what that doctor's motives—or you better question his sanity.

To stop a few inventors from having a couple of extra years on their patent term, the idea of destroying the patent term as we know it, eliminating the guaranteed patent term of 17 years, it is absolutely ridiculous. You basically are declaring war in order to stop some petty theft at a local store.

We must basically—what they are asking us to do is to force all our creative people in the name of stopping a few submarine patentors who are gaming the system to elongate their patent by a little bit—basically we are, in the name of doing that, we are going to force every one of the inventors of the United States of America, every one of our creative geniuses, to expose and to publish every detail of the new technologies they are working on. They are saying, on top of that, we are going to obliterate the Patent Office as part of our Government and resurrect it as a quasi-independent, post office-like government corporation.

Now, that does not make sense, that in order to solve that problem that we have got to go to those lengths to do it. That is why I happen to believe that the submarine patent issue is what we call a straw-man argument. I mean it is something that has been created there for people to argue with, and it is really not—you know, really you are not fighting against the submarine patent because the submarine patent issue may or may not be real. It is a problem, but compared—but obviously it is such a small problem as compared to the incredible solution that is being offered us that that may not be the real force that is driving the changes in our patent system.

By the way, one of the things that they are suggesting as a solution to the submarine patent problem is this new system, of course a new patent office, totally new patent office, obliterate the old one that has been serving us since the Constitution, and in the new Patent Office the patent examiners who decide—these patent examiners, they work hard, and they decide who owns these new technologies that are worth billions and billions of dollars. Some of these new technologies will be creating billions of dollars of wealth. The new patent examiners in this new quasi-government, quasi-private corporation will be stripped of their civil service protection, which is an invitation to people from the outside to try to influence the process, and it is an invitation to corruption because these people now will not have their civil service protection to protect them against being fired for unjust reasons.

Now, this is a scenario that we are going to take these civil servants who have been protecting us, that we are going to change the system that has been protecting us and that we are basically going to force our people to publish everything so every thief in the world can see it.

This is an obscene and an insane proposal, and I have no doubt that some of those pushing the H.R. 3460, the Steal American Technologies Act, actually believe that this destruction of the American traditional patent system is necessary because a few inventors, so-called submariners, are gaining a few extra years out of the system.

But I also have no doubt that for many of the multinational corporations pushing H.R. 3460, this submarine issue, like I say, is nothing more than a front, and what they really want to do, what they really want to do is to steal and to control the new wealth-producing technologies that are being invented by Americans, especially those in the years ahead.

So there are some people who are very sincere and, I am sure, have been taken in by the argument. There are also some people who know very well, the corporate interests who are out in the hinterland pushing this, know very well that they want to take American technology and use it without paying for it.

I mean this is an incredible scenario. People can say: Can this really happen in the United States of America?

Yes, it can, and the 435 Members of the body here could possibly pass this bill.

It is heinous, and it is evil, and basically, if they get away with it, they will be not only stealing technology, but they will be stealing the standard of living of the American people's children today. If we Americans lose our technological edge, the standard of living of our people will go down, and our children will suffer because of it. Our Nation will not be able to compete as we are today.

What gives us the competitive edge today? What gives us the competitive edge is the fact that you know people making more money, they have better technology in order to our-compete those poorly paid people overseas.

Yet as I said, Congress may pass H.R. 3460, and why? Because many Members, perhaps a majority of my fellow colleagues who are going to vote on this issue, do not know a thing about it. They do not know about this bill. They are at home now asleep or they are with their families or out to a movie or they are reading their work for tomorrow, their paperwork for tomorrow's committee session. Whatever it is, most of my colleagues are not listening to this. But if your Congressman does not know about it, your congressman, a Congressman from anywhere in the United States could vote on this bill, and you know about it, but that Congressman does not. Someone who is reading the CONGRESSIONAL RECORD or listening in over C-SPAN will now know more about this bill than their own Congressman, and it is vital, if democracy is to work in an atmosphere like this, that the people get involved in the process because you make a difference; every citizen makes a difference when it comes to a situation where a bill may come to this floor when people out there listening to C-SPAN know more about this bill than their own Representative in Congress does.

By the way, this bill already passed through subcommittee and committee, and it passed through in a breeze. There was almost no opposition in the committee.

Now, I am not a Member of either one of those committees, but I did ask members of the subcommittee and the committee if they knew that the bill that they had voted for would mandate the publication of all of our American ideas to every thief in the world so every thief in the world would know it even before the patent is issued. And I will tell you that Members I talked to said:

"Oh, no. It doesn't do that. No, no, you're kidding me. That bill doesn't do that."

I said:

"Yes, it does."

"No, no, no. It doesn't. No one would put that bill in front of us like that."

The members of the subcommittee, several of the members I talked to, would not believe me that that is in the bill. Because they could not believe that the committee would actually pass something so stupid.

Well, how about eliminating the Patent Office and ripping away the civil service protection from our patent examiners? I asked several of my Democratic colleagues about that.

"Oh, no. That's not in the bill. I didn't vote for that. That's not what happened."

But it was, and the fact is those colleagues that I talked to are very concerned about public employees and whether or not Government people who work for our Government, Federal employees, are being treated fairly, and they could not leave believe that was in the bill. They had just voted for it.

It takes telephone calls and letters from constituents to get the attention of many people who are voting on this floor, especially when they are being approached by powerful interest groups like huge corporations from their own district.

Now, basically there is only one thing that I believed in, can basically stop this underhanded attack on America's future, and that is if our system, as our Founding Fathers envisioned it, works, and meaning that the people of America start working at making sure that our system works. Basically people have got to call their Congressmen or their Representative here in the House and insist that he or she oppose H.R. 3460, the Steal American Technologies Act and support the Rohrabacher substitute. That is my substitute that I will offer on the floor if this bill gets to the floor, and, as I say, there is some back-room maneuvering going on now that may—that you know, I will have to watch out very carefully for and the American people may have to mobilize to oppose H.R. 3460 at a moment's notice.

My substitute will eliminate the provisions of H.R. 3460 that would critically wound our patent system and replace them with the language in the bill that restores American patent protection. Basically we are going to restore something that was taken away, and most Americans do not even know this was taken away.

Up until this Congress passed the GATT implementation legislation, Americans, as a right just like any other right, the right to go to church, the right to speak, the right to assemble, you name it, that we have a right to a guaranteed patent term of 17 years. This is something we have had. It was 14 years for about the first 50 years of our country, and then after that it was 17 years of a guaranteed patent term. It was always our right to have a guaranteed patent term, meaning no matter how long once you applied for a patent, no matter how long it took you to get your patent, you were guaranteed after that patent was issued that you would have 17 years of protection.

Well, has already been obliterated because into the GATT implmentation legislation we snuck a provision that was not required by GATT. This was not something that we agreed to in the General Agreement on Trade and Tariffs. We did not agree to changing that. These people just snuck this provision in even though it was not required by GATT, knowing that we would have to vote for the Whole GATT—you know if we did not, if we wanted to stop this, we would have to vote against the entire world trading system.

□ 2330

So they have already eliminated that. My bill, by the way, H.R. 359, which is my substitute to the Steal American Technologies Act, would restore, would take their language out and put language into the law that restores the guaranteed patent term that was taken away 1½ years ago.

This battle is so vital that I would hate to think that Members are going to vote on this and not be fully aware of what they are voting on. We cannot sit back and expect that that is going to happen on its own. Many Members may think that this bill, when they come in here to vote on it, is just a routine bill that has no interest to their constituents and no long-term interest to the United States of America, because what we have is huge corporations with a lot of money pushing H.R. 3460 on one side, and a bunch of little guys on the other side. We have the Inventors' Association, small business people.

Many of America's universities are on the side of the Rohrabacher substitute, because they rely on the royalties from their own patents to sponsor much of their research at American colleges, and they have come out, MIT and Harvard, many of the major universities in our country, 60 of them have come out in favor of my substitute.

But basically they do not have the money to put in to fight this. They do not have big PR firms coming down to talk to us and lobby us. So basically we have to make sure, the American people have to make sure, that the people representing them in Congress know how important this is.

Let us get down to basics, get down to the basics of why it is important. America has had the strongest patent system in the world since the founding of our country. This is basic to what our Founding Fathers believed in. We needed up, because we had this patent protection, with more freedom and a higher standard of living than any other country in the world. Average people were living well. They had rights. They had decent lives. We were not created by people who thought we were going to be a country where just the elites lived well.

We have seen that erode over the years. But before this time, during the last century and even now, America has been the world's innovator. McCormick, the one that invented the reaper, and Fulton, the steamboat; it was Samuel Morse who invented the telegraph, and Bell the telephone; Edison the electric light; and of course two fellows, two ordinary Americans, two fellows who did not have a big college education, who worked in a bicycle shop, two brothers invented the airplane, invented manned flight.

If they had to change the rules back then, who knows, the Wright Brothers, would they have kept their invention? Maybe Mitsubishi would have come by and stolen their ideas, because it had not been published, so Mitsubishi would hear about it and read about it, and then come into court. And you tell me who is going to win in court, the guys in the bicycle shop, or this huge megacorporation over in Japan trying to steal the patent. Tell me who is going to win in court in a situation like that. We would have ended up with an aerospace industry in Japan, and we would end up with working people in the United States impoverished.

Instead, our Founding Fathers knew the importance of technology and put that right into our Constitution. It did not just happen. Thomas Jefferson and Benjamin Franklin, they understood that. They planned for it. Thank God for our Founding Fathers, thank God for their foresight.

Now we are taking that idea of technology and freedom, and people right now are maneuvering behind the scenes to destroy that basic concept. Other countries, of course, will own their patent systems over the years. Those patent systems were established to help who? It was totally different than our system. Their patent system was based on the idea that what we want to do is have a patent system so that we can get the information out to as many people as possible, so that our corporations will be able to have all this information, and they will be able to put it into their production processes.

That is a totally different concept than what emerged here in the United States. There they felt it was more of a collectivist approach, and the system was set up to help the hierarchy. Here we believe that patent protection is like the protection of property rights.

In fact, a patent as established by the Constitution is a property right, just like owning a small farm. Our Founding Fathers did not put things in about collective farms, like they did in Russia and all this stuff, because they knew if the individual farmer owned his own land, that we would produce more wealth from it.

They knew also that if you had patent protection, that our creative genius, our American people would come up with ideas that would produce enormously more wealth, and they would do it because we were protecting that new idea as their right for a given period of time, a guaranteed patent term. That served us well because we looked at the invention of new ideas as the creation of new property, of new wealth.

With this, with this idea, as compared to the Japanese system and the European system, which looked at a patent system as just a distribution of information, America became an unmatched economic dynamo in the world. We were on the cutting edge of all new technologies for a century and a half, because we had a patent system that encouraged our people, and that is why we prospered.

Some people say Americans worked so hard. That is why America is a prosperous country, because Americans worked so hard. I hate to tell you this, Mr. Speaker, I have been all over the world and there are a lot of people who work really hard. They work hard. They struggle and they slave and they sweat, and they get nowhere. They have no standard of living, they are treated like dogs. They have no decent living for their family and they have no hope that their family will ever live any better.

Why is that? Because when our people worked hard, our people had the benefit of cutting edge technology. Our people were always equipped with the best technology so they could produce more wealth. When they worked hard, it was as if 20 or 30 or 50 or 100 other people in other countries were working hard, because those people were basically working as slaves. Our people were working as independent, proud laborers and were provided the technology they needed because we had a system that encouraged people to invest in technology; because it was a guaranteed patent term, people would invest in it, and also inventors could come up with new ideas because they would benefit from that guaranteed patent term.

Basically, with that technological edge, we defeated our enemies in war. We did not win the cold war because we matched the Communists may for man. We did not win the cold war because of that. Everybody knows that. Look back at our other wars. We did not win these wars because our people just, you know, had human wave attacks against our enemies. It was because our people were equipped with the best technology, and we could send them into battle with the dignity of knowing their lives counted, and we were trying to do our best to help them do their mission and come home safely, because we invested in the technology.

That was the same reason we were winning the economic wars. We beat our economic competitors because we had technology. Coupled with the hard work and responsibility of our people, this new technology made sure America beat our competitors and ensured a higher standard of living for our people.

That has not escaped, by the way, the attention of our adversaries. That is very easy to see. Our adversaries understand that fact, that it has been our technology that gave us our leverage. So should it surprise anyone that today our patent system is under incredible attack, and that it is kind of a hush attack, people do not know not know much about it? Even the Members of Congress do not know about it. Even the 430 Members of Congress who are going to vote on this do not know about it.

But I can tell the Members, our economic adversaries know exactly what is going on. They understand that America's patent system has provided us the edge to defeat them in the past, so what they are going to do is just totally change and destroy our American patent system. If it is done in the way, the manner that is going on, they may just succeed.

How we can see this is really easy. Bruce Lehman was appointed by Bill Clinton to head our Patent Office. He is the head of our Patent Office. One of the first things he did was go to Japan, and there in Japan he signed a hushed agreement. I have a copy of that and I put it in the CONGRESSSIONAL RECORD a couple of weeks ago.

He signed a hushed agreement with the head of the patent office in Japan, and here are two unelected officials, and what was the agreement? The agreement was to harmonize the American patent system with Japan's. It did not say anything about submarine patents. They are going to claim the reason they are doing everything is the submarine patent, get rid of those submarine patents. But in reality that agreement in Japan mentioned nothing about submarine patents.

What it did say was that our system was going to be cast off, and instead we were going to have the Japanese system superimposed on us. That is what harmonization means. Harmonization does not mean we are bringing the Japanese up to our level of protection. It means that our people are going to lose protection and our system is going to become like Japan's. What kind of system does Japan have? Let us just remember this.

How many new inventions have come out of Japan in the last 100 years? The Japanese are accurately known as people who are basically copiers and improvers, and basically people who perfect other people's ideas and other people's inventions. They do not, they are not known, because they do not really develop a lot of new technology on their own.

Why is that? Under the Japanese system, yes, they have immediate publication. What happens when they have immediate publication in Japan? Immediately the big guys, the huge corporations and these Japanese conglomerates and these monopolists surround the little guy, and this little guy, or maybe it is just two bicycle shop owners, just two brothers who work in a bicycle shop or something, but whoever it is who has the idea, they are confronted with the most powerful economic forces in society and they are beaten down. They are beaten down and they are destroyed if they try to resist.

The Japanese have had to put up with this, and Japan has been the worse for it, because their creative people have not had the outlook the American people have had. Thus, they have had to rely on the United States and others to produce the technology they need for their whole industrial infrastructure. Now people in our Government are trying to maneuver to make our system identical to what Japan has had in these last 50 years. It is absolutely mind-boggling.

Basically, how are they going to achieve this? Step No. 1, as I said, already happened. It already happened. We had our guaranteed patent term of 17 years and they snuck that change into the GATT implementation legislation, and it sailed right on through. I will tell the Members, I was outraged. I felt betrayed, because I had supported the GATT implementation legislation. I voted for fast track, knowing that there was an agreement that they would not put anything into the GATT implementation legislation unless it was required by GATT itself, and that way they could bring the whole bill here. That is what fast track means, they could bring the whole bill before this Congress and there could be no amendments, you would have to vote up-or-down on it. They snuck this provision in as if it did not mean anything, but it has tremendous implications for our future.

I raised hell about it, and the gentleman from Georgia, NEWT GINGRICH, and other leaders of the Republican Party guaranteed to me that I would be able to have a chance to rectify that on the floor of the House of Representatives. That is why I then authored a bill, H.R. 359, and submitted that legislation, because I had that guarantee that they would have a chance to rectify it, because it should not have been in the GATT implementation legislation in the first place.

Guess what, H.R. 359 was tied up in subcommittee for over a year. Eventually what came out of subcommittee was not H.R. 359, but H.R. 3460, which is officially the Moorhead-Schroeder Patent Act, which I am calling, and I think more accurately is reflected by the title, the Steal American Technologies Act. So at least, however, I have been guaranteed that if that bill, H.R. 3460, comes to the floor, that I will have a chance to offer my bill, which restores the American patent, guaranteed patent term, as a substitute for 3460.

Basically, I believe H.R. 3460 would finish the job, and if we take a look at it, this is what the provisions are, it would finish the job of harmonization started with this underhanded change in the GATT implementation legislation. America's huge corporations have apparently bought off on the idea that we should have a global economy, and that our harmonization of patent law with the Japanese is the first step toward this global economy.

I happen to believe that global commerce is a good thing. I am not an isolationist and I am not someone who is a protectionist. I believe in free trade between free people, and I make absolutely no apologies for that. If American companies cannot compete, they should not be protected by the Government.

But we should make sure that we set the ground rules up so Americans are protected from having their technology stolen from them and used against them, and basically H.R. 3460 would take us toward global harmonization, a global economy, by destroying the rights of the American people, by attacking our ability to create a high standard of living in America. In other words, they are trying to bring down the standard of living of the American people in order to achieve a global economy; you know, dilute our rights as Americans. It is ridiculous.

□ 2345

What does H.R. 3460 do?

No. 1, it demands that any idea, when an inventor comes in and applies for a patent after 18 months if that patent is not issued, that inventor is going to see his ideas published so every thief, every Asian copycat, every pirate in the world will be able to see it and steal it. No. 2, it obliterates the Patent Office as we have known it since it was put into the Constitution and resurrected some quasi-governmental or quasi-private corporation which is basically run under the dictatorship of one man who is appointed by the President but cannot be kicked out without cause, not just for policy disagreements. The patent examiners there will lose their civil service protection and there is an invitation to steal our technology and an invitation to corrupt the whole system at the Patent Office. Basically we will have established a czar of the Patent Office for 5 years.

Mr. Speaker, we do not need czars or dictators or kings in the United States of America. We need Government officials who are accountable to the American people for the decisions that they are making. Basically this is a formula for catastrophe. We are basically trying to remake the American patent system into the Japanese system.

I had a Member of Congress tell me today, "Well, you know, if those other countries have certainly gotten their systems ahead of ours and they're more modern than ours, we should have a patent system like theirs."

I wanted to basically explode when I heard this idea that the Japanese system—that has fostered no new improvements, that has kept the Japanese people at the mercy of these huge corporate interests—that that is a better system than ours which was established by our Founding Fathers to guarantee the property rights of our people and has basically given birth to a standard of living and a degree of freedom that the people of the world have never seen before, that the Japanese system is better than ours? Basically there are many people who have influence on the people who will vote on this. There are large corporations, there are people who maybe honestly believe that we have to have a global economy and if it means sacrificing the American people, so be it, because a global economy will bring world peace and all the blah-blah-blah. Well, those people may believe in it. Those people may really believe and there may be some who honestly believe that the submarine patents are so heinous that we can destroy everything in order to get to those few submarine patenters. Let me add this about submarine patenters just to let you know. Ninety-nine percent of all people who apply for a patent in the United States beg and plead to have their patent issued immediately. "Please give me my patent right away," because they know until they get the patent issued to them, they cannot go out and start earning money from it because they cannot get investors, that very few investors will invest in patent pending. But if you have got your patent issued, they will pay attention to you. They are pleading, please, and they know, and these, quote, submarine patenters they are talking about, if they elongate the system, they might find out that they are left behind because new technologies have come along and just left them behind and made their, quote, great technologies obsolete. They know that. The submarine patent issue, some people may believe in it. I hope they listen to the arguments I am presenting because I believe it is a totally fallacious argument that is being used to justify a horrible, horrible change in our system that will bring about terrible consequences for the United States of America. How can we stop this juggernaut? Those people who honestly believe in submarine patents, if they do, they do. You try to give them the logical arguments. But those other people, those other companies, those other corporations and those people, the influence peddlers they hire, we can stop them because democracy works. We can stop them if people will contact the man or woman who represents them in Congress and say, H.R. 3460, the Steal American Technologies Act, has to be defeated, and the Rohrabacher substitute has to be put in its place. If we get enough people doing that, we will make the system work, I believe it will work, and I believe we will triumph over this, because 200 years ago when our Founding Fathers and mothers established this country, there were so many hardships and there were so many challenges and they knew that people would be coming at us just like this. Our Founding Fathers knew this. They knew that people would say, "Hey, where is America's Achilles' heel?" They knew that. They knew they would come straight forth. But they also knew you could trust the people, you could count on people to defend their standard of living and their families and their freedom. That is what we are up against today. It is a fight for the future of the United States of America. I hope and I pray that the American people will become activated after the Fourth of July and that we will win the day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mr. LONGLEY (at the request of Mr. ARMEY) for today after 3:30 p.m. and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5:30 p.m., on account of personal reasons.

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Mr. WATT of North Carolina (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. PELOSI) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mrs. SMITH of Washington, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and on July 11.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROTH, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,337.00.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. ENSIGN.
Mr. BEREUTER.
Mr. BILIRAKIS.
Mr. CRAPO.
Mr. KING.
Mr. DUNCAN.
Mr. ALLARD.
Mr. COBLE.
Mr. ZELIFF.
Mr. MICA.
Mr. DELAY.

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter:)

Mr. VENTO.
Mr. KENNEDY of Rhode Island.
Mr. FRANK of Massachusetts.
Mrs. MEEK of Florida.
Mr. LEVIN.
Mrs. MALONEY.
Mr. HAMILTON.
Mr. DEUTSCH.
Mr. REED.
Mr. STUDDS.
Mr. RANGEL.
Mr. LANTOS.
Mr. RAHALL.
Ms. HARMAN.
Mr. MASCARA.
Mr. KLECZKA.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. ROTH.
Mr. HALL of Texas.
Mr. PETERSON of Florida.
Mr. BARCIA.
Mr. KLINK.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, July 11, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4034. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0580–AA45) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4035. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Regulations and Policy Statements issued under the Packers and Stockyards Act (Group III) (RIN: 0580–AA44) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4036. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Agricultural Loan Loss Amortization (12 CFR 324) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4037. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Board's final rule—Joint Agency Policy Statement; Interest Rate Risk [Docket No. R–0802] received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4038. A letter from the Assistant Secretary of Education, transmitting final priority—Rehabilitation Research and Training Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4039. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for fiscal years 1996–97 for a Rehabilitation Research and Training Center, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4040. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Removal of Interpretive Bulletins and Regulations Relating to ERISA (RIN: 1210–AA51) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4041. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting the 12th annual report to Congress on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Commerce.

4042. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—State Energy Program [Docket No. EE–RM–96–402] (RIN: 1904–AA81) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Test Rules and Enforceable Testing Consent Agreements/Orders (FRL–5378–3) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4044. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1996 [MD Docket No. 96–84] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4045. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Germany for defense articles and services (Transmittal No. 96–53), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4046. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Morocco for defense articles and services (Transmittal No. 96–54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4047. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4048. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to Russia/Kazakstan (Transmittal No. DTC-28-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4049. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by section 502 of the Freedom Support Act, pursuant to 22 U.S.C. 5852; to the Committee on International Relations.

4050. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations (Public Notice 2410) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-284, "Excepted Service Positions Designation Temporary Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-286, "Interference with Medical Facilities and Health Professionals Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4053. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-287, "Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-290, "Mutual Holding Company Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-295, "Sport Commission Conflict of Interest Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-296, "Automobile Insurance Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-297, "Noise Control Amendment Act of 1996" (received July 10, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4058. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4059. A letter from the Acting Director, Office of Management and Budget, transmitting an accounting statement covering Federal stewardship property, investments, and responsibilities that was recently recommended by the Federal Accounting Standards Advisory Board [FASAB] and approved in its entirety by the Secretary of the Treasury, the Director of the Office of Management and Budget [OMB], and the Comptroller General, pursuant to Public Law 101-576, section 307 (104 Stat. 2855); to the Committee on Government Reform and Oversight.

4060. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) 5(b); to the Committee on Government Reform and Oversight.

4061. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association [Ginnie Mae] management report for the fiscal year ended September 30, 1995, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4062. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4063. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4064. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea [Docket No. 960129019-6019-01; I.D. 070596A] received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4065. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the proceedings of the Judicial Conference of the United States, held in Washington DC., on March 12, 1996, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4066. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Disclosure, Publication and Notice of Change of rates and Other Service Terms for Rail Common Carriage (STB Ex Parte No. 528) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4067. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage (STB Ex Parte No. 538) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4068. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of the Russian Federation—Received in the United States House of Representatives June 28, 1996, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104-240); to the Committee on Ways and Means and ordered to be printed.

4069. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Romania—Received in the United States House of Representatives July 8, 1996, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104-241); to the Committee on Ways and Means and ordered to be printed.

4070. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96-36) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McINNIS: Committee on Rules. House Resolution 474. Resolution providing for consideration of the bill (H.R. 3396) to define and protect the institution of marriage (Rept. 104-666). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Science discharged from further consideration. H.R. 1514 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2823. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes: with an amendment; referred to the Committee on Ways and Means for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X. (Rept. 104-665, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAESLER:

H.R. 3767. A bill to require the Secretary of Defense to carry out a pilot program to identify and demonstrate feasible alternatives to demilitarization of assembled chemical munitions under the baseline incinerator program; to the Committee on National Security.

By Mr. BLUTE:

H.R. 3768. A bill to designate a United States Post Office to be located in Groton, MA, as the "Augusta 'Gusty' Hornblower United States Post Office"; to the Committee on Government Reform and Oversight.

By Mr. BUNN of Oregon:

H.R. 3769. A bill to provide for the conditional transfer of the Oregon and California Railroad Grant Lands, the Coos Bay Military Wagon Road Grant Lands, and related public domain lands to the State of Oregon; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 3770. A bill to make the antitrust laws inapplicable to the negotiations between a coalition of health-care professionals and a health-care service plan regarding the wages, rates of pay, hours of work, and other terms and conditions of a contract between a member of such health-care professionals coalition and a health-care service plan, and to their carrying out such terms and conditions; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. BACHUS, Mr. BLUTE, Mr. FRANK of Massachusetts, Mr. GOSS, Ms. GREENE of Utah, Mr. JACOBS, Mr. LOBIONDO, Mr. MCHALE, Mr. PARKER, Mr. POSHARD, and Mr. SHAYS):

H.R. 3771. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to the Committee on House Oversight.

H.R. 3772. A bill to establish certain disclosure requirements relating to franked mail sent by Members of the House of Representatives; to the Committee on House Oversight.

H.R. 3773. A bill to prevent Members of the House of Representatives from making mass mailings during an election year, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 3774. A bill to change from 500 to 250 the number of pieces of mail constituting a mass mailing in the case of a Member of the House of Representatives; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself, Mr. CONDIT, Mr. HOSTETTLER, Mr. MICA, Mr. MYERS of Indiana, Mr. MCINTOSH, Mr. STOCKMAN, Mr. BUYER, Mr. BURTON of Indiana, Mr. CHAPMAN, Mr. MCCOLLUM, Mr. JOHNSTON of Florida, Mr. SMITH of Texas, Mr. LEWIS of Kentucky, Mr. BEREUTER, Mr. WARD, Mr. HAMILTON, Mr. LAUGHLIN, Mr. TAYLOR of North Carolina, Mr. STENHOLM, Mr. ROEMER, Mr. JACOBS, Ms. BROWN of Florida, Mrs. FOWLER, Mr. GOODLATTE, Mr. BONILLA, Mr. PETE GEREN of Texas, Mr. THORNBERRY, Mrs. LINCOLN, Mr. FROST, Mr. BATEMAN, Mr. SISISKY, Mr. PICKETT, Mr. BALLENGER, Mr. PAYNE of Virginia, Mr. MORAN, Mr. BARTON of Texas, Mr. BENTSEN, and Mr. STUMP):

H.R. 3775. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENSIGN (for himself, Mr. ENGLISH of Pennsylvania, Mr. PETE GEREN of Texas, Mr. RAMSTAD, Mr. ZIMMER, Mr. JACOBS, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. HAYES, Mr. STEARNS, Mr. WICKER, Mr. LIPINSKI, Mr. BARTON of Texas, Mr. BAKER of Louisiana, Mr. BRYANT of Tennessee, and Mr. LARGENT):

H.R. 3776. A bill to amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3777. A bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District; to the Committee on Resources.

By Mr. KENNEDY of Massachusetts (for himself, Mr. FROST, Ms. LOFGREN, Ms. NORTON, Mr. UNDERWOOD, and Mr. FRAZER):

H.R. 3778. A bill to provide grants to the States for drug testing projects when individuals are arrested and during the pretrial period; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. DURBIN, Mr. FRAZER, Mr. MEEHAN, Mr. MINGE, Mr. HANSEN, Mrs. MORELLA, Mr. REED, Mr. SERRANO, Mr. DELLUMS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3779. A bill to amend title XIX of the Social Security Act to reward States for collecting Medicaid funds expended on tobacco-related illnesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 3780. A bill to protect residents and localities from irresponsibly sited hazardous waste facilities; to the Committee on Commerce.

By Mr. ZIMMER:

H.R. 3781. A bill to require the National Telecommunications and Information Administration to update its report on hate speech, especially as it relates to hate speech on the Internet, and for other purposes; to the Committee on Commerce.

By Mr. GUTKNECHT (for himself, Mr. ZIMMER, Mr. FAZIO of California, Mrs. MYRICK, Mr. FROST, Mr. HORN, Mr. DEUTSCH, Mr. WALSH, and Mr. WELLER):

H. Con. Res. 196. Concurrent resolution expressing the sense of the Congress that each State should enact legislation regarding notification procedures necessary when a sexually violent offender is released; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. SHAYS):

H. Con. Res. 197. Concurrent resolution expressing the sense of the Congress that the Department of Energy should suspend spent nuclear fuel and radio active target material reprocessing activities; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII.

236. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Senate Joint Resolution 96-2452 memorializing the President and the Congress of the United States to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biologics; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DELAURO.

H.R. 103: Mr. LONGLEY and Mr. SANDERS.

H.R. 104: Mr. WALSH.

H.R. 303: Ms. DELAURO.

H.R. 382: Mr. YATES.

H.R. 797: Mr. BROWN of California, Mr. FLAKE, Mr. WAXMAN, and Mr. ACKERMAN.

H.R. 878: Mr. KLUG.

H.R. 1281: Mr. TORRICELLI and Mr. FILNER.

H.R. 1386: Mr. KIM.

H.R. 1462: Mr. MCNULTY, Mr. ORTON, Mr. KENNEDY of Rhode Island, Mr. HUTCHINSON, Mr. TORKILDSEN, Mr. BAESLER, Mr. BLUTE, Mr. KINGSTON, Mr. BROWN of California, Mr. PETE GEREN of Texas, Mr. NEAL of Massachusetts, Mr. BUNNING of Kentucky, Mr. HORN, and Mr. WHITFIELD.

H.R. 1484: Mr. JOHNSON of South Dakota.

H.R. 1513: Mr. WATTS of Oklahoma.

H.R. 1797: Mr. DELLUMS.

H.R. 2026: Mr. ENSIGN and Mr. PARKER.

H.R. 2092: Mr. FRANK of Massachusetts and Mr. SENSENBRENNER.

H.R. 2138: Mr. JACOBS.

H.R. 2143: Ms. WOOLSEY.

H.R. 2244: Mr. LINDER and Mr. DEAL of Georgia.

H.R. 2320: Ms. MOLINARI.

H.R. 2407: Ms. RIVERS.

H.R. 2416: Mr. SHAYS.

H.R. 2422: Mr. PALLONE.

H.R. 2480: Mr. KLUG.

H.R. 2508: Mr. BUNNING of Kentucky, Mr. CUNNINGHAM, and Mr. BALLENGER.

H.R. 2579: Mr. MCINNIS, Mr. GUTKNECHT, Mr. NEAL of Massachusetts, Mrs. SCHROEDER, Mr. SKEEN, and Mr. NADLER.

H.R. 2727: Mr. SHADEGG, Mr. COLLINS of Georgia, Mr. COBLE, Mr. ENGLISH of Pennsylvania, and Mrs. CUBIN.

H.R. 2822: Mr. SCARBOROUGH.

H.R. 2834: Mr. STUPAK and Mr. ACKERMAN.

H.R. 2892: Mr. PALLONE.

H.R. 2900: Mr. LIGHTFOOT, Mr. SHADEGG, Mr. MINGE, Mr. NEY, Mr. FORD, Ms. ESHOO, Mr. BASS, and Mr. PETE GEREN of Texas.

H.R. 3037: Mr. STENHOLM, Mr. ACKERMAN, and Mr. STUPAK.

H.R. 3100: Mr. BAKER of Louisiana.

H.R. 3195: Mr. MONTGOMERY.

H.R. 3213: Mrs. KELLY, Mr. WILSON, and Mr. EVANS.

H.R. 3385: Mr. BURTON of Indiana and Mr. CUNNINGHAM.

H.R. 3393: Mr. TORRICELLI and Ms. FURSE.

H.R. 3418: Mr. WATTS of Oklahoma.

H.R. 3423: Mr. HANCOCK and Mr. LIVINGSTON.

H.R. 3424: Mr. MCINNIS.

H.R. 3433: Ms. KAPTUR.

H.R. 3447: Mr. HERGER.

H.R. 3460: Mr. MCHALE.

H.R. 3496: Mr. CUMMINGS.

H.R. 3505: Mr. PASTOR and Mr. FORD.

H.R. 3514: Mr. HOLDEN, Mr. POSHARD, and Mr. CUNNINGHAM.

H.R. 3565: Mr. BARR.

H.R. 3573: Mr. LOBIONDO.

H.R. 3586: Mr. WATTS of Oklahoma.

H.R. 3629: Mr. MARTINI and Mr. EVANS.

H.R. 3631: Mr. ACKERMAN, Mr. BILBRAY, Mr. DIAZ-BALART, Ms. NORTON, and Mrs. VUCANOVICH.

H.R. 3636: Mr. ALLARD and Mr. FLANAGAN.

H.R. 3645: Mr. EVANS, Mrs. MORELLA, Mr. STUPAK, Mr. ACKERMAN, and Mr. OXLEY.

H.R. 3648: Mr. THOMPSON.

H.R. 3677: Mr. STARK and Mr. ENSIGN.

H.R. 3687: Mr. SHADEGG, Mr. WATTS of Oklahoma, Mr. EWING, and Mr. COOLEY.

H.R. 3710: Mr. TRAFICANT, Mr. CLYBURN, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mrs. MEEK of Florida, Mrs. KENNELLY, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. MOAKLEY, Mr. FORD, Mr. FATTAH, Mr. WILSON, Mr. FROST, Ms. DELAURO, Mr. YATES, Mr. SISISKY, Mrs. JOHNSON of Connecticut, Mr. FRAZER, Mr. LAFALCE, Mr. RAHALL, Mr. MATSUI, and Ms. VELAZQUEZ.

H.R. 3715: Mr. CALVERT, Mr. HOKE, Mr. ABERCROMBIE, and Mr. BROWN of Ohio.

H.R. 3724: Mr. LAFALCE and Mr. ACKERMAN.

H.R. 3735: Mr. GILMAN.

H.R. 3749: Mr. HOUGHTON.

H. Con. Res. 135: Mr. NADLER, Mr. ABERCROMBIE, and Mr. SANDERS.

H. Con. Res. 173: Mr. NEY and Mr. GOODLATTE.

H. Res. 286: Mr. MCHALE.

H. Res. 452: Mr. HEFLEY, Mr. THOMAS, and Mr. MARTINEZ.

AMENDMENTS

Under clause 6 of the rule XXIII, proposed amendments were submitted as follows:

H.R. 3755

OFFERED BY: MR. CHRYSLER

AMENDMENT NO. 19: Page 6, line 5, after the first dollar amount, insert "(decreased by $2,399,000)".

Page 38, line 8, after the dollar amount, insert "(increased by $2,399,000)".

H.R. 3755

OFFERED BY: MR. CONDIT

AMENDMENT NO. 20: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Refugee and entrant assistance" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by $487,000,000 and 0.9 percent, respectively.

H.R. 3755

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 21: Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,923,000)".

Page 73, line 17, after the dollar amount, insert the following: "(reduced by $1,923,000)".

H.R. 3755

OFFERED BY: MR. GOODLING

AMENDMENT NO. 22:

Under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES—NATIONAL INSTITUTES OF HEALTH"—

(1) in the item relating to "NATIONAL CANCER INSTITUTE", after the dollar amount, insert the following: "(reduced by $48,902,000)";

(2) in the item relating to "NATIONAL HEART, LUNG, AND BLOOD INSTITUTE", after the dollar amount, insert the following: "(reduced by $29,581,000)";

(3) in the item relating to "NATIONAL INSTITUTE OF DENTAL RESEARCH", after the dollar amount, insert the following: "(reduced by $4,499,000)";

(4) in the item relating to "NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES", after the dollar amount, insert the following: "(reduced by $17,270,000)";

(5) in the item relating to "NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE", after the dollar amount, insert the following: "(reduced by $15,826,000)";

(6) in the item relating to "NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES", after the dollar amount, insert the following: "(reduced by $31,124,000)";

(7) in the item relating to "NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES", after the dollar amount, insert the following: "(reduced by $20,175,000)";

(8) in the item relating to "NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $13,293,000)";

(9) in the item relating to "NATIONAL EYE INSTITUTE", after the dollar amount, insert the following: "(reduced by $6,816,000)";

(10) in the item relating to "NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES", after the dollar amount, insert the following: "(reduced by $7,058,000)";

(11) in the item relating to "NATIONAL INSTITUTE ON AGING", after the dollar amount, insert the following: "(reduced by $10,947,000)";

(12) in the item relating to "NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES", after the dollar amount, insert the following: "(reduced by $5,319,000)";

(13) in the item relating to "NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS", after the dollar amount, insert the following: "(reduced by $4,566,000)";

(14) in the item relating to "NATIONAL INSTITUTE OF NURSING RESEARCH", after the dollar amount, insert the following: "(reduced by $1,385,000)";

(15) in the item relating to "NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM", after the dollar amount, insert the following: "(reduced by $4,857,000)";

(16) in the item relating to "NATIONAL INSTITUTE ON DRUG ABUSE", after the dollar amount, insert the following: "(reduced by $10,377,000)";

(17) in the item relating to "NATIONAL INSTITUTE OF MENTAL HEALTH", after the dollar amount, insert the following: "(reduced by $14,462,000)";

(18) in the item relating to "NATIONAL CENTER FOR RESEARCH RESOURCES", after the first dollar amount, insert the following: "(reduced by $9,311,000)";

(19) in the item relating to "NATIONAL CENTER FOR HUMAN GENOME RESEARCH", after the dollar amount, insert the following: "(reduced by $6,923,000)";

(20) in the item relating to "JOHN E. FOGARTY INTERNATIONAL CENTER", after the dollar amount, insert the following: "(reduced by $490,000)";

(21) in the item relating to "NATIONAL LIBRARY OF MEDICINE", after the first dollar amount, insert the following: "(reduced by $3,251,000)";

(22) in the item relating to "OFFICE OF THE DIRECTOR", after the dollar amount, insert the following: "(reduced by $5,450,000)"; and

(23) in the item relating to "BUILDINGS AND FACILITIES", after the first dollar amount, insert the following: "(reduced by $19,118,000)".

In the item relating to "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION", after each of the two dollar amounts, insert the following: "(increased by $291,000,000)".

H.R. 3755

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 23. Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3755

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 24. Beginning on page 43, strike line 23 and all that follows through page 44, line 7.

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 25. Page 22, line 22, after the dollar amount, insert the following: "(reduced by $2,400,000)".

Page 26, line 1, after the first dollar amount, insert the following: "(increased by $2,400,000)".

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 26. On page 59, line 3, after "V–A," insert "V–B,"

On page 59, line 6, after the dollar amount, insert "(increased by $2,000,000)".

On page 65, line 16, after the first dollar amount, insert "(reduced by $2,000,000)".

H.R. 3755

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 27. At the end of title III of the bill, insert the following new section:

SEC. 307. The amount provided in title III for "School Improvement Programs" (including for activities authorized by title V–B of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for "Education Research, Statistics, and Improvement" is reduced; by $2,000,000, and $2,000,000, respectively."

H.R. 3755

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 28: Page 87, after line 14, insert the following new section:

SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expend such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

H.R. 3755

OFFERED BY: MR. MICA

AMENDMENT NO. 29: Page 87, after line 15, insert the following:

TITLE VI—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "Head Start Choice Demonstration Act of 1996".

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the cash value of, and issuing, preschool certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section 608.

SEC. 604. PRIORITY.

In awarding grants under this title, the Secretary shall give priority to eligible entities that propose to carry out Head Start demonstration projects—

(1) in which Head Start Choice Preschools offer an enrollment opportunity to the broadest range of low-income children;

(2) that involve diverse types of Head Start Choice Preschools; and

(3) that will contribute to the geographic diversity of Head Start demonstration projects assisted under this title, including awarding grants for Head Start demonstration projects in States that are primarily rural and awarding grants for Head Start demonstration projects in States that are primarily urban.

SEC. 605. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under section 603 shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating eligibility of the eligible entity to carry out a Head Start demonstration project;

(2) with respect to Head Start Choice Preschools—

(A) a description of the types of potential Head Start Choice Preschools that will be involved in the demonstration project;

(B)(i) a description of the procedures used to encourage Head Start Choice Preschools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each Head Start demonstration project;

(C) an assurance that each Head Start Choice Preschools operated, for at least 1 year prior to accepting preschool certificates under this title, an educational program similar to the Head Start project for which such preschool will accept such certificates;

(D) an assurance that the eligible entity will terminate the involvement of any Head Start Choice Preschool that fails to comply with the conditions of its involvement in the demonstration project; and

(E) a description of the extent to which each Head Start Choice Preschool will accept preschool certificates issued under this title by eligible entities as full or partial payment for tuitionand fees;

(3) with respect to the operation of the demonstration project—

(A) a description of the geographical area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of preschool certificats issued under this title by eligible entities;

(D) a description of the procedures by which a head Start Choice Preschool will make a pro rata refund to an eligibility entity, of the cash value of preschool certificate issued under this title by such entity for any participating child who withdraws from the demonstration project for any reasons, before completing 75 percent of the preschool attendance period for which the preschool certificate was issued;

(E) a description of the procedure to be used to provide the parental notification described in seciton 607;

(F) an assurance that the eligible entity will place all funds received under this title into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 608; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(4) such other assurances and information as the Secretary may require.

SEC. 606. PRESCHOOL CERTIFICATES.

(a) PRESCHOOL CERTIFICATES.—

(1) CASH VALUE.—Except as provided in subsection (c), the cash value of a child's preschool certificate received under this title shall be determined by the eligible entity, but shall be a cash value that provides to the recipient of the preschool certificate the maximum degree of choice in selecting the Head Start Choice Preschool the child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such rules as the Secretary may issue, in determining the cash value of a preschool certificate under this title an eligible entity shall consider the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project.

(B) PRESCHOOLS CHARGING TUITION.—If a child participating in a demonstration project under this title was attending a public or private preschool that charged tuition for the year preceding the first year of such participation, then in determining the cash value of a preschool certificate for such child under this title the eligible entity shall consider—

(i) the tuition charged by such preschool for such child in the preceding year; and

(ii) the cash value of the preschool certificates under this title that are provided to other children.

(3) SPECIAL RULE.—An eligible entity may provide a preschool certificate under this title to the parent of a child who chooses to attend a preschool that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the child's participation in the demonstration project.

(b) ADJUSTMENT.—The cash value of the preschool certificate for a fiscal year may be adjusted in the second and third years of a child's participation in a Head Start demonstration project under this title to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that child's continued attendance at a Head Start Choice Preschool, but shall not be increased for this purpose by more than 10 percent of the cash value of the preschool certificate for the fiscal year preceding the fiscal year for which the determination is made.

(c) MAXIMUM CASH VALUE.—The cash value of a child's preschool certificate shall not exceed the then most recent national average per child expenditure for children participating in Head Start programs, as determined by the Secretary.

(d) INCOME.—A preschool certificate received under this title, and funds provided under such certificate, shall not be treated as income of the parents for purposes of Federal tax laws.

(e) CONSTRUCTION.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any grantee from paying the administrative costs of a program under this title or to prohibit the expenditure in or by religious or other private institutions of any Federal funds provided under this title.

SEC. 607. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under section 603 shall provide timely notice of its Head Start demonstration project to parents of children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for a child;

(4) describe the selection procedures to be used if the number of children seeking to

participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each Head Start Choice Preschool, including information about any admission requirements or criteria for each Head Start Choice Preschool participating in the demonstration project; and

(6) include the schedule for parents to apply for their children to participate in the demonstration project.

SEC. 608. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration program under this title.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this title in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section 609(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the Head Start demonstration program under this title. Such criteria shall provide for—

(1) a description of the implementation of each demonstration project under this title and the demonstration project's effects on all participants, preschools, Head Start programs, and communities in the demonstration project area, with particular attention given to the level of parental satisfaction with the demonstration program; and

(2) a comparison of the educational achievement of all children enrolled in preschool in the demonstration project area, including a comparison of—

(A) such children receiving preschool certificates under this title; and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title. Each such report shall contain a copy of—

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term "eligible child" means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term "eligible entity" means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term "evaluating agency" means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term "Head Start Choice Preschool" means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term "Head Start demonstration project" means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(8) the term "preschool" means an entity that carries out a program that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term "Secretary" means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 30: Page 19, strike lines 8 through 15.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 31: Page 74, beginning on line 6, strike the colon and all that follows through line 10 and insert a period.

H.R. 3755

OFFERED BY: MS. PELOSI

AMENDMENT NO. 32: Beginning on page 86, strike line 5 and all that follows through page 87, line 3.

H.R. 3755

OFFERED BY: MR. SANDERS

AMENDMENT NO. 33: Page 87, after line 14, insert the following new section:

SEC. 515. None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications with respect to a current, former, or prospective patient's physical or mental condition or treatment options (other than trade secrets or knowing misrepresentations) to such patient, or a guardian or legal representative of such patient.

H.R. 3755

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 34: In the item relating to "DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert the following: "(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities)".

In the item relating to "DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(reduced by $300,000)".

H.R. 3755

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 35: In the item relating to "DEPARTMENT OF LABOR—PENSION AND WELFARE BENEFITS ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert the following: "(increased by $300,000, which amount shall be for genetic nondiscrimination enforcement activities in accordance with the provisions of H.R. 2748 (104th Congress))".

In the item relating to "DEPARTMENT OF LABOR—BUREAU OF LABOR STATISTICS—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(reduced by $300,000)".

H.R. 3755

OFFERED BY: MR. SOUDER

AMENDMENT NO. 36: Page 22, line 22, after the dollar amount, insert the following: "(increased by $192,592,000)".

Page 23, line 17, after the dollar amount, insert the following: "(reduced by $192,592,000)".

Page 26, line 20, after the dollar amount, insert the following: "(increased by $192,592,000)".

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 37: Page 10, line 1, after the dollar amount, insert the following: "(increased by $7,500,000)".

Page 17, line 14, after the dollar amount, insert the following: "(reduced by $11,000,000)".

Page 17, line 25, after the dollar amount, insert the following: "(increased by $3,500,000)".

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 38: Page 57, after line 15, insert the following new title:

TITLE II-A—ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS

ADDITIONAL FUNDING FOR CERTAIN DEPARTMENT OF LABOR PROGRAMS

The amounts otherwise provided by titles I and II are revised by increasing the amount made available for "DEPARTMENT OF LABOR" (consisting of an increase of $10,000,000 in the amount made available for "Employment Standards Administration—Salaries and expenses" and an increase of $3,500,000 in the amount made available for "Departmental Management—Salaries and expenses"), and reducing the amount made available for "National Institutes of Health—Buildings and facilities" (consisting of a reduction of $13,500,000 from both the aggregate amount and from the amount specified under such heading for the clinical research center), by $13,500,000.

H.R. 3755

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 39: Page 59, line 6, after the dollar amount, insert "(decreased by $11,000,000)".

Page 59, line 7, after the dollar amount, insert "(decreased by $11,000,000)".

Page 59, line 9, after the dollar amount, insert "(decreased by $11,000,000)".

Page 59, line 26, after the first dollar amount, insert "(increased by $11,000,000)".

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 40: Page 26, line 25, insert after the dollar amount "(increased by $24,000,000)".

Page 31, line 22, insert after the dollar amount "(decreased by $24,000,000)".

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 41: Page 26, line 25, insert after the dollar amount "(increased by $20,000,000)".

Page 31, line 22, insert after the dollar amount "(decreased by $24,000,000)".

H.R. 3755

OFFERED BY: MS. WATERS

AMENDMENT NO. 42: Page 26, line 25, insert after the dollar amount "(increased by $3,000,000)".

Page 31, line 22, insert after the dollar amount "(decreased by $3,000,000)".

H.R. 3755

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 18: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC.   . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

H.R. 3756

OFFERED BY: MR. BROWNBACK OF KANSAS

AMENDMENT NO. 1: Page 118, after line 16, insert the following section:

SEC. 637. For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

H.R. 3756

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 2: Page 119, after line 8, insert the following new section:

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3756

OFFERED BY: MR. HEINEMAN

AMENDMENT NO. 3: At the end of title VI (relating to governmentwide general provisions), insert the following new section:

SEC.   . For purposes of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

EXTENSIONS OF REMARKS

REPUBLICAN FISCAL IRRESPONSIBILITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. FRANK of Masachusetts. Mr. Speaker, one central item has been underplayed in the important debate about how to bring the annual budget deficit down to zero—the need to reduce our military spending after the collapse of the Soviet empire. The implications of the military budget are crucial for any effort to deal with deficit reduction in a socially responsible way. The actions taken by the Republican dominated Congress this year and last year demonstrate a determination by them to increase military spending to the point where we will be able to bring the deficit to zero only by devastating reductions in important programs, in education, environment, and medical care.

Even more daunting than the $18 billion the Republican Congress has added to military spending over the Pentagon's objection in the last 2 years is the prospect that we face in the future should Republican efforts succeed. Next November will decide whether or not the military budget will continue to swell, at the expense of virtually every other important national Government function.

Doug Bandow, a fellow at the Cato Institute, discussed the staggering fiscal implications of the Republican military budget proposals in a recent article on the op-ed page of the New York Times. As Mr. Bandow notes, the United States now spends almost 40 percent of all the military spending in the world. The reason for this, as he notes, is not our national security but our inexplicable willingness—even insistence—on heavily subsidizing our wealthiest allies by providing them with a defense courtesy of the American taxpayer. One of Mr. Bandow's most important points is his noting that we now spend on the military "twice as much as Britain, France, Germany, and Japan combined."

Mr. Speaker, because drastic reductions in military spending over the next decade are essential if we are to be able to balance our budget without causing severe social harm in the United States, I ask that Doug Bandow's thoughtful discussion of military spending be printed here.

[From the New York Times]

DOLE'S MILITARY CARD

(By Doug Bandow)

So far, the Presidential campaign is being waged largely over domestic issues. Yet the difference between the parties is much wider when it comes to military matters.

If leading Republican strategists have their way, the United States will commit American lives and wealth to enforcing a new form of imperial order.

As he campaigns, Bob Dole has said little more than that America must spend more on the military. The Clinton Administration has "eroded American power and purpose," he said recently. "Our defense budget has been cut too far and too fast."

So military outlays must rise above the current $260 billion per year. How far, he doesn't say. But the conservative Heritage Foundation has started the bidding at $20 billion more annually. Baker Spring, a Heritage defense analyst, wrote in a recent policy paper that "the time is rapidly approaching when the U.S. will have to decide between remaining a global power capable of preventing wars, or becoming a mere regional military power, condemned to fight and possibly lose them."

He writes this at a time when America is a military colossus. The United States accounts for almost 40 percent of all military spending on earth. It spends at least three times as much as Russia—and twice as much as Britain, France, Germany and Japan combined.

America's allies can stand up to every conceivable security threat on their own. Western Europe's gross domestic product and population are greater than our own. South Korea has about 18 times the gross domestic product and twice the population of North Korea. In such a world we risk losing a war? To whom?

Some Republican analysts want to increase military outlays by far more than $20 billion. In the latest issue of Foreign Affairs, William Kristol, editor of the Weekly Standard, and Robert Kagan, a former policy analyst for the Bush Administration, called for an extra $60 billion to $80 billion. This would come on top of defense spending that is already, in real terms, higher than in 1980, when America still faced the Soviet Union, the Warsaw Pact nations and the threat of global Communism.

Mr. Kristol and Mr. Kagan, however, may be pikers compared to Haley Barbour, the Republican National Party chairman. In this new book, "Agenda for America," Mr. Barbour argues that we must "rejuvenate our military capability." He advocates improving military readiness, expanding procurement and strengthening the private military supply sector. Like Mr. Dole, he supplies no price tag, but Jonathan Clarke, a Cato Institute associate, figures the Barbour program could add up to an astounding annual increase of $140 billion.

What is the United States to do with all this additional military might? It faces no serious security threat far greater than necessary to defend the country or backstop our prosperous allies in an emergency.

Such an enormous military buildup to meddle in civil wars in distant continents, to restore order in chaotic societies and to extend American security guarantees through NATO, right up to Russia's borders. The idea, in the words of Mr. Kristol and Mr. Kagan, is to establish a "benevolent hegemony" and to "preserve that hegemony as far into the future as possible."

They argue that this "is not a radical proposal," but it is. In effect it would mean, as the historian Francis Fukuyama wrote approving in a letter to Commentary, that "Americans should be prepared, when the time comes, to have their people die for Poland."

Similarly, Edward Luttwak, a former Reagan policy adviser, waxed nostalgic in Foreign Affairs about large families. When they predominated, he wrote; "a death in combat was not the extraordinary and fundamentally unacceptable event that it is now."

So what is Bob Dole's proposed military policy? The American people should not accept vague proposals about spending more on defense. And if he becomes President, Mr. Dole should create a foreign policy and military fit for the Republic America purports to be, not the empire some wish it to become.

TRIBUTE TO VALENCIA BOROUGH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLINK. Mr. Speaker, I rise today to congratulate Valencia Borough on its 100th anniversary.

Valencia Borough plays a critical role in the care of my district's senior citizens. St. Barnabas Health System recently bought an existing nursing home and is in the process of a $7.2 million expansion. This expansion will not only double the nursing center's bed capacity, but will also create 90 new jobs for Valencia Borough.

As I travel through the 4th district, I am always amazed by the friendliness and the good feelings shown to me by the residents of Valencia. These attributes should be lauded by this House and followed by all of America's communities.

The area which is now Valencia was originally settled as Brookside. It was renamed Valencia in 1884, in hopes of coaxing a post office to the area. To do this the community had to select a name unique to the area. Why the specific name of Valencia was chosen is unknown. My theory is that it has to do with the sunny disposition of its residents.

The residents of Valencia plan to celebrate the borough's 100th anniversary on August 18, 1996 with a community festival. I am positive that the festival will be a success due to the diligence of its residents.

So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Valencia Borough on the momentous occasion of its 100th anniversary.

TRIBUTE TO COLONEL GENETTE HILL

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. PETERSON of Florida. Mr. Speaker, I rise today to recognize Lt. Col. Genette Hill for her exceptionally distinguished and patriotic service to the U.S. Air Force, this House and this great Nation.

As Deputy Branch Chief in the Congressional Inquiries Division, she quickly established a reputation for credibility, professionalism, and excellence by working and closing over 1,100 written and telephonic inquiries across the spectrum of Air Force activities in her first few months. Her outstanding leadership did not go unnoticed as she was selected to be the executive officer for the Director, Legislative Liaison. In this position, she received numerous laudatory comments for her travel planning, organizing and execution of travel with the chairman of the House Ways and Means Committee and the House Republican minority whip.

Genette's most recent position as Chief, Manpower and Personnel Branch, Programs and Legislation Division, is the true testimony of her ability to understand intricacies involved in the legislative processes. She has worked with the House National Security Committee and Senate Armed Services Committee members and staff on some of the most sensitive personnel issues of sexual harassment, promotion policy and quality of life with outstanding results.

It has been my extreme pleasure to have worked with and traveled with Genette Hill in my position as a member of the U.S. Air Force Academy Board of Visitors. Genette has served with great distinction and has earned our respect and gratitude for her many contributions to our Nation's defense.

My colleagues and I bid Lt. Col. Genette Hill a fond farewell and wish her and her husband, Lt. Col. Scott Hill, the very best as they begin their assignment to Air War College, Maxwell Air Force Base, Montgomery, AL—Godspeed.

TAX CUTS FOR EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 10, 1996, into the CONGRESSIONAL RECORD.

TAX CUTS FOR EDUCATION

There has been a lot of talk about tax cuts in recent weeks, some of it responsible and some not. But one idea that appears to me to have considerable merit is tax cuts for education and skills training expenses—tax cuts that are targeted toward middle-class families and are fully paid for so they don't worsen the budget deficit.

IMPROVING EDUCATION AND SKILLS

One of the greatest concerns of Hoosiers is their long-term job prospects and the prospects for their children. They work hard—often with both husband and wife employed—but they haven't seen many raises in recent years. So they struggle every month to pay their bills, keep their family healthy, and save a little for education or retirement. They are particularly concerned about the impact of technology in the workplace and foreign competition. They rightly recognize that with many jobs being made obsolete or moving across borders to lower-wage countries, they will need to improve their job skills just to keep up. And they recognize that a good education and solid work skills will be even more crucial for their children's prospects in the workforce of the future.

Local business leaders express similar concerns about the need to improve education and skills training. In meeting after meeting they tell me that the single most important way to expand businesses and create new jobs in southern Indiana is to upgrade the skills of the workforce.

Education is certainly the key to opportunity, especially in today's tough new global economy. Good jobs, including many factory jobs, demand much more sophisticated skills. And fully half of the new jobs created in the U.S. in the last three years were managerial and professional jobs. People entering the workforce today need better and better computation, communication, problem-solving, and decisionmaking skills, and they should be comfortable with a lifetime of learning so they can master new skills and adjust to new technologies in our constantly changing economy. Workers who develop these better skills will be in high demand by employers as we move into the 21st century; those who do not will not. We are already seeing this premium on education and skills. People with college degrees today earn almost twice as much as their counterparts with only a high school diploma.

COSTS

Yet while many Hoosiers recognize the need for them and their children to upgrade their education and training to get ahead, they find that increasingly expensive to do. The cost of college has risen sharply in recent years, with tuition increasing 270% since 1980. Good programs are available not just at four-year colleges but at community colleges, postsecondary technical schools, and regional campuses, yet the costs can add up. With tuition increases expected to continue to outpace inflation in the years ahead, many families are worried.

TARGETED TAX CUTS

So an idea getting attention in Washington is targeted tax relief to help moderate income families improve their education and skills levels. Congress is currently working on restoring the tax exemption for tuition assistance provided to workers by their employer, but several broader measures have been proposed. One idea is to offer students or their parents a tax deduction of up to $10,000 for college or vocational training. Another proposal is to expand Individual Retirement Accounts (IRAs) and allow them to be used for post-secondary education expenses. A third proposal is to set up Individual Training Accounts to allow workers to continually upgrade their skills. Finally, a $1,500 per year tax credit has been proposed to help pay for the first two years of college tuition. This would basically cover tuition at most two-year community colleges.

I believe targeted tax relief for education expenses makes sense. It addresses a real national concern—improving the education and skills training of our workforce—and it expands opportunity by giving a leg up to people who genuinely want to get ahead and are willing to make the effort. In addition it provides some needed tax relief to middle-class families—families who have struggled to get by in recent years while those at the top in America have prospered. Those who want to direct new tax cuts largely to people at the top seem to me to have their priorities wrong.

The U.S. tax code currently provides major tax breaks for a variety of purposes, including the purchase of a home, health care, retirement savings, and business investment in new plants and equipment. But it provides very little for the investment families should be making in improving their education and skills. That is a disparity that needs to be addressed.

HOW TO SET UP

But such tax relief must be structured in the right way. First, it must be used for legitimate education and training expenses. To ensure that the money is not wasted, we should require that the study be at schools that are properly accredited and certified. Also, local businesses could provide helpful guidance on what skills and types of study they see as most useful and relevant.

Second, the tax breaks must be targeted to those who need the most help. We need to place an income ceiling on eligibility, with the benefits phased out at higher income levels. We simply can't afford to give the tax break to well-to-do families who already are able to pay for post-secondary education. We also need to structure the tax breaks so they include tax credits and not just tax deductions, since most moderate income people don't itemize their taxes and thus wouldn't benefit from tax deductions.

Third, it is essential that any such tax relief be paid for. The costs to the Treasury should be fully offset by savings elsewhere, by cutting less important spending or tax breaks. And these offsetting savings should be made today, rather than promised several years down the road. We have made major progress in recent years in cutting the budget deficit—reducing it from $290 billion four years ago to around $130 billion this year. We simply shouldn't give up on deficit reduction by giving out tax cuts that are not paid for. We need to press on to a balanced budget.

CONCLUSION

Congress should begin work soon on such a targeted tax cut, but completing action will be difficult this year, especially as we enter the increasingly partisan election season. But such tax relief should be at the top of next year's agenda. We need to review the tax code—to make it simpler, fairer, and more rational—and one important component of that effort should be expanding targeted tax cuts for education and training.

INFAMOUS ARTISTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DUNCAN. Mr. Speaker, we can learn a great deal from small children. I would like to call to the attention of my colleagues and other readers of the RECORD the following article from the "American Legion Magazine". These small children described in this article certainly know the difference between "art" and desecration of the American flag.

INFAMOUS ARTISTS

(By Joe Stuteville)

Holland Cortright, a second-grader at Paradise Mountain Christian Academy near Phoenix, Ariz., may be too young to understand the artistic differences between a Van Gogh painting and a "Where's Waldo?" illustration—but she does know what she likes. When the Phoenix Art Museum this spring unveiled a special exhibit in which American flags were physically desecrated, Holland knew immediately what she didn't like. And she decided to do something about it:

"Dear Sirs, Don't treat our American flag like you are. Putting it in a toilet is disrespectful. When you step on the flag it's like stepping on the people who died for our country. . . Our country isn't going to be a country without our flag. We love our flag!!"

Eight-year-old Holland and several of her classmates at Paradise Mountain Christian Academy were upset by local news coverage of the exhibit, Old Glory: The American Flag In Contemporary Art. Teacher Shelley Clinite suggested they write the museum to express their feelings. The display to which Holland's letter refers had a flag stuffed into a toilet and was surrounded by jail bars. Another display invited visitors to walk across a flag spread on the floor and write their thoughts in a book. Yet a third flag had human hair and flesh woven into the fabric.

The youngsters were joined in their outrage by American Legion family members from Phoenix and throughout the state, who urged the museum to raise the white flag on its controversial exhibit. Museum officials declined the request, adding that to do so would infringe upon the First Amendment rights of artists featured in the exhibit.

"We don't question any citizen's right to free speech or freedom of expression," says James Phillips, commander of The American Legion Department of Arizona. "In fact, Legionnaires defend the basic rights and freedoms of all citizens as outlined in our Constitution and Bill of Rights. But this particular exhibit was violent and offensive because it highlights obscenity, oppression and desecration of our flag."

Arizona Post 1 member Pete Montoya and his son, Fabian, were among the thousands who visited the exhibit during the early days of its run. When they observed the flag on the floor—a veritable doormat for the disillusioned—they were moved to respond. Onlookers cheered when the father and son picked up the flag, carefully folded it and removed it.

"I didn't want anyone stepping on it," 11-year-old Fabian told reporters at the scene. Museum curators replaced the flag later that day.

It was clear the museum had no intention of either closing or toning down the exhibit. So Legionnaires and other flag-loving citizens decided to exercise their own First Amendment rights. At high noon on April 28, an estimated 2,500 people gathered outside the museum to express their love and respect for the U.S. Flag and the ideals it represents. The occasion was an excellent forum to explain publicly why a constitutional amendment is the only legal means by which the flag can be protected from physical abuse.

"We stand firmly with the people of Arizona and across this great land who find this display of hateful disrespect for the flag truly objectionable," said retired Army Maj. Gen. Patrick Brady, board chairman of the Citizens Flag Alliance, Inc. (CFA). The Medal of Honor recipient of the Vietnam War was invited to make remarks at the gathering, along with Arizona Legion leaders and other CFA activists. "Most Americans find this exhibit a slam against the basic values and respect for institutions most hold dear," he said.

The youngsters from Ms. Clinite's second-grade class were among those in attendance at the Phoenix rally. In an area not known for its rainfall, misty eyes were common as the kids recited the Pledge.

"It is heartwarming to know citizens from every walk of life, every age, creed and color consider the American flag a symbol to be cherished, protected and respected," Phillips said after the rally.

Nor was all of the attention confined to Phoenix. Many in Kentucky, Minnesota, Massachusetts and New Jersey opened up their newspapers that Sunday and saw advertisements about the museum exhibit. The ads contained information about how their congressional lawmakers voted on the proposed flag amendment in 1995.

Senators Mitch McConnell, R-Ky., Paul Wellstone, D-Minn., and John Kerry, D-Mass., joined with 33 of their Senate colleagues to defeat the amendment last December. Bob Torricelli, D-N.J., was among the 120 House members who voted against a similar amendment in June 1995, but that chamber still passed the amendment by the required two-thirds vote.

The advertisement included a toll-free telephone number for readers to call and comment about the exhibit or discuss how their lawmakers voted. More than 75 percent of the callers said they support the amendment and requested more information.

The Phoenix exhibit opened in mid-March and was set to close in mid-June, a few days after Flag Day.

VIRGINIA BOONE HONORED

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mrs. MEEK of Florida. Mr. Speaker, on June 16, 1996, our Dade County community lost one of our most dedicated, respected, and loved educators, Mrs. Virginia Boone.

Mrs. Boone, a native West Virginian, moved to Miami in 1951 to further her career in education. She taught at Mae Walters Elementary, and served as an assistant principal at Opa-Locka Elementary. Because of her outstanding ability, she was promoted to principal of Highland Oaks Elementary, while the school was still under construction.

From the moment Mrs. Boone opened the doors of the school for the first time, her name became synonymous with Highland Oaks. She and her husband, Conway Boone, an attorney, thought of every student at her school as a member of her family. Because of her administrative skill and dedication to her students, she was named School Administrator of the Year in 1985 and 1987. While serving as principal of Highland Oaks, she also attended the University of Miami to earn her master's degree in education.

Mrs. Boone retired after serving as the principal of Highland Oaks for 31 years. She was so loved by the students, parents, and teachers of Highland Oaks that they recently petitioned the Dade County school board to rename the school the Virginia A. Boone Elementary School. It is a fitting honor for this remarkable person.

Mrs. Virginia Boone was truly a perfect educator, dedicated to her students and the Miami-Dade community. I salute the exceptional work of Mrs. Boone, and honor her memory.

TRIBUTE TO THE PARISH AND SCHOOL OF ST. STANISLAUS KOSTKA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the parish and school of St. Stanislaus Kostka which is celebrating its centennial year of devoted service to the residents of Brooklyn, NY. As immigrants have continued to flow into the community, St. Stanislaus Kostka has been a vital component in establishing a flourishing neighborhood.

St. Stanislaus Kostka Church and school have been at the cornerstone of community revitalization by providing ongoing refuge and education and by continuing to meet the needs of a diverse populace.

Mr. Speaker, I am proud to rise today to honor the parish and school of St. Stanislaus Kostka for its 100 years of contributing endless resources and demonstrating tireless dedication to a community that is an inspiration for all to follow. I ask my colleagues to join with me in this tribute to St. Stanislaus Kostka as we celebrate an institution that perseveres in maintaining community cohesion and responsiveness to neighborhood needs.

HEALTH INSURANCE REFORM

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. PETERSON of Florida. Mr. Speaker, I rise today to inform my colleagues of exactly how important it is for us to pass health insurance reform now. Many Members of this body, and policy wonks around this city, are debating the political implications of passing—or not passing—the health insurance reform bill now pending in conference. However, millions of Americans already know the real tragedy of failure to pass this bill. Let me provide just one example.

I recently received a phone call and very touching letter from a Florida resident, Ms. Fran White, who currently has health insurance. Only 5 years ago, she was healthy and maintained an active work schedule of up to 60 hours per week. Unfortunately, she began experiencing health problems in 1991, and last year was diagnosed with multiple sclerosis. She continued her employment, albeit at a less aggressive pace, as long as possible. She now is unable to work. That in itself is a tragedy, but it is equally tragic to learn that she will now lose her health insurance coverage effective July 1.

She has done everything she can to find an alternate insurance carrier to cover her. Not surprisingly, she has yet to find one. The reason for denial is her illness, not her spotless record of insurance payments. Although her total medical expenses have peaked at over $300,000, she has paid all of her out-of-pocket costs; she has even taken on a personal debt of over $50,000 to pay for uncovered treatments and services.

Ms. White does not want anything from the Government. She does not want to turn to Medicaid. She only wants access to health insurance. We have the chance to give her and the millions of Americas with similar experiences this access by eliminating pre-existing condition exclusions and making health insurance portable. We are so close.

Mr. Speaker, please, let's not let this opportunity fall by the wayside under a cloud of partisan rhetoric. Let's pass health insurance reform now.

TRIBUTE TO WAMPUM BOROUGH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLINK. Mr. Speaker, I rise today to congratulate Wampum Borough on its 200th anniversary.

Wampum was the first town to be settled in Lawrence County. It was settled in 1796 by two Irish brothers, Robert and John Davidson.

The famed steel baron and philanthropist, Andrew Carnegie had a financial interest in the local Wampum Furnace. The Wampum mine has supplied a large amount of limestone for steel and cement production, but is better known for its storage capacity. The mine has 2.5 million square feet of storage space. It currently holds various items from 50 industries, most notably 8,000 films from 20th Century Fox and the world's largest optical mirror.

Athletics has played a large part in Wampum's history. Wampum High School basketball team won three state championships in 1950's and 1960's. In 1955, the team went undefeated, 31–0. The coach, L. Butler Hennon was known for unusual practice techniques, such as players wearing weighted jackets and workmen's gloves. Hennon's theory was that such handicaps in practice made things easier in games. His techniques were featured in a Life magazine article and used by the Russian Olympic basketball team. Hennon's son, Don, was a star at Wampum. Don set a regional scoring record that lasted almost 40 years. Don went on to be an All-American at the University of Pittsburgh.

The Hennons were not the only famous athletic family to call Wampum home. The Allen brothers, Harold, Ron, and Richie, all played major league baseball. Richie was the most proficient of the three. Richie has the distinction of being the first African-American to play in the Philadelphia Phillies organization. In 1972, with the Chicago White Sox, Richie was named the American League Most Valuable Player. Richie led the league with a .308 batting average. Richie also slugged 37 home runs and had 133 runs batted in.

Wampum is certainly a special place with special people. So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Wampum Borough on the momentous occasion of its 200th anniversary.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 3, 1996, into the CONGRESSIONAL RECORD.

WELFARE REFORM: NECESSARY AND POSSIBLE

Welfare reform remains a major priority for Hoosiers. I am disappointed that partisan bickering has prevented enactment of meaningful welfare reform that would encourage work and parental responsibility and meet the basic needs of poor children.

The good news is that many states, including Indiana, have been successfully experimenting with ways to reform the welfare system. I believe that states should be given flexibility to adopt innovative reforms. Welfare reform on the national level is still necessary, and state successes can serve as models as Congress prepares once again to consider welfare reform.

STATE EFFORTS

Forty states have been granted waivers of federal regulations in order to proceed with their own reforms. In 1994, Governor Bayh requested several waivers so that Indiana could implement a broad package of reforms. With my strong support, the Clinton Administration granted them.

Hoosiers who receive Aid to Families with Dependent Children (AFDC) must now sign a personal responsibility agreement, which requires them to make sure their children receive immunizations and stay in school. No cash benefits are provided for children born more than 10 months after their parents go on welfare, and cash benefits are stripped from anyone who commits welfare fraud. Teenage mothers who receive welfare must live with their parents or in another adult-supervised setting.

Most importantly, the Indiana plan focuses on moving welfare recipients into work through the IMPACT job placement program. Persons who enroll in IMPACT pledge that they will seek a job and accept any reasonable employment offer and acknowledge that the state will cease cash AFDC benefits after two years. In return, the state aims to remove barriers to employment by helping IMPACT enrollees to locate available jobs and providing training, child care, transportation, and health care.

The Indiana plan provides incentives for employers to hire welfare recipients. For example, once welfare recipients start a job, their AFDC benefit may be diverted to their employer, who can use these funds for business development and employee benefits. The state also provides funds for on-the-job training of former welfare recipients. Indiana provides one year of transitional child care and Medicaid benefits to families who have moved off the welfare rolls and into work.

The results one year after implementation of these changes are encouraging. From January through September of 1995, the number of households receiving AFDC dropped by 20%. Welfare recipients are being placed into jobs at a rate of 1,000 per month. Since 1993, the number of AFDC recipients has fallen 30%—the greatest decrease of any state in the nation. Indiana now has another request pending for further waivers of federal regulations.

PRINCIPLES FOR REFORM

Without doubt, welfare reform is urgently needed. Welfare still too often conflicts with bedrock American values: it discourages work, promotes out-of-wedlock childbearing, breaks up families, and fails to hold parents responsible.

Most Hoosiers want to help people in genuine need. They are willing to aid people who cannot work because of disability, or who face dire economic distress through no fault of their own. What they oppose is assisting people who are capable of working but unwilling to do so.

The key goal in welfare reform must be to promote self-sufficiency and responsibility without punishing innocent children for the mistakes of their parents. That means that from the moment someone applies for welfare, the emphasis must be on moving that person into a job and eliminating any obstacles that stand in the way. Those who need training to move into the workforce should receive it. Sometimes it's a matter of providing basic instruction on how to write a résumé, interview for a job, or locate job prospects. A time limit on welfare benefits for those able to work can be a useful incentive. Work must pay more than welfare.

Far too many non-custodial parents fail to provide financial support to their children. I have cosponsored a bill which would make it easier to track down delinquent parents and withhold child support payments from their paycheck.

The lack of high-quality, affordable child care is a major problem for many parents, especially those seeking to pull themselves out of poverty. It is a difficult problem to address because child care is expensive and the need is so great. But we must make efforts to ensure that no one is on welfare simply because they cannot find child care. Providing basic health and child care to families for a while after they leave the welfare rolls can be a good investment if it helps families successfully make the transition to long-term financial independence.

I oppose efforts to raise taxes on working families on the edge of poverty, as some in Congress have proposed. I also do not think that cuts in welfare should be enacted in order to provide tax breaks to the well-to-do. Welfare reform should stand on its own merits, apart from the budget debate. We must ensure that welfare provides an adequate safety net during an economic downturn, when more people are likely to need it.

I am also concerned that some proposals would dramatically limit poor children's access to health care and nutrition programs. Unhealthy, malnourished children have a lesser chance to grow into healthy, self-supporting adults. As a nation we will pay dearly if we fail to meet the basic health needs of children.

There is really more consensus on welfare reform than the political rhetoric suggests. But because welfare reform is such a potent political issue, with each side looking for the advantage, the agreements have been obscured. It's almost as if politicians from opposite parties are afraid to admit they agree on a lot of these issues.

Saddest of all is that the ultimate victims of a failed welfare system are children. Their needs, which should be the constant focus of the welfare reform debate, have sometimes been lost. I am convinced that if cooler heads prevail we can enact worthwhile reforms. I will work to tone down the rhetoric and turn up the pressure to reform welfare this year.

TRIBUTE TO THE LEDFORD HIGH SCHOOL PANTHERS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. COBLE. Mr. Speaker, the Ledford High School Panthers are State champions once again. On June 9 in Raleigh, the Ledford women's softball team captured the North Carolina State 2A softball championship, defeating the Forbush High School Falcons, 4–1.

For the women of Ledford it was their second consecutive championship and their third in the past 6 years. With the title win, the Panthers capped off an outstanding 25–4 season under head coach John Ralls.

Like much of their season, the Panthers' pitching was the key to victory. The championship game's Most Valuable Player, Melissa Petty, was superb on the mound, holding Forbush to just one run off of five hits. But, Mr. Speaker, defense alone does not win championships. The Panther offense was led by Stacey Hinkle, who knocked two home runs as Ledford rolled to victory.

Mr. Speaker, congratulations must also go to team members Kelly Thomas, Ashley Craven, Molli Patterson, Angie Wesson, Quinn Homesley, Amy Disher, Heather Pitts, Courtney Troutman, Laurie Smith, Paige Koonts, Kim Clodfelter, Amy Wells, Ginger Whitt, Amanda Reece, Lauren Craven, Misty Sharp, Leslie Thomas, Janell Curry, assistant coaches Joe Davis, Danny Thomas, David Smith and manager Tara Bowers.

To Principal Max Cole, Athletic Director Gary Hinkle, and to all of the students, faculty, staff, families, and friends of Ledford High School, congratulations on winning the North Carolina State 2A women's softball championship.

Mr. Speaker, as we honor Ledford High School's season, we must also commend two other Sixth District high schools on their fine seasons on the diamond.

The North Davidson High School Black Knights women's softball team, under Coach Mike Lambros, went undefeated this season and made it all the way to the North Carolina State 3A/4A semifinals.

Congratulations must also be extended to the East Davidson High School men's baseball team, which recently finished a terrific 22–8 season, making the North Carolina State 2A semifinals.

Mr. Speaker, the Sixth District is proud of the winning tradition of its high school athletes and wishes them much success next season.

TRIBUTE TO WILLIAM INGRAHAM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. STUDDS. Mr. Speaker, I rise today to join with the people of Provincetown and Truro, MA as they gather this week to honor and pay tribute to Mr. William Ingraham, who is retiring after more than 50 years of years of outstanding public service.

Bill Ingraham came to Provincetown in 1970, after serving off-Cape as a firefighter for more than 25 years. Since then, he has become a fixture in the town halls of Provincetown and Truro, serving as wiring inspector, building inspector, and volunteer firefighter.

His dedication to public safety and his extensive knowledge of construction is unequalled. Over the years, he served as clerk of works for every major municipal construction project in the town of Provincetown. And his inspection work has significantly reduced the number of fires in the community.

In all his years of public service, Bill was on call every day, literally 24 hours a day. Whether at home or at the office, the radio scanner would always be on in the event of a fire, flood, hurricane, or other emergency.

Former town manager Bill McNulty said in a recent newspaper story "there is no way they will replace Bill. He was always there, always on call. He knew everyone, and everyone knew and liked him."

So today, I seek to bring to the attention of my colleagues the fine work of an outstanding public servant. Bill Ingraham grew up just wanting to fight fires, but has become one of Cape Cod's most respected and beloved citizens.

It is my pleasure to join with the people of Provincetown and Truro as they honor Bill Ingraham to extend to him the best wishes from this Congress on a job exceedingly well done.

TRIBUTE TO CANDACE SHEA

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ZELIFF. Mr. Speaker, I would like to take this opportunity to bring to attention the outstanding accomplishment of Ms. Candace Shea, an eighth grader from Hampstead Middle School, Hampstead, NH. As the author of an inspirational and patriotic essay honoring veterans and her explanation on the importance of the Tomb of the Unknown Soldier, she has made me very proud to be her Representative. I am pleased to submit a copy of her essay to the CONGRESSIONAL RECORD on her behalf.

WHAT EVERYONE SHOULD KNOW ABOUT THE UNKNOWN SOLDIER

(By Candace Shea)

The Unknown Soldier. Those words are like a light, pointing out all those killed in action. All those who fought for our country, and then died for our country.

The Tomb of the Unknown Soldier is a tomb in which the remains of a soldier whose identity is unknown is ceremonially laid to rest.

The first unknown soldier was a tribute to those who had made the supreme sacrifice in World War I. It was placed in Arlington National Cemetery on November 11, 1921. The tomb is a white marble structure that has "Here rests in honored glory an American soldier know but to God" carved indelibly on it.

In Memorial Day of 1958, two more unknown soldiers were buried in full tribute—one from the Korean War and one from World War II. On Memorial Day of 1984, a soldier from the Vietnam War was laid to rest at the monument.

The Unknown Soldier is silently speaking to us all, saying we must never forget those who had full lives ahead—and those whose lives were quickly shattered, perhaps by a bullet, a grenade, and other such weapons. He is saying, "Never let it happen again—never." He is a voice that shall never be silenced by anyone or anything.

And forget him no one does. The President of the United States and other such people pay their respects to the unknown soldier. It is truly a great honor to lay a wreath at the unknown soldier's tomb. You are saying, "I honor and respect those who served for our country, who served for me. I will never forget those who died for our country, who died for me."

The unknown soldier—a common soldier whose identity is never known, but his presence and voice is always there.

CONGRATULATIONS DAVID McNEILL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. BARCIA. Mr. Speaker, one of the greatest inspirations for people is knowing that their friends and neighbors have been able to deal with unfortunate happenings in their lives. Even more inspiring is seeing how people can turn these unfortunate occurrences into new opportunities for greatness. I am pleased to tell our colleagues that one of my constituents, David McNeill, has done exactly that: He has taken what was a terrible moment in his life and turned it into an accomplishment for all to hail.

In 1992, David McNeill was the victim of a car accident that left him confined to a wheel chair and forced him to find new employment because his accident would not allow him to continue to his profession as a tool and diemaker. Instead of becoming overcome with anxiety, David accepted his challenge head-on. He and his wife, Deborah, refinanced their home, sold his motorcycle, and other prized possessions to use money for their expenses. At Deborah's urging, he entered Delta College at the age of 46 where he has excelled academically, maintaining a 3.8 average and being named to the 1996 Community College All-State Academic Second Team.

His tremendous effort earned for him a competitive 6-week internship from Phi Theta Kappa at the U.S. Department of Education, which he is currently serving. I have had the pleasure of meeting with David McNeill, and I must tell you that we would all do much better if we had his spirit and his determination.

Education is a never-ending process, and in our ever-changing world, we all need to keep learning new information and skills. David's efforts to expand his education is an inspiration to everyone. I am sure that it has been an exciting and challenging experience, and at times somewhat daunting. But to carry on in the outstanding fashion that he has at Delta is a clear demonstration of the value of focus and commitment.

His internship at the Department of Education will help develop the cutting edge of future education programs. If our Nation is to remain a world leader, it will be because we took the time to educate our people and to provide opportunities for continuing education.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing David McNeill the very best as he continues to show each use that the only limit to hold us back is ourselves.

PERSONAL EXPLANATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. CRAPO. Mr. Speaker, on June 5, 1996, I was unavoidably detained due to my daughters graduation. I missed rollcall votes: 210, 211, 212, and 213. Had I been present I would have voted "yea" on all.

Additionally, Mr. Speaker, on June 10, 1996, I was unavoidably detained due to illness. I missed rollcall votes: 222, 223, and 224. Had I been present I would have voted "yea" on all.

CLINTON WON'T LET WELFARE CHANGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on June 24, 1996.

CLINTON WON'T LET WELFARE CHANGE

People keep trying to help President Clinton accomplish his stated goal of "end(ing) welfare as we know it," but he won't let them do it.

Congress presented him a welfare-reform bill in 1995 that seemed destined for presidential approval. But liberal groups criticized the legislation and persuaded Clinton to veto it.

In February this year, the National Governors' Association produced a bipartisan plan to reform welfare and Medicaid, a plan endorsed by Nebraska Gov. Ben Nelson. Clinton, too, spoke favorably of the plan, but officials of his administration have been fighting it in congressional hearings.

Two months ago Gov. Tommy Thompson of Wisconsin signed his state's welfare reform plan. It would end welfare as an entitlement program. People could be denied benefits without recourse to hearings. Welfare assistance would be conditioned on work. Jobs, child care and health care would not be guaranteed.

Three weeks after the Wisconsin plan was completed, the president called it "a solid, bold welfare reform plan" in his weekly radio address. Bob Dole was scheduled to give a major speech on welfare reform three days later. It was a preemptive political strike by a president who lately has talked, but not acted, like a Republican.

Now that the president has exploited the opportunity to upstage Dole by patting the Republican Thompson on the back and appearing to be the champion of welfare reform, his administration is challenging the Wisconsin plan.

For proof of its welfare-reform credentials, the Clinton administration cites waivers it has granted to 39 states to implement welfare programs that don't conform to federal requirements. But in this case the Washington penchant for centralized bureaucratic control may prevail. Wisconsin may not get the federal waiver it needs to proceed.

In 1993, first lady Hillary Clinton's proposal to reduce the growth of Medicare spending from 10 percent to 7 percent was touted by the administration as responsible reform. Two years later, when congressional Republicans proposed the same spending growth rate reduction, the president decried a 7 percent growth cap as an attempt to "cut" and "destroy" Medicare.

Governor Thompson's once "solid" and "bold" welfare plan may face the same fate that befell Mrs. Clinton's 7 percent growth cap once it was expropriated by Republicans.

40TH ANNIVERSARY OF THE AMERICAN-ITALIAN PROFESSIONAL AND BUSINESS WOMEN'S CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. LEVIN. Mr. Speaker, on Sunday, July 21, the American Italian Professional and Business Women's Club will celebrate its 40th anniversary. AMIT, as it is known, was established in 1956 by Maria Lalli and Maria Giuliano to further cultural, charitable, and social functions, with an emphasis on Italian culture whenever the opportunity arises. The club derives its membership from women who are of Italian descent or are married to a man of Italian descent.

AMIT's list of beneficiaries includes a broad range of organizations around the world. Missions and health care institutions in Burma, India, and Detroit, MI, children and orphans in the United States and Italy, Italian earthquake and flood relief efforts, public television, symphony orchestras, and Orchestra Hall in Detroit, all have been assisted by their interest and generosity. A special focus of their support is those places which celebrate Italian culture: The Italian American Cultural and Community Center, the Italian Heritage Room at Wayne State University, and the Church of San Francisco.

Social functions arranged around artistic and cultural presentations provide the funds for AMIT's charitable work. The club is proud to have presented lectures by the daughters of distinguished Italian scientists Guglielmo Marconi and Enrico Fermi. They have sponsored book and author luncheons featuring Italian-American authors or writers on Italian subjects, and have promoted events at the Detroit Institute of Arts when Italian artists were on special exhibition. Italian musicians, both established artists and prodigies, have been presented in recital.

Now at the close of its fourth decade of activity, AMIT boasts several families with multiple generations of membership and leadership. The Giuliano-Baker family takes great pride in its four successive generations of women who have served the club as president, beginning with the first president and cofounder, Maria Giuliano.

Mr. Speaker, I congratulate the American Italian Professional and Business Women's Club on achieving 40 years of outstanding service to the community, and I wish them many more years of successful endeavor. Our Nation's strength lies, in part, in groups such as AMIT whose members take their place in American life while fostering appreciation for the future of their homeland.

TRIBUTE TO COACH CAMERON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HALL of Texas. Mr. Speaker, as our Nation's teachers and students complete the end of another school year and enjoy a much-deserved vacation, I would like to salute our teachers and pay tribute to one in particular—coach James Cameron—a well-known and well-respected Texas coach who accumulated a record of more than 200 victories prior to his unexpected death last year. Coach Cameron leaves behind a legacy, however, that is far greater than his teams' victories on the playing field. The measure of his legacy can be found in the hearts and minds of those who had the privilege of knowing him and whose lives were influenced by a great coach who was also a great man.

Coach Cameron achieved fame first on the gridiron for Commerce in the mid-1050's and as an offensive center at East Texas State University, where he helped guide his team to consecutive Tangerine Bowl victories. He was drafted by the AFL's Los Angeles Chargers but chose instead to finish his degree. His coaching days began even before his graduation, and his reputation soon spread throughout the high school and small-college ranks of Texas. He amassed victories at high schools in Mansfield, Waco, and McKinney before taking over at Howard Payne University and leading his team to a tie for first place in the first and only Lone Star Conference championship. He then moved to Angelo State University, where he achieved the best record in school history. Along the way he was recruited by Grant Teaff at Baylor University and was considered for the top position at North Texas State University. For varying reasons, he did not find those positions to be part of his destiny. He returned to high school coaching at Rockwall, Kilgore, and finally Sulphur Springs, where he was coaching at the time of his death and where he led the Wildcats to half a dozen district championships.

But what equally distinguished his career was his influence on his players and his community. The Sulphur Springs News-Telegram wrote a feature about Coach Cameron in 1994 that included comments by those who knew him well. Joey Florence, head football coach at Cooper, said:

> He gets more out of his kids because of motivation, but he also motivates the entire

> community. . . . He told me something one time that I'll never forget. He said he'd rather lose with class than win without it. And that's something I try to impart to our team.

Bill Grantley, superintendent at Kilgore, said, "It was more than just the winning—it was how he dealt with the townspeople and the students." Paul Glover, the superintendent at Sulphur Springs, said:

> I think James saw the situation here and decided he could be a factor, not only in the athletic program but the community as well. He saw a need he could fill and obviously we have not been disappointed at all.

One of his students, Matt Rosamond, wrote an essay for his Sulphur Springs High School English class this year that illustrates Coach Cameron's extraordinary influence. Matt wrote:

> Not only was he a great man, but also he was a great teacher. Not a class room teacher, but a teacher of life . . . Coach lived his life the way most people only wish to live theirs. He was the most understanding and forgiving person I ever knew . . . Coach was by far the most influential person in my life.

Coach Cameron was one of those exemplary teachers who made a difference in the lives of his students, and he was an exemplary American who made a difference in his community. He is truly missed by all those who knew him and loved him. His brothers, Bill and Raymond, who are prominent businessmen, outstanding civic leaders, and my good friends in Rockwall, are particularly proud of James and of what he accomplished in his life.

So it is a privilege, Mr. Speaker, to have the opportunity to pay tribute to this great man whose influence continues to live on in the lives of those who knew him. In his essay Matt Rosamond concluded, "I realized deep inside that Coach is very much alive. He is alive in every player and every person that knew one of the greatest men who had ever lived." Such is the legacy of coach James Cameron.

COMMITMENT TO INTERNATIONAL ANTINARCOTICS COOPERATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. RANGEL. Mr. Speaker, I would like to bring to the attention of my colleagues a report issued following the Third Annual Narcotics Control Conference I and several of my colleagues attended in Taipei, Republic of China this past February. This report outlines the important and successful steps Taiwan has taken in their antinarcotics efforts, as well as their commitment to international antinarcotics cooperation. This conference was part of an on-going effort between the United States Congress and the Government of the Republic of China to improve bilateral and regional cooperation in the antinarcotics effort, and I would also like to thank Congressman ED TOWNS who participated in this conference with our delegation. Finally, Mr. Speaker, I would also like to personally thank Dr. Ying-jeou Ma, Taiwan's Minister of Justice, for his outstanding dedication and personal attention to our joint antidrug efforts, and I wish to commend him for a job well done in his role as Minister of Justice.

THIRD ANNUAL NARCOTICS CONTROL CONFERENCE

SUMMARY

Representatives Charles B. Rangel (D-NY). Edolphus Towns (D-NY), former Rep. Lester L. Wolff and former Rep. Frank Guarini participated in a 3 day conference in Taipei, Republic of China on Taiwan entitled the Third Annual Narcotics Control Conference, from February 14–17, 1996.

Conference included the following host country officials: Ying-jeou Ma, Minister of Justice; Dr. Cheng-Hao Liao, Director General, MJIB; Chuan Cheng, Deputy Director General, MJIB; Wei-Herng Hu, Director, Taipei City Psychiatric Center; Shih-Ku Lin, Chief, Taipei City Psychiatric Center; Szu-Yin Ho, Institute for International Relations; Mr. B. Lynn Pascoe, Director, American Institute in Taiwan; Harvey A. Somers, American Institute in Taiwan; and Eric Wu, Former Member of Legislative Yuan.

Consultative meetings were also held with the following dignitaries: Lee Teng-hui, President; Frederick Chien, Foreign Minister; Stephen S.F. Chen, Vice Foreign Minister; and Chung-ling Chiang, Minister of National Defense.

The primary purpose of this conference was to discuss narcotics control issues facing the Republic of China on Taiwan, U.S.-RoC counter-narcotics efforts, and discuss cooperative solutions to the narcotics threat in Southeast Asia. In response to the shift from narcotics interdiction to "in-country institution building" by the current U.S. administration, the conference focused on the Republic of China's efforts in formulating a cohesive anti-drug strategy which focuses on law enforcement, public education, and drug treatment (including rehabilitation).

BACKGROUND

Although according to the U.S. State Department's International Narcotics Control Strategy Report, Taiwan is not a significant cultivator or producer of illegal narcotics, the illegal consumption of both heroin and methamphetamines does present a serious social problem. In recent years, Taiwan has faced a growing problem with heroin trafficking, to which the government of the Republic of China has responded with a major effort to stop the flow of Southeast Asian heroin into Taiwan, the United States and elsewhere. Taiwan continues to implement an aggressive domestic counternarcotics program, which has led to a decline in drug trafficking, demonstrated by lower seizure rates and consumption in Taiwan. Taiwan's cooperation with U.S. anti-narcotics efforts (conducted under the auspices of the American Institute in Taiwan) has substantially expanded over the past year, and the appropriate offices representing the US and the RoC are negotiating a new MOU on even broader counternarcotics cooperation. New legislation is under consideration to augment existing counternarcotics laws and bring Taiwan into conformity with the 1988 UN Convention and recommendations of the Financial and Chemical Action Task Forces relating to money laundering and precursor chemical controls.

NARCOTICS CONTROL CONFERENCE

The Narcotics Control Conference consisted of a series of meetings and fact-finding visits to various ministries within Taipei in order to receive information and exchange views on Taiwan's counternarcotics efforts. These ministries included the Ministry of Justice, Taipei City Psychiatric Center, Investigation Bureau (MoJ), Ministry of National Defense, and the Ministry of Foreign Affairs.

INVESTIGATION BUREAU, MINISTRY OF JUSTICE

On Wednesday, February 14, the delegation was received by Director General Dr. Cheng-Hao Liao, and Deputy Director General Cheng at the Investigation Bureau of the Ministry of Justice. The delegation was given a thorough briefing on RoC narcotics issues, with particular emphasis being placed on efforts for increased international cooperation and coordination with U.S. efforts. Discussions were held concerning the RoC's efforts on halting the illegal trafficking of narcotics to Taiwan, in addition to stopping the illegal transit of narcotics through Taiwan's international ports. A useful exchange of views followed this briefing, covering various areas of mutual concern to both the Republic of China and the United States in their anti-narcotics efforts.

Following these discussions, the delegations was then escorted by Dr. Liou to the Investigation Bureau's extensive laboratory complex, in order to view the Republic of China's state of the art processing and research facilities. This equipment, purchased from the United States, is used to conduct research, analysis, chemical testing, and identification processing for use in criminal investigations and law enforcement R&D. After an extensive tour of the laboratory and discussions concerning similar approaches by the Republic of China and the United States, the delegation was then escorted to the narcotics depository and storage facilities where confiscated drugs are kept under strict control. This storage facility is held under tight security arrangements, where narcotics are kept for use as evidence in prosecuting drug-related crimes. After their use in trials, the narcotics are then held for public destruction and anti-drug education purposes. The delegation was very impressed with the laboratory and storage facilities at the MJIB, and in the progress made in developing enforcement capabilities.

TAIPEI CITY PSYCHIATRIC CENTER

The delegation was next received by Dr. Wei-Herng Hu, Director of the Taipei City Psychiatric Center (TCPC) to learn more about the RoC's treatment and rehabilitation efforts. TCPC is the major municipal psychiatric hospital in Taipei city, and plays a key role in the treatment of heroin addicts. The hour long discussion with Dr. Hu included issues such as drug abuse prevention, treatment methods, and educational efforts aimed at stopping narcotics before it starts. The delegation also toured the center's patient wards, where medical personnel briefed the delegation on rehabilitation efforts for recovering addicts. TCPC has conducted extensive research in the treatment of heroin addiction, including: the use of tramadol in heroin detoxification, the relationship between substance abuse and criminal activity, pharmaconetics of heroin use in Chinese drug abusers, group psychotherapy, drug abuse screening, naltrexone maintenance trials on parole patients, and out-patient drug free program management.

MINISTRY OF JUSTICE

Following the tour and discussions at the Investigation Bureau and the TCPC, the delegation continued its conference program with extensive discussions with the highest ranking law enforcement official from the Republic of China, Dr. Ying-jeou Ma, Minister of Justice. Dr. Ma, a Harvard educated

S.J.D., enjoys wide popularity among the citizens of Taiwan and is widely respected among his colleagues for his efforts in tackling narcotics and corruption issues during his tenure. Dr. Ma outlined various developments within Taiwan concerning the narcotics situation, including an account of the largest narcotics seizure ever to take place in Taiwan's history. "On May 12, 1993, while conferring medals and awards on meritorious officials taking part in the seizure, Premier Lien Chan formally declared war on drugs. The RoC's anti-drug campaign thus entered a brand new era."

As Dr. Ma reported, in the later half of the 1980's, a double-digit economic growth, low inflation, and minimal unemployment steadily pushed economic prosperity in Taiwan towards new heights. The process of political democratization further loosened the social discipline. Since 1990, methamphetamine suddenly replaced soft drugs as the most popular drug in Taiwan, and its abuse spread at an astonishing rate. Meanwhile, heroin consumption also started to jump during 1990–93. Since 1994, however, both the volume of drugs seized and the offenders convicted have declined at an increasing speed.

TAIWAN'S ANTI-DRUG STRATEGY

Dr. Ma related, in sum, that narcotic drugs from Southeast Asia and mainland China had invaded Taiwan in an unprecedented fashion. As late as seven years ago, drug abuse was still unknown to the majority of people in Taiwan. It is no wonder that the legal and medical communities were caught off guard initially. But since the RoC Government declared war on drugs in May, 1993, government agencies have beefed up their efforts to tackle the problem. Dr. Ma compared some of the measures being taken in various countries throughout the region, having just returned from a fact-finding tour throughout Southeast Asia and Golden Triangle area. Dr. Ma's extensive knowledge and dedication was considered by the delegation to be a great asset to the Republic of China in their anti-narcotic efforts.

A discussion was also held during this phase of the conference with AIT Director Lynn Pascoe, who confirmed the RoC's efforts in international cooperation.

Dr. Ma, however, expressed strong dissatisfaction with the fact that the Republic of China had been singled out as one of the transit countries in the INCSR report over the last few years, and stated his view that the transit allegation was being applied without concrete evidence. In fact, Dr. Ma stated, since 1990 there had only been one case where it was proven that Taiwan had served as a transit point for narcotics, and that given the huge volume of international shipping that goes through Taiwan, these incidents would be a great deal higher if Taiwan was being used as a transit country. He stated that the Republic of China had given its utmost effort in handling this issue, and stated his hope that the delegation would note his concerns and relay this information to the U.S. government. The delegation noted Dr. Ma's concerns and stated that all views would be presented in their report of this conference.

Dr. Ma went on to outline the RoC's anti-drug strategy. The overall strategy is simple: supply and demand reduction. And implementation takes a three-prong approach: law enforcement, public education and drug treatment (including rehabilitation). In the RoC, law enforcement agencies include the National Police Administration (NPA), the Ministry of Justice Investigation Bureau, the Military Police Command and the Customs Service. International cooperation is also important. In the last three years, the MJIB has called three international conferences to discuss drug enforcement problems with participants coming from more than 24 countries. The Drug Enforcement Administration (DEA) of the U.S. Department of Justice has shown interest in setting up an office in Taiwan to coordinate intelligence cooperation with NPA and MJIB. The NPA and MJIB are also building up ties with Southeast Asian countries near the Golden Triangle. Finally, Dr. Ma pointed out that, while the RoC is not a party to the United Nations Convention against illegal narcotics trafficking due to the PRC's deliberate obstruction, the RoC has taken steps to start regulating the importation and use of precursors, chemicals, and solvents in conformity with the U.N. convention.

CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL AND OTHER ACTIVITIES

On Thursday, February 15, the Congressional delegation visited the China External Trade and Development Council and the Taipei World Trade Center to discuss trade matters between the United States and the Republic of China. The delegation was briefed on the current balance of trade between the two countries, in addition to various other trade related matters.

The delegation was next received by the Hon. Frederick F. Chien, Minister of Foreign Affairs where current issues facing the U.S.-RoC, RoC-PRC, and U.S.-PRC relationship were discussed. The delegation also paid a visit to Vice Foreign Minister Stephen S.F. Chen, who hosted a dinner in honor of the delegation the following evening. Also on Thursday, Representative Rangel and Representative Towns were joined by Representative Bill Brewster (D–OK) and Representative Maurice Hinchey (D–NY) in meeting with President Lee Teng-hui. Bi-lateral issues including trade, narcotics and recent political developments were discussed, and President Lee commented on the importance of keeping the pressure on narcotics traffickers and on the efforts of the RoC government in halting the transit of illegal narcotics through Taiwan.

As reported in the United States International Narcotics Control Strategy Report, recent efforts by the RoC government has led to "a major effort by the Taiwan authorities to stop the flow of heroin and reduce domestic usage. Taiwan continues to implement an aggressive domestic counternarcotics program which has led to a decline in drug trafficking, demonstrated by lower seizure rates, and consumption in Taiwan." The delegation pledged its continued support for Taiwan's counternarcotics program, and a continuation of the close bi-lateral relationship the two countries have enjoyed.

OATH OF UNCERTAINTY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DUNCAN. Mr. Speaker, American soldiers and sailors should not be sent to foreign battlefields except under the command of American generals and admirals. Even then, they should not be sent unless there is a very clear vital U.S. interest or threat to our national security. Neither of these is present in Bosnia, Haiti, or some other recent foreign social work projects undertaken by our military. I would like to place in the RECORD the following article from the American Legion magazine pointing out U.S. military men and women take an oath to defend the U.S. Constitution not the United Nations.

[From the American Legion, July 1996]

OATH OF UNCERTAINTY

(By Cliff Kincaid)

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States Against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice, So help me God.—The oath of enlistment

The future looked bright for 22-year-old Army Specialist Michael G. New. He had been decorated for his service in the Persian Gulf War and seemed to have a promising military career ahead of him. But that was before he was ordered to serve in a United Nations military unit, wearing a U.N. insignia on his shoulder and a U.N. cap on his head.

When New refused—citing his oath as a soldier to the U.S. Constitution—he rekindled a firestorm of controversy about the meaning of the soldier's oath as well as the soldier's right to refuse orders he deems ethically or procedurally objectionable. It is a debate whose overtones take us back a half-century to arguments raised in the aftermath of Nazi atrocities.

New himself was willing to accept a different assignment (under U.S. command in his own Army uniform) or even an honorable discharge. The Army chose to court-martial him. In a complex legal case that will continue to be argued in Congress and the courts, New received a bad-conduct discharge as well as a stigma that will follow him the rest of his life.

From the beginning, the military oath has been considered a soldier's sacred connection to America's Founding Fathers and the Constitution. "When taking the oath," says one Army pamphlet, "you accept the same demands now that American soldiers and Army civilians have embodied since the Revolutionary war."

The first Officer's oath was in fact established in 1776 by the Articles of War under the Continental Congress. It required the officer to "renounce, refuse and abjure any allegiance or obedience" to King George the Third of Great Britain. The U.S. Constitution carried this patriotic impulse one step further, declaring in Article I, Section 9 that no U.S. official or officer "shall, without the consent of Congress, accept any present, Emolument, Office, or Title, of any kind whatsoever, from any King, Prince or foreign state."

In a filing in the New court case, the Army conceded that the U.N. insignia and caps had not been approved by the Army and that a U.N. identification card "is the only identity document required in the area of operation."

Nonetheless, the Army's designated spokesperson on the New affair, Lt. Col. Bill Harkey, says this would not have amounted to serving under foreign command. "The president [of the U.S.] never surrenders command of U.S. troops," maintains Harkey. He adds that "nobody was asking [New] to shift his allegiance. Over his left breast pocket it still says, 'U.S. Army.'"

Unconvinced, New continues to insist that serving the U.N. and wearing its symbols was a blatant violation of his oath. "As an American soldier," he says, "I was taught and believe that the Constitution is the fundamental law of America, and if there is any ambiguity or conflict with the U.N. or any treaty or international agreement or organization, that the U.S. Constitution would always prevail. My Army enlistment oath is to the Constitution. I cannot find any reference to the United Nations in that oath."

As for the argument that New's disobeying of orders had the potential to disrupt military order and discipline, his lawyers, led by Marine Colonel Ron Ray (retired), point out that the oath says the orders have to be "according to regulations and the Uniform Code of Military Justice." The orders, in other words, must be lawful. This raises issues about the individual responsibility to choose between right and wrong that hark back to Nuremberg and the infamous "I was just following orders" defense.

New's superiors suggested that he study the U.N. Charter, the governing document of the international organization. New did so—and concluded that it was "incompatible" with not only the U.S. Constitution but also the Declaration of Independence.

The military judge in New's case elected to sidestep the matter of the Constitution and the deeper meaning of the oath, focusing instead on his the relatively simple issue of his refusal to live up to an agreement he had signed. As Army spokesperson Harkey puts it, "The oath says, 'I will obey the orders of the officers appointed above me. . . .'"

However, the military panel refused to send New to jail, a possible indication of sympathy for his plight.

In the past, mostly in times of war, U.S. soldiers have temporarily served under foreign commanders or in U.N.-authorized operations; indeed, the Persian Gulf War was backed by the U.N. Security Council. The Congress has passed a U.N. Participation Act, authorizing military involvement with the U.N. under limited circumstances.

The Clinton Administration has gone even further by issuing a secret pro-U.N. Presidential Decision Directive 25 (PDD 25) that has been withheld from Congress. In the public version of this document, entitled "The Clinton Administration's Policy on Reforming Multilateral Peace Operations," the president pledges that he "will never relinquish command of U.S. forces"—but he also reserves for himself the authority to place troops under "operational control" of a foreign or U.N. commander within the approval of Congress.

Harkey emphasizes that operational control is not the same as being under foreign command—and he uses the Bosnia peacekeeping mission as a case in point. He says the U.S. Task Force commander reserves the right to act in the best interest of our troops and may in fact oppose a foreign commander's orders by going up the U.S. chain of command.

In any case, it wasn't until the Clinton administration that U.S. soldiers started receiving orders to wear U.N. symbols on their uniforms. Part of the fallout from the New case has been the introduction of legislation in Congress to prohibit this practice.

Aside from being ordered to wear the U.N. "uniform"—the insignia on the sleeve and the blue cap—New was told to report to Brig. Gen. Juha Engstrom of the Finnish Army, the Commander of the U.N. Preventive Deployment forces in the former Yugoslavia Republic of Macedonia. Engstrom had said of his position, "This is a very unique and historic opportunity. Before Macedonia, a non-American or non-NATO officer has never before had command of an American battalion abroad . . . ."

As of Jan. 11, 1996, official Department of Defense figures showed that a total of 69,847 U.S. forces were participating in, or acting in support of, U.N. operation or U.N. Security Council resolutions. This includes 37,000 troops in Korea.

Though much effort is expended in official Washington circles to down-play the implications of such situations, there are times when the reality blares forth in dramatic fashion. When a U.S. helicopter was shot down by Korean communists in December 1994, the body of the American pilot, Chief Warrant Officer David Hilemon, was returned in a coffin draped with a blue U.N. flag, and was handed over to a U.N. honor guard. And in April 1994, after American personnel participating in a U.N. mission were downed over Iraq, Vice President Albert Gore stated that the casualties "died in the service of the United Nations."

That ideology has inspired a good deal of discomfort in the ranks. Navy Lt. Cmdr. Ernest G. "Guy" Cunningham has undertaken a controversial study of U.S. involvement in U.N. operations titled "Peacekeeping and U.N. Operational Control: A Study of Their Effect on Unit Cohesion." Cunningham asked a group of 300 Marines if they agreed or disagreed with the statement that, "I feel there is no conflict between my oath of office and serving as a U.N. soldier." Fifty-seven percent disagreed.

DOLLAR FOR DOLLAR, CRIME PREVENTION EFFORT PAYS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. VENTO. Mr. Speaker, I rise today to share with my colleagues an important article published in the St. Paul Pioneer Press on June 6, 1996

The article highlights a new crime prevention study released by the Rand Institute and features a prevention program in my district called Teens Networking Together [TNT]. The study found that, dollar for dollar, programs like TNT that encourage high-risk youth to finish school and stay out of trouble prevent five times as many crimes as stiff penalties imposed on repeat offenders. This also, according to the study, holds true for programs that teach better parenting skills to the families of aggressive children.

Nearly 2 years ago, this House debated the prevention programs included in the 1994 crime law. Many of my Republican colleagues at the time maligned these prevention provisions and mislabeled them as Government waste, insisting that they would do nothing to reduce crime. Now, however, these programs, which included the Community Schools Initiative, Youth Employment Skills [Y.E.S.] Program, midnight sports programs and the Vento/Miller at-risk youth recreation grant, are being vindicated by the facts and findings like Rand's. It seem that the old adage an ounce of prevention equals a pound of cure once again holds true.

According to the Justice Department, crimes committed by young people are growing at the fastest rate in this country. It is obvious to me if we are truly going to address our country's crime problem we must focus on prevention; we must give our young people hope and opportunity; we must give them a haven from the street where they can develop positive values such as responsibility, teamwork, leadership, and self-esteem.

I hope my colleagues will take the time to read this article and learn more about these youth crime prevention programs across the country that not only reduce future crime, but also save American tax dollars.

DOLLAR FOR DOLLAR CRIME PREVENTION EFFORT PAYS

(By Lori Montgomery)

It turns out that often-scorned crime prevention efforts aimed at disadvantaged kids may be far more effective than tough prison terms at keeping you safe.

In a new study released Wednesday, researchers with the highly respected RAND institute found that, dollar for dollar, programs that encourage high-risk youth to finish school and stay out of trouble prevent five times as many crimes as stiff penalties imposed on repeat offenders with so-called three-strikes-and-out laws.

And programs that teach better parenting skills to the families of aggressive children prevent almost three times as many serious crimes for every dollar spent.

The study—a two-year effort by researchers at RAND, a nonprofit, nonpartisan research institute in Santa Monica, Calif.—is the first to compare crime prevention programs to incarceration on the basis of cost and effectiveness at preventing future crimes.

"There has always been a 'disconnect' between everybody's agreement that prevention is a good thing and some estimate of that benefit. That's what's new here," said Peter Greenwood, RAND's director of criminal justice programs and the study's primary author.

"In one sense, it's surprising how effective some of these things are," Greenwood said. "But on the other hand, it shouldn't be surprising at all.

We all know the two institutions that socialize kids and keep them on the right track are the family and school. And our study shows that incentives for graduation and parent training are the two things that work."

A program on St. Paul's West Side called Teens Networking Together provides a good example of how kids can be kept on the right track.

The West Side youth program is concentrated on building self esteem of high-risk youth, mostly minorities, through mentoring and anti-gang programs.

"The program showed me that there were two paths for me: One, the life of a gang member, and the other something that involves giving back to my community," said Roberto Galaviz Jr.

One year away from getting a degree in management from Concordia College, Galaviz is the program director of Teens Networking Together, a program he joined seven years ago to keep himself out of trouble. He still has gang members as friends, he said, but the program has made his life different from theirs.

Galaviz said critics of youth programs for high-risk kids should visit the Teens Networking Together center to see the progress it has made in the West Side community.

"The people who are doing the criticism don't know the hardships and obstacles of being minority and living in the inner city. This program gives people like me a goal and direction in life."

The RAND study of crime prevention programs comes at a time when congressional Republicans are proposing yet again to increase penalties for juvenile offenders, and to eliminate the Office of Juvenile Justice in the Justice Department,—the primary source of leadership and funding for crime prevention.

It also comes at a time when juvenile jails are dangerously overcrowded.

The RAND study does not suggest "that incarceration is the wrong approach" to this rising tide of juvenile crime, the authors said in a statement. Nor that the three-strikes laws, which affect primarily adults, are not worth their high cost.

However, the current obsession with longer and tougher sentences has produced a "lopsided allocation of resources," they said, that gives short shrift to preventing crime among kids who can still be saved.

HONORING THE 20TH ANNIVERSARY OF THE LONG'S PEAK SCOTTISH HIGHLAND FESTIVAL

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ALLARD. Mr. Speaker, I would like to take this opportunity to recognize the 20th anniversary of the Long's Peak Scottish Highland Festival which will be celebrated September 5–8 in Estes Park, CO. In the past, I have had the honor of participating in this event which highlights the contributions and ethnic cultural roots of the Celtic people of the United States.

I would like to commend the festival committee on its ability to orchestrate one of the largest and most diversified events in North America. Not only does the Long's Peak Scottish Highland Festival celebrate the long-term alliance of the United Sates, Canada, and Great Britain, it exemplifies the attributes of hard work and perseverance.

Mr. Speaker, it is my pleasure to congratulate the Long's Peak Scottish Highland Festival on 20 very fine years, and to honor one of the largest events of its king in North America by recognizing September 5–8, 1996, as "20 Years of Celtic Tradition Week."

TRIBUTE TO ESTHER LEAH RITZ

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to my friend, Esther Leah Ritz, who is being honored by the Jewish Community Centers Association of North America with the 1996 Community Builder's Award.

In honoring Esther Leah, the JCCA is paying tribute to an individual who has done so much for the Jewish community. Esther Leah has played a major role in several local and nationwide organizations, including serving as president of the JCCA. In addition, she has provided leadership for Americans for Peace Now, the Council of Jewish Federations, and the World Confederation of Jewish Community Centers.

Throughout her career, Esther Leah has also been a strong advocate for promoting Jewish education, both formal and informal. As president of the JCCA, she implemented the Commission on Maximizing the Effectiveness of Jewish Education. Her leadership on this issue has served as an example for all within the Jewish community to follow.

Over the years, Esther Leah has become a good friend and a trusted adviser. I have called on her for advice throughout my career on various topics, especially for her input on Israeli issues that are debated by this body. She always provides me with an honest, well thought out view of issues important to the Jewish community and to all Americans.

The Jewish Community Centers Association has made an excellent choice in bestowing upon Esther Leah the Community Builder's Award. I share in her family's pride for her receiving this recognition.

Congratulations, Esther Leah, that is an honor that is well deserved.

IN MEMORIAM—BRIAN WILLIAM McVEIGH

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. MICA. Mr. Speaker, Brian William McVeigh, Airman First Class, U.S. Air Force, was born in Sanford, FL and a resident of Debary, FL. Airman McVeigh was killed in a terrorist attack in Dhahran, Saudia Arabia June 25, 1996. The following are remarks by U.S. Congressman JOHN L. MICA at his memorial service at the Trinity Assembly of God Church in Deltona, FL on July 3, 1996:

We come together as loved ones, neighbors and Christians to recall the life of Brian McVeigh. We come together today to honor the service of Brian McVeigh to his country. How honored am I as Brian's Congressman to be asked to help pay tribute to his memory. However, as my first responsibility I must on behalf of the entire Florida congressional delegation and on behalf of all the citizens of our community and State extend my deepest sympathy to Brian's family and loved ones.

To Brian's parents and especially his mother Sandy Wetmore, I cannot think of any greater sacrifice than for a mother to loose a son in service to his country. To Brian's loved ones and his fiancé—we as a community share your grief. To Brian's friends we as a community mourn your loss. To the terrorist who cowardly took Brian and 18 other Americans from us we will not rest until justice is served. Today we gather as a family, friends, and a community to remember Brian's sacrifice and death in service to our country. Tomorrow, ironically we celebrate the anniversary of the birth of our Nation.

Without the service and sacrifice of patriots and heroes like Brian McVeigh there would be no Independence Day. There would be no America as we know it. So today we recall as we have for 220 years that freedom has never been free. Today we honor a modern patriot, Brian McVeigh for his life, his service, and his love.

Brian's life should be a reminder of a comment he was said to have made, that "He wanted to give something back to this country." Brian's service to his country should be remembered by us all, for he placed it before his own life and he sacrificed his life in service to all Americans. Brian's love we celebrate together today, his love for his mother, his love for his fiancé and family and his love for his God and his country. The sad part about today is that we cannot have one brief moment as loved ones to tell Brian how much we cared. The sad part about today is that we cannot have one moment as friends and a community to tell Brian how much his service to our Nation meant to each of us.

The wonderful thing about today is we have Brian's life to remember as an example to all of us. So as we gather this week to celebrate our Nation's birth and everyday and every holiday, let us remember Brian and all the other patriots whose memory we must always cradle in our hearts. Let us remember our hero, Brian McVeigh.

May God bless Brian and God bless America.

ARTISTIC DISCOVERY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KING. Mr. Speaker, it gives me great pleasure to take this opportunity to honor some very special and talented young people from my district. The students who participated in the "Artistic Discovery" Congressional Art Competition are all deserving of praise for their efforts.

These students each demonstrated remarkable enthusiasm, boundless creativity and outstanding artistic talent. I was awed by the remarkable display of artwork at the Third Congressional District's local competition.

As the honorary chairman of this event, I enjoyed meeting with the young artists and viewing the fruits of their artistic expression. I like to congratulate all of the students from my district who took part in this event, beginning with the first prize winner, Christopher Papa of Farmingdale High School. Other award winners were second prize winner, Sarah Han of Manhasset High School; third prize winner Jeremy Pama of Syosset High School, and honorable mention winners, Glenn Steinle of Farmingdale High School, Christine Sampson of Island Trees High School, Sara Becker and Sari Gordon of Oceanside High School, Dan Torok of Seaford High School, and Chris Boniface of Wantagh High School.

The following students also submitted entries to the Congressional Arts Competition: Bellmore J.F.K. High School: Stephanie Barge, Janis Temchin; Hicksville High School: Janine Friedmann, Dawn Sumner, Tania Trikha, Kristen Wigand, Antonio Jimenez, Nicole Terranova, Myra Velez; Island Trees High School: Kathryn Curran, Victoria Gonatas, Joe Manzella, Janine Minai, Justin Orlando, Dawn Giunta, Jesica Linzie, Melissa McMills, Richard Molinelli.

Manhasset High School: Jeremy Arambiro, Matt Despegni, Doug Gilman, Chelsea Karges, Leslie Koch, Serena Dawn Leong, Sylvia Lin, Juan Mialon, Hector Orihuela, Katie

Reilly, Meredith Trufelli, Dwayne Wilson, Ella Berroya, Elizabetha Donoghill, Richard Kim, Rebekka Kuhn, Daniel Leung, Matt McCann, Juan Nealon, Sarah Outten, Sarah Richardson, Kareem Wallace, Tom Young.

Oceanside High School: David Burtman, Hadass Dagan, Pamela Gordon, Deborah Graffigino, Alexandra Lasky, Danielle Marchetta, Jessica Milberg, Nicole Nolan, Mike Postle, Aimee Smith, Alexandra Beloshkurenko, Lorraine Cerami, Joe Fotana, Matt Herr, Sara Lieberman, John Marino, Anthony Nicolo, Robert Peppers, Scott Segal, Lauren Williamson.

Seaford High School: Anthony Carozza, Lenore Madonia, Kimberly Seluga, Keith Hunter, Paul Marko, Bonnie Thompson, Christine White; Syosset High School: Jaqueline Dashevsky, Lauren Merril, Bruce Gilbert; Wantagh High School: Denise Becker Shawn, Allison Galvin, Annie Lo, Donna Pearson, Shanna Greenberg, Jacqueline Moon, Lisanne Todaro.

LAFAYETTE DAY CELEBRATION TO HONOR THE NAMESAKE OF FAYETTE COUNTY

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. MASCARA. Mr. Speaker, I rise today to make my colleagues aware of a special event which will occur in my district this weekend. It is the first annual Lafayette Day celebration to be held in Uniontown, PA, on July 14, 1996. As part of this day's events, I will help dedicate a center at the Uniontown Library honoring this French soldier.

Many of you may not know, but the Marquis de Lafayette is the namesake of Fayette County, a portion of which lies in my district. A member of a titled, military family, Lafayette was enamored with Benjamin Franklin's writings about freedom. As a result, spending his own money, he traveled to this country at the age of 17 on his way to join George Washington at Valley Forge to help fight the Revolutionary War. General Washington was so impressed with young Lafayette that he was soon commissioned as a major general in the Continental Army.

After helping to win freedom for our country, Lafayette returned to France and aided the French Revolution. He came back to America in 1825 with his son, appropriately named George Washington Lafayette. The pair traveled for a year throughout our Nation and made a triumphant return to Fayette County. Lafayette was so taken with the area that legend has it that he took a trunk full of the county's soil back home to be placed on his grave.

The leaders of Uniontown, anxious to promote tourism and economic development, have joined with the Fayette County Tourism Advisory Board in planning the Lafayette Day events for this coming Sunday. Next year, they plan to expand the celebration to a weeklong event which will feature French dignitaries and Lafayette descendants.

Their long-range hope is that this annual event will lead to the construction of the Hall of Fame of Freedom, a museum which would not only honor Lafayette's deep commitment to freedom, but also George C. Marshall, who was born and raised in Uniontown, and many other historical figures who grace Fayette County's colorful history.

Mr. Speaker, the citizens of Fayette County should be very proud of this event and hope fully they, and any citizens and Members visiting in the area, will stop by and enjoy this wonderful and important celebration.

CELEBRATING WEST VIRGINIA'S HERITAGE: HOMECOMING '96

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. RAHALL. Mr. Speaker, not so long ago, West Virginia was known primarily as a mighty coal producing State fueling much of America's economy. Many Americans simply did not know all West Virginia had to offer. However, thanks to the hard work and dedication of the people of West Virginia, we are opening our doors to show America and the world what all West Virginians know; our State has much to offer.

Since 1989, West Virginia has gone through a metamorphosis that has put the most beautiful butterfly to shame. We have invested $1 billion in computers for our classrooms, and placed them in modern schools that can handle the latest technology. Our roads and bridges are in the best shape in our history, our rural health program is considered a national model, and the public safety program is considered one of the best in the Nation.

And, Mr. Speaker, we are proud of our accomplishments. We want all Americans, especially West Virginians who have left, to come home and take note of the progress we have made, as well as our plan for the future. That is why we are engaged in a statewide effort known as Homecoming '96.

Homecoming '96 is a celebration of West Virginia. It's the largest community effort ever undertaken in our State—a celebration of our heritage and our future. Under the direction of steering committee cochairs Senator ROBERT C. BYRD and country music superstar Kathy Mattea, Homecoming '96 has many exciting statewide events planned.

We are inviting old and new friends to return to West Virginia and experience the unparelled beauty and friendship we have to offer. We invite everyone to travel our highways and take part in our rich heritage.

Mr. Speaker, there are over 300 communities in West Virginia participating in Homecoming '96, 78 of which are in my district. These communities have planned many activities for all people of all ages. For example, in Bluefield, the Historic Railroad Association has planned a train excursion in Mercer County. In Huntington, the celebration of the city's 125 birthday will coincide will Homecoming '96 activities, and in my hometown of Beckley, a Labor Day weekend concert will take place.

1996 is the year the residents of West Virginia recognize each other for the tremendous accomplishments made in the past. We are excited to show the world just how beautiful the Mountain State really is. Whether it's skiing the white peaks or thundering down the great New River, West Virginia is a State with much to offer.

Many past and current residents of the State will be sporting attractive Homecoming '96 pins and bumper stickers to encourage all Americans to join us in the most wondrous of celebrations. Many of these people will be more than happy to lead you where the delicious smell of apple butter is being made or homemade pies being cooled.

I close by inviting my colleagues, present and past residents of West Virginia, as well as all Americans, to come home to West Virginia and join the festivities this summer.

Mr. Speaker, I ask that the names of the communities in the Third Congressional District participating in Homecoming '96 be entered into the record: Alderson, Ansted, Athens, Ballard, Barboursville, Beckley, Big Creek, Bluefield, Boomer, Bramwell, Brenton, Buckeye, Camden on Gauley, Caretta, Ceredo, Chapmanville, Crumpler, Danville, Delbarton, Diana/Jumbo, Durbin, Fayetteville, Fort Gay, Frankford, Gary, Gauley Bridge, Gilbert, Greenbrier, Greenville, Hacker Valley, Hamlin, Hanover, Hinton, Huntington, Itman, Jodie, Jumping Branch/Nimitz, Kenova, Kermit, Kopperston, Lansing, Lerona/Speedway, Lewisburg, Lindside, Logan, Madison, Marlinton, Matewan, Matoaka, Maxwelton, Meadow Bridge, Milton, Montgomery, Mullens, Nemours, Northfork, Oak Hill, Oakvale, Oceana, Pence Springs, Peterstown, Pineville, Pipestem, Princeton, Prosperity, Rainelle, Renick, Ronceverte, Smithers, Sophia, Spanishburg, Summerslee, Summersville, Sylvester, Talcott, Union, War, Webster Springs, Welch, West Logan, West Virginia State Fair, White Sulpher Springs, Whitesville, Williamsburg, Williamson, and Wolf Creek.

THE PRISON WORK AND VICTIM RESTITUTION ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ENSIGN. Mr. Speaker, today, I introduced bipartisan legislation, the Prison Work and Victim Restitution Act of 1996, with 15 of my colleagues. This measure builds on our efforts to reform the Federal prison system and reduce recidivism among released inmates while promoting justice for victims and society. My bill is a tough measure, but its intent goes far beyond simply punishing inmates.

One of the major barriers to the successful rehabilitation of Federal prison inmates has been the weak work requirements contained in the Omnibus Crime Control Act of 1990. The 1990 Crime Control Act does not require a minimum work requirement for inmates. Although it costs over $21,000 annually to care for each prisoner in the Federal prison system, a statutory minimum workweek for prisoners does not exist. Instead, the United States Code touches on the subject with vague language which simply states that it is the policy of the Federal Government that prisoners should work.

The reality is that the average workday for a prisoner in the United States is only 6.8 hours long. While some States have longer workdays, the average prisoner is working fewer hours than the taxpayer who supports him.

Mandatory work for prisoners should serve the dual purpose of compensating taxpayers and victims while instilling values and responsibility in those who have failed to live within an orderly society. The Prison Work and Victim Restitution Act of 1996 would correct some of the basic failings of our criminal justice system by requiring Federal prisoners to work at least 50 hours per week. The earnings of prisoners will be distributed as follows: one-third to compensate the Bureau of Prisons for the cost of incarceration, one-third to a victim restitution fund, one-tenth to be placed in a savings account for an individual prisoner, and the remainder, 23 percent, will go to States which enact the same work requirements for their own prison systems.

My legislation clarifies that OSHA and the Fair Labor Standards Act—including minimum wage—do not apply to inmates. It also prohibits prisoners from engaging in nonrehabilitative behavior such as smoking, possessing pornography, and listening to vulgar music. Drug testing is mandatory.

This bill addressed the problem of ensuring there is an adequate supply of paying work for prisoners. My legislation permits UNICOR, the prison industries system, to expand and allows nonprofit agencies—many of which receive Federal grants to combat crime and poverty in our communities—to use prison labor.

Justice Fellowship, a national organization committed to restoring justice to victims and society and promoting work for prisoners, has endorsed the Prison Work and Victim Restitution Act.

I urge my colleagues to join me in supporting this important bill.

THE FULBRIGHT PROGRAM—THE VALUE OF EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. LANTOS. Mr. Speaker, one of the profound successes of our Nation's foreign policy and one of the critical programs that has provided critical support for democracy and respect for human rights has been our Nation's farsighted educational and cultural exchange programs, which are administered through the U.S. Information Agency.

Just a few days ago, Mr. Speaker, the Subcommittee on International Operations and Human Rights of the Committee on International Relations held an excellent oversight hearing on these vital programs. My colleagues on that committee from both sides of the political spectrum expressed strong bipartisan support for these essential educational and cultural exchange programs.

Mr. Speaker, the Ambassador of the Czech Republic, His Excellency Michael Zantovsky, recently sent an excellent letter to Dr. Joseph Duffey, the outstanding Director of the U.S. Information Agency, expressing his and his country's enthusiastic support for the Fulbright Program. His letter is typical of the ardent support that has been expressed by many foreign leaders for the Fulbright Program and for other educational and cultural exchange programs administered by the USIA.

Mr. Speaker, I ask that Ambassador Zantovsky's letter be placed in the RECORD and I urge my colleagues here in the Congress to give that letter thoughtful and serious consideration. The small amount of money that we spend on the Fulbright Program and on the other cultural and educational exchange programs under USIA is among the most important and worthwhile investments in our Nation's future. I urge my colleagues to join me in enthusiastic support for these programs.

THE CZECH AMBASSADOR,
Washington, DC, June 25, 1996.

DR. JOSEPH DUFFEY,
Director, U.S. Information Agency,
Washington, DC.

DEAR MR. DUFFEY: It is my particular pleasure to inform you about the significance the Czech Republic attributes to the renowned Fulbright Program.

Even before 1989, thanks to this Program, the then Czechoslovak scholars, experts, and students had a unique opportunity during their stay in your country to be exposed to a free democratic society, to the most recent advances in science, and to the creative environment of U.S. universities. After having come back home, they brought fresh, unworn ideas and approaches that transformed society and re-established democracy in our country.

The Velvet Revolution brought enhancement to the Fulbright Program. Each year about twenty to thirty Fulbrighters come to the Czech Republic, and a similar number visit the United States. Many American professors coming to our country develop the fields of American Studies, American Literature, Economics, Political Science—i.e. areas that were rather weak or even missing under the previous regime. Their contribution to reforming university curricula is of critical importance. The American students within the Fulbright Program are extremely interested in our arts, history, and political economy in relation to privatization. On the other hand, Czech Fulbrighters in the U.S. are active in teaching the Czech language, literature, and film for many Slavic departments within your universities. At your prominent research institutions, many technically oriented Czech Fulbrighters benefit from developing their research projects and studies in physical, biological, and engineering sciences.

Needless to say, the exchange of students and researchers is mutually beneficial. One's own professional and personal enrichment is surpassed by the enrichment of the society as a whole. Through an individual's encounter with a different culture, one gains an experiential knowledge of cultural conditions that impact very basic policies and questions—e.g., how to establish future entrepreneurial activities and in what markets. In addition, Fulbrighters become consumers from within that society, gaining a practical level of intellect, the insight that cannot be replicated from reading a textbook or seeing a movie. And, most importantly, there is the multiplier effect because of their enthusiasm to share it with their colleagues and friends.

The Czech Government, being aware of all the merits of the Fulbright Program and its outstanding significance among any other international programs, has decided to increase its funding up to 40% of the U.S. contribution. It is our strong belief that the U.S. Congress, taking into account all the benefits of this wonderful and unique educational and research program, will continue to support it at the current level.

Sincerely,

MICHAEL ZANTOVSKY,
Ambassador.

IMPLEMENTATION OF THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT, PUBLIC LAW 104-114

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, unless the President decides by July 16, 1996, to exercise his authority to suspend its implementation, title III of Public Law 104–114, the Cuban Liberty and Democratic Solidarity Act, will take effect on August 1. Title III of Public Law 104–114 grants U.S. citizens the right to sue foreign companies that may be using or otherwise benefiting from properties seized by the Castro government following the Cuban revolution in 1959. A key objective of this title is to encourage foreign firms to abandon existing investments in Cuba, and to discourage future investment.

I believe implementation of title III of Public Law 104–114 would be contrary to U.S. national interests in two ways. First, by escalating pressure on the Cuban economy, title III will increase, rather than decrease the chances for a peaceful transition to democracy in Cuba. Second, by penalizing foreign companies for commercial conduct toward a third country, title III will provoke trade conflict with many close friends of the United States, countries with which we cooperate on a range of issues. Several foreign governments have already warned that they may take retaliatory steps, and that could cost U.S. jobs.

I commend to the attention of Members two valuable statements on the implementation of Public Law 104–114. The first is a briefing paper written by Jorge I. Dominguez, coordinator of the Task Force on Cuba of the Inter-American Dialogue and Professor of Government at Harvard University. The second is a letter to the President from five major business groups: the U.S. Chamber of Commerce, the National Foreign Trade Council, the Organization for International Investment, the European-American Chamber of Commerce, and the U.S. Council for International Business. Both statements make a persuasive case for a waiver of title III of Public Law 104–114, and the business letter demonstrates the broad support for a waiver in the U.S. business community.

The implementation of the Helms-Burton legislation raises two key questions for US policy. Does Helms-Burton serve U.S. interests? And will the legislation help promote democratic change in Cuba? The immediate policy issue that President Clinton faces with regard to the Helms-Burton legislation is whether to waive application of its Title III. This title, the most controversial in the legislation, would permit U.S. citizens and firms to sue in U.S. courts to obtain compensation from non-U.S. firms that, through investment or trade, "traffic" in the properties or enterprises seized decades ago by the Cuban government.

INTERNATIONAL TRADE

The major trading partners of the United States in Canada, Europe, Latin America, and East Asia have expressed concern and anger over the Helms-Burton legislation. They consider the law a violation of international trade agreements establishing the World Trade Organization and the North American Free Trade Area. Title III of the legislation is viewed by every major country as detrimental to its relations with the United States.

U.S. interests will suffer even if none of the governments retaliate against the United States for violations of international conventions. Other countries might more readily violate the international trade regime because of the U.S. violation. This U.S. policy is eroding that regime that the United States has worked so hard to construct. Moreover, the United States has long opposed "secondary boycotts", and U.S. legislation prohibits U.S. firms from participating in such boycotts. Yet the Helms-Burton legislation mandates a secondary boycott on other nations.

THE ECONOMIC EFFECTS IN CUBA

The long-standing U.S. embargo on the Cuban economy has had several economic effects. It has caused a rise in the costs to Cuba and the Cuban government of engaging in any international economic activities and it has raised the profits of those firms that are active in the Cuban market. Foreign investors are well aware of the political risks posed by investments or trade with Cuba, so they demand and receive from the Cuban government "sweeter deals" than those offered elsewhere in Latin America or the world. And because Cuba must offer more attractive concessions to international traders and investors, Cuba pays a higher cost to participate in international economic activity than it otherwise would. Moreover, firms that invest in Cuba face no competition from U.S. businesses.

The Helms-Burton legislation magnifies each of these effects, and adds one more. It sorts out firms that trade with Cuba by size. Large international firms—because they are likely to do business with the United States—will be discouraged from trading or investing in Cuba. But smaller firms that do not operate in the U.S. market are not exposed to Helms-Burton retaliation. These will find it extremely attractive to invest in Cuba. These economic effects, however, do not advance democratic change in Cuba.

SIGNIFICANCE FOR U.S. POLICY

From the perspective of U.S. policy, the achievements of Helms-Burton are: (1) increased economic costs have been imposed on Cuba, punishing its government for shooting down the two Cessna planes on February 24, and (2) the legislation communicates clearly to all governments and firms the serious U.S. government disapproval of their economic relations with Cuba. Neither of these accomplishments, however, helps to foster democracy in Cuba.

DEMOCRACY IN CUBA

The political consequences within Cuba of Helms-Burton have been either irrelevant or counterproductive in terms of promoting liberty and democracy. For example:

The Cuban government has persevered in its policy of economic opening as though the legislation did not exist.

The legislation has provided the Castro government—appearing as the defender of the homeland under attack from a powerful neighbor—with an opportunity to rally nationalist support, even from many Cubans who otherwise oppose their government's policies.

The Helms-Burton legislation, in effect, told the Cuban government that it could repress as it pleased because there is no change left of improving its relations with the United States. The Cuban government has reversed none of the repressive acts that preceded the passage of Helms-Burton.

Within ten days of President Clinton signing the Helms-Burton Act, General Raul Castro launched attacks on various Cuban academic institutions and intellectuals, further chilling public expression and curtailing academic freedom.

There are some positive political developments in Cuba, but these are the result of the longer-term economic opening and the continuing engagement with Cuba of the governments of Canada, the European Union, and Latin America. They include, for example, the recent authorization of free trade zones, which may enable some firms to contract their own labor rather than relying on the Cuban government to supply it; the loss of full state control over the economy and the flourishing illegal markets; and the government's authorizing some self-employment and farmers' markets. Castro has, in short, felt compelled to allow an economic policy shift despite his distaste for capitalism. Citizens have begun to take control of their economic lives, and the private economy has begun to finance a re-birth of civil society. Former state farms, newly turned into cooperatives, have begun to display greater autonomy, some even dismissing long-time bosses. Some poor Cubans have gained political independence. These democratizing political effects from economic changes are not surprising. The surprise is that U.S. policy toward Cuba is at odds with a long-standing U.S. belief in open markets as a mechanism to open politics.

COSTS TO THE UNITED STATES

President Clinton needs to recognize the costs associated with the Helms-Burton Act. The legislation has already cause friction for the United States in its diplomatic and trade relations with its principal trading partners; these costs would rise if Title III of the act is fully implemented. Liberty and democracy in Cuba have not been advanced by this legislation, and, in some cases, the Castro government has been strengthened and political repression has become more intense. Were Title III to be enacted, U.S. courts would be flooded with lawsuits.

Waiving Title III would reduce these costs somewhat, and would also give the U.S. government leverage it would otherwise lack—leverage to continue to pressure Cuba in the near future. Uncertainty over the application of title III for another six months would serve as a deterrent to trade with and investment in Cuba. By waiving now the implementation of Title III, the United States would reserve full implementation for a later date, thereby retaining an instrument to pressure the Cuban government on an ongoing basis, an a means to retaliate should the government break international law once again. A waiver would also be consistent with the design of the Helms-Burton Act, which contemplates a calibrated and protracted process of implementation capable of imposing costs on Cuba over a sustained period of time.

Signing the waiver would reduce the damage to general U.S. interests; may reduce the adverse effects that Helms-Burton has had on Cuba's prospects for political change; and will create leverage for future use consistent with the logic of coercion that underlies the legislation.

JULY 1, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As representatives of a broad cross-section of the U.S. business community, we urge you to suspend for six months the effective date of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act.

As you have frequently explained to the American people, the United States' ability to benefit from the global economy is dependent on strong, stable, and reliable rules. We believe that these benefits are jeopardized by the enormous friction that will result if Title III is allowed to take effect. Some of our closest allies and most important trading partners are contemplating or have legislated countermeasures. U.S. firms will bear the brunt of these countermeasures. We believe that suspending the effective date would permit you to accomplish the purposes of the law without needlessly jeopardizing U.S. interests.

Many of our member companies had property in Cuba that was expropriated by the Castro regime. Yet, many of these companies, constituting some of the largest certified claimants, do not believe that Title III brings them closer to a resolution of these claims. To the contrary, Title III complicates the prospect of recovery and threatens to deluge the federal judiciary with hundreds of thousands of lawsuits. These companies, Title III's intended beneficiaries, support our view that Title III should be suspended at this time.

We would also note that Section 207 of the law requires the Administration to prepare a report giving its estimate of the number and value of such claims. That report is not due until September. A six month suspension from August 1 would give the Administration time to fully assess the impact of Title III and consult further with our allies.

Finally, we believe that if Title III were to become effective, it would drive a wedge between the United States and our democratic allies that would significantly hinder any future multilateral efforts to encourage democracy in Cuba. For this, and the reasons stated above, we urge you to act in the interest of the United States by suspending the effective date of Title III of the LIBERTAD Act.

Sincerely,

The National Foreign Trade Council.
Organization for International Investment.
U.S. Chamber of Commerce.
European-American Chamber of Commerce.
U.S. Council for International Business.

INTRODUCTION OF THE ISTEA INTEGRITY RESTORATION ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DELAY. Mr. Speaker, today I am introducing a bill that will dramatically improve the current system of allocating Federal highway funds. But first I would like to pay tribute to my colleague and fellow sponsor, GARY CONDIT, for his leadership on the Democrat side on this vital issue. I would also like to recognize the tremendous efforts made by my good friend and colleague, JOHN HOSTETTLER, who as cochair of the I–69 Mid-Continent Highway Caucus has demonstrated an unparalleled commitment to reforming the Highway Fund Program. We would not have built up the support that currently exists for this bill without his help.

Although I shared in the excitement of celebrating the 40-year anniversary of our Interstate System last month, it saddens me to think about how the formulas we use today to distribute Federal highway funds to the States have broken down alongside the road. As our Nation speeds into the 21st century, those formulas force State departments of transportation to steer the development of our Nation's transportation system with both hands firmly grasping the rear view mirror.

To try to remedy this situation, Mr. CONDIT and I, along with 37 of our colleagues on both sides of the aisle, are introducing The ISTEA Integrity Restoration Act. It is our hope that this legislation will serve as a basis for discussion during the reauthorization process. Our bill accomplishes four primary objectives:

Funds the National Highway System as the key Federal responsibility:

Simplifies and makes more flexible the Federal Highway Program;

Updates the antiquated Federal funding distribution formulas; and

Equitably balances the amount of Federal gas tax dollars collected from each State with the amount of funding each State receives back from the Federal highway trust fund.

When enacted, our proposal will at least focus our Nation's surface transportation programs on the 21st century. State DOT's can finally let go to the rear view mirror and get their hands firmly on the steering wheel.

FOCUSING FEDERAL RESPONSIBILITY

By maintaining a strong National Highway System program that includes the interstate, the ISTEA Integrity Restoration Act recognizes that the purposes of the NHS—national defense, interstate and international commerce, and the safety and mobility of our people—are the basic responsibilities of the Federal Government and should shape the Federal role in transportation.

SIMPLICITY AND FLEXIBILITY

As America enters the 21st century, and encounters the many challenges and opportunities that it will offer, our Nation needs a streamlined Federal surface transportation program that will position its citizens and economy to respond well to this dynamic new era.

The ISTEA Integrity Restoration Act consolidates various existing Federal highway programs into two simple and focused programs:

The National Highway System Program [NHS] consolidates the Interstate Maintenance Program and the NHS portion of the Bridge Reconstruction and Rehabilitation Program.

The Streamlined Surface Transportation Program [SSTP] blends the Congestion Mitigation and Air Quality Improvement Program, enhancements, the non-NHS Bridge Program and others into the existing Surface Transportation Program to create a new, broader category.

Our bill continues the eligibility of all current ISTEA activities, but gives State and local transportation officials the responsibility and authority to decide on what, when, where, and how much to spend to meet their diverse transportation needs. Too often State DOT's have a surplus in one category and inadequate funding in another because the Federal Government has decided it knows better than the State what its needs are.

The ISTEA Integrity Restoration Act will ensure that States—working together with their local partners—can respond to their own needs with individual solutions, instead of being limited by the current array of one-size-fits-all Federal requirements.

UPDATING FORMULAS

Since ISTEA went into effect, with the exception of the Interstate Maintenance Program neither a State's population, the size of the system of highways and bridges, nor the number of people or tons of freight moving across a State's highway has made any difference in the share of Federal-aid highway funds it receives.

Instead, each State's share of these funds today is determined by the share of all highway funds that State received between 1987 and 1991. And the share of all highway funds a State received between 1987 and 1991 was determined in part by that State's population in 1980, nearly 20 years ago. Other factors in determining the 1987-to-1991 share include the size of the State's highway system during that period and the traffic that system carried.

Perhaps the most irrelevant factor is the number of rural postal delivery miles in the State—a measure the post office quit using more than 40 years ago. These formulas penalize States that are home to increasing numbers of Americans and dramatically increasing traffic.

The ISTEA Integrity Restoration Act's system of apportionment is simple, free from the obsolete characteristics of the current Federal funding system, and is related the real world. It is based on relevant factors such as the size of the public highway system in each State, the wear and tear on highways caused by the intensity with which a State's highway system is used, and the greater transportation needs of urban areas.

FAIRNESS AND EQUITY

The ISTEA Integrity Restoration Act also creates an objective, simple methods of distributing highway funds among the States that strikes a more equitable balance between the contributions each State's motorists and motor carriers pay in the Federal highway trust fund and the funds returned to the State from that fund. Our bill establishes the following two programs:

An Equity Program which ensures that all States receive at least a 95-percent return—including attributable interest and other assets—on the payments made to the Federal highway trust fund. Ideally, the NHS Program and SSTP would provide more than a 95-percent return for all States. If not, the Equity Program would ensure this 95-percent return level.

An Access Program which ensures an adequate level of resources for highways in large land area, low-population density States, and in States with small land area and low-population density. This would help provide the road systems that are urgently needed for national mobility, economic connectivity, and national defense.

CONCLUSION

The DeLay/Condit ISTEA Integrity Restoration Act is not a radical departure from ISTEA. It builds on traditional partnerships while modernizing Federal aid formulas that are inadequate to meet the mobility and economic development needs of the next century. This act strikes the appropriate balance between the national interests in highways, and the rights and responsibilities of each State. I hope this Congress will look favorably upon it in the months to come.

INTRODUCTION OF THE THRIFT CHARTER MERGER COMMISSION ACT OF 1996

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ROTH. Speaker, I have introduced the bill, H.R. 3407, the Thrift Charter Merger Commission Act of 1996. This comprehensive bill would finally close the door on the costly savings-and-loan associations [S&Ls] cleanup. The bill would break a dangerous legislative deadlock over extremely complex banking and thrift issues and merge their charters.

The bill's purpose is to establish a bipartisan commission to examine and reconcile the maze of conflicting, overlapping, and obsolete legal and public policy issues in the merger. The commission would make legislative recommedations for the merger and for reorganizing Federal bank regulatory agencies to conform with the merged charter. This is an unusual approach—patterned on the successful military base-closing commissions. Additionally, the commission concept is combined with fast-tract legislative machinery utilized for trade legislation.

My bill provides a comprehensive mechanism for considering many thorny issues one by one.

While the commission could hold public hearings, its main work would be walled off from incessant partisan bickering. All the commission's proceedings, information, and deliberations would be open—upon request—to the banking committee members of House and Senate.

Here's how it would work. My bill would establish and independent commission of eight qualified persons representing a balance of interests. The commission members would be appointed by the President with the advice and consent of the Senate and after consultation with both majority and minority leaders of both House and Senate. A director and staff would be authorized to support the commission's work.

The commission would be empowered to hold public hearings, obtain official data, and procure necessary support services from executive branch agencies. Duties of the commission are listed in the bill in some detail, including preparation of an implementing bill to merge the thrift and banking charters.

The commission would be directed to address at least 13 specific, particularly troublesome issues as follows: conversion period; form of bank charter; applicability to State-chartered thrifts; treatment of thrift powers; treatment of thrift holding companies; FICO carrying costs; recapitalization of the Savings Association Insurance Fund [SAIF]; branching; regulations; Federal Home Loan Bank membership; reorganization of Federal banking agencies; treatment of banking agency employees during and after any reorganization; and treatment of Oakar banks in conversion.

Appointments to the commission would have to be made by February 15, 1997.

The commission's final report and a proposed implementing bill would have to be submitted to the President and the Congress by October 1, 1997. After receiving comments from the President and the Congress, the commission would have to submit a revised final implementing bill to the Congress by December 1, 1997, or 30 legislative days after submission of the final report, whichever is later.

Fast-track legislative rules for consideration in House and Senate would then take effect. No amendments would be allowed. Committees of jurisdiction would be given 45 days to report the bill. Failing that, the bill would be automatically discharged for floor action within 15 days after leaving the committees. The bill could be brought up for floor consideration by a highly privileged, nondebatable motion by any Member.

The commission would cease to exist 30 days after submitting the final text of the implementing bill.

I wish to acknowledge the encouragement of both thrift and banking leaders in drafting this legislation.

We cannot afford to continue the hazardous stalemate over who should help pay for the remaining S&L cleanup costs and how to recapitalize the S&L deposit insurance fund. My bill provides a sensible, tested, workable way out of the banking-thrift gridlock.

I urge my colleagues to become cosponsors of the bill, to support its serious consideration, and to vote for its enactment.

I insert a section-by-section analysis of the bill and the text of H.R. 3407 at this point in the RECORD.

H.R. 3407—THRIFT CHARTER MERGER COMMISSION ACT OF 1996

SECTION-BY-SECTION ANALYSIS

Section 1: Purpose of the act is to establish a nonpartisan commission to examine the legal and public policy issues in merging thrift and bank charters, make legislative recommendations for the merger, and to reorganize Federal bank regulatory agencies to conform with the merged charter.

Sections 2, 3, and 4: An eight-member commission of qualified persons representing a balance of interests is to be appointed by the President with the advice and consent of the Senate and after consultation with both majority and minority leaders of both House and Senate. A director and staff are authorized to support the commission's work.

Section 5: Powers of the commission are authorized, including holding public hearings, obtaining official data, and procuring necessary support services from the Executive Branch.

Section 6: Duties of the commission are listed, including addressing 13 specific policy and technical issues and preparing an implementing bill to merge the thrift and banking charters. The 13 issues are: Conversion period, form of bank charter, applicability to state-chartered thrifts, treatment of thrift powers, treatment of thrift holding companies, FICO carrying costs, recapitalization of the SAIF, branching, regulations, Federal Home Loan Bank membership, reorganization of federal banking agencies, treatment of agency employees, and treatment of Oakar banks.

Section 7: A final report and a proposed implementing bill must be submitted to the President and the Congress by October 1, 1997. After receiving comments from the President and Congress, the commission must submit a revised final implementing bill to the Congress by December 1, 1997, or 30 legislative days after submission of the final report, whichever is later.

Section 8: Fast-track legislative rules for consideration in House and Senate are detailed. No amendments would be allowed. Committees of jurisdiction would be given 45 days to report the bill; failing that, the bill would be automatically discharged for floor action within 15 days.

Sections 9, 10, and 11: The commission would be terminated 30 days after the final text of the implementing bill is submitted to Congress and appropriations are authorized for carrying out the act.

H.R. 3407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Thrift Charter Merger Commission Act of 1996".

(b) PURPOSE.—It is the purpose of this Act to establish a nonpartisan commission to—

(1) examine the complex legal and public policies issues involved in the proposed elimination of savings association charters and the conversion of such institutions into banks, the short- and long-term consequences of such proposed actions on the financial services industry and consumers, and other related issues;

(2) make recommendations to the Congress on the most efficient, fairest, and least disruptive way to achieve the conversion of such institutions into banks and resolve the legal, policy, and other issues relating to the holding companies of such associations; and

(3) review ways to rationalize the regulation of depository institutions and reorganize the Federal banking agencies.

SEC. 2. ESTABLISHMENT.

There is hereby established a commission to be known as the "Thrift Charter Merger Commission" (hereafter in this Act referred to as the "Commission").

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed by the President, by and with the advise and consent of the Senate, from among individuals especially qualified to serve on such Commission by reason of their education, training, and experience.

(2) NOMINATION SCHEDULE.—The President shall transmit to the Senate the nominations for appointment to the Commission by no later than February 15, 1997.

(3) CONSULTATION WITH CONGRESS.—In selecting individuals for nomination for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of 2 members;

(B) the majority leader of the Senate concerning the appointment of 2 members;

(C) the minority leader of the House of Representatives concerning the appointment of 1 member; and

(D) the minority leader of the Senate concerning the appointment of 1 member.

(4) PROHIBITION ON APPOINTMENT OF FEDERAL OFFICERS OR EMPLOYEES TO COMMISSION.—No officer or employee of any Federal department or agency, including any member of the Board of Governors of the Federal Reserve System, may be appointed as a member of the Commission.

(5) BALANCE OF INTERESTS.—Recognizing that the individuals with the experience and expertise which qualify them for service on the Commission are likely to have been employed by or represented depository institutions or Federal banking agencies, the President, in the consultations pursuant to paragraph (3) and the selection of individuals for nominations for appointments to the Commission, shall seek to attain a balance in the interests represented, at the time of the nomination or in the past, by members of the Commission.

(b) CHAIRPERSON.—At the time the President nominates individuals for appointment to the Commission, the President shall designate one such individual who shall serve as Chairperson of the Commission.

(c) TERMS.—Each member of the Commission shall serve for the life of the Commission.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.— Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(2) OPEN TO MEMBERS OF CONGRESS.—All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(A) The Chairman and the ranking minority party member of the Committee on Banking, Housing, and Urban Affairs of the Senate, or such other members of such committee as may be designated by such Chairman or ranking minority party member.

(B) The Chairman and the ranking minority party member of the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs of the Senate, or such other members of such subcommittee as may be designated by such Chairman or ranking minority party member.

(C) The Chairman and the ranking minority party member of the Committee on Banking and Financial Services of the House of Representatives, or such other members of the committee as may be designated by such Chairman or ranking minority party member.

(D) The Chairman and ranking minority party member of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial

Services of the House of Representatives, or such other members of the subcommittee as may be designated by such Chairman or ranking minority party member.

(e) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(f) PAY AND TRAVEL EXPENSES.—

(1) PAY OF MEMBERS OF COMMISSION.—

(A) IN GENERAL.—Each member of the Commission, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) CHAIRPERSON.—The Chairperson of the Commission shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply with respect to the Commission.

SEC. 4. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—

(1) APPOINTMENT.—The Director, with the approval of the Commission, may appoint and fix the pay of such additional personnel as the Director considers appropriate.

(2) PAY.—An individual appointed pursuant to paragraph (1) may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(2) LIMIT ON DETAILS FROM BANKING AGENCIES.—Not more than ⅓ of the staff of the Commission at any time may be employees detailed from Federal banking agencies.

SEC. 5. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act.

(2) TRANSMITTAL BY AGENCIES.—Upon request of the Chairperson of the Commission, the head of a department or agency of the United States shall furnish information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the lease of space and the provision of other services, without regard to section 3709 of the Revised Statutes.

SEC. 6. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall carry out the purposes of this Act.

(b) CONSIDERATION OF SPECIFIC ISSUES.—In addition to such other issues as the Commission may find appropriate to review, and make recommendations with respect to, in order to carry out the purposes of this Act, the Commission shall consider and make recommendations with respect to the following issues:

(1) CONVERSION PERIOD.—The appropriate period of time during which a savings association would be required to convert to a bank charter or liquidate.

(2) FORM OF BANK CHARTER.—The form of any bank charter to which savings associations would be required to convert and the bank powers which would be associated with any such charter, including the feasibility of establishing a community bank charter with more limited commercial banking powers than full-service banks.

(3) APPLICABILITY TO STATE-CHARTERED THRIFTS.—The manner in which legislation requiring the conversion of savings associations to banks would be applied to State-chartered savings associations.

(4) TREATMENT OF THRIFT POWERS.—The treatment of powers of savings associations which are not permitted for banks following any conversion of a savings association to a bank.

(5) TREATMENT OF THRIFT HOLDING COMPANIES.—The extent to which the conversion of savings associations to banks should require a change in the existing savings and loan holding company framework, the powers of such companies (including diversified savings and loan holding companies), and the regulation of such companies (including consideration of the most appropriate regulator for such companies) and the appropriate period of time during which any such change should be implemented.

(6) FICO CARRYING COSTS.—All appropriate sources of funds for paying interest on, and other costs incurred in connection with the obligations issued by the Financing Corporation, including the surplus funds of the Federal Reserve System, net earnings of the deposit insurance funds, banks, savings associations, credit unions, Government corporations and other Government sponsored enterprises, unexpended funds appropriated to the Resolution Trust Corporation, and any other feasible source of funds.

(7) RECAPITALIZATION OF THE SAIF.—The manner in which the Savings Association Insurance Fund should be recapitalized.

(8) BRANCHING.—The appropriate treatment, after any conversion of an savings association to a bank, of branches which the savings association was operating before the conversion.

(9) REGULATIONS.—The extent to which the regulations applicable to savings associations differ from regulations applicable to banks, and the extent to which a transition period and special transition rules may be appropriate with regard to those areas where such regulations differ in connection with the conversions of savings associations to banks.

(10) FEDERAL HOME LOAN BANK MEMBERSHIP.—The manner in which membership eligibility and withdrawal requirements with respect to Federal home loan banks shall apply to savings associations following any conversion of the associations to banks and the extent to which banks should have unlimited access to advances from such home loan banks.

(11) REORGANIZATION OF FEDERAL BANKING AGENCIES.—The manner in which Federal banking agencies should be reorganized, consolidated, or abolished.

(12) TREATMENT OF BANKING AGENCY EMPLOYEES DURING AND AFTER ANY REORGANIZATION.—The appropriate treatment of employees of Federal banking agencies who are or would be affected by any reorganization, consolidation, or abolition of any Federal banking agency.

(13) "OAKAR" BANKS.—The appropriate treatment of banks which have deposits insured by the Savings Association Insurance Fund pursuant to section 5(d)(3) of the Federal Deposit Insurance Act in connection with the conversion of savings associations to banks.

(c) PREPARATION OF IMPLEMENTING BILL.—After completing consideration of the issues required to be considered by the Commission, the Commission shall prepare a bill consisting only of—

(1) provisions directly related to—

(A) the conversion of savings associations to banks;

(B) issues directly related to such conversions (including the issues specified in subsection (b)); and

(C) other purposes of this Act;

(2) if changes in existing laws or new statutory authority is required to carry out the purposes of this Act, provisions, necessary to carry out such purposes, either repealing or amending existing laws or providing new statutory authority; and

(3) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in connection with such legislative provisions.

SEC. 7. REPORTS AND IMPLEMENTING BILL.

(a) INTERIM REPORTS.—The Commission may submit to the President and the Congress interim reports as the Commission considers appropriate.

(b) FINAL REPORT.—

(1) REPORT REQUIRED.—The Commission shall submit a final report to the President and the Congress not later than October 1, 1997.

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with a final draft version of the implementing bill prepared pursuant to section 6(c) and such recommendations for administrative actions as the Commission considers appropriate.

(c) FINAL IMPLEMENTING BILL.—

(1) IN GENERAL.—Before the later of December 1, 1997, or 30 legislative days after submitting the final report with the final draft version of the implementing bill to the Congress pursuant to subsection (b)(2), the Commission shall, after taking into account such comments on the final draft version of the implementing bill as have been transferred to the Commission by any committee of the House of Representatives or the Senate (which has jurisdiction over legislation involving subject matters which would be affected by the implementing bill), the Commission shall submit a final implementing bill to the House of Representatives and the Senate.

(2) COMPUTATION OF LEGISLATIVE DAYS.—In computing the number of legislative days for purposes of paragraph (1), there shall be excluded any day on which either House of the Congress is not in session.

SEC. 8. CONSIDERATION OF BILL IMPLEMENTING PURPOSES OF THIS ACT.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in section 6(c) and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) IMPLEMENTING BILL DEFINED.—For purposes of this section, the term "implementing bill" means only a bill of either House of Congress which is submitted by the Commission pursuant to section 7(c) and introduced as provided in subsection (c) (of this section).

(c) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION ON DAY OF SUBMISSION.—On the day on which an implementing bill is submitted to the House of Representatives and the Senate by the Commission under section 7(c), the implementing bill submitted shall be—

(A) introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and

(B) introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate.

(2) SUBSEQUENT INTRODUCTION IF A HOUSE IS NOT IN SESSION.—If either House is not in session on the day on which an implementing bill is submitted, the implementing bill shall be introduced in that House, as provided paragraph (1), on the first day after such date of submission on which the House is in session.

(3) COMMITTEE REFERRALS.—An implementing bill introduced in either House pursuant to paragraph (1) or (2) shall be referred by the presiding officer of such House to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(d) AMENDMENTS PROHIBITED.—

(1) IN GENERAL.—No amendment to an implementing bill shall be in order in either the House of Representatives or the Senate.

(2) NO MOTION TO SUSPEND APPLICATION OF SUBSECTION.—No motion to suspend the application of this subsection shall be in order in either House.

(3) NO UNANIMOUS CONSENT REQUESTS.—A request to suspend the application of this subsection by unanimous consent shall not be in order in either House and it shall not be in order for the presiding officer in either House to entertain any such request.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) COMMITTEE CONSIDERATION.—If any committee of either House to which an implementing bill has been referred has not reported such bill to such House as of the close of the 45th day after the introduction of the bill, the committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the appropriate calendar.

(2) VOTE ON FINAL PASSAGE.—A vote on final passage of an implementing bill shall be taken in each House on or before the close of the 15th day after the bill is reported by the committee or committees of that House to which the bill was referred, or after such committee or committees have been discharged from further consideration of the bill.

(3) CONSIDERATION BY 1 HOUSE AFTER PASSAGE OF BILL BY OTHER HOUSE.—If, before the passage by 1 House of an implementing bill of such House, the House receives the same implementing bill from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill had been received from the other House; but

(B) the vote on final passage shall be on the implementing bill of the other House.

(4) COMPUTATION OF LEGISLATIVE DAYS.—For purposes of this subsection, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) PROCEDURAL RULES FOR FLOOR CONSIDERATION IN THE HOUSE.—

(1) HIGHLY PRIVILEGED MOTION.—

(A) IN GENERAL.—A motion in the House of Representatives to proceed to the consideration of an implementing bill shall be highly privileged and not debatable.

(B) MOTION NOT AMENDABLE.—An amendment to the motion described in subparagraph (A) shall not be in order.

(C) NO MOTION TO RECONSIDER.—No motion to reconsider the vote by which the motion described in subparagraph (A) is agreed to or disagreed to shall be in order in the House of Representatives.

(2) DEBATE.—

(A) TIME LIMIT.—Debate in the House of Representatives on an implementing bill shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill.

(B) NONDEBATABLE MOTION TO FURTHER LIMIT DEBATE.—A motion to further limit debate on an implementing bill shall not be debatable.

(3) NO MOTION TO RECONSIDER OR RECOMMIT.—It shall not be in order in the House of Representatives to move to recommit an implementing bill or to move to reconsider the vote by which an implementing bill is agreed to or disagreed to.

(4) MOTIONS TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS NONDEBATABLE.—Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill, and motions to proceed to the consideration of other business, shall be decided without debate.

(5) APPEALS FROM RULINGS OF THE CHAIR NONDEBATABLE.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill shall be decided without debate.

(6) RULES OF THE HOUSE OTHERWISE APPLY.—Except to the extent specifically provided in the preceding paragraphs of this subsection, consideration of an implementing bill in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other bills in similar circumstances.

(g) PROCEDURAL RULES FOR FLOOR CONSIDERATION IN THE SENATE.—

(1) PRIVILEGED MOTION.—

(A) IN GENERAL.—A motion in the Senate to proceed to the consideration of an implementing bill shall be privileged and not debatable.

(B) MOTION NOT AMENDABLE.—An amendment to the motion described in subparagraph (A) shall not be in order.

(C) NO MOTION TO RECONSIDER.—A motion to reconsider the vote by which the motion described in subparagraph (A) is agreed to or disagreed to shall not be in order in the Senate.

(2) DEBATE.—

(A) TIME LIMIT GENERALLY.—Debate in the Senate on an implementing bill, and all debatable motions and appeals in connection with the debate on such bill, shall be limited to not more than 20 hours which shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(B) TIME LIMIT ON DEBATABLE MOTIONS OR APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an implementing bill shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee.

(C) ALLOTMENT OF TIME DURING CONSIDERATION OF DEBATABLE MOTION OR APPEAL.—The majority leader and the minority leader may, from time under their control on the passage of an implementing bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) NONDEBATABLE MOTION TO FURTHER LIMIT DEBATE.—A motion in the Senate to further limit debate is not debatable.

(3) NO MOTION TO RECOMMIT.—It shall not be in order in the Senate to move to recommit an implementing bill.

SEC. 9. TERMINATION.

The Commission shall terminate 30 days after the final text of the implementing bill has been submitted to the Congress pursuant to section 7(c).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the fiscal years 1997 and 1998 such sums as may be necessary to carry out this Act.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 11, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 16

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the vulnerabilities of national computer information systems and networks, and Federal efforts to promote security within the information infrastructure.

SD–342

Rules and Administration

To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.

SR–301

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.

SD–138

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine the new international threat of "date-rape drug" trafficking.

SD–419

5:00 p.m.

Conferees on H.R. 1617, to consolidate and reform workforce development and literacy programs.

Room to be announced

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on issues relating to Federal Aviation Administration safety oversight.

SR–253

Energy and Natural Resources

To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act to strengthen the provisions of the Act and ensure that agencies are fairly implementing the Act.

SD–366

Labor and Human Resources

Business meeting, to mark up S.Con.Res. 52, to recognize and encourage the convening of a National Silver Haired Congress, S. 1897, to revise and extend certain programs relating to the National Institutes of Health, and S. 1490, to improve enforcement of Title I of the Employee Retirement Income Security Act of 1974 and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans.

SD–430

10:30 a.m.

Foreign Relations

To hold hearings on Extradition Treaties with Hungary (Treaty Doc. 104–5), Belgium (Treaty Doc. 104–7), Belgium (104–8), Switzerland (Treaty Doc. 104–9), Philippines (Treaty Doc. 104–16), Bolivia (Treaty Doc. 104–22), and Malaysia (Treaty Doc. 104–26), and Mutual Legal Assistance Treaties with Korea (Treaty Doc. 104–1), Great Britain (Treaty Doc. 104–2), Philippines (Treaty Doc. 104–18), Hungary (Treaty Doc. 104–20), and Austria (Treaty Doc. 104–21).

SD–419

JULY 18

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 988, to direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and S. 1805, to provide for the management of Voyageurs National Park.

SD–366

Indian Affairs

Business meeting, to mark up S. 1264, to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, S. 1834, to authorize funds for the Indian Environmental General Assistance Program Act, S. 1869, to make certain technical corrections in the Indian Health Care Improvement Act, and proposed legislation to amend the Indian Child Welfare Act; to be followed by hearings on H.R. 2464, to provide additional lands within the State of Utah for the Goshute Indian Reservation.

SR–485

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the Federal Reserve's semi-annual monetary policy report (Humphrey-Hawkins).

SH–216

Commission on Security and Cooperation in Europe

To hold hearings to examine property restitution, compensation, and preservation in post-Communist Europe.

2255 Rayburn Building

2:00 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings on certain issues with regard to Hong Kong.

SD–419

JULY 23

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1678, to abolish the Department of Energy.

SD–366

JULY 24

9:30 a.m.

Rules and Administration

To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.

SR–301

Indian Affairs

Business meeting, to consider pending calendar business.

SR–485

JULY 25

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 1699, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 1737, to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and S. 1809, entitled the "Aleutian World War II National Historic Areas Act".

SD–366

JULY 30

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, S. 1564, to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and S. 1719, Texas Reclamation Projects Indebtedness Purchase Act.

SD–366

AUGUST 1

10:00 a.m.

Foreign Relations

To hold hearings to review foreign policy issues.

SD–419

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

POSTPONEMENTS

JULY 11

9:30 a.m.

Governmental Affairs

To hold hearings to examine remedies for Internal Revenue Service (IRS) financial management and modernization problems, including technical problems in the IRS tax systems modernization.

SD–342

SENATE—*Thursday, July 11, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, show us enough of our real selves to expose our false pride and enough of Your grace to overcome our self-sufficiency. When we are tempted, fortify us with Your strength. Give us keen intellect to listen for Your voice in every difficulty. Be with us on the mountain peaks of success to remind us that You are the source of our talents and gifts and in the deep valleys of discouragement to help us receive Your courage to press on. You are our light. We were not meant to walk in darkness of fear or uncertainty. We trust You to use all of the victories and defeats of life to bring us closer to You.

Bless the women and men of this Senate that, laying aside the divisions of party spirit, they may be united in heart and mind to serve You together. May debate be a quest for greater truth and may the will simply to win arguments be replaced by the greater purpose of working together to discover and do what is best for our Nation. May a new team spirit overcome our separatism and may oneness in You make us loyal to one another as fellow Americans. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, this morning there will be a period of morning business until the hour of 10 a.m., with Senator DASCHLE in control of the first 40 minutes and Senator COVERDELL in control of the remaining 20 minutes. At 10 a.m., the Senate will begin consideration of S. 1864, the Department of Defense appropriations bill. Amendments are expected to that appropriations bill. Therefore, all Senators can expect rollcalls throughout today's session. I anticipate that the Senate may be in session into the evening in order to make progress on the Defense appropriations bill. Senators should plan their schedules accordingly.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Chair would note that under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. Under that order, 40 minutes shall be under the control of the Democratic leader and 20 minutes under the control of the Senator from Georgia.

THE MINIMUM WAGE

Mr. DORGAN. Mr. President, I am going to begin a brief discussion along with two of my colleagues who will appear shortly, Senator BREAUX from Louisiana and Senator ROCKEFELLER from West Virginia, on what we have called the families-first agenda that we developed to lay out what we think we would like to accomplish in the months ahead and also in this and the following Congress.

Before I do that, however, I wanted to share with my colleagues something that I will share at greater length at a later time.

Yesterday, we voted on the minimum wage. There has been a lot of discussion back and forth on the issue of the minimum wage, and the opposition to the minimum wage from some is that it will cost jobs; from others, that there ought not be a minimum wage.

There has been a lot of controversy about it. The Congress I think in its good judgment decided after about 7 years that another adjustment should be made; the last adjustment was made in the latter part of 1989. But we will still have some discussion about it because there needs to be a conference and, I expect, more debate in the Chamber about the minimum wage.

Last evening, I found something that I want to share with my colleagues which I think contributes to the debate some. It is a piece written by Edward Filene. Some will remember, especially in Massachusetts and others around the country, the name Filene because Filene is the name that is attached to department stores, Filene's Basement among others.

Edward Filene, September 1923, a businessman of some significance at that time, wrote the following. And this is only the last paragraph. I intend to share this at greater length with my colleagues at a different time.

"The Minimum Wage," Edward Filene says in 1923.

> In this connection, I will call attention to a result which cannot be ignored—to the man who has produced the best commodity for the price of its kind in the world, produced in quantities never before dreamed of and produced it so cheap that it can be sold in competition with the cheap labor of Europe—so cheap, indeed, that no country can make it to compete with him. I refer to Henry Ford. He has produced twelve hundred thousand automobiles a year—eight a minute—has financed his whole business from the profits, and has become the richest man in the world. And the minimum wage he pays is so high that if it were proposed in Massachusetts, those who advocated it would be set down as crazy. Even at his high minimum wage, he has been able to employ the lame, the crippled, the blind of the community not as a charity but at a profit. The statistics in his autobiography covering these facts are amazing. The demonstration of the possibility of the minimum wage speaks louder than my words and I hope it may be borne in mind in any decision of the minimum wage question.

This was September 1923, by Edward Filene, a businessman of some significance, then. I wanted to share this, which I think is a wonderful piece about the minimum wage written some 70 years ago, but I think it is still relevant today with respect to the questions that we face.

FAMILIES-FIRST AGENDA

Mr. DORGAN. Mr. President, I come to the floor today to talk about the agenda. We discussed it some yesterday. I want to discuss it additionally today. Senator REID, from Nevada, and myself were asked by the Democratic leader to begin work with our caucus to develop an agenda. It is easy to discern quickly in this Chamber what someone stands against, what someone opposes, what a party opposes. That takes very little skill, to oppose anything. It takes very little skill to be negative. So the political system and the give-and-take of politics has those who are proposing things and those who are opposing them.

Again, it is easy to discern quickly who opposes what. The question, however, for us in our country, is not what do we oppose; the question is, really, what do we support? What is it that we believe can be done to advance the interests of this country?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

As I indicated yesterday, the standard by which we ought to judge that is, at the end of the day, have we done things in this country, in the public and private sector, to increase the standard of living in America? Do we have people who have an opportunity for better jobs at better pay? Are their children going to better schools? Are we driving on better roads? Are we able to acquire better products?

The most important ingredient in all of that, the thing that is the linchpin of opportunity, is: Do we have an economy that is growing? Do we have an economy that is producing new jobs and is capable of producing new jobs at a decent income at a sufficient pace to keep abreast of the increase in population and to keep the American people understanding there is an opportunity and hope ahead?

As I begin discussing the families-first agenda that we have put together, let me say the first and most important element of what we stand for as Democrats is economic opportunity and economic growth. It is the legacy of the Democratic Party. We have been the party that pushes insistently to expand this country's economy and therefore expand opportunities, not just for some, but for all in America.

I must say, my own view of the current economic situation is, while this administration has done a remarkable job in a range of areas, it has not had the kind of cooperation I would like to see from those who construct monetary policy at the Federal Reserve Board. It certainly has not seen much cooperation from Wall Street.

We have, it seems to me, an economic strategy, especially in the area of monetary policy, that shortchanges our country today. As Mr. Rohaytn from New York says, the minute you get some prevailing wind, we see a Federal Reserve Board decide to drop anchor.

It makes no sense to create a false choice, saying we must choose between either inflation or growth. It makes no sense to believe if we have decent growth that provides decent expansion and therefore more jobs at better income, that we will necessarily stoke the fires of inflation. That is nonsense. Inflation is down. It has been coming down 5 years in a row. If you believe Mr. Greenspan, that the CPI overstates inflation by a percent and a half, then you have to conclude there is almost no inflation in America today. If that is the case, why do we see this rate of economic growth targeted at an artificially low rate, which means the false choice is answered, by those who provide answers, that we will continue to fight an inflation that does not exist? The cost of fighting that inflation will be lost opportunity for American families and lost jobs and a less bright economic future.

I am going to talk about the families-first agenda, but I will come to the floor and talk about this at some length. Last week, what did we see? We saw a news report at the end of last week that said unemployment is going down again, unemployment has dropped. What did Wall Street do? What did the bond market do? What did the stock market do? It had an apoplectic seizure. Good economic news for Wall Street means bad times.

What on Earth is going on? Is there a cultural divide here somewhere, that good economic news, good news for American families, creates seizures on Wall Street? Do they not connect with this country at all? Dropping unemployment is good news. When unemployment goes down, you would expect people on Wall Street to celebrate a bit. When economic growth rates are up, you would expect Wall Street to believe that is good for our country.

Get a life, would you, in New York City. Get a life about these things. Why is it every time we get a piece of good news, the folks on Wall Street have a seizure? Why is there a chasm between Wall Street and Main Street about what Wall Street believes is a fundamentally unsound policy for them? I want to come and speak about that at some length, because it seems to me this is out of step with what we need for our country in terms of economic growth and opportunity. If every time we begin to see some progress in creating the kind of economic growth we need, not 2.2 percent a year, not 2.5 percent a year, but more robust economic growth that produces the jobs and opportunity—if every time that happens we see the bond market go into a pretzel stance and have a seizure of some sort, there is something fundamentally wrong with what is going on in this country. But if the first obligation and the first important fight for us as Democrats is to create an economy that expands and grows and provides opportunities for working families, we have a range of other policies that we believe are important that help accomplish that.

We put together, with the help of a lot of people over a period of a year in the Senate and then working together with Members of the U.S. House, and then with the White House, an agenda that is called "families-first." It is called families-first because, when everything is settled, when all the dust begins to settle and the day is done, the question of whether we have been successful as a country is measured by whether we have done something that improves the lives of American families. Have we increased the standard of living in this country?

First, we believe, in a families-first agenda that there is a responsibility for Government. Government has a responsibility to balance the budget, pay for what it consumes, not leave a legacy for its grandchildren to pay for what their grandparents consume.

There is a right way and a wrong way to balance the budget. We believe the budget ought to be balanced with hard choices, the right way. The budget deficit has come down very, very substantially in the last 3 years, and that is because a lot of folks in this Chamber have been willing to make tough decisions. We would reach out and hope for cooperation with others, to say, yes, balancing the budget matters, and it is one of the first items on our agenda.

Second, economic opportunity: We stand for helping small businesses thrive and create jobs in our country, and pursue policies to make that happen. People who risk their economic livelihood, go to work in the morning, keep their businesses open all day, and who are trying to make a profit, they matter to this country. They provide jobs in this country. And we want policies that are friendly to that kind of investment and that kind of commitment that Americans make in creating jobs and building businesses.

Investing in our communities, in the infrastructure, building the roads, building the infrastructure this country needs, repairing the infrastructure, building schools, those are the kinds of things that need to have attention as well, and that is in our families-first agenda.

We talk about individual responsibility: welfare reform. Senator BREAUX will speak this morning, and no one has worked harder or longer on welfare reform than the Senator from Louisiana. Our approach has been called work first. We believe those who are able-bodied have a responsibility to work. We want to put them from the welfare rolls over to the payrolls.

We also believe that deadbeat dads ought to take responsibility and pay for the care of their children. Why should the dads out there have children and then abandon them and then say to the other taxpayers of America, "You take care of those kids." Our proposal says to deadbeat dads, "It is your responsibility as well to take care of those kids."

Our agenda calls for a national crusade to end teenage pregnancy in this country, which causes a whole series of other social problems. That is something Americans could and should unite against and decide, in a massive education program, that teenage pregnancy retards, rather than advances, the interests of this country.

Personal security. It is hard to feel like your country is advancing if you and your family do not feel safe. We believe putting more cops on the street is good public policy, and President Clinton's proposal is now in effect and there are more cops on the street, more police on the beat. We would continue to enhance that.

Keeping kids out of the streets and out of gangs and a whole series of policy initiatives to do that are important.

Cleaning drugs out of our schools is important. We believe that everyone on parole and probation in America ought to be drug tested while on parole and probation.

We propose in the families-first agenda retirement security, pension reform and protection, allowing people to take their pensions with them when they change jobs, stiffer penalties for those who abuse the pensions and crack down on companies who use pension money inappropriately, money people have saved for their retirement that the companies would then misuse. There would be tough penalties in those circumstances.

We would expand pension coverage, including expanding opportunities for IRA investments.

Health care security. The Kennedy-Kassebaum bill, which we have now passed 100 to 0 in the Senate but is not now law, is a central part of what we ought to do. And a kids first health plan which we believe ought to be advanced.

Educational opportunity. Our party has always stood for education: $10,000 tax deductions for college and job training and a Project Hope scholarship project, 2 years of college for kids with good grades.

Mr. President, the families-first agenda is an approach that talks about the requirements of all levels of government and all Americans to join together to do the things, the sensible things, that will make this a better country.

We are not talking about spending substantial amounts of new money. That is not what these programs are about. These programs are about trying to determine how we advance this country's interests so that at the end of the day, the American people can say our country is growing, it is moving, it is providing hope and opportunity for our family and, yes, for every family. That is what the families-first agenda is about.

Mr. President, I yield the floor and yield to my colleague from Louisiana, if he is ready to speak.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair. Mr. President, I will start by congratulating the Senator from North Dakota for his comments in outlining what I think is a realistic and doable agenda; that is, the families-first agenda. I think that we as Democratic Members can be very proud of putting forth an agenda that is realistic, it is doable, it is not slogans, it is not pie in the sky, it is not sound bites, it is not ideas that have been proposed by public relations firms after doing polling when they look forward to concentrating on the next election, as opposed to trying to look at the real needs of real Americans in the real world.

I think the families-first agenda is, in fact, an agenda that talks about real problems and coming up with real solutions that are achievable, because while we can talk about slogans and goals, our business in this body is to legislate in a way that has a real effect on people.

I think that some of the early statements we have had in this Congress about things that should be done have been received by many people with a great deal of concern as to whether they are really ever going to happen. As we move to the end of this Congress, I think a lot of Americans have said, "Well, you know, I heard about contracts and I heard about proposals to amend the Constitution and to do all types of things, and it never happened." The reason it never happened is because they were unrealistic goals in the first place.

What we have to deal with is what is doable, what is accomplishable and how to take those step-by-step efforts to reach the goals that people expect us to achieve. That is why I think the agenda that the distinguished Senator from North Dakota has outlined is one that is realistic. It is one that the average family, when they sit around the dinner table at night talking about their concerns and what they would like to see happen, are items they talk about: security, a reasonable paycheck, reasonable health insurance, a reasonable opportunity to send their children to college.

They are not talking about philosophical ideas. They are not talking about major amendments to the Constitution, which has served us very well for over 200 years. They are talking about real-life problems that they face every day, and they just wish that Congress could work together in getting some of these things done.

I think progress is being made. The minimum wage legislation that was passed, I think, was very positive. We continue to work on the so-called Kennedy-Kassebaum health care program, which would be a major accomplishment and one that I think is very doable.

I am pleased to say that I think we can get something done on that legislation in this Congress. We are very, very close and optimistic about it. It is going to take some compromise on both sides, but I think the end result will be much better in having something done than it will be in not accomplishing it and just blaming the other side for failure, which we do far too often around here.

I would like to concentrate on one of the items that is part of the families-first agenda, and that is real welfare reform. One of the problems, I think, that has prevented us from accomplishing it so far is the insistence by many on the Republican side of trying to put together a piece of legislation that we basically are close to agreeing on, welfare reform, and tying it to something we do not agree on, and that is Medicaid. By doing so, we guarantee that nothing will happen on either one of the two bills, as far as getting something adopted.

I was encouraged to see this morning in Commerce Daily the fact that there has been what is reported as a general consensus by House Republicans to push ahead on welfare reform by itself. I think that is something that our colleagues in the Senate should also consider.

If we are very close to reaching an agreement on one major reform of an entitlement program, why not go ahead and accomplish it, why not go ahead and do it, why not give the American people a real welfare reform package that we all can say we joined hands and came up with an agreement that makes sense?

There are some, I think a diminishing minority, who say, "No, we're going to have to tie welfare reform to Medicaid reform." Why? I do not know. Perhaps some want to do that just so they will have the President veto it and then have a political issue.

But I do not think there is a great deal more to be gained by blaming each other for our failures. I think most people in this country outside of Washington would like to see both sides work together and do what we can agree on, set aside what we cannot agree on for later debates and later work, even into the next Congress, if necessary.

So I think that the suggestion by House Republicans in growing numbers and apparently being discussed by a number of Republican Senators on this side to do what we can do, that being welfare reform, and doing it separately makes a great deal of sense. I am absolutely convinced that if we are able to come to the Senate floor on a welfare reform package, that we can reach an agreement. I think we are very, very close, and I think that is something that clearly should be done.

We all know that Government cannot provide all the solutions to all of our problems all of the time. That is why I think that the consensus that is developed on welfare reform makes so much sense. We all agree that welfare reform requires work. The goal of welfare reform should be getting people off welfare. The goal of welfare reform should be ending welfare and putting people into jobs in the private sector and, when necessary, with some Government help and assistance.

First of all, we can all agree that real welfare reform is about work. We also, I think, all agree that welfare cannot be forever, that there has to be a time limit, there has to be a termination. I think we all understand that, if people think there is no end to what they may be receiving, in fact there will not be the incentives to move into the private sector in the work programs.

So, first, I think welfare has to have time limits. It has to be about work. But it also has to be, Mr. President, about protecting innocent children. I do not think there is anyone in this body who would say that we want to be so tough on work that we adversely affect innocent children who did not ask to be brought into this world. They are here in many cases as innocent victims. We ought to make sure that any reform also protects children while it is very tough on work requirements and very tough on the parents.

So I think we have a consensus that is right here. It is right at our fingertips. And there is no reason why we should not go ahead and do what is doable and what we can accomplish and then we can all take credit for it politically. This is an election year. I think that when we go back home and say that together Republicans and Democrats have worked out a plan to end welfare as we know it, the American people will say, "Thank goodness. They have gotten something accomplished."

I think there is a great deal of agreement on how to go about doing it. It is not total agreement. There are still major items that need to be worked out. But I think that it is very clear that we can accomplish this. I think every indication is that the President wants to sign a welfare reform bill but knows that the current Medicaid plan is not yet ready.

We have Republican Governors who just, apparently, yesterday, in talking with their Republican Senate colleagues, talked about the fact that they are very displeased with the Medicaid plan that has come out of the Senate Finance Committee, on which I serve. So if you have Democratic Governors saying, "Look, I don't think this is ready yet. We don't like it," and you have Republican Governors who have to run the program saying, "No, we don't think this product is what we want," that sends us a message. Let us set that aside, continue to work on it, but go forward with that which we can agree on. And that means the welfare plan.

I think, if we were able to separate it, we could get that accomplished. If we tie them together, we are dooming welfare reform to defeat. Maybe some people think that is a good idea politically because then we can blame the other side. They will blame us and everybody will blame each other. The American public outside Washington will say, "What are they talking about? They should be talking about getting something done, not blaming the other side for failure." Failure is not politically acceptable in the area that I come from. I think we do much better when we get something accomplished.

The Work First Act that we have, as Democrats, offered as part of this package, I think, is a major step in the right direction. Can it be further improved? Probably. I am willing to work in that regard. But I think it makes some principal points that I think are the essence of real reform. Assistance is conditional. It is not really an entitlement. People have to be able to move into the work force or perform community service. That is real reform. It is limited. There is an actual time limit on how long a person or their family can be on welfare. The general consensus is that 5 years is an acceptable amount over a lifetime. We know it cannot be forever, and our bill says that.

It requires teen parents—which is a major problem—to live at home or live in an adult setting. Children who are having children cannot be left on their own without adult supervision. Our legislation requires a teen parent to live at home and to attend school as a condition to receiving welfare benefits. But we also say that to the innocent child, and many of them are babies out there, that we are going to guarantee that there be child care and health care for those children.

I want to be as tough as I possibly can on the parent because they are the ones who brought the child into the world. They have a responsibility. They have to live up to it. But there are the innocent children that we, as a society, have to say we are going to reach out to and make sure they are given child care so the parent can go to work and they are going to have health care so they can remain healthy and growing children.

We also want to make sure that at times when there is a recession they are not left high and dry, that funding will be available for child care and for health care. We want to give the States all the flexibility they need. What works in my State of Louisiana may not be acceptable in California or New York or Florida or any of the other States. What they do in their States may not fit my State. So we want to give the Governors in the States a tremendous amount of flexibility.

I think the bottom line in all of this is that we have a program that can change the welfare system in our country to bring about real reform and at the same time save a great deal of money. Our plan is projected to save nearly $50 billion. That is real reform. At the same time, it protects the needs of innocent children. So we have a good program.

So I urge today that as part of the family-first agenda that we have put out on the table—one ingredient is the welfare reform package—but my plea to our colleagues is to not let other issues doom welfare reform to defeat, do not tie welfare to things that we do not have an agreement on. I think that would be a very, very serious mistake.

I think our Finance Committee has done some good work, quite frankly, in a bipartisan fashion. The chairman of the committee, Senator ROTH, was able to work with those of us on the Democratic side to add some amendments to the package that make it a better package, one that is more acceptable to the administration and one that can actually become law with a few additional minor changes.

But the only way we can fail in this effort is to desire failure. I think, unfortunately, there are some in the Congress who would like to see that happen. I suggest that that is not the way to go. So let us get on with what we can accomplish, do what we can do, and then I think the American public will be able to say that Congress had the opportunity to do what was right, met that challenge, and did exactly that in welfare reform, a good place to start.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I reserve the right to object. Parliamentary inquiry. It is my understanding that at 9:40—no objection.

Mr. ROCKEFELLER. Mr. President, is it all right to proceed?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

MINIMUM WAGE AND HEALTH INSURANCE LEGISLATION

Mr. ROCKEFELLER. I think our business is relatively easy here, or ought to be. I really think there are only two things we ought to do from the side of the aisle that I represent. We are interested in paycheck security, health care security, retirement security. Those have a variety of things that go along with them which we think are important for family values, for family safety, and obviously family security.

I think there are two pieces of legislation that ought to be signed into law by the President, ought to be passed out of this body. There is no reason why they cannot be. I stand here this morning as the junior Senator from West Virginia in some sense of frustration and wonderment, really putting myself in the place of American citizens wondering why it is not more certain and why there is not a more clear course.

I think if either of these bills fails to pass this session of Congress, both Houses, and on to the President, then I think the American people have real reason to wonder why they put us here. I speak, of course, of two pieces of legislation which we have already passed. The first one was passed the other day, the minimum wage increase. There was a 74 to 24 vote on that. Some might say, well, that was not as strong as it appeared because minimum wage was encased in a small business package, had that title. But there cannot be any doubt about the fact that the minimum wage increase did pass. It has passed the Senate. So has the Kennedy-Kassebaum health insurance bill, more properly the Kassebaum-Kennedy health insurance bill that passed by 100 to 0.

I really think it is embarrassing to our body, to all 100 of us, that there is a real cloud of uncertainty as to whether or not these are going to become law. They have passed through here. The plot keeps thickening as we hear about efforts to delay, to entangle these pieces of legislation, to complicate them. Each of these pieces, of course, have enormous benefits for millions of hard-working American families. Therefore, it seems to me incontrovertible that the good will on both sides should prevail.

On our side, we talk about putting families first. I think they are three good words, it is a good phrase. It is clear. It is what we mean. It means enacting the minimum wage increase and it means enacting the Kassebaum-Kennedy bill.

In West Virginia tens of thousands of wage earners, in fact, 24 percent of all our wage earners in the State, will benefit from the minimum wage law. I am not necessarily happy to say that that many of them would be affected, but that is what I have to say because that is the fact. Over two-thirds of them are adults, and most of them are women, many of them, most of them, have responsibilities for children.

I had a remarkable conversation, at least to me, last week with one of these people who is a graduate, lives in a small community in West Virginia, who is a graduate of the University of Indiana, has a B.A. from the University of Indiana, and moved to West Virginia because she liked the lifestyle. She works as a waitress. She has a 10-year-old girl, her husband has left her, and child support is minimal. She can now earn $2.13 an hour because of the tipping matter under the present law we have passed here in the Senate. So her salary—as she said, tips do make up the difference. If you do allow that to happen, then, in fact, she could go from $8,500 a year to $10,700 a year. When you add on top of that the earned income tax credit for which she is eligible, she could make $3,000 plus from that, which would put her above the poverty level.

Now, that is a momentous fact, taking a program already existing, and the minimum wage which we passed, that we take a woman who lives in poverty, officially, a proud person, well-educated, interested in the arts, with a brilliant 10-year-old daughter, who I had a chance to talk with, who is an exceptional gymnast, for whom she can do nothing because there is no margin whatever in her life financially, being able to help her. She brings to mind, and many others who I have talked to who are working, who are not on welfare, who are working because of their desire to achieve self-esteem through work rather than being on welfare.

I cannot understand why there would be any reason to either block the appointment of conferees, or whatever it would be, to keep the minimum wage bill from passing. It means an enormous amount to people in my State and every single State, most of whom are adult, most of whom are women, most of whom have children.

Then, I think, finally, there is no excuse if the Congress fails to pass the Kassebaum-Kennedy bill. We said from the very beginning, after the failure of the Clinton health care bill, that we should concentrate on what we can agree on. That is what we started out with on Kassebaum-Kennedy, concentrating on what we can agree on. We have to do it incrementally. I understand that and I applaud that. This is a bill on which we so agreed. In fact, the vote was 100 to 0.

Then MSA's, medical savings accounts, was put in in the House and put in over here in a rather odd manner at the last moment. That we did not agree on. Everything else we did agree on. Now that is being, I think, sort of relegated to the possibility of a bill that will not pass this Congress because of the disagreement on that. On the other hand, there was an agreement at the beginning. The whole spirit of everything was that we would agree with what we could agree on, and we did so in such a magnificent form that we passed it 100 to 0 here.

We should do that, putting families first, which means getting back to the basics of the Kassebaum-Kennedy bill and getting this bill into law. If it means we have to take a moratorium on our August recess, I do not care what it takes, we ought to be able to pass the minimum wage bill and the Kassebaum-Kennedy health insurance bill.

It is a "no brainer," Mr. President. I submit that with all sincerity, two pieces of legislation, and there are many more that I have in mind, but here are two pieces of legislation, both of which have passed by overwhelming margins in this body, both of which can be conferenced successfully, if we only have the will to do so, both of which would enormously help put American working families first.

I yield the floor.

Mr. COVERDELL. Mr. President, parliamentary inquiry. Is it appropriate for me to begin 20 minutes, which was to be under my control?

The PRESIDING OFFICER. Yes.

PUTTING PEOPLE FIRST

Mr. COVERDELL. Mr. President, I had an interesting presentation here this morning, built around what apparently is going to be a Presidential campaign theme, putting families first. Mr. President, we cannot but be reminded of a book written by President Clinton and Vice President GORE which was a prelude to the 1992 Presidential campaign. The book, Mr. President, was entitled "Putting People First," very, very familiar to this new theme we have heard here this morning, putting families first.

I will read from this publication, "Putting People First," now almost some 4 years old, a very interesting piece on page 15 of "Putting People First." It says, "Middle-class tax fairness." Now, this was the President's "contract with America," putting people first.

He says, "Middle-class tax fairness: We will lower the tax burden on middle-class Americans by asking the very wealthy to pay their fair share." I repeat, "We will lower the tax burden on middle-class Americans * * * Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate."

It goes on to say, on page 101 "Treat families right," in this book entitled "Put People First." It says, "Grant additional tax relief to families with children."

Mr. President, since the publication of the book and the election of President Clinton, the average American family is paying somewhere around $2,000 to $2,600 in additional taxes out of their checking account as a result of the election of President Clinton. Corporate taxes are up 55.4 percent and personal taxes are up 25.3 percent. In other words, the exact opposite has occurred since the publication of the President's book, "Putting People First."

It does begin to raise some pretty serious questions as to what do they mean when they say "Put families first." If they mean the same thing they meant when they published "Putting People First," every American taxpayer better duck, because the promise to lower taxes became an action of increasing taxes to the highest level in American history.

I read from an editorial published by Bruce Bartlett: "Last week I disclosed that total taxes, Federal, State, and local, as a share of gross domestic product were the highest in U.S. history in 1995 at 31.3 percent. In 1992, total taxes as a share of GDP equaled 30 percent. In other words, it is up 1.3 percent." That is just a huge, huge sum of money.

Mr. President, the Federal tax take is expected to shoot up this year by another 5.4 percent. Mr. President, the book "Putting People First," promised to lower taxes, and resulted with the election. The American people elected President Clinton based on these promises, and what happened to them was that they were confronted with the highest tax increase in American history.

Over a 7-year period, it was almost $500 billion. That translates to an individual family, since President Clinton has been elected, in having to pay another $2,000 of Government costs. The cost of Government has been pushed out another 3 days. American families, today, work from January 1 to July 3, giving July 4 in America today an extraordinary meaning.

Mr. President, in 1992, we were promised, in "Putting People First," that taxes would be lowered. As I have said here over and over, as have others, taxes were raised and the effect was to reduce the amount of income in families' checking accounts. Now we come forward this morning with a promise to put families first, and an outline of a series of programs that represent and policy goals that purport to say what putting families first means.

Mr. President, according to the House Budget Committee and the Congressional Budget Office, this new agenda of putting families first could cost another $500 billion. So if you combine putting people first with Families First, you are going to end up with families finding themselves with less and less resources in their own checking accounts to do the kinds of things they are supposed to do. Putting people first lowered their checking accounts by about $2,500, and now we are told we will put families first, and we are going to have another $2,500 out of your checking account.

Mr. President, you know, if you really want to put families first, or people first, it really is not all that complicated. Mr. President, what is a very simple and clean cut goal for everybody in the Congress, whether you are Republican, Democrat, or an Independent, it is pretty simple. We ought to set as a goal trying to leave in the neighborhood of around $7,000 in the families' checking accounts instead of pulling it and shipping it off to Washington. The Balanced Budget Act, which was passed by this congressional majority, went a long way toward accomplishing that goal. That act would have put between $2,000 and $4,000 into the checking accounts of every family, lower interest rates, lower payments, and tax savings. It would have accomplished about half of a meaningful goal. If we want to put families first, we ought to leave the money with the families who earn it. We ought to leave them the ability to do the kinds of things they want to do to set their own priorities.

Mr. President, let us take a look at this average family. I have a pretty good idea in the State of Georgia, and I think that is probably about the case all across the country. Mr. President, the average family in Georgia makes about $45,000 a year. Today, by the time they have paid their Federal taxes, by the time they have paid their State and local taxes, by the time they have paid their Social Security and Medicare taxes, by the time they have paid their share of the higher interest rates on the national debt, by the time they have paid their share of the cost of Government regulation, they end up with less than half the total income that they earn to take care of their families.

Mr. President, that is inexcusable—the fact that we have come to the point in the United States that the Government takes over half of the hard-earned wages of a working family.

Now, I argue that that policy has had a very negative effect on the American family. I argue that there is no force in America, including Hollywood, that has so affected the average family as their own Government. It is not complicated. If the Government is going to take half of everybody's paycheck and move it to Washington to be wonderwonked by the wizard bureaucrats here to decide what the priorities are, you have pushed the family to the wall. So the suggestion we are hearing from the other side is let us take more out of that paycheck, let us design a group of new programs that we will plan here in Washington to manage your family. I think families first needs a little asterisk that says, "as designed by the Federal Government."

Our argument would be to leave the wages earned by a family in the checking account of that family, and let them decide what the priorities of that family ought to be. A meaningful objective would be, if you really want to put families first, to leave the wages they earn in their checking accounts.

Now, Mr. President, the efforts on the part of the congressional majority, the Republican Congress, were to do just that. We did put families first. We did have tax credits for children. We did remove the tax penalty for being married. We did help people on Social Security. Every action we took was to leave more resources in the checking accounts of the families. That is how you put families first—leave the resources with them so that they can manage their affairs.

We read over and over that the American family is anxious today, that there is a deep anxiety in the families. Even at a time when we have a reasonably decent economy, they are still very worried, nervous, and bothered. Mr. President, it is because we are not leaving enough resources in that family. We are not leaving them the resources to do the things they are supposed to do. America counts on the American family to get the country up in the morning, to house it, to school it, to feed it and shelter it, to take care of its health, to provide for the spiritual growth necessary to take on and lead the country, and we have made it virtually impossible for the family to do the job that America asks of it.

The other side has come forward, as a follow-up of putting people first, which really meant we are going to tax you more. That is what this book ended up doing. It ended up reducing the resources in the average family by about $2,600. Now we get families first. We are told by the Congressional Budget Office that all that array of Government management of the American family will cost them yet another $2,500 to $3,000. That is going in the wrong direction. Every proposal we have had from the other side, whether it is under the label of putting people first, or the label of families first, the bottom line is that Washington is first. Washington is first. We are going to design the way you run your family. We are going to design a program that manages your health care. We are going to design a program that manages the relations between you and your employer. But most of all, we are going to tax you more. So we have come to the point, between putting people first and families first, of the highest tax level in American history, and the highest tax burden on families in American history.

So if you are going to put the family first, it is pretty simple: Lower their taxes, and leave more resources in their checking accounts. Look at the comparison, Mr. President. Just look at the comparison. They come up with putting people first, and every family pays an additional $2,500 in taxes. The Republican majority came up with the Balanced Budget Act. The Balanced Budget Act would have lowered the pressure on that family between by about $2,000 and $4,000, depending on who the family was. Lower interest payments and lower tax levels across the board, more resources in the family. We are coming to a new election. We have a new program entitled "Put Families First," and we look at the tab of what that is going to cost—another $2,000 to $3,000 for each American family. I argue, Mr. President, that that has the exact reverse consequences.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. Mr. President, in conclusion, I just wanted to underscore that the only way we are going to relieve the burden on the American family today is to lower the tax level and allow them to keep the wages they earn, which allows them to fulfill the duties and responsibilities that they have.

I argue that both putting people first, which resulted in the largest tax increase in America history, and now followed by putting families first, which will call for yet another tax increase, is not the prescription for the American family.

If you look at the last 25 years and what has happened to the American family, as its tax level has pushed upward and upward, you have seen increasing behavior and increasing conditions in the American family that are the exact opposite of that which we would like to achieve.

If you really want to say put families first, then lower the economic burden, lower the economic pressure, and let the wage earner keep their wages, and let the wage earner and family do that which they set as their own priorities of the American family.

Mr. President, I yield back any remaining time.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 10, 1996, the Federal debt stood at $5,148,771,318,656.40.

On a per capita basis, every man, woman, and child in America owes $19,409.73 as his or her share of that debt.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104-1, 109 Stat. 3). The proposed amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202)426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R. S 19239 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of proposed amendments to the procedural rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations ("chapter 71"). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. "Scope and Policy" is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term "employee" consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term "party" to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining "respondent" is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 "Designation of Representative" is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word "parties" for "employee and the employing office".

(C) Modifications to subsections 1.07(b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 "Mediation," is proposed to be amended in certain respects.

In section 204(a) the language "including any and all possibilities" would be modified to read "including the possibility" of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the "Agreement to Mediate".

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R.. S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled "Complaints," and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel s role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that "[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error." The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 "Reconsideration" is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 "Judicial Review" is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 "Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions" is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), "Informal Resolutions and Settlement Agreements" be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of proposed amendments to procedural rules

§1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02(c)

Employee. The term "employee" includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§1.02(i)

Party. The term "party" means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§1.02(j)

Respondent. The term "respondent" means the party against which a complaint is filed.

§1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative.* All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA ("confidential proceedings") may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

§1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§2.04(a)

(a) *Explanation.* Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§2.04(f)(2)

(2) *The Agreement to Mediate.* At the commencement of the mediation, the neutral

will ask the parties to sign an agreement prepared by the Office ("the Agreement to Mediate") . The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

§ 2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§ 5.01 (formerly § 2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 207 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A complaint filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the complaint is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§ 5.03 (formerly § 2.09) Dismissal of complaints.

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§ 7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§ 7.07(e)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§ 7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization, or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§ 8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§ 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§ 8.04 Judicial review.

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions.

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.

§9.04 Ex parte communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibitions set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall

(a) notify the parties to the proceeding that such a communication has been received; and

(b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1894, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I call the Senate to order, under the previous order, pursuant to the provisions of rule 19, paragraph 1(b), and ask that the proceedings be in accordance thereof for the purposes of consideration of the appropriations bill.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Chair explain the rule? I could not hear. The Senator's microphone was not on.

The PRESIDING OFFICER. The rule requires that the debate be germane to the pending question for next 3 hours.

Mr. REID. Pursuant to the Pastore rule?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am saddened that this bill has been delayed so far. There are inquiries now coming from Members who are in the area affected by Hurricane Bertha. So I am quite hopeful that the Senate will proceed to consider this bill expeditiously.

I think Senator INOUYE, who is the cochairman managing this bill, agrees with me that we could finish this bill today with the cooperation of the Senate. It is going to be my intention to urge the Senate to do that.

AMENDMENT NO. 4439

(Purpose: A technical amendment to realign funds from Army and Defense Wide Operations and Maintenance accounts to the Overseas Contingency Operations Transfer Fund)

Mr. STEVENS. I, at this time, Mr. President, send to the desk a technical amendment to realign funds from the Army and Defense operation maintenance account, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4439.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 1, strike the number "$17,700,859,000" and insert in lieu thereof "$17,696,659,000".

On page 9, line 11, strike the number "$9,953,142,000" and insert in lieu thereof "$9,887,142,000".

On page 12, line 22, strike the number "$1,069,957,000" and insert in lieu thereof "1,140,157,000".

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside so that we can proceed with our opening statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, with the passage of Senate bill 1745 yesterday, the National Defense Authorization Act for 1997, we are now turning to the consideration of the defense appropriations bill for next year.

As I said, I believe the Senate can quickly dispose of this bill, which is Senate bill 1894. We have, in nearly every case, followed the initiatives that have been adopted by the Senate in the authorization bill.

I know there are some individual objections to portions of the bill, but as in the case last year when Senator INOUYE and I presented an original bill to the Senate due to the need to complete preparations on this bill prior to the July 4th recess, we could not be sure that the House version of the bill would pass in time for the Defense Subcommittee to take up that bill. This Senate bill passed the subcommittee and full Appropriations Committee with only one minor adjustment, and reflects bipartisan work effort and total support by our Appropriations Committee.

Before turning to some of the details of the bill, I want to once again this year express my appreciation to my good friend from Hawaii, Senator INOUYE. We have been partners in bringing this bill to the floor of the Senate for many years. And, as I said, this bill again reflects our joint judgment.

In total, the bill accommodates the 602(b) allocations provided pursuant to the joint budget resolution. The amount is $244.74 billion in new budget authority and $242.98 billion in outlays. Our bill before the Senate, Mr. President, exactly meets those limits. The bill provides for about $1 billion more than the level of appropriations for 1996. But I call to the attention of the Senate that this bill includes all estimated funding for contingency operations such as Bosnia.

Again, that is another footnote to this bill. We have men and women in the field. We cannot afford to not get this bill passed by the deadline of September 30. In order to get this bill through conference and back to the Senate in time that it can be presented to the President and hopefully have him sign it, and then have time to act before September 30 in the event that he does not decide to sign it, we have to get this bill done. We have to get it to conference before the August recess.

We have worked to accommodate many of the priorities presented in the Armed Services bill. As I said, there are a few differences, however, that I should note.

The bill provides $475 million for shortfalls in defense health programs. Our subcommittee conducted a hearing in May on this subject. The additions we have made fully cover the failure of the administration to fully budget for health care for our military personnel, their families and retirees.

Second, we provide an additional $180 million for the Bosnia operation through December 20 of this year. As I said, that is the estimate that reflects the DOD's current best estimate for the charges which will be incurred through the Presidential deadline for withdrawal of those troops.

Third, we provide $150 million for the Army's peer review breast cancer research program and $100 million for a new peer review prostate cancer research program. In both instances, we have substantial involvement of military personnel in those two dread diseases, and we propose to commit some of the Defense Department's money to proceed with research to try to deal with those scourges.

We have proposed to continue the Department's support for the defense missions of the Coast Guard and propose to transfer $300 million of the funds involved, or at least the services that would be funded by that money, to the Coast Guard. This is the same level as is the case under this current year, 1996. The transfer was $300 million.

We have included an additional $119 million in the counterdrug program. This was specifically requested by Gen. Barry McCaffrey, the new administration coordinator of the counterdrug program.

We have considered closely as well the statement of administration policy concerning the House bill. The House bill was reviewed by the administration. They have given us their comments, and this bill reflects a genuine effort on the part of our committee to address the concerns raised by the President's senior advisers concerning provisions of the House bill. We worked in preparing this bill to assess the real funding problems of the military and have sought to allocate the increase afforded by the congressional budget resolution to the most urgent personnel and operational requirements.

We next worked to fund the priorities identified by each of the service chiefs. We took their counsel seriously, and this bill reflects their input. The statement of administration policy on this bill which we received last night is really from the OMB, and it notes that some of the items in the bill are not included in the President's defense plan, and that is correct. Congress rejected for 1996 and again in 1997 the reductions to defense spending proposed by the administration. The resolution adopted by Congress earlier this year provides $30 billion more than President Clinton's budget for the fiscal years 1997, 1998, 1999, and 2000.

In testimony before our subcommittee, each of the service chiefs highlighted the shortfalls in their budget and provided the committee with their priorities at our request. While not every item in this bill is included in the Clinton 5-year plan, virtually every major increase specifically funds priorities identified by one of the service chiefs. Again, I want to point out that was our request. It was not a volunteered statement by the service chiefs, but we asked them to identify their priorities, and we have funded, to the best of our ability, the priorities identified by each of the service chiefs.

There are two specific increases not in the President's 5-year plan that I want to highlight. First, we provided an additional $759 million to continue the modernization of the National Guard and Reserve. This annual bipartisan effort to meet the needs of the Reserve components should be in this budget. It is right to do so. We need these funds to assure that we have an active Guard and Reserve component. We rely very heavily, more than at any time in the past, on our Guard and Reserves.

Second, I joined Senator DOLE, Senator THURMOND, Senator LOTT, and many others in recommending a significant increase in spending for national missile defense. Now, the proposed increase in this bill reflects a balanced effort to accelerate these systems to counter the theater and national threats, threats that our military and our Nation face today. For my State of Alaska, and I believe Hawaii also, deploying a capable defense missile system is a pressing and immediate priority. A recent national intelligence estimate exempted Alaska and Hawaii from its consideration of a national missile defense requirement and specifically stated that their estimate concerning the threat to the United States could not be applied to Alaska and Hawaii. We are within the threat from existing systems now.

Senator INOUYE and I have looked for opportunities to save the taxpayers money in this bill, and let me point out that we have included new multiyear procurement authority for several systems, including the DTG–51 destroyer program. The Navy estimates that we will save nearly $1 billion over the next 4 years on that destroyer alone. We fully funded the C–17 multiyear contract which was authorized earlier this year.

Those and many more details of the bill are explained in our report which has been available to every Member of the Senate since June 21. These were our objectives, and I hope the bill will enjoy support of a large bipartisan majority.

Again, I urge the Senate to proceed expeditiously on this bill. Let us finish it today. We have a series of amendments we are prepared to accept, and I think we can move along very quickly if we have the cooperation of the Senate to do so.

Let me turn now, Mr. President, to my good friend. I might state for the information of the Senate that Senator GRAHAM of Florida wished to make a statement to introduce a bill. We wanted to lay down our bill as indicated under the agreement, but it is my intention to yield such time, following the comments of the Senator from Hawaii, to Senator GRAHAM so he might make a statement, introduce a bill, on the condition we recover the floor as soon he has completed his statement.

Let me, if I may, yield the floor to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I thank the Chair.

I begin by commending our subcommittee chairman, the senior Senator from the State of Alaska [Mr. STEVENS], for putting together what I consider to be a very good bill, a bill that all of us should and could support.

As the chairman indicated, last month the Senate adopted the conference report on the budget resolution, and that measure directed the Appropriations Committee to increase defense budget authority by $11.2 billion. The subcommittee's share of that increase is $10.1 billion. Chairman STEVENS, acting in conjunction with the subcommittee, was tasked to determine how this increase should be allocated. I believe, as my colleagues review the bill, they will see that the subcommittee, under the leadership of Senator STEVENS, used this increase very judiciously.

The bill provides many improvements to the administration's budget requests. For example, the bill increases funding for operation and maintenance by $500 million to protect readiness. We speak of readiness, Mr. President. This is necessary if we are to implement readiness. It includes such items as $280 million for barracks renovation and repair; $150 million for ship depot maintenance and to fund 95 percent of the Navy's identified requirements; $148 million for identified contingency costs, as the chairman clearly pointed out, in the case of Bosnia; and $119 million for the President's counterdrug initiative; $50 million to clean up the environment, protect endangered species.

We also add $590 million, Mr. President, to fully fund health care costs identified by the Surgeon General and DOD Health Affairs Secretary. This will allow our men and women in uniform access to health care that they deserve.

Third, as the chairman pointed out, we recommend $150 million for breast cancer research, $100 million for prostate cancer research, and $15 million for AIDS research. I think all of us can be very proud of what the Army Institute of Research has done in the area of AIDS.

The bill also provides $300 million for the defense missions of the Coast Guard.

Fifth, the chairman has added $40 million to examine alternative technologies to dispose of chemical weapons. Mr. President, this bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4-percent increase in quarters allowances.

One can gain an appreciation from these few examples that the committee has responded to the needs of our men and women in uniform. The bill also provides $44.1 billion for procurement of equipment, which is an increase of $6 billion above the request of the President. This increase will provide for many of the high-priority needs identified by our commanders in the field. But the total is still $1.7 billion below the level recommended by the Senate Armed Services Committee.

As the committee reported the bill, this bill adds $525 million to initiate a 4-year multiyear contract for the Navy's Aegis destroyer program. According to the Navy, this recommendation will save our taxpayers $1 billion.

This bill also adds $163 million to improve the Navy's EA–6B electronic jamming aircraft, and this will allow the Air Force to retire the EF–111, saving hundreds of millions of dollars.

Funding of $759 million is included for equipment for our National Guard and Reserve forces to the level authorized by the Armed Services Committee. Our Guard and Reserve commanders will decide what specific equipment to purchase.

The funding added by the committee for modernization responds to the concerns expressed by many of our military leaders that action is needed to ensure our forces are equipped with the world's best equipment. This bill also provides the level approved by the Senate for ballistic missile defense, $3.4 billion. While some of my colleagues may oppose this, I note that the Senate voted for this level last month.

The administration identified several issues in the House bill that it opposes. The committee has responded to nearly all of its concerns, rejecting restrictive legislative provisions and funding administrative priorities.

Chairman STEVENS has done a masterful job in keeping this bill clean. It safeguards our national defense and the priorities of the Senate, and rejects controversial riders. As I indicated in my opening, this is a very good bill and I am strongly in favor of his recommendations. I sincerely believe it should have the bipartisan support of the Senate.

In closing, may I note the following. I am certain there are many in this Chamber who will criticize the fact that we have appropriated funds over and above the amount requested by the administration. For that matter, I should note if it were not for this subcommittee, the C–17 program would be dead. Today it is hailed by all as being the big working ship, the ship that is necessary, the plane that will carry the cargo for us. If it were not for Chairman STEVENS and this subcommittee, the V–22 Osprey would be a dead bird. It is now considered the highest priority by the Marines.

The great hero of Desert Storm was the F–117, the Stealth fighter, the fighter that was able to knock out all the radar stations that made it possible for our bombers to come in. If it were not for this subcommittee, the F–117 would not have been operating in Desert Storm.

I would say we can take full credit for insisting upon modernizing the National Guard airlift with the C–130–H after the Air Force canceled that. Here is another historic footnote. If it were not for the action of this subcommittee, in all likelihood the central command would have been wiped out in 1990, just before Desert Storm. And we would have retired General Schwarzkopf just before Desert Storm.

I think we can take credit for saving the Uniformed Services University of the Health Sciences.

This subcommittee was instrumental in upgrading the Patriot missile program, a program that we were ready to wipe out. It was not perfect, but the Patriot saved many American lives during Desert Storm.

So I just wanted to note a few of these items to indicate that, yes, we have taken the initiative to recommend items over and above that requested by the administration because, in our judgment, we felt these steps had to be taken. With that, once again I congratulate my chairman for having done a tremendous job.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following persons assisting the defense subcommittee be afford the privilege of access to Senate floor during consideration of this bill, S. 1894: Susan Hogan, Darryl Roberson, Candice Rogers, Mike Gilmore. There will be another list I will submit. If I can get consent for all of those, too?

Mr. INOUYE. May I add Tina Holmlund to that, too.

Mr. STEVENS. There are others coming, from specific Members. I would like permission to add those.

Mr. REID. Reserving the right to object, I wish to add to the unanimous-consent request a congressional fellow in my office, Bob Perret, who will be here during consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. If I can inquire of the Senator from Florida how much time he would like to have to make the statement he wishes to make?

Mr. GRAHAM. Mr. President, I request 15 minutes as in morning business, for purposes of introduction of the bill.

Mr. STEVENS. I ask unanimous consent it be in order for the Senator from Florida to proceed as in morning business for 15 minutes, with the provision be allowed to recover the floor when he is completed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM and Mr. REID pertaining to the introduction of S. 1943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have been asked to perform a couple of tasks for the leader.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1004) entitled "An Act to authorize appropriations for the United States Coast Guard, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act For Fiscal Year 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Quarterly reports on drug interdiction.
Sec. 104. Ensuring maritime safety after closure of small boat station or reduction to seasonal status.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Hurricane Andrew relief.
Sec. 202. Exclude certain reserves from end-of-year strength.
Sec. 203. Provision of child development services.
Sec. 204. Access to national driver register information on certain Coast Guard personnel.
Sec. 205. Officer retention until retirement eligible.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

Sec. 301. Foreign passenger vessel user fees.
Sec. 302. Florida Avenue Bridge.
Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.
Sec. 304. Renewal of the Navigation Safety Advisory Council.
Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.
Sec. 306. Nondisclosure of port security plans.
Sec. 307. Maritime drug and alcohol testing program civil penalty.
Sec. 308. Withholding vessel clearance for violation of certain Acts.
Sec. 309. Increased civil penalties.
Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.
Sec. 311. Extension of Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.
Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.
Sec. 403. Electronic filing of commercial instruments.
Sec. 404. Board for correction of military records deadline.
Sec. 405. Judicial sale of certain documented vessels to aliens.
Sec. 406. Improved authority to sell recyclable material.
Sec. 407. Recruitment of women and minorities.
Sec. 408. Limitation of certain State authority over vessels.
Sec. 409. Vessel financing.
Sec. 410. Sense of Congress; requirement regarding notice.
Sec. 411. Special selection boards.
Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
Sec. 413. Implementation of water pollution laws with respect to vegetable oil.
Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.
Sec. 415. Report on LORAN–C requirements.
Sec. 416. Limited double hull exemptions.
Sec. 417. Oil spill response vessels.
Sec. 418. Offshore facility financial responsibility requirements.
Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.
Sec. 420. Limitation on application of certain laws to Lake Texoma.
Sec. 421. Limitation on consolidation or relocation of Houston and Galveston marine safety offices.
Sec. 422. Sense of the Congress regarding funding for Coast Guard.
Sec. 423. Conveyance of Light Station, Montauk Point, New York.
Sec. 424. Conveyance of Cape Ann Lighthouse, Thachers Island, Massachusetts.
Sec. 425. Amendments to Johnson Act.
Sec. 426. Transfer of Coast Guard property in Gosnold, Massachusetts.
Sec. 427. Transfer of Coast Guard property in New Shoreham, Rhode Island.
Sec. 428. Vessel deemed to be a recreational vessel.
Sec. 429. Requirement for procurement of buoy chain.
Sec. 430. Cruise vessel tort reform.
Sec. 431. Limitation on fees and charges with respect to ferries.

TITLE V—COAST GUARD REGULATORY REFORM

Sec. 501. Short title.
Sec. 502. Safety management.
Sec. 503. Use of reports, documents, records, and examinations of other persons.
Sec. 504. Equipment approval.
Sec. 505. Frequency of inspection.
Sec. 506. Certificate of inspection.
Sec. 507. Delegation of authority of Secretary to classification societies.

TITLE VI—DOCUMENTATION OF VESSELS

Sec. 601. Authority to issue coastwise endorsements.
Sec. 602. Vessel documentation for charity cruises.
Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.
Sec. 604. Documentation of vessel RAINBOW'S END.
Sec. 605. Documentation of vessel GLEAM.
Sec. 606. Documentation of various vessels.
Sec. 607. Documentation of 4 barges.
Sec. 608. Limited waiver for ENCHANTED ISLE and ENCHANTED SEAS.
Sec. 609. Limited waiver for MV PLATTE.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 701. Amendment of inland navigation rules.
Sec. 702. Measurement of vessels.
Sec. 703. Longshore and harbor workers compensation.
Sec. 704. Radiotelephone requirements.
Sec. 705. Vessel operating requirements.
Sec. 706. Merchant Marine Act, 1920.
Sec. 707. Merchant Marine Act, 1956.
Sec. 708. Maritime education and training.
Sec. 709. General definitions.
Sec. 710. Authority to exempt certain vessels.
Sec. 711. Inspection of vessels.
Sec. 712. Regulations.
Sec. 713. Penalties—inspection of vessels.
Sec. 714. Application—tank vessels.
Sec. 715. Tank vessel construction standards.
Sec. 716. Tanker minimum standards.
Sec. 717. Self-propelled tank vessel minimum standards.
Sec. 718. Definition—abandonment of barges.
Sec. 719. Application—load lines.
Sec. 720. Licensing of individuals.
Sec. 721. Able seamen—limited.
Sec. 722. Able seamen—offshore supply vessels.
Sec. 723. Scale of employment—able seamen.
Sec. 724. General requirements—engine department.
Sec. 725. Complement of inspected vessels.
Sec. 726. Watchmen.
Sec. 727. Citizenship and naval reserve requirements.
Sec. 728. Watches.
Sec. 729. Minimum number of licensed individuals.
Sec. 730. Officers' competency certificates convention.
Sec. 731. Merchant mariners' documents required.
Sec. 732. Certain crew requirements.
Sec. 733. Freight vessels.
Sec. 734. Exemptions.
Sec. 735. United States registered pilot service.
Sec. 736. Definitions—merchant seamen protection.
Sec. 737. Application—foreign and intercoastal voyages.
Sec. 738. Application—coastwise voyages.
Sec. 739. Fishing agreements.
Sec. 740. Accommodations for seamen.
Sec. 741. Medicine chests.
Sec. 742. Logbook and entry requirements.
Sec. 743. Coastwise endorsements.
Sec. 744. Fishery endorsements.
Sec. 745. Clerical amendment.
Sec. 746. Repeal of Great Lakes endorsements.
Sec. 747. Convention tonnage for licenses, certificates, and documents.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

Sec. 801. Administration of the Coast Guard Auxiliary.
Sec. 802. Purpose of the Coast Guard Auxiliary.
Sec. 803. Members of the Auxiliary; status.
Sec. 804. Assignment and performance of duties.
Sec. 805. Cooperation with other agencies, States, territories, and political subdivisions.
Sec. 806. Vessel deemed public vessel.
Sec. 807. Aircraft deemed public aircraft.
Sec. 808. Disposal of certain material.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) MARITIME SAFETY DETERMINATION.—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

"(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.".

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting "; and", and by adding at the end the following new paragraph:

"(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).".

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or

Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.".

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.".

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 2000."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 2000.".

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 2000".

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

"(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.".

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

"2115. Civil penalty to enforce alcohol and dangerous drug testing.".

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

"(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

"(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

"(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

"(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.".

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking "$1,000" and inserting "not more than $25,000".

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting "or beyond three nautical miles from the coastline of the Great Lakes" after "high seas".

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking "September 30, 1995" and inserting "October 1, 2000".

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast 1/4 of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast 1/4 corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

"(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.".

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This section does not apply to a documented vessel that has been operated only—

"(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

"(2) for pleasure.".

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: ", except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant".

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the "California Cruise Industry Revitalization Act".

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31322(a)(1)(D)(v) and inserting "or" at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title.".

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31328(a)(3) and inserting "or" at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title.".

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

"(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

"(D) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) a shorter period as may be prescribed by the Secretary; and

"(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

"(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

"(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a *vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.".*

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting "12106(e)," after the word "sections" and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

"§747. Special selection boards

"(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

"(1) was not considered for selection for promotion by a selection board because of administrative error; or

"(2) was considered for selection for promotion by a selection board but not selected because—

"(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

"(B) the board that considered the officer did not have before it for its consideration material information.

"(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

"747. Special selection boards.".

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).".

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking "for a tank vessel," and inserting "for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),".

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking ", in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)" and inserting "the responsible party could be subjected under section 1004(a) or (d) of this Act".

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term "animal fat" means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term "vegetable oil" means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

"§6308. Information barred in legal proceedings

"(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

"(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

"6308. Information barred in legal proceedings.".

SEC. 415. REPORT ON LORAN–C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN–C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN–C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN–C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN–C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN–C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking "or" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

"(4) a vessel equipped with a double hull before August 12, 1992;

"(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

"(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).".

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

"(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.".

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This chapter does not apply to an oil spill response vessel if—

"(1) the vessel is used only in response-related activities; or

"(2) the vessel is—

"(A) not more than 500 gross tons;

"(B) designated in its certificate of inspection as an oil spill response vessel; and

"(C) engaged in response-related activities.".

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

"(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.".

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

"(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.".

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end the following new paragraph:

"(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.".

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.".

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(14) oil spill response vessels.".

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking "applicable State law or" and inserting "applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under".

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—

"(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

"(i) used for exploring for, producing, or transporting oil; and

"(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

"(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.".

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term "Lake Texoma" means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term "small passenger vessel" has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Montauk Light Station" means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf", as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Procurement of buoy chain

"(a) The Coast Guard may not procure buoy chain—

"(1) that is not manufactured in the United States; or

"(2) substantially all of the components of which are not produced or manufactured in the United States.

"(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

"(c) In this section—

"(1) the term 'buoy chain' means any chain, cable, or other device that is—

"(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

"(B) not more than 4 inches in diameter; and

"(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"96. Procurement of buoy chain.".

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

"(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct

occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.".

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

"(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

"(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

"(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

"(3) intentionally inflicted by the manager, agent, master, owner, or operator.".

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

"(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.—

"(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

"(2) The provisions of paragraph (1) shall only apply if—

"(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

"(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

"(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.".

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

"CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.
"3201. Definitions.
"3202. Application.
"3203. Safety management system.
"3204. Implementation of safety management system.
"3205. Certification.

"§3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

"§3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

"§3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

"§3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title

46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels .... 3201".

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

"§3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records.".

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.".

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)–(3)" and inserting "paragraphs (1), (2), and (3)".

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "nautical school vessel" and inserting ", nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§3316. Classification societies".

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies.".

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

"(g) A coastwise endorsement may be issued for a vessel that—

"(1) is less than 200 gross tons;

"(2) is eligible for documentation;

"(3) was built in the United States; and

"(4) was—

"(A) sold foreign in whole or in part; or

"(B) placed under foreign registry.".

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking "1995" and inserting "1996"; and

(2) in paragraph (4), by striking "12" and inserting "24".

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X-53-109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.".

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.".

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,".

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (c)(3), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(7) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(2), by inserting after "5,000 gross tons" each place it appears the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (c)(3)(A), by inserting after "15,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (c)(3)(B), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (c)(3)(C), by inserting after "30,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (b), by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after "10,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section

14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in paragraph (5), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(3) in paragraph (10), by inserting after "150 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (d), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (f)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (f)(2), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (d), by inserting after "100 gross tons" and after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (l)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (m)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in subsection (o)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(6) in subsection (o)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after "1,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (a)(3), by inserting after "at least 200 gross tons but less than 1,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (a)(4), by inserting after "at least 100 gross tons but less than 200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (a)(5), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(5) in subsection (b), by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross *tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".*

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking ", as if from or to foreign ports".

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§7506. Convention tonnage for licenses, certificates, and documents

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service.".

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents.".

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

"§821. Administration of the Coast Guard Auxiliary

"(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

"(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

"(2) section 2733 of title 10 (popularly known as the Military Claims Act);

"(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

"(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

"(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

"(6) other matters related to noncontractual civil liability.

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

"821. Administration of the Coast Guard Auxiliary.".

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

"§822. Purpose of the Coast Guard Auxiliary

"The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

"822. Purpose of the Coast Guard Auxiliary.".

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

*(1) in the heading by adding **", and status"** after **"enrollments"**;*

(2) by inserting "(a)" before "The Auxiliary"; and

(3) by adding at the end the following new subsections:

"(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(7) Compensation for work injuries under chapter 81 of title 5.

"(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the

item relating to section 823 and inserting the following:

"823. Eligibility, enrollments, and status.".

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking "specific".

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking "specific" each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking "specific" each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after "personnel and facilities" the following: "(including members of the Auxiliary and facilities governed under chapter 23)"; and

(3) by adding at the end of subsection (a) the following new sentence: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

"141. Cooperation with other agencies, States, territories, and political subdivisions.".

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

"§827. Vessel deemed public vessel

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.".

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

"§828. Aircraft deemed public aircraft

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.".

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after "with or without charge," the following: "to the Coast Guard Auxiliary, including any incorporated unit thereof,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary,".

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed from the Committee on Commerce Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY of Massachusetts, Mr. BREAUX, Mr. DORGAN and Mr. WYDEN, from the Committee on Environment and Public Works for all Oil Pollution Act issues under their jurisdiction Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN and Mrs. BOXER conferees on the part of the Senate.

WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 227, S. 640.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

Sec. 201. Heber Springs, Arkansas.
Sec. 202. Morgan Point, Arkansas.
Sec. 203. White River Basin Lakes, Arkansas and Missouri.
Sec. 204. Central and southern Florida.
Sec. 205. West Palm Beach, Florida.
Sec. 206. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
Sec. 207. Sardis Lake, Mississippi.
Sec. 208. Libby Dam, Montana.
Sec. 209. Small flood control project, Malta, Montana.
Sec. 210. Cliffwood Beach, New Jersey.
Sec. 211. Fire Island Inlet, New York.
Sec. 212. Buford Trenton Irrigation District, North Dakota and Montana.
Sec. 213. Wister Lake project, LeFlore County, Oklahoma.
Sec. 214. Willamette River, McKenzie Subbasin, Oregon.
Sec. 215. Abandoned and wrecked barge removal, Rhode Island.
Sec. 216. Providence River and Harbor, Rhode Island.
Sec. 217. Cooper Lake and Channels, Texas.
Sec. 218. Rudee Inlet, Virginia Beach, Virginia.
Sec. 219. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

Sec. 301. Cost-sharing for environmental projects.
Sec. 302. Collaborative research and development.
Sec. 303. National inventory of dams.
Sec. 304. Hydroelectric power project uprating.
Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.
Sec. 306. Cost-sharing for removal of existing project features.
Sec. 307. Termination of technical advisory committee.
Sec. 308. Conditions for project deauthorizations.
Sec. 309. Participation in international engineering and scientific conferences.
Sec. 310. Research and development in support of Army civil works program.
Sec. 311. Interagency and international support authority.
Sec. 312. Section 1135 program.
Sec. 313. Environmental dredging.
Sec. 314. Feasibility studies.
Sec. 315. Obstruction removal requirement.
Sec. 316. Levee owners manual.
Sec. 317. Risk-based analysis methodology.
Sec. 318. Sediments decontamination technology.
Sec. 319. Melaleuca tree.
Sec. 320. Faulkner Island, Connecticut.
Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
Sec. 324. Arkabutla Dam and Lake, Mississippi.
Sec. 325. New York State canal system.
Sec. 326. Quonset Point-Davisville, Rhode Island.
Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
Sec. 329. Capital improvements for the Washington Aqueduct.
Sec. 330. Chesapeake Bay environmental restoration and protection program.
Sec. 331. Research and development program to improve salmon survival.
Sec. 332. Recreational user fees.
Sec. 333. Shoreline erosion control demonstration.
Sec. 334. Technical corrections.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

(1) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River,

California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(3) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(4) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(5) ILLINOIS SHORELINE EROSION, INTERIM III, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for storm damage reduction and shoreline erosion protection from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000, and the breakwater near the South Water Filtration Plant, a separable element of the project at a total cost of $8,539,000, with an estimated Federal cost of $5,550,000 and an estimated non-Federal cost of $2,989,000. The operation, maintenance, repair, replacement, and rehabilitation of the project after construction shall be the responsibility of the non-Federal interests.

(6) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(7) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(8) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(9) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(10) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(11) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(12) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(13) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(14) POND CREEK, OHIO.—The project for flood control, Pond Creek, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(15) COOS BAY, OREGON.—The project for navigation, Coos Bay, Oregon: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

(16) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(17) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(18) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $257,900,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

SEC. 102. PROJECT MODIFICATIONS.

(a) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(b) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(c) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(d) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(e) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,800,000, with an estimated Federal cost of $20,774,000 and an estimated non-Federal cost of $14,026,000.

(f) ARKANSAS CITY, KANSAS.—The project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated June 1994, at a total cost of $35,700,000, with an estimated Federal cost of $26,600,000 and an estimated non-Federal cost of $9,100,000.

(g) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(h) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(i) MANISTIQUE HARBOR, MICHIGAN.—

(1) SAND AND STONE CAP.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls, in accordance with an administrative order of the Environmental Protection Agency.

(2) PROJECT DEPTH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the project described in paragraph (1) is modified to provide for an authorized depth of 18 feet.

(B) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in paragraph (1) will be placed within the following coordinates: 4220N–2800E to 4220N–3110E to 3980N–3260E to 3190N–3040E to 2960N–2560E to 3150N–2300E to 3680N–2510E to 3820N–2690E and back to 4220N–2800E.

(3) HARBOR OF REFUGE.—The project described in paragraph (1), including the breakwalls, pier, and authorized depth of the project (as modified by paragraph (2)), shall continue to be maintained as a harbor of refuge.

(j) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) for the purpose of evaluating the Federal interest in construction of the project for flood control and determining the most feasible alternative. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the most feasible alternative at a total cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(k) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(l) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(m) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(n) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(o) INDIA POINT BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for the removal and demolition of the India Point Railroad Bridge, Seekonk River, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258), is modified to authorize the Secretary to demolish and remove the center span of the bridge, at a total cost of $1,300,000, with an estimated Federal cost of $650,000, and an estimated non-Federal cost of $650,000.

(p) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of section 104(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2214(c)), the Secretary shall credit the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the Central Wastewater Treatment Plant against the non-Federal share of the cost of the project or any revision of the project.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining the amount, the Secretary shall include only the costs of such work performed by the non-Federal interests as is—

(A) compatible with the project described in paragraph (1) or any revision of the project; or

(B) required for construction of the project or any revision of the project.

(3) CASH CONTRIBUTION.—Nothing in this subsection limits the applicability of the requirement specified in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project described in paragraph (1).

(q) MATAGORDA SHIP CHANNEL, PORT LAVACA, TEXAS.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(r) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,370,000, with an estimated Federal cost of $8,220,000 and an estimated non-Federal cost of $4,150,000.

(s) GRUNDY, VIRGINIA.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(t) HAYSI LAKE, VIRGINIA AND KENTUCKY.—The Secretary shall expedite completion of the flood damage reduction plan for the Levisa Fork Basin in Virginia and Kentucky, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in a manner that is consistent with the Haysi Lake component of the plan for flood control and associated water resource features identified by the non-Federal interests.

(u) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(v) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking "Secretary: Provided, That" and inserting the following: "Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to perform operation and maintenance for the project on a cost-reimbursable basis. The";

(2) by inserting ", through providing in-kind services or" after "$35,000"; and

(3) by inserting a comma after "materials".

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(b) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and

for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(c) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(d) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(e) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the ''River and Harbor Act of 1910''), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(f) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(g) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(h) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(i) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFER OF PROPERTY.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (B), including all works, structures, and other improvements on the lands.

(B) LAND DESCRIPTION.—The lands to be transferred pursuant to subparagraph (A) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(C) TERMS AND CONDITIONS.—The transfer under subparagraph (A) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(D) DEADLINES.—Not later than July 1, 1996, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this paragraph. The offer shall provide for the transfer to be made in the period beginning on November 1, 1996, and ending on December 31, 1996.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in paragraph (1) until the date of the transfer under this paragraph.

SEC. 104. STUDIES.

(a) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the

date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(c) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(d) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(e) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(f) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(g) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(h) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(i) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(j) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(k) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(l) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(m) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(n) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(o) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(p) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(q) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99–88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(r) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(s) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—The Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota; and

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas.

(t) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 202. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 203. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 204. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida", dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $121,000,000. The Federal share of the cost of implementing the *plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.*

SEC. 205. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 206. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 207. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 208. LIBBY DAM, MONTANA.

(a) In General.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 209. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 210. CLIFFWOOD BEACH, NEW JERSEY.

(a) In General.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) Non-Federal Share.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 211. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 212. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) Acquisition of Easements.—

(1) In General.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the Buford Trenton Irrigation District described in subparagraph (A) that has been affected by rising ground water and surface flooding.

(2) Scope.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) Payment.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands subject to the easements. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands prior to being affected by rising ground water and surface flooding.

(b) Conveyance of Drainage Pumps.—Notwithstanding any other law, the Secretary may—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) may provide a lump sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 213. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 214. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 215. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

"(a) In General.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.".

SEC. 216. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 217. COOPER LAKE AND CHANNELS, TEXAS.

(a) Acceptance of Lands.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) Redesignation of Lands to Recreation Purposes.—Upon the acceptance of lands under subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) Funding.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 218. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia

Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 219. VIRGINIA BEACH, VIRGINIA.

Notwithstanding any other law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) environmental protection and restoration: 25 percent.".

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

"(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

"(A) the date on which the Secretary enters into such an agreement with respect to the information; or

"(B) the last day of the 2-year period beginning on the date of the determination.

"(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.".

SEC. 303. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92–367 (33 U.S.C. 467l) is amended by striking the second sentence and inserting the following: "There are authorized to be appropriated to carry out this section $500,000 for each fiscal year.".

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary is authorized to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b) PUBLIC PARTICIPATION.—"; and

(B) by striking "subsection" each place it appears and inserting "section".

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking "10" and inserting "5";

(2) in the second sentence, by striking "Before" and inserting "Upon official"; and

(3) in the last sentence, by inserting "the planning, design, or" before "construction".

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking "or subsection (a) of this section".

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies

or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "and to determine if the operation of the projects has contributed to the degradation of the quality of the environment";

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

"(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

"(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.".

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking "during the period of such study";

(2) by inserting after the first sentence the following: "During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j)."; and

(3) in the last sentence, by striking "such non-Federal contribution" and inserting "the non-Federal share required under this paragraph".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking "sections thirteen, fourteen, and fifteen" and inserting "section 13, 14, 15, 19, or 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of not more than $25,000 for each day that the violation continues".

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking "Under emergency" and inserting "SUMMARY REMOVAL PROCEDURES.—Under emergency"; and

(B) by striking "expense" the first place it appears and inserting "actual expense, including administrative expenses,";

(2) in subsection (b)—

(A) by striking "cost" and inserting "actual cost, including administrative costs,"; and

(B) by striking "(b) The" and inserting "(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The"; and

(3) by inserting after subsection (a) the following:

"(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).".

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

"(c) LEVEE OWNERS MANUAL.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

"(2) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

"(4) DEFINITIONS.—In this subsection:

"(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

"(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

"(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

"(ii) does not include—

"(I) any improvement to the structure; or

"(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

"(C) SECRETARY.—The term 'Secretary' means the Secretary of the Army.".

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) TASK FORCE.—

(1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) MEMBERSHIP.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) EXPENSES.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: "The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day."; and

(B) by adding at the end the following:

"(3) REPORT TO CONGRESS.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2)."; and

(2) in subsection (c)—

(A) by striking "$5,000,000" and inserting "$10,000,000"; and

(B) by striking "1992" and inserting "1996".

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting "melaleuca tree," after "milfoil,".

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) DESIGNATION.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the "Russell B. Long Lock and Dam".

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term "New York State canal system" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4855) is amended by striking "1993 and 1994" and inserting "1995 and 1996".

SEC. 329. CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.

(a) AUTHORIZATIONS.—

(1) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under subsection (b).

(b) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(1) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with paragraphs (2) and (3), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under subsection (a). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(2) OFFSETTING OF RISK OF DEFAULT.—Each contract under paragraph (1) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(3) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(B) provide the United States priority over all other creditors; and

(C) include other conditions that the Secretary of the Treasury determines to be appropriate.

(c) BORROWING AUTHORITY.—Subject to an appropriation under subsection (a)(2) and after entering into a series of contracts under subsection (b), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under subsection (a)(2).

(d) DEFINITIONS.—In this section:

(1) PUBLIC WATER SUPPLY CUSTOMER.—The term "public water supply customer" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(2) VALUE TO THE GOVERNMENT.—The term "value to the Government" means the net present value of a contract under subsection (b) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of the Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(3) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the water supply system of treatment plans, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of "fish-friendly" turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the period at the end the following: "and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected".

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

"SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

"(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—The erosion control program shall include provisions for—

"(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

"(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

"(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

"(D) technology transfers to private property owners and State and local entities.

"(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

"(A) the development and demonstration of innovative technologies;

"(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

"(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

"(D) the avoidance of negative impacts to adjacent shorefront communities;

"(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

"(F) the potential for long-term protection afforded by the technology; and

"(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93–251; 42 U.S.C. 1962d–5 note), including—

"(i) adequate consideration of the subgrade;

"(ii) proper filtration;

"(iii) durable components;

"(iv) adequate connection between units; and

"(v) consideration of additional relevant information.

"(3) SITES.—

"(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

"(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

"(i) a variety of geographical and climatic conditions;

"(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

"(iii) the rate of erosion;

"(iv) significant natural resources or habitats and environmentally sensitive areas; and

"(v) significant threatened historic structures or landmarks.

"(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

"(i) the Atlantic, Gulf, and Pacific coasts;

"(ii) the Great Lakes; and

"(iii) the State of Alaska.

"(d) COOPERATION.—

"(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

"(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established under the first section of Public Law 88–172 (33 U.S.C. 426–1); and

"(E) university research facilities.

"(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

"(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

"(f) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

"(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.".

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking "section 3" and inserting "section 3 or 5".

SEC. 334. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking "(8662)" and inserting "(8862)".

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking "(8662)" and inserting "(8862)".

Mr. CHAFEE. Mr. President, today the Senate will consider S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995.

Since that time, additional project and policy requests have been presented to the committee. Some have come from our Senate colleagues—many have come from the administration.

We have carefully reviewed each such request and include those that are consistent with the committee's criteria in the manager's amendment being considered along with S. 640 today. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the committee to judge project authorization requests.

On November 17, 1986, almost 10 years ago, President Reagan enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization. Since 1993, the committee has received more than 250 project and study requests totaling an estimated $6.5 billion.

This legislation authorizes the Secretary of the Army to construct 32 projects for flood control, port development, inland navigation, storm damage reduction and environmental restoration. The bill also modifies 39 existing Army Corps projects, authorizes 27 project studies, and eliminates portions of 15 projects from consideration for future funding.

Also included are other project-specific and general provisions related to Army Corps operations. Among them is a provision to authorize borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct water treatment facility. In total, this bill authorizes an estimated Federal cost of $3.3 billion.

Mr. President, S. 640 contains important policy changes. First, we have included a provision proposed by the administration to clarify the cost-sharing for dredged material disposal associated with the operation and maintenance of Federal channels.

Currently, Federal and non-Federal responsibilities for construction of dredged material disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal.

For some projects, the costs of providing dredged material disposal facilities are all Federal. For others, the non-Federal sponsor bears the entire cost of constructing disposal facilities. This arrangement is inequitable for numerous ports.

In addition, the failure to identify economically and environmentally acceptable disposal options has reduced operations and increased cargo costs in many port cities. Regrettably, this is the case for the Port of Providence in Rhode Island.

Under this provision, the costs of constructing dredged material disposal facilities will be shared in accordance with the cost-sharing formulas established for general navigation features by section 101(a) of the 1986 Water Resources Development Act. This would apply to all methods of dredged material disposal including open water, upland and confined.

We have also expanded section 1135 of the 1986 Act in this bill. Currently, section 1135 authorizes the Secretary of the Army to review the structure and operation of existing projects for possible modifications—at the project itself—which will improve the quality of the environment. The 1986 act authorizes a $5 million Federal cost-sharing cap for each such project and a $25 million annual cap for the entire program.

The provision included in this bill does not increase the existing dollar limits. Instead, it authorizes the Secretary to implement small fish and wildlife habitat restoration projects in cooperation with non-Federal interests in those situations where mitigation is required off of project lands.

Third, we have included a provision to shift certain dam safety responsibilities from the Army Corps to the Federal Emergency Management Agency [FEMA]. This change, proposed by Senator BOND and supported by the two agencies, authorizes a total of $22 million over 5 years for FEMA to conduct dam safety inspections and to provide technical assistance to the States.

Also included here is a provision which addresses the administration's proposal to discontinue Army Corps involvement with shore protection projects. The provision amends existing law to specifically include beach protection, restoration and renourishment among shoreline protection activities traditionally performed by the Army Corps. I plan to work with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.

Mr. President, this legislation includes Everglades restoration provisions. On June 11 of this year, the administration submitted its proposal to restore and protect the Everglades.

While I join Senators MACK, GRAHAM and many others in support of Army Corps efforts to reverse damage done to this important natural resource, I was unable to support certain elements of the administration's proposal.

In particular, I am unable to endorse a blanket authorization for future projects needed to restore water flows and water quality. It is not responsible to leap blindly into this important initiative, by authorizing unlimited funding, without knowing what the overall costs will be.

Instead, we have provided an expedited process for project development, consistent with all applicable laws and regulations, that will preserve the current momentum for restoration. I look forward to working with the Florida delegation and the administration on this initiative as the bill advances.

Finally, Mr. President, let me state clearly that a provision submitted by the administration to modify cost-sharing for the construction of flood control projects has not been included.

In summary, the administration has proposed that the current cost-sharing ratio of 75 percent Federal and 25 percent non-Federal be changed to an even 50-50 cost-share.

This proposal has been made for budgetary reasons. However, we have not been presented with any estimates on resulting budget savings in the outyears. We do not know how much money, if any, this proposal would save in the long run.

Moreover, we do not know what impact this cost-sharing change would have on the flood control program. While I support the general notion of increasing non-Federal involvement for these types of projects, I cannot support this significant change to the 1986 act without knowing the long-range effects.

Mr. President, this legislation is vitally important for countless States and communities across the country.

For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment.

Despite the fact that this package represents a 4-year backlog of project authorizations, it is consistent with the overall funding levels authorized in previous water resources measures.

I urge my colleagues to support the bill.

Mr. BAUCUS. Mr. President, the Senate is about to consider the Water Resources Development Act of 1996. This is an important bill. A great deal of work has been done to get this legislation to the floor today. Everyone involved in this process has been diligent in assuring that only worthy projects are included. Sound criteria have been consistently applied so that each project has a Federal interest and a good benefit to cost ratio.

But I have a larger concern about this bill. It is the issue of our spending priorities. Briefly stated, at a time when we are trying to cut spending in order to balance the budget, we should not be authorizing so much new spending on water resource projects.

This legislation authorizes more than $3.3 billion in new Federal spending. And while investing in our infrastructure, including navigation, flood control, coastal and storm protection, is important, it is not the only demand being made on our taxpayers.

We are in the midst of one of the most critical balancing acts in our Nation's history—balancing the budget. We are facing some very tough choices. The question facing us is whether modernizing an existing lock is more important than protecting Medicare, or whether deepening an existing channel will be of greater benefit to the people of this country than promoting education programs?

Less than a month ago, the Senate passed a budget resolution that would cut funding for the Army Corps of engineers by nearly $1 billion over the next 5 years. Yet this bill adds more than $3 billion in new spending for the corps.

How can we ever get the budget in balance if we continue to say yes to projects we do not have the money to build? How will we ever get to balance if one day we vote to cut spending and the next day we vote to increase spending?

In my judgment, while the projects in this bill are largely worthy ones, we simply cannot afford them.

FINDING A SOLUTION TO THE FLOODING OF THE JAMES RIVER IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State. This flooding has cost South Dakota producers millions of dollars in lost revenue and greatly diminished the value of their land by washing away valuable topsoil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been exacerbated by the James River management policy of the U.S. Army Corps of Engineers.

Mr. President, it is unfair and unacceptable to ask producers to continue to bear economic losses that could be mitigated by a more reasonable corps river management policy. In recognition of this fact, I recently introduced legislation that, among other things, would ensure that South Dakotans are included in the revision process of the Jamestown dam and Pipestem dam operations manuals. By assuring consideration of down river interests in South Dakota, this legislation would provide landowners along the James River with a measure of security against future high water flows and induce the Federal Government to assume greater responsibility for the damaging effects of its river management policies.

Specifically, this legislation would give landowners the opportunity to sell easements on their land to the U.S. Army Corps of Engineers if they so desire. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

It was my intention to attach this legislation to the Water Resources Development Act, which was developed by the Senate Environment and Public

Works Committee. While receptive to this approach, the committee expressed its desire to allow the corps to examine a range of solutions, including structural and nonstructural efforts, to reduce the flooding and/or mitigate the damage suffered by landowners. I appreciate the desire to examine all options before settling on a final solution, as long as this evaluation is accomplished in a reasonable period of time and includes a review of the use of easements.

During committee deliberations, Senator PRESSLER objected to the inclusion of language explicitly directing the corps to evaluate the purchase of easements from willing sellers. While I would have preferred to include such language in the bill, the compromise provision directs the corps to examine all options, including the purchase of easements from willing sellers. It is my expectation and understanding that the corps will assess the feasibility of allowing South Dakotans to sell easements, and thus gain some financial relief, as one means of mitigating the damage caused by the flooding, as part of its evaluation of structural and nonstructural solutions to the flooding and its associated damage.

The Water Resources Development Act should set in motion a process that will lead to the corps providing relief to landowners affected by the frequent flooding of the James River in South Dakota. This problem will only be solved through a number of actions, including, I hope, both allowing the landowners along the river to sell easements to the corps and changing the overall management of the Jamestown and Pipestem dams. I will continue to urge the corps to take seriously the concerns of South Dakotans as this process continues.

Mr. WARNER. Mr. President, I wish to discuss a specific provision in the Water Resources Development Act of 1996 which addresses the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal Government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a boil-water order in December 1993 for the Metropolitan Washington region. There was significant concern that the water supply for the Nation's Capital was contaminated. Thankfully, extensive testing conducted by the EPA and independent authorities concluded equipment failure followed by human error affected the results of the water quality testing. While, there was no contamination, it was a loud wake-up call for the region.

I commend the Environmental Protection Agency for their precautionary steps and quick response to this situation. This incident brought to light the significant capital improvements that are needed at the facility to meet current Federal drinking water standards.

While the Washington Aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government and it is critical to providing services to the Congress and other Federal facilities in the region. Since 1853, all activities relating to the maintenance and operation of the system have been administered by the U.S. Army Corps of Engineers.

In an effort to accelerate the needed capital improvements to the system, I authored legislation to grant the Corps of Engineers access to borrowing from the Treasury to underwrite the cost of these improvements. This approach did not relieve the local water customers of any of their existing responsibilities. The customers of the Washington Aqueduct—the District of Columbia, and the Virginia jurisdictions of Arlington and Falls Church—would continue to bear all the costs of these improvements through higher water rates. This additional revenue would be used to repay the loans from the Treasury over a reasonable period of time.

Mr. President, that is a description of my earlier proposal to respond to the situations at the Washington Aqueduct. I regret that in the 2 years that I have been pursuing this approach the administration continues to oppose this solution. The administration's proposal is simply to dispose of this antiquated facility.

I strongly reject that position because it fails to address any of the legitimate issues at hand. First, I believe the Federal Government has a responsibility to ensure an uninterrupted, safe supply of drinking water to the Federal community, including the Congress. Second, if the corps and the customers decide to explore the potential for non-Federal ownership, we must devise a workable approach that enables the capital improvement program to go forward.

Although I have serious reservations about transferring ownership to a non-Federal entity because of the potential to expose the system to terrorist actions, I want to move forward with modernizing the system. This legislation ensures that critically needed capital improvements are made and sets forth a framework which allows the corps and the aqueduct customers to reach agreement on the future of the Washington Aqueduct. Again, at no cost to the Federal Government.

The approach in the Chairman's amendment accomplishes that goal and I appreciate his support.

Mr. SIMON. Is the chairman aware that the U.S. Army Corps of Engineers Division Restructuring Plan calls for the closure of the North Central Division Office, in Chicago, IL? My colleague and I are particularly concerned that the Great Lakes region is losing skilled personnel at a time when waterway issues are requiring the increased attention of the corps.

Ms. MOSELEY-BRAUN. I might add that it simply does not make sense to have Great Lakes, Lake Michigan, and Upper Mississippi River issues handled by an office that not only has no institutional knowledge and expertise in these areas, but also is not even located in the Great Lakes basin.

Mr. CHAFEE. I have indeed seen a draft of the Army corps restructuring plan. I believe it is true that the restructuring plan involves closure of the North Central Division Office.

Mr. SIMON. The chairman is also aware that in response to the restructuring plan we sought to include language in the Senate version of the Water Resources Development Act, S. 640, to preclude the closure of the North Central Division Office.

Mr. CHAFEE. Indeed, you both have been diligent in that regard. I have been reluctant to include the proposed amendment here because I believe it is a matter better dealt with on the relevant appropriations legislation. It is my understanding, however, that there are plans to include similar language in the House version of the WRDA bill.

Ms. MOSELEY-BRAUN. Should similar language be adopted in the House, will you commit to giving it your close and careful consideration in conference?

Mr. CHAFEE. Indeed. I would, however, like to work carefully with the chairman of the Energy and Water Development Appropriations Subcommittee, Senator DOMENICI, as his subcommittee had jurisdiction over the original language that mandated the restructuring plan.

Mr. SIMON. I sympathize with your concerns over the jurisdictional issue. It is my understanding, however, that Senator DOMENICI does not object to our addressing this problem on the WRDA bill.

Ms. MOSELEY-BRAUN. I am pleased we could work together. My colleague and I appreciate your assistance on a matter of critical importance to the State of Illinois.

DAM SAFETY AMENDMENT TO WRDA

Mr. BOND. Mr. President, I congratulate the chairman and ranking member of the Environment and Public Works Committee, Chairman CHAFEE and Senator BAUCUS, and Senator WARNER, chairman of the subcommittee of jurisdiction for their efforts to put together this very difficult legislation. Flood damage prevention and navigation are of particular importance to the people of Missouri given our unique reliance on the inland waterway system. Both the benefits of this system and its shortfalls have been highlighted by the recent record flood events in 1993 and again this spring. Though substantial progress has been made, there remains much hard work to be completed.

Of considerable concern to me are the crippling effects the President's budget is placing on our Nation's effort to protect lives and property from flooding. Clearly, the President does not consider the missions of flood control and navigation to be a priority and through various policy positions and inadequate funding requests, our inland waterway system, the economic activity that depends on it, and the people who live near it are at risk. Those of us who represent regions that rely on flood protection and the competitive international trade advantages provided by the critical corps navigation programs must continue to oppose the administration's intention to let them wither on the vine.

This legislation includes an important Missouri project and many others. Since 1928, the corps has spent $33 billion for flood control projects. In that time, $275 billion in damages have been prevented. This does not account for the massive economic development that flood protection permits. I would have thought the political leadership of the administration would be trying to promote these important missions of safety, economic development, and international competitiveness instead of trying to undermine the successful mission and efforts of the Corps of Engineers.

The cheapest way to move a ton of grain in the world is by barge on the Mississippi River. Senators who are concerned about competitiveness, promoting trade opportunities, protecting jobs, and growing the economy recognize the benefits of promoting water resources on our inland waterway system. Half our Nation's grain is shipped by barge and this cost advantage contributes to the fact that we are expecting a record $60 billion in agricultural exports this year with a $30 billion trade surplus. As I have said before, trying to update our water infrastructure to capture the growing Asian market is not pork as OMB would suggest—"its the economy, stupid."

On another matter, I am very proud to have included in the managers package of amendments language I drafted to encourage more effective approaches to dam safety. As people in Missouri know well, the power of water and its potential for causing loss of life and property is a profound reality. The National Inventory of Dams includes roughly 75,000 dams. Over 95 percent of these dams are State regulated. Of these dams, over 9,000 are considered "State high hazard" dams which means that dam failure may result in significant loss of life or property. Many of these dams are considered "unsafe", or susceptible to failure due to deficiencies.

Thousands of citizens in every State are dependent on dams for water supply, flood control, irrigation, and recreation. High safety standards for these dams can keep them from failing and causing devastating environmental and property damage, economic hardships, and, in the worst case, loss of life. My State of Missouri has 3,500 dams on the inventory of which 650 are high hazard.

Deterioration of the infrastructure is a major concern and problems increase as dams decay with age. It has been determined that the life of a dam is 50 years. The majority of dams in this country are quickly approaching this age and rehabilitation of these structures is a major concern. In 1994 alone, 273 documented failures occurred across the Nation. This included 250 during the Georgia flood where lives were lost and where States reported downstream repair costs of over $50 million. In the 1970's, a dam failure in Idaho cost 11 lives and a West Virginia dam failure was responsible for killing 125 people.

Recent studies by the Association of State Dam Safety Officials show that about half the States have shown program improvement progress while half have either remained constant or regressed in the last 10 years. With the recent economic climate, even those State programs showing improvement are struggling to keep up with growing responsibilities.

There is currently no statutory national dam safety program. Two laws enacted by previous Congresses have since expired. The Federal Emergency Management Agency coordinates the implementation of guidelines pursuant to Executive order to implement a program to encourage coordination among Federal and State dam safety personnel and activities but a more aggressive partnership is needed.

The legislation reauthorizes several previously enacted provisions and codifies the interagency working groups who have expertise in issues of dam safety. The lead agency will be FEMA, whose stated goal is "to make mitigation the cornerstone of the Federal multi-hazard emergency management system." This approach promotes a focus on taking relatively inexpensive preventative approaches that can preclude expensive and fatal disasters.

The legislation authorizes matching funds of up to $4 million per year over 5 years as an incentive for States to adopt dam safety programs. It further authorizes research in dam safety technology to discover methods to make new dams more reliable; to assess more reliably the condition of existing dams; and to prolong the reliable life of existing dams. Also included are funds to train State dam inspectors. In short, this program is meant to share the considerable level of Federal expertise and modest dollars to maximize the effectiveness of States to improve their programs and reduce exposure to dam failure.

This incentive and partnership-based approach is not a Federal mandate and does not interfere with the Federal responsibility to ensure the safety of Federal dams. It does not provide for Federal inspection of non-Federal dams and does not authorize any funds for construction and rehabilitation which explicitly and appropriately remain the responsibility of the States.

This approach has the support of the Federal agencies, the National Governors Association, the Association of State Dam Safety Officials who brought these recommendations to the Congress, the National Association of Civil Engineers, and others.

I am pleased to note that the House Committee on Transportation and Infrastructure adopted companion language in their markup of WRDA legislation on June 30.

I thank representatives of the ASDSO and ASCE for working closely and diligently with my office in pursuit of these commonsense provisions to improve dam safety. Brad Iarossi with the Maryland Department of Natural Resources has been of invaluable assistance as this process has moved forward. Again, I appreciate the assistance of Chairman CHAFEE, Chairman WARNER and Senator BAUCUS and their able staff in bringing this legislation before the Senate.

LOWER FOX RIVER SEDIMENT REMEDIATION PROJECT

Mr. KOHL. Mr. President, the chairman of the Senate Environment and Public Works Committee is well aware of the concerns that Senator FEINGOLD and I have raised about the concentration of contaminated sediments in the Lower Fox River of Wisconsin.

As a result of a high concentration of PCB's and other toxic pollutants in the sediment of the Lower Fox River, the area has been designated by the International Joint Commission as 1 of 43 toxic hotspots in the Great Lakes. Most of these 43 hotspot areas are characterized by contamination which cannot be cleaned up through existing routine programs. Because the contaminated sediments at these sites oftentimes disperse throughout the Great Lakes ecosystem, it is believed that remediation is critical for environmental restoration of the Great Lakes.

The Fox River is known to be the biggest source of PCB loadings into Green Bay, a fact which has been documented by the Green Bay mass balance study conducted by EPA between 1988 and 1992. Further, it is believed that the Fox River may also be the biggest source of PCB contamination to Lake Michigan. Specifically, the Green Bay mass balance study, conducted by EPA, estimated the volume of contaminated sediment with high concentrations of PCB's to be 7 to 9 million cubic meters. It is clear that the potential for continued dispersion of the sediments throughout the Great Lakes ecosystem is great.

To address the problem, a partnership has been formed in Wisconsin where the Wisconsin Department of Natural Resources, local governments, POTW's and area businesses are working together to analyze and characterize the contamination, and to plan for the remediation of the sites. Given the urgency of the clean up, the group is seeking to proceed with remediation using a consensus-based process, in order to avoid any delays that may be associated with litigation.

Mr. FEINGOLD. I concur with the Senator from Wisconsin's characterization of the urgency of clean up on the Lower Fox River. Not only is the contamination from the Fox River believed to be the biggest source of PCB loading to Lake Michigan, but it may easily become the biggest source of contamination for the entire Great Lakes system. It is widely understood that a large storm event in the region could resuspend those contaminated sediments in the Fox River to disperse pollutants more broadly into the food chain of the Great Lakes.

I would ask the chairman of the Environment Committee if he would agree that there is an urgent need for clean up at the Fox River site, and that a consensus-based clean up process should be encouraged?

Mr. CHAFEE. I would say to both Senators from Wisconsin that I share their concern about the contaminated sediment problems in the Fox River. I agree that there does appear to be an urgent need for cleanup. Further, I would agree that a consensus-based process for remediation should be encouraged, and may lead to a more timely remediation.

Mr. KOHL. Given the urgent need for remediation, Senator FEINGOLD and I had requested that the Committee authorize the Corps of Engineers to help in the clean up of the Fox River, thereby becoming a partner in the effort to remediate the contamination using a consensus-based process. Specifically, we requested that the Lower Fox River sediment remediation project be authorized under Section 312(b) of the 1990 Water Resources Development Act (P.L. 101-640), which authorizes funds for environmental dredging projects within and adjacent to ongoing Army Corps navigation projects. The Fox River is currently an authorized corps project. Long-range Army Corps plans include a continued corps involvement in the ongoing operation and maintenance of the water regulation portion of the project. However, the Army Corps does not maintain the waterway for navigation purposes and has recommended an end to its role in the navigation portion of the project. The corps is currently in negotiations with the State of Wisconsin to effect deauthorization of navigation.

In response to my and Senator FEINGOLD's request to authorize the Army Corps to clean up the contaminated sediments along the Fox River, Chairman CHAFEE and other members of the Committee on Environment and Public Works expressed strong reservations. I wonder if the chairman would discuss briefly his concern with our proposal.

Mr. CHAFEE. The Senators from Wisconsin have indeed been diligent with regard to including a provision in this bill to address the Fox River matter. However, I am convinced that under these circumstances, assigning the Army Corps with these responsibilities is inappropriate.

While it is true that existing water resources law authorizes the Secretary of the Army to remove contaminated sediments in conjunction with operation and maintenance of ongoing navigation projects, the law establishes conditions which must first be met. First, section 311 (c) of the 1990 WRDA requires a joint plan to be developed by the Secretary of the Army and interested Federal, State, and local officials. Regrettably, we do not have such a plan for the Lower Fox River. Second, it is required that the remediation be done, as stated a moment ago, in connection with ongoing operation and maintenance of a navigation project. It is my understanding that the corps no longer performs operation and maintenance activities along the Lower Fox. Third, the law requires that the method to be used for dredged material disposal and the specific responsibilities of the Secretary and other involved parties be provided prior to authorization. The 1990 Water Resources Development Act also requires that sources of funding for the work be identified. Again, regrettably, none of these conditions are met with respect to the Lower Fox.

Without having a clear understanding of the exact responsibilities of the Secretary, I would also be concerned about potential liability problems the corps might face once they get involved.

Mr. FEINGOLD. I know that the Senator is aware that a provision was included in the House version of the water resources bill authorizing the Lower Fox River sediment remediation project. I would ask for the Senator's commitment to give that provision strong consideration in conference, or to work with Senator KOHL and myself to find another vehicle to address this urgent matter.

Mr. CHAFEE. I will say to the Senators from Wisconsin that I will give the House Fox River provision my strong consideration in conference, and will continue to work with them to find the most appropriate way to address the pressing contamination problems of the Fox River.

Mr. NICKLES. Mr. President, included in S. 640, the Water Resources Development Act, is a provision which provides for the reallocation of a sufficient amount of existing water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery on a permanent basis. The bill also requires releases of water from Broken Bow Lake to be undertaken at no expense to the State of Oklahoma to mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service.

The Oklahoma Department of Wildlife Conservation [ODWC] began stocking trout in 12 miles of the lower Mountain Fork river in December 1988. I worked on legislation in 1992, Public Law 102-580, section 102(v), which authorized the reallocation of unobligated water supply storage for the purpose of maintaining the trout fishery. As a result, it is estimated the trout fishery generates over $1 million annually in aggregate benefits to the economy of southeastern Oklahoma.

It is the intention of this bill that water releases be made from the Mountain Fork Dam to mitigate the loss of 26 miles of high-quality small mouth bass waters destroyed when the Broken Bow Dam was constructed. A 1960 U.S. Fish and Wildlife mitigation recommendation for a 100 cubic-feet-per-second instantaneous release from Broken Bow Dam is being released approximately 8 miles downstream and gauged 12 miles downstream rather than at the dam, as originally recommended. With slight modification, implementation of the 1960 USFWS mitigation recommendation would provide releases necessary to maintain the fishery in its present capacity.

Under a reasonable worst-case scenario, maintaining the Mountain Fork fishery requires release of approximately 38,454 acre-feet through the spillway and 41,259 acre-feet released through hydro generation. It is my understanding that over 90 percent of Broken Bow water storage capacity is uncontracted. Thus, mitigating the loss of the small mouth bass fishery through maintenance of the trout fishery does not adversely affect the water supply needs of local municipalities or hydro generation.

Finally, it is not the intent of this legislation to interrupt maintenance of the Mountain Fork trout fishery as it has been maintained since 1992. The purpose of this legislation is to partially mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service Regional Director in 1960.

The Mountain Fork trout fishery could not be properly maintained without cooperation between the Oklahoma Department of Wildlife Conservation, the Army Corps of Engineers, and the Southwestern Power Administration. I, along with the people of McCurtain County, appreciate their hard work to maintain this project.

Mr. KOHL. Mr. President, this water resources bill includes many provisions of great importance. Perhaps none of the provisions is more important to the State of Wisconsin than the transfer of land in the Kickapoo River Valley from the Corps of Engineers to the State of Wisconsin, for the purpose of creating the Kickapoo Valley Reserve.

We in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. I know that my colleagues of all ideological stripes can list specific instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today with this bill, and the Kickapoo Valley, WI, provision included therein, we have begun the process of rectifying a wrong that was done the people of Southwestern Wisconsin 3 decades ago.

In the mid 1960s, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant economic and emotional blow.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But the passage of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, the Ho Chunk Nation, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The Kickapoo Valley, WI, provision of this water resources bill would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson have already acted to authorize the use of this 8,500 property as a State recreational and environmental management area. Further, in recognition of the cultural and religious significance of this area to the Ho Chunk People, agreement has been reached with the Ho Chunk Nation to transfer up to 1,200 acres of that area to the Secretary of Interior in trust for the Ho Chunk Nation.

While this legislation does not include all of the things that my colleague from Wisconsin, Senator FEINGOLD, and I have wanted in terms of funding for infrastructure improvements in the area, it does address the most crucial aspect of this matter, which is the land transfer. This measure is long overdue, and it is my sincere pleasure to be able to return this remarkable piece of property back to local control.

COLUMBIA RIVER CHANNEL

Mr. HATFIELD. Mr. President, the top marine transportation priority for my region is the project to deepen the Columbia River deep-draft channel from 40 to 43 feet. Local sponsors of the project include three Oregon ports: Astoria, Portland, and St. Helens; and four Washington ports: Longview, Kalama, Woodland, and Vancouver. The project enjoys strong support within the Oregon and Washington congressional delegations.

Port and regional interest is so keen because some of the ships calling in the Columbia River now exceed the 40-foot draft of the existing channel. If the channel comes to be viewed in the world shipping community as too shallow for the larger, more efficient vessels, our region's reliance on trade and distribution as economic mainstays will be at risk.

On June 27, Mr. President, the biggest container vessel ever to call in the Columbia River, the *Ever Ultra*, took on more than 2,100 containers in Portland. If loaded fully, the *Ever Ultra* would have needed a channel nearly 42 feet deep. This class of vessel will operate out of the river at low-water periods by leaving light loaded, but the vessel owners clearly view this as a test of the Columbia River port market. As world trade mushrooms in the years ahead, there will be more pressure on these vessels, and the channel as well, to operate at full capacity.

At stake is more than $15 billion in annual trade and more than 46,000 jobs in the region. Obviously, the job impact climbs even higher when you consider job impacts throughout the region. Exports crossing the Columbia River docks originate around the country, coming from the Midwest and northern tier States. Thus, the trade impacts of the channel reverberate throughout the U.S. economy.

Mr. President, let me cite just one regional example: An estimated three-quarters of Montana wheat is exported through the Columbia River system. Montana grain growers acknowledge that bottlenecks in the Columbia River Channel hamper their efforts to bet their grain to market. The same is true for States around the west that rely on the channel as the gateway to the international marketplace. Columbia River ports handle grain from throughout the Midwest and products from around the rest of the country.

Restrictions on channel draft mean lost business opportunities. for grain vessels, a foot of draft equates to 2,000 tons of cargo, valued at $324,000. For container cargo, that same foot of draft equates to $2.5 million in cargo value. When vessels leave light loaded or without taking a full load so that they do not exceed channel depth, that is the value of cargo left behind for each foot of draft sacrifices.

Mr. President, my colleague from Oregon, Senator WYDEN, and I have worked diligently with the committee on moving this project ahead. Included in this year's water resources bill is language directing the corps to move ahead with technical improvements on turns in the lower Columbia River. But I want to put the Senate on notice that more needs to be done on this project. I have discussed the importance of the Columbia River Channel deepening with the chairman of the Environment and Public Works Committee as he assures me the committee is well versed in the importance of this navigation improvement project.

Mr. CHAFEE. Mr. President, I rise to join with the Senator from Oregon in expressing my understanding of the vital importance of the Columbia River Channel deepening project. I have also expressed to my colleague my willingness to help keep review of the project moving ahead as swiftly as possible in the years ahead. I will do all that I can to urge the Corps of Engineers to complete its feasibility study on schedule so that Congress can address the merits of this project without any delay. I have given that commitment to my colleagues from Oregon and I am happy to repeat it during this debate today.

Mr. HATFIELD. I thank the distinguished chairman of the committee. This project has been one of the top priorities in my recent years in the Senate. This past year, the Columbia River was the largest volume export port on the west coast and its significance means the impacts are felt well beyond my State and region. I appreciate having the chairman of the authorizing committee recognize this importance and commit to timely consideration of the Columbia River Channel improvement project in the future.

WATER RESOURCES DEVELOPMENT ACT AND THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the inclusion of language deauthorizing the La Farge Dam and Lake project in the 1996 Water Resources Development Act Reauthorization [WRDA] and extend my thanks to the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. WARNER] for their assistance in incorporating these provisions. I want to recognize the efforts of all the individuals who have worked so hard over the last year on this legislation, including State Senator Brian Rude, Ho Chunk Nation President Chloris Lowe, State Representative DuWayne Johnsrud, Ron Johnson, the chair of the Kickapoo Valley Governing Board, Lou

Kowalski, formerly of the St. Paul District Corps of Engineers, and Alan Anderson of the University of Wisconsin Extension. Finally, I want to extend my gratitude for the commitment and perseverance of the Wisconsin delegation. As a delegation, my colleagues from Wisconsin in the other body—Representatives GUNDERSON and PETRI—the senior Senator from Wisconsin [Mr. KOHL], and I introduced identical legislation on the 1st day of the 104th Congress in our respective bodies—S. 40 and H.R. 50—to address this unfinished business the Federal Government began in our State in 1962. We supported legislation to address this issue in the 103d Congress—S. 2186 and H.R. 4575. The House of Representatives included H.R. 4575 in the WRDA bill that passed on October 3, 1995. Senate action on this measure was not completed in the closing days of the 103d Congress.

In this Congress, the Senate Environment and Public Works Committee included the land transfer portion of my bill as part of the WRDA bill it introduced on March 28, 1995. That bill was favorably reported by the committee on August 2, 1995.

Today marks a major step toward ending the conflict and controversy created by the proposed construction, and later abandonment, of the La Farge Dam project. More than 30 years ago, the U.S. Army Corps of Engineers planned to build a dam across the Kickapoo River, near the village of La Farge, located in the southwestern portion of the State. In fact, Mr. President, I believe there is scarcely a person over 30 years of age in my State that has not heard about the La Farge Dam. The dam was supposed to provide flood control in an often flooded valley. Local residents were assured of the economic benefits in tourism dollars that the planned lake and other authorized improvements would bring to the area.

Federal legislation authorizing the La Farge Dam passed in 1962, and construction began in 1971. The Federal Government condemned the property and displaced 144 families. However, the project was never completed. Construction ended in 1975 following a dispute over the project's environmental impact statement. Mr. President, the La Farge area is ecologically sensitive and is a truly beautiful area of my State, filled with unique natural features such as: Sandstone cliffs, hearty forest lands, and scenic valleys. It is also home to many rare plants and several State threatened and endangered animals.

When construction stopped, the proposed dam was only 61 percent complete. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the dam totaled more 300 jobs and $8 million for the local economy per year. In fact, the only remaining legacy of the dam project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103-foot-tall concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot-gap.

When the 144 families were forced to leave their homes in the 1960's, many left the region entirely. Those who stayed in the area lost income, and the land they once owned was removed from the local tax base. Businesses, which once relied on these customers, suffered, and the school system lost property tax funding along with approximately one-third of its students. Today, the median income of the La Farge area is only slightly above half of the State average, and the heartfelt bitterness toward what was widely considered an irresponsible Federal boondoggle will only begin to be tempered now that plans for Federal deauthorization are in progress with the passage of this measure.

For the past 5 years, under the sponsorship of Governor Thompson, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, members of the congressional delegation, and, most recently, the Ho Chunk Nation have collaborated to develop a plan to reclaim the dam area and manage it under a combination of State and local control.

The Wisconsin State Legislature passed legislation in 1994 to establish the Kickapoo Valley Reserve. State law now provides that the deauthorized land will be managed under the auspices of the newly created Kickapoo Valley Governing Board. This entity is prepared to accept ownership on behalf of the State of Wisconsin upon Federal deauthorization of the land.

The Governing Board is required to preserve and enhance the unique environmental, scenic, and cultural features of the Kickapoo Valley, to provide facilities for the use and enjoyment of visitors to the area, and to promote the area as a destination for vacationing and recreation.

Strong environmental protection provisions are included in the State law, including limits on development and an outright ban on any mining activities. The State has also made a financial commitment to support both the administration of the governing board and the reserve at a cost of more than $300 thousand per year. In addition, the State will pay local property taxes and aid to local school districts.

At the time of the August 1995 WRDA markup, representatives of the Ho Chunk Nation, a Wisconsin Native American tribe, contacted the Bureau of Indian Affairs and my office raising concerns about the proposed transfer. The area which is now the La Farge Dam property at one time belonged to the Nation under two treaties with the Federal Government in 1825 and 1827. In a later treaty of 1837, the tribe was required to cede this property to the United States. Because these lands had been the Nation's, both at the time of and prior to its treaties with the Federal Government, there are nearly 400 tribal archeological sites in this area. These include 150 prehistoric campsites, 18 prehistoric villages, rock shelters, petroglyphs, and burial mounds. In deauthorizing the dam project, and opening the property to public use, the Nation wanted to be certain that sites they believe to be culturally and religiously significant within this area were protected from desecration or other improper use.

Upon learning of the tribe's concerns, my office began a dialog with all the parties to determine how to transfer the property and insure that the tribal archeological sites were protected.

The result is truly landmark legislation. When this project is deauthorized, a portion of the more than 8,500 acre property now owned by the corps—some 1,200 acres—will be transferred to the Ho Chunk Nation. The remainder will be given to the State of Wisconsin. The parties will be required to sign a memorandum of understanding [MOU] to jointly operate the area as the Kickapoo Valley Reserve, a public outdoor recreational and educational area. This site in Wisconsin, which was untouched by the glaciers and contains this wealth of archeological sites, will create a ecologically and historically significant State reserve. In addition to its ecological significance, the reserve is also unique in a number of other ways. It will be the first time in our State's history and, according to the Congressional Research Service, nationally that a tribe and State will work together to pursue natural resource objectives for a particular piece of property in this fashion. Moreover, the day to day management of the reserve will be conducted by a governing board made up of local residents, not administered by the State Department of Natural Resources—a first in Wisconsin.

I was disappointed that we were unable to reach agreement under this legislation to include authorizations for improvement projects at this site, which were included both in the original La Farge Dam project as proposed by the corps and in my bill. These improvements include: Reconstruction of the three roads; construction of an education and interpretative complex that includes buildings, parking areas, recreational trails, and canoe facilities;

remediation of old underground storage tanks and wells on the abandoned farms; and a complete inventory of the archeological sites as required by the National Historic Preservation Act.

These projects provide hope for the area and fulfillment of Federal promises made long ago. It is my understanding that the House has included authorizations for some of these improvements in the markup of their water resources bill and it is my hope that these improvements can be considered in the conference. We in the Wisconsin delegation are all concerned about the fiscal implications of WRDA projects. I believe that these improvement projects are a financial win for both Wisconsin and the Federal Government. The Army Corps of Engineers estimates that if the La Farge Dam were to be completed today, the total cost would be $102 million.

In conclusion, this effort should truly be dedicated to the people of the Kickapoo Valley. It is their hopeful vision of renewal of this area, and their tenacity that should be recognized today. This legislation marks the starting point of the work that is to come, which I know they will pursue with grace and fortitude.

Mr. BRADLEY. Mr. President, today's passage by the Senate of S. 640, the Water Resources Development Act [WRDA], represents a continuing Federal commitment to the water resources of our country. Passage of this important measure is a direct result of the leadership and diligent efforts of my colleagues Senator JOHN CHAFEE and Senator MAX BAUCUS and I would like to thank them for all their hard work. Their efforts have resulted in an excellent bill that has not only my whole-hearted support, but the solid backing of this body. This strong support is unsurprising. This bill has much to recommend it. Our waterways and ports, which funnel billions of dollars of products throughout the Nation and generate hundreds of thousands of jobs across the country, will be better served by this bill. For those Americans who live in areas of the country that are prone to flooding, this bill provides for flood-control projects that protect their homes and the billions of dollars that their property represents. I know that my colleagues understand the important navigation and flood control projects provided for in this measure, but I would like to take a moment to call their attention to another significant provision in this bill.

S. 640 includes important language that provides for a continuing Federal role in protecting a valuable national resource—our Nation's coastline. This language states clearly that the Federal Government has an obligation to provide the necessary support for projects that promote the protection, restoration, and enhancement of sandy beaches and shorelines in cooperation with States and localities. Mr. President, before I detail the significance of this language, I would again like to acknowledge and thank Senator CHAFEE and Senator BAUCUS for working with me on this issue as they readied WRDA for consideration by the full Senate. Their thoughtful consideration and leadership has been instrumental in achieving constructive progress on this issue and I look forward to continuing to work with them as the bill moves forward.

To understand the significance of the inclusion of this shore protection language in this bill, it is necessary to understand the history that has led to today's congressional action on this subject. As many of my colleagues know, in 1995, the administration proposed an end to the Federal role in shore protection projects. Citing budgetary concerns, the administration proposal called for Federal involvement in projects that were of "national significance" only. This short-sighted policy ignores the fact that beach, shore, and coastal resources are critical to our economy and quality of life, but that they are fragile and must be protected, conserved, and restored.

As a coastal State senator, who walks the beaches of the Jersey shore every year, I know first hand the economic and recreational benefits that are derived from healthy beaches. This is why on May 23, 1996, I joined with my colleague and co-chair of the Senate Coastal Coalition, Senator CONNIE MACK of Florida, to introduce S. 1811, the Shore Protection Act of 1996. This bill would provide for a Federal role in shore protection projects, including those projects involving the placement of sand, for which the economic and ecological benefits to the locality, region or Nation exceed the costs.

I am pleased that Senator CHAFEE and Senator BAUCUS have agreed to include elements of the Shore Protection Act of 1996 in the Water Resources Development Act, which is the vehicle that authorizes the Federal involvement in civil works projects like shore protection. The history of Federal involvement in water resource projects dates back almost 200 years and includes a long history of involvement in shore protection projects. The role of the Federal Government in beach restoration projects was reaffirmed as recently as 1986 with passage of WRDA '86, the largest and most comprehensive authorization of the Corps Civil Works Program since the 1940's. The passage of WRDA '86 included cost-sharing requirements that made States a partner in the funding of these programs. For the past decade, the protection of our Nation's shoreline has continued to be a partnership between the Federal Government and the States. Despite the Clinton administration's new policy of eliminating Federal participation in beach restoration projects, the Environment and Public Works Committee continues to authorize new projects and the Energy and Water Appropriations Subcommittee continues to appropriate funds for these projects. However, these measures address shore protection projects on an ad hoc, rather than comprehensive and coordinated, basis.

The language included in WRDA from the Shore Protection Act of 1996 challenges the administration's new policy and reaffirms a Federal role in shore protection. The language included states that one of the goals of WRDA is to "promote shore protection projects and related research that encourage the protection, restoration and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, and localities, and private enterprises." This puts the Senate on record as rejecting the Administration's policy and more clearly defines the Army Corps' mandate to undertake shore protection projects, specifically those projects which include the placement of sand. This mandate is further clarified by the adoption in WRDA of new definitions from the Shore Protection Act of 1996 that redefines "shore," to include "sandy beaches" and expands "shoreline protection project" to include "a project for beach renourishment, including the placement of sand." The inclusion of this language would mandate a continuing Federal role in shore protection projects by changing the mission of the Corps from one of general authority to do beach projects to a specific mandate to undertake the protection, restoration and enhancement of beaches in cooperation with States and local communities.

I am pleased that this language was included in WRDA, and look forward to continuing discussions on the other important provisions in the Shore Protection Act that were not included in this measure at this time. These provisions include the requirement that new criteria be used in conducting the cost-benefit analysis of a proposed project. Currently, when undertaking cost-benefit analysis to determine the suitability of proposed projects, the corps is only required to consider the property values of property directly adjacent to the beach. The corps can take into account revenues generated through recreation, but is not required to do so, nor can the recreational values be weighed as anything other than an incidental benefit. The Shore Protection Act requires that the benefits to the local, regional and national economy and the local, regional and national ecology be considered. This comprehensive evaluation will demonstrate that shore protection projects are of national significance.

The Shoreline Protection Act also requires that the corps report annually to Congress on beach project priorities. The corps will be required to submit information—reports—to Congress on projects that, when evaluated with the bill's new cost-benefit criteria, are found to merit Federal involvement. In current law, this authority is discretionary and has been suspended by the administration.

Additionally, the act encourages the corps to work with State and local authorities to develop regional plans for preservation, restoration and enhancement of shorelines and coastal resources. Further the corps is encouraged to work with other agencies to coordinate with other projects that may have a complimentary effect on shoreline protection projects.

A network of healthy and nourished beaches is essential to our economy, competitiveness in world tourism and the safety of our coastal communities. I know that many of my colleagues have heard the numbers before but they bear repeating. More than 28 million people work in businesses related to costal tourism, and healthy beaches contributed to a $26 billion tourism trade surplus last year. Protection of the Nation's shoreline must be a continued Federal priority and I appreciate Senator CHAFEE's leadership on this issue. By authorizing new shore protection projects in this year's WRDA and by associating himself with the provisions of the Shore Protection Act that call for a continued Federal role in shore protection, he has distinguished himself in the effort to preserve one of our Nation's most unique and valuable resources. I want to associate myself with Senator CHAFEE's remarks that state that he "plans to work closely with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances." I look forward to continuing this dialog as the bill continues to progress.

TECHNOLOGY TO DECONTAMINATE SEDIMENTS

Mr. LEVIN. Mr. President, I wish to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a brief colloquy regarding S. 640, the Water Resources Development Act of 1996.

As the chairman may know, I have been very involved in efforts to clean up contaminated sediments in the Great Lakes. I have long supported the program for the assessment and remediation of contaminated sediments. The Water Resources Development Act of 1990 authorized very modest funding for the Secretary of the Army to provide technical planning and engineering assistance to States and local governments to develop contaminated sediment remediation plans. This has been a joint Army Corps of Engineers—Environmental Protection Agency effort to develop more cost-effective technologies for cleaning up sediments in freshwater. This coordinated effort is very similar to the one in New York/New Jersey Harbor authorized in section 405 of the Water Resources Development Act of 1992, which is extended and expanded in the bill before us, except that that program primarily addresses saltwater areas.

The Great Lakes region faces a multibillion dollar problem in cleaning up and preventing the deposition of more contaminated sediments. This overwhelming task will require cooperation and financial support from all levels of government and sectors of society. The long-term environmental and economic health of the region depend on our ability to address this difficult problem.

Recently, I have communicated to the chairman and the Environment Committee about my strong interest in pursuing the Superfund as one possible option for cleaning up the areas of concern around the Great Lakes. Unfortunately, for a variety of reasons, including the lack of cost-effective technology, Superfund has not adequately considered the risks from or attempted to address most of these aquatic sites. Superfund would be an appropriate funding source since the majority of these areas are contaminated with many of the very persistent substances and chlorinated hydrocarbons that plague our ecosystem and are produced from the feedstocks that are taxed to fill the Superfund.

As a result of research and planning efforts at the Army Corps and EPA, we have now identified promising technologies and it is time to put them into practice. That is why I am seeking the Senator from Rhode Island's firm commitment to accept, or recede to in conference, the House provision outlined in section 509 of H.R. 3592 or something similar.

Mr. CHAFEE. I appreciate the interest of the the Senator from Michigan. I am pleased to tell him that the provision appears to be reasonable and consistent with the navigation mission of the Army Corps. As such, I can assure the Senator from Michigan that I will look favorably upon the provision he refers to and will make sure all of the Senate conferees are aware of his interest in this matter.

Mr. LEVIN. I thank the chairman for his assurances and look foward to working with him further on preventing and remediating contaminated sediments in the Great Lakes and in other areas of the country. I would also like to note for my colleagues that they will likely be surprised at the pervasiveness of contaminated sediments in our coastal waters, which will be revealed if and when EPA finally releases its very tardy national assessment of aquatic sediment quality. This was due to have been released in October 1994, pursuant to the Water Resources Development Act of 1992, section 503.

Mr. SARBANES. I would like to engage the distinguished chairman of the Committee on Environment and Public Works in a colloquy regarding the funding levels authorized in the bill for the Chesapeake & Delaware Canal. At the very outset, I want to commend the chairman for his leadership in crafting this legislation which is of vital importance to our Nation's water resources infrastructure.

I am particularly grateful for the committee's favorable consideration of the Poplar Island restoration project and the improvements to the Tolchester Channel and the C&D Canal made possible by this legislation. I note, however, that the project costs for the C&D Canal improvements are unfortunately inaccurate. I would stress that this happened through no fault of the committee staff. The Corps of Engineers draft feasibility study for the project released in January 1996, estimates the total cost of the project at $83,900,000 rather than the $33 million shown in the bill. Of this revised amount, $54,204,000 is Federal and $29,696,000 is non-Federal responsibility.

I ask the chairman whether it would be possible to have these numbers corrected in the conference committee.

Ms. MIKULSKI. Mr. President, I would only add two points. First, that the project is one of considerable importance to the Port of Baltimore and to the efficient passage of ships up and down the east coast. Second, that the correct figures are those developed by the Corps of Engineers and represent the current estimates for the project in accordance with the cost-sharing provisions of the Water Resource Development Act of 1986. I would also request the chairman's assistance in resolving this matter.

Mr. CHAFEE. I thank Senators SARBANES and MIKULSKI for their kind remarks and express my agreement that we should utilize the correct numbers for this and all other projects. As such, I will look favorably upon the necessary modification to this project authorization during conference with the House of Representatives.

Mr. SARBANES. Mr. President, I rise in strong support of S. 640, the Water Resources Development Act of 1995, and the committee amendment, which provide for the development and improvement of our Nation's water resources infrastructure. This legislation authorizes water resource projects of vital importance to our Nation's and our States' economy and maritime industry as well as our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to ensure the future health of the Port of Baltimore and of the Chesapeake Bay.

First, the bill authorizes the Poplar Island beneficial use of dredged material project. This project would take clean dredged materials from the shipping channels leading to the Port of

Baltimore and use it to stabilize the shoreline, create habitat, and restore wetlands of one of the Chesapeake Bay's most valuable island ecosystems. Providing adequate and environmentally compatible dredged material disposal capacity for the millions of cubic yards of materials which must be dredged from Baltimore's shipping channels, harbors, and anchorages are perhaps the biggest challenge facing our State. This is a creative solution that will not only help alleviate Maryland's shortage of dredge disposal capacity, but provide substantial environmental benefits for the Chesapeake Bay, creating new habitat for waterfowl and other wildlife and reducing the sediment and nutrient problems of the bay. The Poplar Island project would be the first large scale project to beneficially use dredged material and would serve as a national model demonstrating that clean dredged material can be a resource rather than a waste. It has been a top priority of mine, of the State of Maryland, and of the Chesapeake Bay community for many years and I am delighted that this legislation will enable us to move forward with this important project.

Second, the legislation directs the U.S. Army Corps of Engineers to expedite its study of the Tolchester Channel S-turn and, if feasible and necessary for safe and efficient navigation, to straighten the channel as part of project maintenance. The Tolchester Channel, a Chesapeake and Delaware Canal approach channel, is a vital link in the Baltimore Port system. The channel has a significant S-turn which requires ships to change course 5 times within 3 miles. With vessels nearly 1,000 feet in length, it is difficult to safely navigate the channel, particularly in poor weather conditions. The Maryland Pilots Association has indicated that two groundings and a greater number of near misses have occurred in the area. This legislation provides a mechanism for the Corps of Engineers to expedite safety-related improvements to the channel.

Third, the bill authorizes navigation and safety improvements to the Chesapeake and Delaware Canal and approach channels. The Chesapeake and Delaware Canal is a strategic and cost-effective shortcut from the Port of Baltimore to the North Atlantic, saving up to 12 hours of sailing time for many of the world's largest vessels. Nearly one half of all breakbulk and container tonnage moving through the Port of Baltimore utilizes the canal. Unfortunately current dimensions of the canal and connecting channels present serious constraints for modern container ships—many of which exceed 900 feet in length—seeking to use this shortcut. In January, after an extensive 6-year study, the Philadelphia District of the U.S. Army Corps of Engineers, completed a draft feasibility report and environmental impact statement which recommends deepening the existing channel from 35 feet to 40 feet. The project also includes enlarging the Reedy Point flare, bend widening at Sandy Point, and construction of an emergency anchorage at Howell Point. Subject to a final favorable feasibility report, expected in September of this year, the corps would be able to undertake these improvements and make transit of the canal safer and more efficient, while allowing larger ships to access the port.

The Port of Baltimore is one of the great ports of the world and one of Maryland's most important economic assets. The port generates $2 billion in annual economic activity, provides for an estimated 87,000 jobs, and over $500 million a year in State and local tax revenues and customs receipts. These three projects will help assure the continued vitality of the Port of Baltimore into the 21st century.

In addition to port development and improvement projects, the measure contains three amendments which will help significantly to enhance Maryland's and the Chesapeake Bay region's environment.

It incorporates provisions of S. 934, the Chesapeake Bay Environmental Restoration and Protection Program, legislation I introduced together with Senators WARNER, ROBB, and MIKULSKI to expand the authority of the U.S. Army Corps of Engineers to assist in the environmental restoration of the Chesapeake Bay. The bill authorizes a $10 million pilot program for the corps to design and construct water-related projects in the Chesapeake Bay including projects for sediment and erosion control, wetland creation, fish passage barrier removal, wastewater treatment and related facilities, and other related projects. As the lead Federal agency in water resource management, the corps has a vital role to play in the restoration of the bay and these provisions would greatly enhance the ability of the corps to actively participate in this important endeavor.

It also authorizes $18.8 million in funding for environmental restoration of the Anacostia River. The Anacostia River is one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation. In July 1994 the Army Corps of Engineers completed a feasibility study which recommended 13 restoration actions, include 2 wetland restoration projects, 6 stormwater management/wetland projects, and 5 stream restoration projects. In total, these actions will restore 80 acres of wetlands, 5 miles of stream and 33 acres of bottom land habitat within the Anacostia basin. This legislation would enable the Corps of Engineers to undertake these projects and help restore the river and regain what has been lost through years of neglect.

Finally, the legislation authorizes the Secretary to transfer up to $600,000 to the State of Maryland for use by the State in constructing an access road to Jennings Randolph Lake. The fiscal 1994 energy and water appropriations bill contained a provision directing the corps to pave the access road on the Maryland side of the Jennings Randolph Lake utilizing the operations and maintenance budget. The Army has indicated that due to varying standards for Federal versus State road construction and the design and planning activity already undertaken by Maryland, the total cost of the road would be significantly lower if built by the State. This provision would enable the corps to transfer to the State of Maryland the funds necessary to complete the final portion of the access road which traverses corps property.

I want to compliment the distinguished chairmen of the committee and the subcommittee, Senators CHAFEE and WARNER, and the ranking member, Senator BAUCUS, for their leadership in crafting this legislation and I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 4445

(Purpose: To improve the bill)

Mr. STEVENS. Mr. President, I understand there is a manager's amendment to the committee amendment at the desk offered by Senator CHAFEE. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CHAFEE proposes amendment numbered 4445.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to and the committee amendment, as amended, be agreed to.

The amendment (No. 4445) was agreed to.

The committee amendment, as amended, was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be deemed read for the third time and passed and the motion to reconsider be laid on the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 640) was deemed read the third time and passed, as follows:

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—PROJECT-RELATED PROVISIONS

Sec. 201. Grand Prairie Region and Bayou Meto Basin, Arkansas.
Sec. 202. Heber Springs, Arkansas.
Sec. 203. Morgan Point, Arkansas.
Sec. 204. White River Basin Lakes, Arkansas and Missouri.
Sec. 205. Central and Southern Florida.
Sec. 206. West Palm Beach, Florida.
Sec. 207. Everglades and South Florida ecosystem restoration.
Sec. 208. Arkansas City and Winfield, Kansas.
Sec. 209. Mississippi River-Gulf Outlet, Louisiana.
Sec. 210. Coldwater River Watershed, Mississippi.
Sec. 211. Periodic maintenance dredging for Greenville Inner Harbor Channel, Mississippi.
Sec. 212. Sardis Lake, Mississippi.
Sec. 213. Yalobusha River Watershed, Mississippi.
Sec. 214. Libby Dam, Montana.
Sec. 215. Small flood control project, Malta, Montana.
Sec. 216. Cliffwood Beach, New Jersey.
Sec. 217. Fire Island Inlet, New York.
Sec. 218. Queens County, New York.
Sec. 219. Buford Trenton Irrigation District, North Dakota and Montana.
Sec. 220. Jamestown Dam and Pipestem Dam, North Dakota.
Sec. 221. Wister Lake project, LeFlore County, Oklahoma.
Sec. 222. Willamette River, McKenzie Subbasin, Oregon.
Sec. 223. Abandoned and wrecked barge removal, Rhode Island.
Sec. 224. Providence River and Harbor, Rhode Island.
Sec. 225. Cooper Lake and Channels, Texas.
Sec. 226. Rudee Inlet, Virginia Beach, Virginia.
Sec. 227. Virginia Beach, Virginia.

TITLE III—GENERAL PROVISIONS

Sec. 301. Cost-sharing for environmental projects.
Sec. 302. Collaborative research and development.
Sec. 303. National dam safety program.
Sec. 304. Hydroelectric power project uprating.
Sec. 305. Federal lump-sum payments for Federal operation and maintenance costs.
Sec. 306. Cost-sharing for removal of existing project features.
Sec. 307. Termination of technical advisory committee.
Sec. 308. Conditions for project deauthorizations.
Sec. 309. Participation in international engineering and scientific conferences.
Sec. 310. Research and development in support of Army civil works program.
Sec. 311. Interagency and international support authority.
Sec. 312. Section 1135 program.
Sec. 313. Environmental dredging.
Sec. 314. Feasibility studies.
Sec. 315. Obstruction removal requirement.
Sec. 316. Levee owners manual.
Sec. 317. Risk-based analysis methodology.
Sec. 318. Sediments decontamination technology.
Sec. 319. Melaleuca tree.
Sec. 320. Faulkner Island, Connecticut.
Sec. 321. Designation of lock and dam at the Red River Waterway, Louisiana.
Sec. 322. Jurisdiction of Mississippi River Commission, Louisiana.
Sec. 323. William Jennings Randolph access road, Garrett County, Maryland.
Sec. 324. Arkabutla Dam and Lake, Mississippi.
Sec. 325. New York State canal system.
Sec. 326. Quonset Point-Davisville, Rhode Island.
Sec. 327. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 328. Nuisance aquatic vegetation in Lake Gaston, Virginia and North Carolina.
Sec. 329. Washington Aqueduct.
Sec. 330. Chesapeake Bay environmental restoration and protection program.
Sec. 331. Research and development program to improve salmon survival.
Sec. 332. Recreational user fees.
Sec. 333. Shore protection.
Sec. 334. Shoreline erosion control demonstration.
Sec. 335. Review period for State and Federal agencies.
Sec. 336. Dredged material disposal facilities.
Sec. 337. Applicability of cost-sharing provisions.
Sec. 338. Section 215 reimbursement limitation per project.
Sec. 339. Waiver of uneconomical cost-sharing requirement.
Sec. 340. Planning assistance to States.
Sec. 341. Recovery of costs for cleanup of hazardous substances.
Sec. 342. City of North Bonneville, Washington.
Sec. 343. Columbia River Treaty Fishing Access.
Sec. 344. Tri-Cities area, Washington.
Sec. 345. Designation of locks and dams on Tennessee-Tombigbee Waterway.
Sec. 346. Designation of J. Bennett Johnston Waterway.
Sec. 347. Technical corrections.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

(2) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(3) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(4) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

(6) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

(8) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(10) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(11) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(12) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(13) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(14) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

(16) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(17) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(18) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

(20) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(21) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(b) PROJECTS SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading "MOBILE HARBOR, ALABAMA" in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.".

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

(d) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(e) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(f) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(g) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

(i) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

(j) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(k) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF DEFENSE—CIVIL" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(r) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) Newark, New Jersey.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) Acequias Irrigation System, New Mexico.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: ", except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent".

(v) Wilmington Harbor-Northeast Cape Fear River, North Carolina.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(w) Broken Bow Lake, Red River Basin, Oklahoma.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) Columbia River Dredging, Oregon and Washington.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes", approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) Grays Landing, Lock and Dam 7, Monongahela River, Pennsylvania.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

(z) Saw Mill Run, Pennsylvania.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(aa) Wyoming Valley, Pennsylvania.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

(bb) Allendale Dam, North Providence, Rhode Island.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(cc) India Point Railroad Bridge, Seekonk River, Providence, Rhode Island.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking "$500,000" and inserting "$1,300,000"; and

(2) by striking "$250,000" each place it appears and inserting "$650,000".

(dd) Corpus Christi Ship Channel, Corpus Christi, Texas.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) Dallas Floodway Extension, Dallas, Texas.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

(ff) Matagorda Ship Channel, Port Lavaca, Texas.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(gg) Upper Jordan River, Utah.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

(hh) Grundy, Virginia.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(ii) Haysi Dam, Virginia and Kentucky.—

(1) In general.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) Recreational component.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) Operation and maintenance.—

(A) In general.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) Payment of costs.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) Ability to pay.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

(jj) Petersburg, West Virginia.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of

1990 (Public Law 101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(kk) Teton County, Wyoming.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking "Secretary: *Provided*, That" and inserting the following: "Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to provide operation and maintenance for the project on a cost-reimbursable basis. The";

(2) by inserting ", through providing in-kind services or" after "$35,000"; and

(3) by inserting a comma after "materials".

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) Branford Harbor, Connecticut.—

(1) In general.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) Description of line.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

(b) Bridgeport Harbor, Connecticut.—

(1) Anchorage area.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) Johnsons river channel.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(c) Guilford Harbor, Connecticut.—

(1) In general.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) Description of realigned channel.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(d) Norwalk Harbor, Connecticut.—

(1) In general.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) Description of realigned channel and anchorage.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) Designation of realigned channel and anchorage.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(e) Southport Harbor, Connecticut.—

(1) In general.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) Remainder.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(f) Stony Creek, Connecticut.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) Thames River, Connecticut.—

(1) Modification.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) Payment for initial dredging.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) Deauthorization.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

(h) East Boothbay Harbor, Maine.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the "River and Harbor Act of 1910"), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, "East Boothbay Harbor, Maine, examination, 8-foot area", and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(i) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

(k) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

(n) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

SEC. 104. STUDIES.

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

(b) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(d) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(e) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(f) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(g) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(h) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(i) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(j) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(k) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(l) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(m) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(n) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(o) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(p) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(q) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(r) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99-88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(s) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled "Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania", dated June 29,

1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

(w) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota;

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas;

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

(y) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by Public Law 101-646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

SEC. 202. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 203. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 204. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 205. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90-483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C-111), South Dade County, Florida", dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $156,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 206. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C-51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term "develop" means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term "South Florida ecosystem" means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term "Task Force" means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the "conceptual plan").

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled "Conceptual Plan for the Central and Southern Florida Project Restudy", published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) Notice of Meetings.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) Compensation.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) Travel Expenses.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4177) is amended by adding at the end the following:

"(c) Community Impact Mitigation Plan.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).".

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98–8 (97 Stat. 13).

SEC. 211. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 212. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

SEC. 214. LIBBY DAM, MONTANA.

(a) In General.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 215. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 216. CLIFFWOOD BEACH, NEW JERSEY.

(a) In General.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) Non-Federal Share.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 217. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) Description of Nonnavigable Area.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the "11th Street Basin") and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) Requirement That Area Be Improved.—

(1) In General.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) Applicability of Federal Law.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Expiration Date.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) Acquisition of Easements.—

(1) In General.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) Scope.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) Payment.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) Conveyance of Drainage Pumps.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 221. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 222. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 223. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.".

SEC. 224. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 225. COOPER LAKE AND CHANNELS, TEXAS.

(a) ACCEPTANCE OF LANDS.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 226. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4810).

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) environmental protection and restoration: 25 percent.".

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

"(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

"(A) the date on which the Secretary enters into such an agreement with respect to the information; or

"(B) the last day of the 2-year period beginning on the date of the determination.

"(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.".

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92-367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'National Dam Safety Program Act'.";

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

"(2) DAM.—The term 'dam'—

"(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

"(i) is 25 feet or more in height from—

"(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

"(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

"(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

"(B) does not include—

"(i) a levee; or

"(ii) a barrier described in subparagraph (A) that—

"(I) is 6 feet or less in height regardless of storage capacity; or

"(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

"(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

"(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

"(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

"(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

"(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

"(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

"(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

"(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

"(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

"(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

"(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.";

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking "SEC. 3. As" and inserting the following:

"SEC. 3. INSPECTION OF DAMS.

"(a) IN GENERAL.—As"; and

(B) by adding at the end the following:

"(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

"(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

"(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.";

(6) in section 4 (as redesignated by paragraph (3)), by striking "SEC. 4. As" and inserting the following:

"SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

"As";

(7) in section 5 (as redesignated by paragraph (3)), by striking "SEC. 5. For" and inserting the following:

"SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

"For";

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

"SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

"(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

"(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

"(2) chaired by the Director.

"(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

"(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

"(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

"(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

"(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

"(2) involve, to the extent appropriate, each Federal agency; and

"(3) include—

"(A) each of the components described in subsection (d);

"(B) the implementation plan described in subsection (e); and

"(C) assistance for State dam safety programs described in subsection (f).

"(b) DUTIES.—The Director shall—

"(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

"(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

"(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

"(A) develop and implement the Program;

"(B) establish goals, priorities, and target dates for implementation of the Program; and

"(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

"(c) OBJECTIVES.—The objectives of the Program are to—

"(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

"(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

"(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

"(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

"(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

"(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

"(d) COMPONENTS.—

"(1) IN GENERAL.—The Program shall consist of—

"(A) a Federal element and a non-Federal element; and

"(B) leadership activity, technical assistance activity, and public awareness activity.

"(2) ELEMENTS.—

"(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

"(B) NON-FEDERAL.—The non-Federal element shall consist of—

"(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

"(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

"(3) FUNCTIONAL ACTIVITIES.—

"(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

"(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

"(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

"(e) IMPLEMENTATION PLAN.—The Director shall—

"(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

"(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

"(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

"(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

"(A) in accordance with the criteria specified in paragraph (2); and

"(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

"(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

"(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include substantially, at a minimum—

"(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

"(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

"(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

"(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

"(II) a procedure for more detailed and frequent safety inspections;

"(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

"(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

"(vii) regulations for carrying out the legislation of the State described in this subparagraph;

"(viii) provision for necessary funds—

"(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

"(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

"(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

"(x) an identification of—

"(I) each dam the failure of which could be reasonably expected to endanger human life;

"(II) the maximum area that could be flooded if the dam failed; and

"(III) necessary public facilities that would be affected by the flooding.

"(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

"(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

"(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

"(5) APPROVAL OF PROGRAMS.—

"(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

"(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

"(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

"(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

"(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

"(h) BOARD.—

"(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

"(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

"(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

"(A) 1 member shall represent the Department of Agriculture;

"(B) 1 member shall represent the Department of Defense;

"(C) 1 member shall represent the Department of the Interior;

"(D) 1 member shall represent FEMA;

"(E) 1 member shall represent the Federal Energy Regulatory Commission;

"(F) 5 members shall be selected by the Director from among dam safety officials of States; and

"(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

"(4) COMPENSATION OF MEMBERS.—

"(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

"(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

"(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

"(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"SEC. 9. RESEARCH.

"(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

"(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

"(2) devices for the continued monitoring of the safety of dams.

"(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

"SEC. 10. REPORTS.

"(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

"(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

"(1) describes the status of the Program;

"(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

"(3) describes the progress achieved in dam safety by States participating in the Program; and

"(4) includes any recommendations for legislative and other action that the Director considers necessary.";

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking "SEC. 11. Nothing" and inserting the following:

"SEC. 11. STATUTORY CONSTRUCTION.

"Nothing";

(B) by striking "shall be construed (1) to create" and inserting the following: "shall—

"(1) create";

(C) by striking "or (2) to relieve" and inserting the following:

"(2) relieve"; and

(D) by striking the period at the end and inserting the following: "; or

"(3) preempt any other Federal or State law."; and

(10) by adding at the end the following:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"(a) FUNDING.—

"(1) NATIONAL DAM SAFETY PROGRAM.—

"(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

"(B) ALLOCATION.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

"(I) One-third among States that qualify for assistance under section 8(f).

"(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

"(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

"(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

"(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

"(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

"(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

"(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

"(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

"(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

"(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.".

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking "the first section of Public Law 92-367 (33 U.S.C. 467)" and inserting "section 2 of the National Dam Safety Program Act".

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary is authorized, to the extent funds are made available in appropriations Acts, to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b) PUBLIC PARTICIPATION.—"; and

(B) by striking "subsection" each place it appears and inserting "section".

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking "10" and inserting "5";

(2) in the second sentence, by striking "Before" and inserting "Upon official"; and

(3) in the last sentence, by inserting "the planning, design, or" before "construction".

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100-676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking "or subsection (a) of this section".

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "and to determine if the operation of the projects has contributed to the degradation of the quality of the environment";

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

"(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

"(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.".

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101-640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking "during the period of such study";

(2) by inserting after the first sentence the following: "During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j)."; and

(3) in the last sentence, by striking "such non-Federal contribution" and inserting "the non-Federal share required under this paragraph".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking "sections thirteen, fourteen, and fifteen" and inserting "section 13, 14, 15, 19, or 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of not more than $25,000 for each day that the violation continues".

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking "Under emergency" and inserting "SUMMARY REMOVAL PROCEDURES.—Under emergency"; and

(B) by striking "expense" the first place it appears and inserting "actual expense, including administrative expenses,";

(2) in subsection (b)—

(A) by striking "cost" and inserting "actual cost, including administrative costs,"; and

(B) by striking "(b) The" and inserting "(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The"; and

(3) by inserting after subsection (a) the following:

"(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).".

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

"(c) Levee Owners Manual.—

"(1) In general.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

"(2) Prohibition on delegation.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

"(3) Authorization of appropriations.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

"(4) Definitions.—In this subsection:

"(A) Maintenance and upkeep.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

"(B) Repair and rehabilitation.—The term 'repair and rehabilitation'—

"(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

"(ii) does not include—

"(I) any improvement to the structure; or

"(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

"(C) Secretary.—The term 'Secretary' means the Secretary of the Army.".

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) Task Force.—

(1) In general.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) Membership.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) Compensation.—

(A) In general.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) Expenses.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) Termination.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) Limitation on Use of Methodology.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) Authorization of Appropriations.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: "The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day."; and

(B) by adding at the end the following:

"(3) Report to congress.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2)."; and

(2) in subsection (c)—

(A) by striking "$5,000,000" and inserting "$10,000,000"; and

(B) by striking "1992" and inserting "1996".

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting "melaleuca tree," after "milfoil,".

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) Designation.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the "Russell B. Long Lock and Dam".

(b) Legal References.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) In General.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) Federal Share.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) Definition of New York State Canal System.—In this section, the term "New York State canal system" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-

Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4855) is amended by striking "1993 and 1994" and inserting "1995 and 1996".

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term "non-Federal public water supply customer" means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29,000,000 for fiscal year 1997 and $24,000,000 for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22,000,000 in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in

the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of "fish-friendly" turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)(4)) is amended by inserting before the period at the end the following: "and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected".

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d-3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(2) by striking "the following provisions" and all that follows through the period at the end and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.".

(b) Definition of Shore Protection Project.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking "Sec. 4. As used in this Act, the word 'shores' includes all the shorelines" and inserting the following:

"SEC. 4. DEFINITIONS.

"In this Act:

"(1) Shore.—The term 'shore' includes each shoreline of each"; and

(2) by adding at the end the following:

"(2) Shore protection project.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.".

SEC. 334. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) National Shoreline Erosion Control Development and Demonstration Program.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

"SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

"(a) Definitions.—In this section:

"(1) Erosion control program.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

"(2) Secretary.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

"(b) Establishment of Erosion Control Program.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

"(c) Requirements.—

"(1) In general.—The erosion control program shall include provisions for—

"(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

"(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

"(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

"(D) technology transfers to private property owners and State and local entities.

"(2) Emphasis.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

"(A) the development and demonstration of innovative technologies;

"(B) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

"(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

"(D) the avoidance of negative impacts to adjacent shorefront communities;

"(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

"(F) the potential for long-term protection afforded by the technology; and

"(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93-251; 42 U.S.C. 1962d-5 note), including—

"(i) adequate consideration of the subgrade;

"(ii) proper filtration;

"(iii) durable components;

"(iv) adequate connection between units; and

"(v) consideration of additional relevant information.

"(3) Sites.—

"(A) In general.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

"(B) Selection.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

"(i) a variety of geographical and climatic conditions;

"(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

"(iii) the rate of erosion;

"(iv) significant natural resources or habitats and environmentally sensitive areas; and

"(v) significant threatened historic structures or landmarks.

"(C) Areas.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

"(i) the Atlantic, Gulf, and Pacific coasts;

"(ii) the Great Lakes; and

"(iii) the State of Alaska.

"(d) Cooperation.—

"(1) Parties.—The Secretary shall carry out the erosion control program in cooperation with—

"(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

"(B) Federal, State, and local agencies;

"(C) private organizations;

"(D) the Coastal Engineering Research Center established under the first section of Public Law 88-172 (33 U.S.C. 426-1); and

"(E) university research facilities.

"(2) Agreements.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

"(e) Report.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

"(f) Funding.—

"(1) In general.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

"(2) Responsibility.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.".

(b) Conforming Amendment.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking "section 3" and inserting "section 3 or 5".

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (33 U.S.C. 701-1(a)), is amended—

(1) in the ninth sentence, by striking "ninety" and inserting "30"; and

(2) in the eleventh sentence, by striking "ninety-day" and inserting "30-day".

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) In General.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

"(f) Dredged Material Disposal Facilities.—

"(1) In general.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

"(2) Cost sharing for operation and maintenance.—

"(A) In general.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

"(B) Source of federal share.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

"(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

"(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

"(3) Apportionment of funding.—The Secretary shall ensure, to the extent practicable, that—

"(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

"(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

"(4) Applicability.—

"(A) In general.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

"(B) Amendment of existing agreements.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

"(5) Non-federal share of costs.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.".

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: ", dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility".

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: "For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.".

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking "$3,000,000" and inserting "$5,000,000"; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by inserting before the period at the end the following: ", except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest".

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a), by inserting ", watersheds, and ecosystems" after "basins";

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking "$6,000,000" and inserting "$10,000,000"; and

(B) by striking "$300,000" and inserting "$500,000".

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1940), is amended to read as follows:

"SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

"(a) CONVEYANCES.—

"(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

"(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

"(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

"(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

"(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

"(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

"(F) such easements as the Secretary of the Army considers necessary for—

"(i) sewer and water line crossings of relocated Washington State Highway 14; and

"(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

"(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

"(b) EFFECT OF CONVEYANCES.—

"(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

"(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

"(A) execute an acknowledgment of payment of just compensation;

"(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

"(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

"(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

"(A) dismiss any pending litigation arising from the relocation of the city; and

"(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, aff'd in part and rev'd in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988).

"(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

"(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

"(B) execute a release of all claims for relief of any kind against the United States arising from this section.

"(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

"(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

"(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.".

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100–581 (102 Stat. 2944) is amended—

(1) by striking "(a) All Federal" and all that follows through "Columbia River Gorge Commission" and inserting the following:

"(a) EXISTING FEDERAL LANDS.—

"(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,"; and

(2) by adding at the end the following:

"(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.".

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a)

to Benton County, Washington, is the property in the county that is designated "Area D" on Exhibit A to Army Lease No. DACW-68-1-81-43.

(2) Franklin County, Washington.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(C) the 20 acres of property commonly known as "Richland Bend" that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(D) the 7.05 acres of property commonly known as "Taylor Flat" that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(E) the 14.69 acres of property commonly known as "Byers Landing" that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) City of Kennewick, Washington.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) City of Richland, Washington.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) City of Pasco, Washington.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW-68-1-77-10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) Port of Pasco, Washington.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) Additional properties.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) Terms and Conditions.—

(1) In general.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) Special rules for Franklin County.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(3) Special rule for city of Pasco.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) Consideration.—

(A) Administrative costs.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) Park and recreation properties.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) Other properties.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) Lake Wallula Levees.—

(1) Determination of minimum safe height.—

(A) Contract.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) Agreement of local officials.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) Authority.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) In General.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. "Sonny" Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) Legal References.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) In General.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the "J. Bennett Johnston Waterway".

(b) References.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the "J. Bennett Johnston Waterway".

SEC. 347. TECHNICAL CORRECTIONS.

(a) Contributions for Environmental and Recreation Projects.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking "(8662)" and inserting "(8862)".

(b) Challenge Cost-Sharing Program.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking "(8662)" and inserting "(8862)".

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. May I address the Senator from Nevada? Does the Senator from Nevada seek the floor for any particular purpose on this bill?

Mr. REID. To speak on the amendment.

Mr. STEVENS. Is the Senator willing to have a time agreement on that statement?

Mr. REID. No.

Mr. STEVENS. Mr. President, the amendment that is pending before the Senate in this bill, the 1997 appropriations bill, is that we establish a separate transfer account for contingency operations. Moving into this account are the funds budgeted for the contingency operations from services' operations and maintenance accounts. In addition, the subcommittee added funding for emergency requirements identified by the Department of Defense. This amendment would transfer an additional $4,200,000 from the Army's operation and maintenance account, and seek $66 million from the defensewide operation and maintenance accounts. The funds were identified by the department as needed in support of contingency operations, but were not identified for previous transfer.

Mr. President, I ask unanimous consent there be a time limit on this amendment of 30 minutes with time equally divided.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, it is apparent that the Senators from Nevada are trying to hold up the Department of Defense, the people who are in the field serving this country, and to delay the consideration of this bill, as I said, which is a critical bill, with Members wanting to go back to their States because of this hurricane.

The rules of the Senate are the rules of the Senate, and there is not much this Senator can do about it. If the Senator from Nevada is going to persist to put us through the same gyrations we went through yesterday, I might say to my friend—he is my good friend—I am appalled at this, and I really am at a loss to consider what to do about it. Under the circumstances, it would be my intention to confer with the leadership to see what they would like to do.

Mr. President, might I say for the information of the Senate, it was my intention, and that of the Senator from Hawaii, to proceed now to a series of amendments that have been cleared by all concerned, have been reviewed by Members on both sides and are prepared to be added to this bill. I do think that the problem is, how do we get this bill to a vote today. And I am still proceeding to try and find out how to do that.

Mr. President, let me outline these amendments that I am trying to get considered. Let me point out to the Senate we have an amendment by Senator BINGAMAN which would reduce the amount for the Pentagon renovation fund by $100 million. We have cleared that. We have an amendment by Senator CHAFEE for the Defense Technical Transfer Pilot Program that has been cleared. Senators KEMPTHORNE and CRAIG have an amendment related to the Army's mobile munition assessment system that has been cleared, Senator LIEBERMAN's amendment adjusting funding levels for the Corps SAM and Other Theater Missile Defense/Follow-On TMD Activities Program. Those have been cleared.

I have an amendment to make available $11.5 million for B-52 bomber modifications. I have an amendment regarding the CAMP Program and an amendment to provide moneys for P-3 aircraft personnel offset by a reduction in defense health and also provides additional money for B-52 squadron personnel. We have a series of other amendments that we are in the process of clearing. I tell the Senate that there are some 20 other amendments ready to go to be debated now. We have an additional series here that I believe will be cleared, and the amendment that is pending has been cleared. I hope we will be able to proceed with those. It does seem to me however, it is just an exercise in futility to have a filibuster on a defense bill. I intend to do what I can to thwart that.

Mr. President, in my judgment, this bill is the key to our being able to complete action on appropriations bills and get the whole subject cleared by the end of the fiscal year. My good friend and our chairman, Senator HATFIELD, is retiring this year. I want to do my best to assure that the key bills that we have, all the appropriations bills, are sent to conference before the August recess.

In my judgment, if we have to give up the August recess to do that, we should do it. If we are going to have filibusters on every bill, then so be it. We will have to break them. It seems this is an unfortunate circumstance.

Let me describe, for instance, this B-52 modification amendment. It provides $11.5 million within the account that is already outlined in the bill to modify the B-52 aircraft. These are required to maintain the combat effectiveness of the aircraft, should they be called upon once again to fly combat missions. They are going to be offset by a decrease in funds available to the F-15 fighter in the same account. I think we can do that because we can still proceed with the F-15. There has been a delay in the projected contract award, and the fighter data link program will remain fully funded for 1997, according to the maximum amount that can be spent. We believe we should provide these moneys. There is an initiative by the Senators from North Dakota to assure the current floor structure be preserved, and we are trying to prevent attrition of these aircraft. That is one of the amendments I have, and I am seeking to get approval today at this time.

We are also going to add $4.9 million to the Navy's personnel account and $4.4 million to the Air Force personnel account to allow the Navy to maintain an end-strength support of the P-3 squadron, and the Air Force to maintain the personnel necessary to carry out the B-52 mission as outlined by the Senators from North Dakota.

We are trying to cooperate as much as possible with many people on the other side of the aisle. I might say, all of these pending amendments are to make sure that amendments to the authorization bill by Members of the minority would be fully funded.

Our leader is here, and I want to yield to the leader, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S. 1936 and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:

Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATION FOR FISCAL YEAR 1997

CLOTURE MOTION

Mr. STEVENS. Mr. President, I send to the desk a motion to invoke cloture on the passage of the pending bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1894, the Defense Appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Fred Thompson, Dan Coats, Charles Grassley, Richard G. Lugar, Don Nickles, Mark O. Hatfield, Craig Thomas, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Hank Brown.

Mr. STEVENS. Mr. President, I simply say to my friend from Nevada that we can either proceed with the Defense bill and finish it today, or if he wishes to try to filibuster this bill, if he will not agree to a time agreement, it is my recommendation to the leader that we recess until Monday and have the votes on the cloture. That means we will take up the nuclear waste bill first and when we get cloture on that, we will vote on it, and when we are finished with that, we will finish the Defense appropriation bill.

Mr. LOTT. Mr. President, I thank the distinguished managers of this very important legislation: Senator STEVENS, who is the chairman of the Defense Appropriations Subcommittee, and Senator INOUYE, the great Senator from Hawaii. They always do a magnificent job on this legislation. It is legislation that is very, very important to the defense of our country and carrying out our commitments here in this country and around the world. We have troops in Bosnia right now that have a very important role they are trying to carry out. The President is committed to that. They need the funds that are necessary to do their job wherever they are in the world, where sailors are steaming today. They are looking to us to provide the funds. There are very important funds in this legislation for every state that our military men and women are serving in, and we need to get this done. We have 7 weeks left in this year. We have 12 appropriations bills to get done, including this one. We must get that done or we cannot go home. We must get started, and we can complete this bill, I think, very quickly.

Now, what has happened—I understand the concern by the Senators from Nevada about the nuclear waste issue. By forcing my hand to do these cloture motions, it has speeded up the time in which this issue will come to a head. I had planned on not filing a cloture motion on the nuclear waste issue until Friday and the vote would have occurred on Tuesday, but now it really is bringing it up sooner than it would have otherwise.

Mr. President, this is an urgent, important issue for our country. There is dangerous, radioactive nuclear waste stored in cooling pools all over this country from Vermont to Minnesota to Idaho to South Carolina. This has been an issue for 10 years which the Congress and the governments, the administrations, Republican and Democrat, have not sufficiently addressed. Countries like Sweden, France, Britain, and Japan have stepped up to this issue of how we deal with the temporary and permanent storage of nuclear waste, but in America we have not been able to bring ourselves to do it.

At the same time, the ratepayers have paid millions, in fact, billions of dollars to move toward a time when we would have a permanent storage site for nuclear waste. Do we wish it would go away? Of course. We cannot wish it away. It is there. Something must be done. This nuclear waste legislation is probably the most important environmental legislation this Congress or any Congress will consider.

(Mr. INHOFE assumed the chair.)

Mr. LOTT. Mr. President, we cannot stick our heads in the sand. If we do, we will probably be radioactive. We have to step up to this issue. This is a bipartisan bill. This is a bill that Senator MURKOWSKI has worked very hard on, as have Senator CRAIG of Idaho and Senator BENNETT JOHNSTON. We cannot just ignore it. Do I want to bring it up now at a time when we are trying to work together to move Presidential nominations, judicial appointments, appropriations bills? No. But I do not have a choice. As majority leader, when I have bipartisan senior leaders of the Congress come to me and say we have a fundamental national issue that must be addressed, I cannot ignore it.

Does it eat up time? Yes. We blew 4 or 5 hours yesterday. We could have finished this bill last night or this morning. Are we balled up here now? Yes. Do I want that? No. But can we ignore our responsibility? Absolutely not.

Now, let me say again, I am sympathetic to how the Senators from Nevada feel. I know they cannot accept this without a fight. But I ask the distinguished Senator from Nevada to allow us to do our work on the Department of Defense appropriations bill, give us an opportunity to work with him and find any opportunity that we can to be fair and work with him. But we cannot ignore this problem any further. So, again, I wanted to make those points. I think they are very important. I hope that we can work something out. I will be glad to work with the Democratic leader. I know the Democratic leader wants to proceed on the Department of Defense appropriations bill. He has assured me of that personally. I know he has given the managers, Senator INOUYE and Senator STEVENS, that commitment and assurance. So I hope we can find a way to face up to this issue and also to allow the Senate to get its work done.

We are now locked in a rolling filibuster on every issue, which is totally gridlocking the U.S. Senate. That is wrong. It is wrong for America. We cannot get the appropriations bills done. We cannot get the taxpayers' bill of rights done. We cannot get the White House Travel Office bill for Billy Dale done. We cannot get the gaming commission issue up. I do not support all of these bills, but we have an obligation to allow the Senate to do its work. That is not happening. I hope we can find a way to do it on this bill today.

I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mr. STEVENS. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the cloture vote with respect to the pending bill, the DOD appropriations bill, occur at 1 p.m., and I might say that we are prepared to let the Senator from Nevada talk and have all the time between now and 1 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

Mr. STEVENS. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LOTT. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. LOTT. Mr. President, what was the consent that was asked for and objected to?

Mr. STEVENS. I sought to accelerate the time to vote on the Defense appropriations bill. If we could bring that to a vote at 1 o'clock, I feel certain we will get cloture, and we would have 30 hours for debate on this bill. I believe that would expire before the time to vote on the nuclear waste bill, which, under other circumstances, will come first on Monday.

I am prepared to state that I think we can finish the bill today or tomorrow. It might mean that we would stay in session tonight to do so. But I would like to get this bill through. I think that there is no greater issue facing the country today than the amount and level of support for our armed services and the people in Bosnia. I think the uncertainty involved here is going to lead to some real problems.

I hope that maybe we might have a chance to have a recess and let us just try to discuss this with the Senator from Nevada and others and see if we can get to this bill. There is no question in my mind that we are going to vote on this bill one way or the other. If cloture is the only way to get to it, we will have to do that.

Mr. LOTT. If the Senator will yield, Mr. President, I would like to further inquire, if I could, with the indulgence of the Senator from Alaska, with him retaining control of the floor. What are the wishes of the Senator from Nevada? Does he wish to just talk for a period of time? Can we accommodate him in some way? I do not want to cut him off, but I know that he has to be also aware of the desires of the 98 other Senators in trying to get the work done of the Senate on the Department of Defense appropriations bill. Would the Senator like to talk for an hour? What are his intentions?

Mr. REID. I say to my friends, Senator INOUYE, Senator STEVENS, and the majority leader that I understand the importance of this bill. I am a member of the committee. I think we have had the good fortune of having the other military appropriations bill, military construction, passed. I am very happy about that. I received the support of Senators STEVENS and INOUYE on that. That bill pales in the comparison to this bill, and I understand that.

But I respectfully say to my friend, the majority leader, that I disagree that S. 1936 is the most important environmental issue facing this Congress. I say, respectfully, to my friend that if the majority feels this is the most important environmental issue, no wonder the American public is upset at some of the environmental stands taken by this Congress.

Now, I say to my friends, I support this bill. I speak in favor of this bill. I believe, as outlined by Senators INOUYE and STEVENS, that we do not have an obligation—in fact, we have a contrary obligation—to go along with what the White House suggests as to levels of military spending. We are a separate, just-as-important, equal branch of Government. Therefore, I support this bill.

But I also have obligations to the people of the State of Nevada and of this country to have every opportunity that I can to speak about S. 1936, which the President is going to veto. That is one of the points I tried to make yesterday. Hopefully, I did it well. I think we are wasting a lot of time here, when the President says he is going to veto the bill anyway. So I will be happy to cooperate in any way that I can. It is my understanding, as someone told me, that there might be some need for a recess.

Even though I do not speak very loud most of the time, I have the opportunity and the right as a Senator to follow the rules. That is all I am asking to do. I am not asking that any special privilege be extended to this Senator. But as those Senators in this Chamber know, I feel very strongly about S. 1936. I think it is a waste of our time. I would like to take every possible opportunity to speak on this.

Mr. LOTT. Would the Senator from Nevada be willing to bring this bill up right now?

Mr. REID. I would not.

Mr. LOTT. I have just one reaction, if I can ask the Senator from Alaska to continue to yield to me. First of all, I would be amazed if the President of the United States would veto this bill after it has gone through the House and the Senate, supported by Senators from the diverse States I named, all the way from Minnesota, Idaho, Vermont, New Hampshire, my own State, and perhaps others. But, if the Congress gets to the point where, just because of the mere threat from the President of a veto, we do not act, we might as well go ahead and leave now for the year because he is talking about vetoing every bill that is moving. I do not think we can use that as a basis of not acting on important legislation.

RECESS

Mr. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

Mr. REID. Objection.

I wish to make an inquiry.

Will the Senator from Alaska yield for a question; or the majority leader?

The PRESIDING OFFICER. The Chair advises the Senator that a unanimous-consent request is pending.

Mr. LOTT. Mr. President, I moved that the Senate stand in recess until 1 p.m.

Mr. REID. I apologize to the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The question occurs on the motion.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The question is on agreeing to the motion.

Mr. REID. I ask for the yeas and nays.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Thereupon, the Senate, at 11:12 a.m., recessed until the hour of 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

QUORUM CALL

The PRESIDING OFFICER (Mr. STEVENS). In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BRYAN. Objection.

The PRESIDING OFFICER (Mr. KYL). Objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

Bryan
Coats
Conrad
Craig
Daschle
Inouye
Kempthorne
Kyl
Lott
Mack
Nickles
Reid
Santorum
Stevens

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—93

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—2

Bennett
McCain

NOT VOTING—5

Chafee
Jeffords
Leahy
Moseley-Braun
Murray

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I begin by pointing out that in order to come off of a quorum call I had to use this procedure of instructing the Sergeant at Arms to get the presence of the Members here. It is the first time I ever had to do that as majority leader, and I do not like to do it. I remember grumbling loudly when it was done by a former majority leader. In fact, I usually voted no because I hated the procedure. However, I had no alternative, because I was trying to come off of a quorum call so we could have some discussion about the situation we find ourselves in. That exercise is reflective of why we are in this situation right now.

Apparently, Mr. President, there is a planned concerted effort to have gridlock in the U.S. Senate. We need to do the people's business. I am committed to that. I still think that the best thing to do for ourselves politically is to do what is right for the country, and for us to be locked down and not able to move any legislation after the exercise we went through to vote on the small business tax relief package and the minimum wage, to sort of clear the decks and move on to other issues, and now I find that instead of gridlock being broken it is beginning to get worse every day.

Mr. President, we have now in this Congress had to file 73 cloture motions, I presume probably the largest in history. There were 40 in the 102d Congress, 51 in the 103d Congress, and already 73 in the 104th Congress. Now, I am new in this position. I am trying mightily to do a good job by finding a way to produce, finding a way for the Senate to act, while honoring the needs of 100 Senators. It is not easy. It is very hard. It takes cooperation. It takes communication. I have been doing that. I tried to talk to my colleagues, one by one, small groups, repeated meetings, and I tried doing it across the aisle.

I say, honestly, I found the Democratic leader open and helpful in many instances, and I tried to work with others. Senator PRYOR from Arkansas has a bill that he has been working on for years. He started this whole effort of having the taxpayer bill of rights. For heaven's sakes, we ought to have that. The taxpayers ought to have some rights when it comes to dealing with the Internal Revenue Service. Yet we have not been able to get that bill cleared. Why? I do not understand.

As soon as I was elected to this position I said, "Look, enough on this Federal Reserve Board holdup. Let the Senators talk. Decide on a time, have our say, and vote." They are the President's nominees. We may not like them. I did not like all of them. I voted against one of them. Some of you voted against one of them, maybe somebody voted against two of them, but we agreed on a time with the distinguished majority leader and those that had problems—the Senator from Iowa had held up these nominees from his own administration for weeks. I said, "Enough. Give them the time, talk about it, vote, and go on."

Small business tax relief and minimum wage have been sitting in our lap for weeks, months, balling up everything. I could have been willing to just continue it that way because I did not like the way it was set up, but it would have wound up tying up the small business tax relief, minimum wage, taxpayers bill of rights, the Billy Dale White House travel issue, and I do not know whatever else was balled up in the Gordian knot. I said for the good of the Senate, for Democrats and Republicans, and some of my colleagues did not like my concerted, aggressive continuous effort to find a way to resolve that issue, but I stayed with it and I stayed with it. The Democratic leader and I have worked, and we ran into little problems. Sometimes he misunderstood what I said. Sometimes I could not carry out what I thought I could. Sometimes he could not. We had to rework it, but we did it. We set up a process to do it.

Regular order. I remember Senator Mitchell saying what we need to do is the regular order. There is a way you do things around here. You bring up a bill reported by a committee, have debate, offer amendments, you vote and win or lose, and you move on, and then it goes to conference.

Now, on both sides we are beginning to block appointments of conferees. This is a relatively new device—not unprecedented, but are we going to start doing it on every bill? I do not like it. We ought to go to conference on Coast Guard authorization of conferees. Finally, we did it today after being held up for, gee, 2 months.

I am going to try to go to appointment of conferees on health care. For 80 days, it has been held up to appoint conferees on the health care bill—80 days—while we have had these running negotiations. There have been complaints that, "Well, gee, we are not in on the discussions." How about regular order? How about we appoint conferees, make sure it is a fair appointment, and go to conference.

I want to tell you who I recommend that we appoint on the health care conference: Senator KASSEBAUM. You know of her work in this area. She has been very diligent. She voted against putting the medical savings accounts in the bill when it was on the floor of the Senate. She has said, standing right there, that she thinks what I have been working on and what we are trying to do is eminently fair and reasonable, and we ought to go with the medical savings account compromise we have worked out. She wants to move this legislation. Senator ROTH, Senator KENNEDY, Senator MOYNIHAN, and myself, Senator LOTT. There are five Senators that are about as equally balanced as you could possibly get and allow the majority party to have a one-vote edge with one of the Senators in the majority certainly committed to getting the job done and certainly unbiased in what she wants to do and how it is achieved.

So we worked through that agreement and carried it out this week. I said Tuesday that, sundown Wednesday, we are back to business. Minimum wage, voted on. Small business tax relief, voted on. Finance Committee improvements in the small business area, accepted. TEAM Act, voted on. Right to work, cloture motion, voted on. The decks are clear and ready to go.

Appropriations bills. DOD, Department of Defense appropriations bill. Do we need it? Is it the right thing for the country? Have we already debated everything that is in it? Yes. The authorization bill. We spent 2 weeks on that. Then, with a little cooperation at the end, we concluded it and voted on it this week. That was clear. We have two of the most effective managers of legislation in the Congress wanting to handle this bill. Senator STEVENS from Alaska and Senator INOUYE from Hawaii are ready to go. The truth of the matter is that if they had 40 minutes, they could probably finish it. They want to go to work. And then it is blocked—blocked before an effort was even made on nuclear waste.

Yesterday, we thought everything was all ready to go on the Department of Defense appropriations. I am in my office and, all of a sudden, we are talking about nuclear waste, not on DOD. We blew 4 hours or more yesterday when we could have probably completed the Department of Defense appropriations bill. But, again, in an abundance of wanting to be fair, I understand how important this is to the Senators from Nevada. I am sympathetic to how they feel. But I am more sympathetic to doing the job and doing what is right for all of America.

What about the Senators from Minnesota, who have nuclear waste piling up in their State to the limit, sitting out in cooling pools? If you want to talk about the environment, this is the most dangerous issue in this country—nuclear waste, sitting in open pools in Minnesota, in Vermont, in Idaho, in South Carolina, North Carolina. It is all over America. What about the other 48 Senators that are directly involved in this nuclear waste issue and the States that are involved—sorry to get carried away there. It is dangerous to be sitting here. This is worse than nuclear waste.

I want to do it for the country's sake. Britain, France, Sweden, and Japan have stepped up and addressed the issue of nuclear waste. Yet, we cannot bring ourselves to deal with this. It is not easy. Transportation is a problem. Temporary storage and permanent storage. It has to go somewhere. Nobody wants it. Nevada does not want it, nobody wants it.

But there are safe ways we can do this. It is the right thing to do. It is right for the country. Now we found that not only did it delay us last night—I thought we did the right thing to let the Senators talk and express their concerns; they were entitled to that. But they agreed that we would close it up about 6 o'clock last night, and they agreed that we would come back at 10 o'clock and we would be on the Department of Defense appropriations bill. Lo and behold, I had a cup of coffee, and I woke up and, gee, we are back on nuclear waste again.

Now, I am trying my best, but for America's sake, I need some help on both sides of this aisle so that we can move this legislation. I set up campaign finance reform. I did not agree with it, did not like it, did not want to waste the time of the Senate on it. I admit that. But we set up a fair and agreed-to process that Senator McCAIN of Arizona agreed to, Senator McCONNELL agreed to, and Senator FEINGOLD, and others, agreed to. We took it up, debated it, and we voted. Regular order.

On judges. You know, I do not like to not move appointments that are not controversial. So I tried it. I tried four. It was objected to by a Democrat because his judge was not on the list of four. So we worked on it and came back and said, "Let us do the four and we will keep going." It was objected to by a Senator. He said, "My judge is not on the list." I said, "OK, I will work on that." I put a lot of time and effort into it. I came back and said, "How about 10?" Then there was objection to one of those that we worked out later on. So we took one off and said, "Here are nine; how about nine?" That was objected to because there were, I guess, seven that were not on the list with the nine. So if their judge was not on the list, they objected. So we could not move nine. I said, "Well, OK, I could not get four, could not get 10, and could not get nine. How about one at a time?"

I even, at the request of the Democratic leader—and I thought it was a reasonable request—I gave him the list of the order for the next 2 weeks. We talked about it, and I told him I would keep working on it.

I am not interested in balling these things up. I am interested in moving this place. So we lined up nine. When I brought the first one up the day before yesterday, bam, objection again. But, overnight, some additional consideration was given to it. Yesterday, we moved two. Yea, two. Two judges. Wonderful. I would like to do another one today and another tomorrow.

My point in all of this is to say that I am trying. But now we find that the Department of Defense appropriations bill is being held up. The nuclear waste issue, which I was not going to bring up until Friday, lay down cloture, and vote on next Tuesday to see where we were—and not a lot of cloture motions win around here. But now I had to file a cloture motion on nuclear waste.

Health insurance conferees—80 days it has been held up.

Taxpayer bill of rights—I mentioned that. I cannot imagine that anybody is going to stand up and admit they object to bringing this thing up.

White House Travel Office—we have had our fun with that. We have; you have. Nobody in the end when we get to a vote is going to pass it 98 to 2 or 100 to 0. Why not do that?

Gambling Impact Study Commission—I do not particularly like it. I do not like national commissions. I do not like subpoena powers. My State is not particularly happy about it. But some are. A lot of people feel gambling is a problem in this country.

So I said, Look, it is supported by the distinguished Senators, like the Senator from Illinois, Senator SIMON, a highly respected Senator; Senator LUGAR from Indiana; Mr. COATS; Congressman FRANK WOLF. I was not going to stand in the way of bringing that up. I could not. So I want to schedule it. I said let us bring it up, get UC, and move on. I was told, "Well, you know, we will probably have objection to that. Maybe we can work that out." I am ready.

The stalking bill—here is a bill that one night had been cleared, and all day. At the last minute, bam, it got stopped. I never did quite figure out what the problem was with bringing up a bill that would have some limit, some controls, on stalking of people and women and children. But I understand there is a little tete-a-tete thing going on. I am willing to meet with the Senators involved and work that out. But nobody in here is opposed to this stalking bill; not any of us.

So I am just beginning now to wonder what is going on here. We need to work together. We need to move these bills.

We need to move to the foreign ops appropriations bill. We need to do it tonight. Next week we need to do the legislative appropriations bill.

Treasury-Postal Service—we have work to do, and we are completely balled up. This is wrong.

So I have a series of unanimous-consent requests that I want to go through here now. I want to say up front to the distinguished leader that this will not necessarily be the end of it for you or us. Maybe we can work some of them out. I am ready. But as of right now we are completely balled up, and it is not my fault.

I want us all to sober up here now and get on with the business of the Senate.

With that—and he has been very patient—I am glad to yield to the Senator from South Dakota who I know would like to help.

But we have to do it now. We cannot just keep talking about it.

I am beginning to feel like Charlie Brown. I keep running up to kick the football, and it "ain't" there. I have tried one time, two times, and three times on the judges. I thought it was your ball. You know because it kept disappearing into your cloakroom.

Let us quit this stuff.

I would be glad to yield.

Mr. DASCHLE. Mr. President, now the majority leader knows why they pay him much more now.

Mr. LOTT. They do? (Laughter.)

Mr. DASCHLE. Mr. President, I am delighted that he has taken the speech that I put in his desk from George Mitchell from about 2 years ago and used it almost verbatim. Obviously, as leaders, we face these frustrations with some frequency. I have learned that now myself over the last 18 months.

I say to the distinguished majority leader that there are many things that he has done since he has taken this office that many of us have found to be very productive, and we appreciate his willingness to cooperate on so many things in the short time that he has been majority leader. I have been asked almost daily by members of the media how I view the first few weeks of the majority leader's tenure, and I have given him very high marks because of his determination to continue to find ways to deal with the many issues that he has listed.

There have been times in this Congress when we have been able to accomplish a number of things. We passed the unfunded mandates bill last year. We passed the line-item veto. We passed the congressional accountability legislation. We passed telecommunications reform. We passed in the Senate a couple of bills that may or may not ultimately become law, including welfare reform. We might be able to do that again.

On those occasions where Democrats and Republicans have worked together, we have had overwhelming votes. Just this week we passed the minimum wage bill by an overwhelming vote in part because the leadership has been able to find ways to work together.

The majority leader made a point that he has had to file—he used the words "had to file"—a number of cloture motions. I must tell you that I do not know why he and his predecessor have felt compelled so often to file cloture motions on the very day they lay a bill down.

How many times have we seen bills laid down and cloture motions filed on the very first day? What kind of a message for bipartisanship does that send? How many opportunities are we going to have to participate in the legislative process when that happens?

I would like to go through that list of all of those bills and find out how many times on the first or second day a cloture motion was filed. That is not the way we used to do business around here. I hope we can get back to the good old days when we legislated.

He mentioned conferences. He mentioned the fact that we have been reluctant to go to conference. There is one very simple reason for that. We have been unable to go to conference because we do not know they exist once we agree to them. There have been occasions—I cannot tell you how many—when we have agreed to go to conference, then discover that House and Senate Republicans find some room to meet and agree, and then they tell the other Democratic conferees what they have agreed to. That is the conference. We're not even told about it until it's over.

Mr. President, that is not the way to legislate. In the good old days it took Democrats and Republicans to make a conference.

The majority leader has at least expressed a desire to see more bipartisanship in conferences. I am very hopeful that happens because once it does, we will be in a much better position to agree to go to conference.

Talk about kicking the ball. How about when you feel like you are the ball? [Laughter.]

That is really what we are talking about here. It is not a question of where the ball is. The ball is here, and we are getting kicked. [Laughter.]

It is not a very advantageous position for us to be in.

Let me talk briefly about the health care reform conference. The majority leader says conferees have been blocked for 80 days. Maybe it has been so long that the majority leader has forgotten what happened 80 days ago. Eighty days ago, the Senate voted on MSA's. The Senate voted not to include MSA's in this portability bill. Why? Because we all agreed we wanted to keep our eye on the ball, so to speak. [Laughter.]

We wanted to be able to say, "Look, we know that if expand this bill to include other kinds of things, nothing will get done." I had my own list of thing I wish could have been added. In fact, one of the toughest votes I have had to cast in a long time was against the measure offered by the Senator from New Mexico and the Senator from Minnesota on mental health. I did not want to vote against that. But I can recall so vividly the distinguished chair of the Labor Committee and the distinguished ranking member saying, "Our plan is to oppose all amendments regardless of how good they may be because we know that, if this bill gets loaded up, nothing is going to get done."

I do not know how much more visionary they could have been. How prophetic it was, because that is exactly what has happened. Eighty days later, the bill languishes. Do you know what we are hung up on? We are hung up on the insistence of the minority that the majority accept its position and make sure it prevails in the conference. That is really what we are talking about here.

They want to put MSA's back in the bill. We said, "We are prepared to put MSA's back in the bill. But let us simply test it first. We have been debating about whether we can figure out a way to have a test that meets with both sides' satisfaction. But why should we agree to go to conference with the likelihood that we would not even be in the room, based on past performance? That has happened, and it is likely to happen again, given the makeup of the committees."

Now the leader has come up with a new MSA formula, and it is certainly encouraging. But I am guessing that the Senate conferee will still be in favor of MSA's.

In fact, I am sure that will be the conference position under the plan proposed by the majority leader. So if the Senate is on record in opposition to MSA's, again, it seems to me we feel like we are the football, and we're getting kicked again. We are just not going to do it.

If we can work out a way to ensure that we can reach an agreement in a bipartisan fashion, I am all for it.

The last thing—the majority leader talked about the taxpayer bill of rights. Well, we may have amendments to the taxpayer bill of rights; that's a matter we have been unable to work out up until today. As a result of our negotiations, I think we can now work out our differences.

He talked about the White House Travel Office. Again, we have amendments. We would like to be able to work out an arrangement that would allow these amendments to be taken up.

The majority leader mentioned that he still cannot get the Gambling Impact Study Commission done. I want the RECORD to show that this is the first request we have ever seen to clear the Gambling Impact Study Commission.

The distinguished majority leader mentioned the stalking bill. The distinguished Senator from New Jersey [Mr. LAUTENBERG], proposed an amendment to the stalking bill weeks ago. Republicans have that amendment for weeks. The reason the stalking bill does not come up—because they do not want that amendment added to this bill.

So that is the issue, Mr. President. We can deal with any one of these bills. But it has to be in a bipartisan way.

That is all we are hoping we can do. We will continue to work with the majority leader to make his tenure as majority leader less frustrating and more productive. And I stand here ready to do it this afternoon.

I yield the floor.

Mr. LOTT. Mr. President, I do feel a need to respond to some of the Democrat leader's comments. First of all, after you pass a bill, you do not take that proverbial ball we have been talking about and go home. You go to conference. That is the way you do business around here.

Now, with regard to these cloture motions, about how we file them on the first day that a bill is brought up, I learned that from Senator Mitchell. He did it all the time.

So I ask unanimous consent to have printed in the RECORD, Mr. President, an analysis of what has happened with regard to these cloture motions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLOTURE COMPARISONS BETWEEN THE 103D AND 104TH CONGRESSES

	103d	104th
Number of legislative items having cloture filed against them	20.0	28.0
Of those cloture petitions, number filed on same day as legislative item is first laid before the Senate (or motion to proceed is made)	12.0	15.0
The average number of days of consideration of the remaining legislative items prior to a cloture petition being filed	4.6	4.6

Conclusion: The Republican majority filed 54 percent of their cloture petitions on the first day a measure was considered (or first motion to proceed made).

The Democrat majority filed 60 percent of their cloture petitions on the first day.

Mr. LOTT. On this, it does compare cloture motions between the 103d and 104th Congress. The number of legislative items having cloture filed against them in the 103d, 20, and 104th, 28. Of those cloture motions, the number filed on the same day as a legislative item is first laid before the Senate or motion to proceed is made, 12 in the 103d, and 15 in the 104th.

When I actually got a comparison here of first-day filings by the Republican majority, I find it is 54 percent of their cloture motions on the first day a measure was considered, the Democratic majority filed 60 percent of their cloture motions on the first day.

So maybe we all need to do a little work on that. But our record is not any worse—in fact, it is better—than the one we found from the previous Congress when I believe Democrats were in charge.

Mr. DASCHLE. On that point, if the majority leader will yield briefly, there are three categories: Amendable vehicles, motions to proceed, and conference reports.

Now, on the motions to proceed and conference reports, we will compare notes here, but let us look at amendable vehicles and see what the record is between Democrats and Republicans. I would like to put that in the RECORD.

Mr. LOTT. My only point is we did not invent this procedure, and we have not been any worse percentagewise than our predecessors.

Now, the next point, talking about how we have worked together, on occasion we have, but let us take the unfunded mandates. I remember that one very well. I remember how long it took us at the beginning of last year to pass a very popular bill that there should not have been any problem with. It took us 3 weeks—3 weeks—to get the unfunded mandates bill through here and then it passed 86 to 10—86 to 10.

Now, with regard to the conferences, I do not know what you are so horrified about that maybe Republicans talk to each other when there is a conference going on. I remember a crime bill on which Senator SIMPSON from Wyoming was working. I remember some sort of conference the Democrats had excluded Republicans on a Sunday afternoon. I remember that. We did not invent that procedure either.

But let me point this out. On three major issues that we have passed this year and sent to the President—I was involved at the direction of Senator Dole in trying to help move those conferences—line-item veto, bipartisan effort; telecommunications, bipartisan effort—Senator HOLLINGS, Senator PRESSLER, Senator MCCAIN, we were all there, bipartisan. I remember it. And again I did not like a lot of what was going on but Democrats were in that room when that final deal was made; small business regulatory relief. This Congress ought to be embarrassed that we have not passed a big regulatory reform package. Fifty-eight Senators voted for that, and yet it languishes in the Senate because we cannot get 60 votes once again for cloture. But we did in a bipartisan way pass small business regulatory reform.

On the health care issue, the vote in the Senate, I remind my colleagues, was a very close one, 52 to 46. And if the vote were held today in the Senate on the experiment proposal that we have offered, it would pass, I would be willing to bet you, overwhelmingly. And by the way, the President has accepted the concept of a broad-based experiment for medical savings accounts. Now, you might argue over the word "broad," but we are not talking about 2,000 or 10,000. You are talking about several hundreds of thousands would be involved in this medical savings account experiment.

My colleagues, we have won. The American people have won. Why do we not declare victory? We have said we will go with an experiment. You have said the President has said, "I will accept it." What is the problem?

I know, there are a lot of details that need to be ironed out; you have to understand every little word, exactly how the deductibles will be determined, and when would there be a vote, and how would there be a vote to extend it, sunset it or whatever. You know where you work those out? Not running up and down the hall out here and your office or my office. You work it out in a conference. We can negotiate, go back and forth with the Senator from Massachusetts until the cows come home, but sooner or later we have to go to conference and work it out.

Now, talk about compromise. I wish this bill had medical malpractice in it. But the conferees have already agreed, the House has agreed to recede, take that out. We want it. I want it. But we want legitimate portability, ability to carry your insurance between jobs. We want an opportunity to deal with preexisting illnesses. We think it is important that the self-employed be able to deduct more of the costs of their health insurance premiums. But compromise is under way.

The so-called MEWA's—a Washington word, but the ability of small businesses to form pools to give coverage to their workers, I do not understand—I will never understand—why the Federal Government should be telling small businesses you cannot form pools to provide coverage to your workers. In these fast food restaurants, the majority of the workers cannot get and the employers cannot provide health coverage. But if they could form a pool with the restaurant association or the National Federation of Independent Businesses, they could get it. But that was dropped in an effort to show good faith and compromise. We have bent over backwards, I have bent over backwards to try to be reasonable in coming to a compromise, and we are close enough we ought to go to conference with a fair group of conferees and get the job done.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent that during the pendency of S. 1894, the Department of Defense appropriations bill, it be considered under the following restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, and Monday, July 15, occur beginning at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted and H.R. 3610 be read for a third time and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the DOD appropriations bill.

I think this is an eminently fair unanimous-consent request on the way to deal with this very, very important bill that our colleagues are ready to handle on the floor this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I regret to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of S. 1936, the Nuclear Waste Policy Act, and during the pendency of S. 1936, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; 1 hour on all first-degree amendments which must be relevant; 30 minutes on all relevant second-degree amendments. Further, I ask unanimous consent any rollcall votes ordered with respect to the nuclear waste bill on Friday, July 12, or Monday, July 15, occur at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1936 be read for a third time and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII; and that no call for the regular order serve to displace this bill.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Objection.

UNANIMOUS-CONSENT REQUEST—H.R. 3103

Mr. LOTT. Mr. President, I ask unanimous consent the Senate insist on its amendment to H.R. 3103, the Senate agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, let me begin by saying the distinguished majority leader made comments about how nice it would be to have regular order. I would just note for the RECORD that the first two unanimous consents were not in keeping with regular order. There is nothing regular about asking unanimous consent with a predetermined procedure. Regular order is to take up a bill and deal with it.

With regard to the health insurance reform conferees, for the reasons I have already stated on the RECORD just moments ago, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 3448

Mr. LOTT. Mr. President, I further ask unanimous consent that immediately following the appointment of the conferees, that the Senate then insist on its amendment to H.R. 3448, the small business tax package bill, the Senate then request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent the clerk be directed to make the following changes in the enrollment of H.R. 3448, the small business minimum wage bill, and the bill be sent to the House for its consideration. These changes, which I shall send to the desk, change the effective date for the minimum wage increase to 30 days after the date of enactment, and they take care of the problem regarding the utilities which Senators

MOYNIHAN and D'AMATO discussed on the floor yesterday.

Mr. LOTT. Mr. President, I object to that because the way this should be dealt with, and I feel it should be dealt with, is to go to conference. I had just made a unanimous-consent request that we appoint conferees on the minimum wage and small business tax relief package, and it was objected to. When we get conferees appointed to this conference, then we will deal with this issue.

Mr. DASCHLE. Reserving further the right to object, I would only point out the minimum wage title in the bill passed in the Senate is identical to the minimum wage title passed in the House. There is no need for a conference. But, if they insist on a conference at this time, given the fact they have also insisted on health care conferees, for both reasons, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

Mr. DASCHLE. Mr. President, reserving the right to object, we have a number of amendments to this legislation we would like considered. So we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office and former employee Billy Dale; further, that a substitute amendment which is at the desk be offered by Senator HATCH, that it be considered and agreed to, the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table.

I note that I did try this yesterday. There was some problem with an objection to it because they indicated they had not seen Senator HATCH's amendment. They have now had it and had 24 hours to review it, so I renew my unanimous consent request.

Mr. DASCHLE. Reserving the right to object, I find all these unanimous consent requests intriguing, given the eloquent comments made by the distinguished majority leader about how wonderful it would be to have regular order.

This is not regular order. As I have indicated to the majority leader, we have amendments we would like to offer to this bill, and to several of the other pieces of legislation he is propounding today. So obviously we have to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 704

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish a gambling impact study commission; further, a managers' amendment that I will send to the desk be agreed to, the bill then be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, this is the first time we have had the opportunity to see this unanimous-consent request. Ordinarily, we are given unanimous-consent requests ahead of time so we can check with our colleagues. No one has given us this unanimous consent request. So, in order to clear it with our colleagues, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like the RECORD to show, as a matter of fact, they did receive notice on this. We have been talking back and forth about it for days. I believe Senator SIMON had indicated he thought it had been cleared. A couple of Senators who had earlier had reservations on the Democratic side had indicated they would not object. You have seen it. There is no great big surprise here. There was a chance, I think, 3 weeks ago, to read it and reread it.

Mr. DASCHLE. Mr. President, usually we do these things leader to leader. I will be happy to talk to Senator THOMAS about the legislative calendar, or I might be able to talk to other Members of the Senate Republican caucus, but I prefer to deal with the majority leader. I think we ought to see the reciprocal here. I have not had a chance to see it or check with my colleagues. Until that happens, nothing is going to get done on this side.

Mr. LOTT. As I indicated earlier, I will be glad to try this again later on today once you have a chance to talk to your colleagues. I will be glad to come back to this at 4, 5, 6 o'clock, so we can deal with this issue. I know there are Senators interested in it on both sides. So I will put you on notice, I have tried to bring it up. I will try it again later. If we do not get it today, I will try it again tomorrow.

At some point, I want to say this, if the objection continues to be heard that would bring it up under unanimous consent, then I will want to schedule time for it and move to bring it up, have some debate. I am willing to do that, too. I am just trying to find a way to get some of these things up and get them considered.

Mr. DASCHLE. Mr. President, we might want to bring it up under regular order. I am told, just now, we may have amendments to the legislation. So that might be the most appropriate vehicle.

Mr. LOTT. I might say, if there are going to be a lot of amendments to what I thought was going to be relatively noncontroversial, that will affect when it comes up, because we do have appropriations bills that take priority over everything else.

UNANIMOUS-CONSENT REQUEST—H.R. 2980

Mr. LOTT. Mr. President, I ask unanimous consent the Senate turn to Calendar No. 421, H.R. 2980, a bill relating to stalking, and the bill be then read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Because we have amendments pending, we are not prepared at this point to agree to this unanimous consent as well.

The PRESIDING OFFICER. Objection is heard.

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate stand in recess until the hour of 4 p.m.

There being no objection, at 2:27 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANTORUM].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATOR MURRAY AND THE NATIONAL DEMOCRATIC PLATFORM

Mr. DASCHLE. Mr. President, I rise to make a statement on behalf of my colleague from Washington, Senator MURRAY. Senator MURRAY is unable to attend today's session of the Senate, because she has been called away to participate in very important national business. She is charting the course of Democratic priorities for the balance of this century, and into the next, as part of a distinguished group of 16 Americans meeting today to write the National Democratic platform on which the President and all of us will run this fall.

As a person who came to public service as an outsider, with a message of commonsense middle class values, Senator MURRAY is uniquely qualified to make sure the 1996 National Democratic Platform reflects the hopes and dreams and concerns of all Americans. Her priority is making modern Government policies relevant to families in particular, including workers, young parents, senior citizens, and all people looking to work hard, get ahead, and live the American dream. I speak for all my colleagues on this side in saying that we are grateful for her leadership, and we take comfort in knowing she is bringing an important personal touch to our national agenda.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, I move that the Senate stand in recess until 6 p.m. this evening.

The motion was agreed to, and at 5:17 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BENNETT].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had hoped that we could come to some agreement with regard to these numerous matters that we had taken up, but it does not look like that is going to be possible; therefore, I intend to ask unanimous consent again on a number of items.

There has been a concerted effort on behalf of the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, and the Senator from Idaho, Senator CRAIG, and the Senators from Nevada to see if an agreement could be reached.

I thought we had one that was time-consuming but fair to all concerned, but at the last minute it appears that that is not possible after an effort to get an agreement that would have allowed the nuclear waste issue to be brought up later on in July, I think the 23d, for limited debate, a vote on cloture, then bringing it back up after the August recess, the first day we are back, with a vote and then 30 hours of debate, and then a vote on final passage, and then go to conference.

That is an awful lot of time when the Senate has limited time to do its work, but it is a way to allow the Senators from Nevada to make their point and to get this issue resolved. But then we find, no; they want to reserve the ability to add three more hurdles to filibuster and get votes on going to conference. That was a river too far. There is a limit to what we can do in terms of agreeing to what is obviously just, you know, a dilatory agreement. So it was not acceptable in that condition.

We will be in session tomorrow. Hopefully we can make some progress then. If not, we will go next Tuesday to the cloture vote. But it does gridlock the Senate. The inability to get this agreement between the key players ties up the Department of Defense appropriations bill and ties up everything else that is pending around here. I think that is really unfortunate because we need to get the agreement on these issues if at all possible.

Perhaps there has been some positive result of our discussions earlier today. At least now I do have something in writing with regard to the medical savings accounts. I just received it within the last 15 minutes. I will take a serious look at it and discuss it with the key Senators involved on the Republican side in the House and Senate. We need to get this done.

I still find it indefensible that we have not appointed conferees on health insurance reform for 80 days. I have the conferees. It is a fair division. Even if we get an agreement on the medical savings accounts, we still are going to need a conference to agree on the final details of exactly what the rest of the bill will entail even though almost everybody knows what is in it. But we need to make sure that the Senators and the Congressmen on both sides have a chance to go over it and make sure that the words are as we think they are supposed to be.

So I am very disappointed about this. I even wondered once again if there was an intent not to have any votes tonight or tomorrow from the very beginning. The Senator from South Dakota, the Democratic leader, assured me that is not the case, and I accept his word. But it sure looks to me like maybe there was some knowledge that there were not going to be any votes tonight.

Mr. DASCHLE. Mr. President, would the Senator yield?

Mr. LOTT. I yield to the Senator.

Mr. DASCHLE. The majority leader raises the question on the floor, so I think it is important that I again reiterate to him for the Record that there was absolutely no desire on my part to avoid doing business, whatever the business may be. There are obviously some very serious questions that the distinguished Senators from Nevada have attempted to raise in light of their concern on nuclear waste. But at no time have I instructed members of our caucus that they should feel free to leave.

Our desire is to get some work done, regardless of whether we make a great deal of progress or not, at least to be here to try to get the work done. I have emphasized that. I cautioned them not to leave because there could be votes either tonight or tomorrow. I reiterate that statement now, as I did this afternoon in our Democratic policy committee. So I think that point ought to be very clear to everybody. I hope we can put that rumor to rest once and for all.

Mr. LOTT. I appreciate that assurance.

Mr. LEAHY. Will the Senator yield?

Mr. LOTT. I will be glad to yield to the Senator.

Mr. LEAHY. I want to totally confirm what the Democratic leader has said. I am one of the more senior Members on our side, and I certainly would be one who would have known had there been any such plan. I can assure both leaders that had there been such, I would not be here talking to the two Senators, I would probably be on the front porch of my farm in Vermont right now planning to spend the weekend seeing constituents and working from my computer connection in Vermont rather than here.

So I can assure both my friends, who are my friends, the two leaders, that had there been any such plan on this side, first, I would have known about it, but, second, I would be in Vermont by now.

Mr. LOTT. Having been through good times and bad times with the Senator from Vermont, that is very comforting. I accept that, and I thank the Senator for that assurance.

Can I inquire of the Democratic leader if there is a possibility we could get an agreement on the taxpayers bill of rights tonight? I thought we kind of worked through that. I think it could maybe be some sign of good faith here if we could get that done. Again, it is bipartisan. The American people deserve it. Why do we not do it? If it would be possible, I would like to try to get that agreed to tonight.

Mr. DASCHLE. Mr. President, responding to the distinguished majority leader, we have consulted with the senior Senator from Ohio, Senator GLENN. It is my understanding that, on the assumption that we can insert in the RECORD at the time of the consideration of H.R. 2337 a colloquy between Senators ROTH and GLENN concerning confidentiality of records, I think we would be prepared to move the taxpayers bill of rights. That is assuming, of course—and the distinguished majority leader has been very good about moving these judges and keeping them ahead, but I would like to do that as well today if we could.

Mr. LOTT. If we could get this done, then we could maybe—I have always maintained that the only way you get these things moving is to get them moving one at a time. If we get a little reciprocity, we get a little something here and something there, then we can get this locomotive moving again.

Mr. BRYAN. Would the majority leader yield for a question?

Mr. LOTT. Let me respond to the taxpayers bill of rights. It is my understanding, with regard to Senator GLENN's concerns, that the Finance Committee chairman has agreed to move, in a future appropriate tax bill, Senator GLENN's amendment to impose criminal penalties for the unauthorized browsing of confidential taxpayer information by IRS employees. I believe that is the assurance that he wanted. That is my understanding, and I feel sure that would be lived up to.

Mr. DASCHLE. I am informed that that is the commitment he was looking for. On that basis, I think we would be prepared to move to that particular piece of legislation.

Mr. BRYAN. Will the majority leader yield for a question?

Mr. LOTT. I will be glad to.

Mr. BRYAN. What is the nature of the unanimous-consent agreement that is being propounded?

Mr. LOTT. I did not actually propound one. I am asking whether it is possible that the concerns that have been raised have been worked out. I understand they have been, and this would be a unanimous-consent request to pass the taxpayers bill of rights. In view of that, let me go through, then, some requests.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask for an agreement with regard to nuclear waste. I ask unanimous consent that the Senate proceed to the consideration of S. 1936, the nuclear waste bill, on Tuesday, July 23, at 12 noon, and immediately after the bill is called up, the majority leader be recognized for the purpose of filing a cloture motion on the bill, and there then be 15 minutes for debate prior to the cloture vote.

This is the latest version. The time is equally divided in the usual form, with the cloture vote occurring at 2:15 on Tuesday, July 23. If cloture is invoked, the bill will immediately be laid aside and it will become the pending business on Tuesday, September 3, 1996, at a time to be determined by the two leaders; and following final passage of the bill, if in the affirmative, then it would be in order for the Senate to insist on its amendments, if applicable, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I object.

Mr. LOTT. Could I inquire of the Senator from Nevada what his objection is to that?

Mr. BRYAN. I would be happy to state my objection. As you know, the Senators from Nevada have worked with the majority leader, with those on the other side of the aisle who are proponents of this legislation. We have had an exchange of proposals, as the majority leader knows, during the course of this afternoon.

The latest proposal that was brought back by the other side of the aisle had a provision in it which had not previously been discussed and was unacceptable, so we could not accept it.

Mr. LOTT. The provision with regard to going to conference?

Mr. BRYAN. That is the provision that had not heretofore been discussed, as the majority leader knows, and we had assumed within the parameters of what was being discussed all rights would be reserved under rule XXII, including any options that might be available to us in the event that this legislation moved to conference.

So it was on that basis that we interposed our objection.

Mr. LOTT. I want to make sure I understood. I just note that if every opportunity was taken with regard to going to conference, that could lead to at least three more votes, three more debatable motions, and would take up days, and therefore without that, we have accomplished almost nothing with that.

Mr. REID. Will the Senator yield?

Mr. LOTT. I would be glad to yield.

Mr. REID. I do have the right to object. I think there has been an objection. I say respectfully to my friend the majority leader and to the minority leader, we have an obligation to move legislation along here. We agree with the statement of the majority leader, we should move legislation, but take it a step at a time.

What we thought we were doing, the Senators from Nevada, is moving this—we were jumping two steps. We were willing to do away with those, but we cannot waive all of our rights, and we know how important it is to move legislation. We felt that by going directly to the Defense appropriations bill, getting that completed, doing other things that will be able to be completed, without the two Senators from Nevada exercising their rights—under the rules, we felt we were doing the country and the two leaders here, in effect, a favor, but to have us avoid three or four different procedural moves that we have, seems to be a little bit too much.

We appreciate you trying to work with us. I object.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent during the pendency of S. 1894, the Department of Defense appropriations bill, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, on Monday, July 15, occur beginning at 9:30 a.m., on Tuesday, July 16, and following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted, and H.R. 3610 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the Department of Defense appropriations bill.

Mr. President, as I state that, I want to emphasize no matter what happens on the nuclear waste issue, we still have this Department of Defense appropriations bill awaiting action. The chairman is here ready to go. I am trying to get some order and some reasonable manner in which to handle this very important bill.

I am glad to yield to the Senator from Alaska.

The PRESIDING OFFICER. Is an objection heard?

Mr. BRYAN. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. There is an objection? I thought that was cleared on the other side.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. STEVENS. There is a cloture motion pending, which I understand will ripen into a vote on Tuesday. We are not in session on Monday, but it would be Monday if we are in session.

I regret that very much. This will accomplish the same thing. Under cloture, we will have an hour on each amendment, actually have an hour on two amendments if you wish to do so, but Mr. President, we have lost 2 days in the defense bill already. We will have a very tough time to try and conference this bill. We are trying our best to work with the administration to see if we can get the bill signed once again this year. The Senator from Hawaii and I have accommodated the White House on several matters already. We are trying to work this out, but we need time.

I think the Senator is putting us in the position where we are not going to be able to go out in August if we keep this up. I do not understand the objection to this because it is the same thing—if we had voted cloture on Tuesday, by definition, we cannot get to it until Tuesday, anyway. I do not know why we cannot proceed with this bill.

The alternative, as far as I am concerned, it is the pending measure and I am going to ask the distinguished leader that we just stay in on this bill. I can guarantee the Senator we will have some votes tonight and tomorrow if we stay in. The bill is the pending measure, and I would like to stay in and get going on this bill. I do not know what the leader wants to do.

Mr. REID. Will the leader yield, if the Senator is finished.

Mr. LOTT. I am glad to yield.

Mr. REID. I respectfully say to my friend from Alaska, through the majority leader, that we understand the rules also—maybe not as well as the distinguished Senator from Alaska. We feel we know what our rights are. If it is the wish of the Senate to stay in tonight, that is fine. But I think there is going to be a lot of business conducted.

We have been willing to play by the rules. To hear that we are holding up progress in the Senate is also to understand that we feel that a lot of the time being wasted, if not all the time, is based on the fact that we have a bill that was brought out that is very selective in nature. We have all kinds of other things we need to do. The President said he will veto this. We feel the waste of time is not on the shoulders of the two Senators from Nevada. I am sure the Senator from Alaska did not mean it that way, but in fact if there is some effort to threaten, or the fact that we will be in late tonight, I have no place else to go. I will be here late tonight.

Mr. LOTT. I ask unanimous consent we have a cloture vote on the defense appropriations bill at 7 o'clock tonight.

Mr. REID. I object.

Mr. LOTT. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I feel constrained to say, over the last recess I had the privilege of being able to fish at home on the river, and the men and women from throughout the country kept asking me one thing: What is gridlock? Why do we have gridlock? I think the American public is getting very disturbed about this. I have to say, it is obvious I am getting disturbed.

We have worked a long time to frame a bill that I think is possible to pass both the Senate and come out of conference, and go to the President. I think it is one of the most contentious issues facing America today, and that is the continued funding of our defense system. I do not understand why we cannot get going on it. It has nothing to do with nuclear waste. It has nothing to do with delay on nuclear waste. Nuclear waste will be the subject of a cloture motion vote on Tuesday. I just do not understand why we have to be gridlocked on defense. Of all the matters that we ought to be dealing with, it is defense. Why should we have a gridlock on defense? The people in this country, I think, have a right to ask this Congress why should you gridlock on defense? This is a gridlock, as far as I am concerned. We have tried for 2 days to get this bill going and the delay has nothing to do with defense, I am told, nothing at all. If it has nothing to do with defense, why should anyone object to our proceeding with this bill?

I hope the leader will let me continue. I can show you how we will have some votes tonight and tomorrow. I can guarantee you we will have votes if we keep going.

Mrs. BOXER. Will the majority leader yield?

Mr. LOTT. I yield for a question.

Mrs. BOXER. As I listened to the Senator from Alaska, there is a way to break through all this.

As I hear the Senators in Nevada, they will not object to moving to the defense bill at all. As a matter of fact, as long as I have known them, they have worked hard on those bills, as hard as anyone else here. But they are saying, if this particular bill dealing with nuclear waste would be pulled, they would not object. If I might ask my friends, are they not saying that the reason they are objecting is because they are bringing this nuclear waste bill forward?

Mr. REID. Will the majority leader yield so that I may answer the question?

Mr. LOTT. I yield for the Senator to answer the question.

Mr. REID. I say to the Senator from California, I am a supporter of this bill. I am on the Appropriations Committee. One of the most troubling things I have done since I have been in the Senate is to have my friend, the senior Senator from Hawaii, come to me and say, "Can we move this bill?" and I say, "No." There is no one in the Senate I have more respect for than the senior Senator from Hawaii.

We feel that the shoe is on the other foot. We are not the ones holding things up. It is being held up because they are moving on this bill, which the President said he is going to veto. Maybe we cannot continue this forever. But it is going to take weeks of the Senate's time on nuclear waste.

We know what our rights are, and we felt that we offered a reasonable proposal to move this along, get the appropriations bills done before the September reconvening of the Senate. But this is an issue that is important. It is important not only to the people in the State of Nevada but for this country. And for us to say we are going to walk away from this would be something that we cannot do.

Mr. LOTT. Mr. President, if I could respond to the comments. Again, I have said several times today that I understand the feelings of the Senators from Nevada. I am sympathetic to them. But this legislation has been crafted very carefully, in a bipartisan way, by the committee of jurisdiction, the Energy and Natural Resources Committee. It has been in the making literally for years. I am under the impression that 65 Senators will vote to end the debate on this, will vote for cloture.

How can the majority leader refuse to bring up a bill and try to pass a bill of this consequence, which involves radioactive nuclear waste, when 65 Senators want an opportunity to vote on it? Now, I understand how they feel, but two Senators are thwarting the wishes of 65 Senators and their constituents all across America. I have no option but to bring up legislation of this importance, which involves that many States with that many Senators.

Mrs. BOXER. May I ask the majority leader this. I understand his point, but 74 or so Senators voted for the minimum wage, and we do not seem to get action on that. So it is a matter of priorities, I say.

Mr. LOTT. You got action on it because I worked with your leader and we made it happen, and it is going to be acted on and wind up on the President's desk.

Mr. REID. Will the Senator yield for one more question?

Mr. LOTT. I will be glad to, sure.

Mr. REID. I say, respectfully, to the majority leader, with whom I served in the House in a leadership position there and now in a leadership position here, that we know you have the right to bring this up. But, also, I, the Senator from Nevada, did not work out these rules. These rules were worked out many years ago. It started with the Constitution and the Senate rules that are in existence. I did not draw them up. I am just playing by the rules. The majority leader knew—or should have known, as we say in the law—that this would happen. You are—and I do not mean "you" in the pejorative sense—holding up the progress; we are not. We could move on and we could have this bill passed, the one now before the body, our defense appropriations bill. We could do foreign operations. This should have all been done. But there is going to be a lot more delay, I say to my friends, the majority and minority leaders. We have certain rights, and we have an obligation to protect those.

TAXPAYER BILL OF RIGHTS 2

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, today the Senate will pass the Taxpayer Bill of Rights 2 which provides taxpayers with added protections in their dealings with the Internal Revenue Service. I urge the President to sign this bipartisan legislation.

One of my longstanding concerns relates to serious complaints by taxpayers that the tax laws can and are being enforced unfairly by the Internal Revenue Service. With the broad authority conferred on this agency, the Internal Revenue Service has the potential to abuse its power at the expense of law-abiding and well-meaning taxpayers. The Taxpayer Bill of Rights 2 is the taxpayers' arsenal against an often heavy-handed IRS.

When the Federal Government thinks it has more rights to your paycheck than you do, something is terribly wrong with the system. That is why this legislation, which returns power to the taxpayers, is so important. While it is not a complete solution by any means, it is a good first step.

The Finance Committee has worked on this legislation for several years on a bipartisan basis. I would like to give special recognition to Senators GRASSLEY and PRYOR for their tenacity in pursuing enactment of these taxpayer protections.

Let me also mention that the procedure for this is somewhat unique. In the usual course, a tax bill from the House of Representatives would be referred to the Senate Finance Committee for review before consideration by the full Senate. However, Taxpayer Bill of Rights 2 provisions were previously approved by the Finance Committee and included in the Balanced Budget Act of 1995, which was vetoed by President Clinton. The Finance Committee worked closely with the Ways and Means Committee on this new bill, which was unanimously passed by the House of Representatives. In order to expedite passage of this important legislation, I decided that this bill should bypass the Finance Committee and go directly to the full Senate.

Mr. President, the bill provides the following provisions which increase taxpayer protections:

1. ESTABLISH OFFICE OF THE TAXPAYER ADVOCATE

The bill establishes a taxpayer advocate, which would replace the taxpayer ombudsman, at the Internal Revenue Service [IRS] to assist taxpayers. The taxpayer advocate must annually provide an independent report to Congress without review or censure by Treasury or the IRS.

2. EXPAND TAXPAYER ASSISTANCE AUTHORITY

The bill provides the taxpayer advocate with additional tools to help taxpayers deal with the IRS. In order to prevent the IRS from dragging its feet in complying with the taxpayer advocate's orders, the bill requires such matters to be resolved on a timely basis.

3. NOTICE OF REASON FOR TERMINATION OF INSTALLMENT AGREEMENTS

The bill requires the IRS to notify taxpayers 30 days before altering, modifying, or terminating any installment agreement for paying taxes. An exception is provided if collection is in jeopardy.

4. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT

The bill requires the IRS to establish an additional administrative reiew before terminating installment agreements.

5. EXPAND AUTHORITY TO ABATE INTEREST

The bill expands the IRS's ability to abate interest due to IRS error or delay.

6. JUDICIAL REVIEW OF IRS FAILURE TO ABATE INTEREST

The bill grant the Tax Court jurisdiction to review whether the IRS's failure to abate interest was an abuse of discretion.

7. EXTEND INTEREST-FREE PERIOD TO PAY TAX

The bill extends the interest-free period to pay tax from 10 to 21 calendar days from noticve and demand when the total tax liability is less than $100,000.

8. ABATE PENALTY FOR FAILURE TO DEPOSIT PAYROLL TAX

The bill allows the IRS to abate penalties for certain inadvertent failures to deposit payroll tax.

9. STUDIES OF JOINT RETURN ISSUES MUST BE CONDUCTED

10. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF JOINT RETURN TAX

11. DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURNS

The bill requires the IRS, upon request, to disclose in writing whether the IRS has attempted to collect unpaid taxes from the other individual who joined in the filing of a joint return.

12. WITHDRAWAL OF NOTICE OF LIEN

The bill allows the IRS to withdraw a public notice of tax lien prior to full payment by the indebted taxpayer. Upon request, the IRS must make reasonable efforts to notify credit agencies, etc.

13. RETURN OF LEVIED PROPERTY

The bill allows the IRS to return levied property without full payment of tax debt.

14. MODIFY CERTAIN LEVY EXEMPTION AMOUNTS

The bill increases the amount exempt from a tax levy for personal property from $1,650 to $2,500 and for books and tools of a trade from $1,100 to $1,250. These amounts will be indexed after 1997.

15. OFFERS-IN-COMPROMISE

The bill streamlines the procedure for settling tax debts under $50,000 by increasing from $500 to $50,000 the amount requiring a written opinion from the Office of Chief Counsel in order to settle a tax debt.

16. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS

The bill creates a civil cause of action by an individual against any person who files a fraudulent information return with respect to purported payments made to the individual. The plaintiff may obtain the greater of $5,000 or the actual amount of damages, costs, and attorney's fees.

17. IRS MUST CONDUCT REASONABLE INVESTIGATION OF INFORMATION RETURNS

The bill requires the IRS to prove that its position in court was substantially justified if a taxpayer asserts a reasonable dispute with respect to an information return and fully cooperates with the IRS. The IRS is not presumed to be correct as under current law.

18. AWARDING OF COSTS AND FEES: IRS MUST PROVE ITS POSITION WAS SUBSTANTIALLY JUSTIFIED

The bill provides that once a taxpayer substantially prevails over the IRS in a tax dispute, the IRS has the burden of proving that its position was substantially justified. The taxpayer may be awarded attorney's fees if the IRS does not meet its burden.

19. INCREASE LIMIT ON ATTORNEY'S FEES FROM $75 TO $110 PER HOUR AND INDEXED AFTER 1996

20. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT

The bill provides that in making a determination whether a taxpayer is eligible for an attorney's fees award, any failure to agree to an extension of the statute of limitations may not be considered in determining whether a taxpayer exhausted administrative remedies.

21. AWARD OF LITIGATION COSTS PERMITTED IN DECLARATORY JUDGMENT PROCEEDINGS

The bill eliminates the present-law restrictions on awarding attorney's fees in all declaratory judgment proceedings.

22. INCREASE LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS

The bill increase—from $100,000 to $1 million—the amount a taxpayer may be awarded for reckless or intentional action by an IRS officer or employee.

23. COURT DISCRETION TO REDUCE AWARD FOR LITIGATION COSTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

The bill permits, but does not require, a court to reduce an award if the taxpayer has not exhausted administrative remedies.

24. PRELIMINARY NOTICE REQUIREMENT

The bill requires the IRS to issue a notice to an individual the IRS has determined to be a responsible person for unpaid trust fund taxes, i.e., payroll taxes, at least 60 days before issuing a notice and demand penalties.

25. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill requires the IRS, if requested in writing by a person the IRS believes is responsible for unpaid trust fund taxes, to disclose in writing information about collection activity against others for the same tax liability.

26. RIGHT OF CONTRIBUTION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill creates a Federal cause of action for contribution. Persons who paid an amount in excess of their proportionate share of trust fund tax penalties may sue other responsible persons for their proportionate share. The proceeding must be separate from an IRS proceeding.

27. VOLUNTEER BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS ARE EXEMPT FROM PENALTY

The bill clarifies that volunteer, unpaid board members serving on an honorary basis are not subject to responsible person penalties for unpaid trust fund taxes.

28. ENROLLED AGENTS ARE THIRD-PARTY RECORD KEEPERS

29. SAFEGUARDS RELATING TO DESIGNATED SUMMONSES

The bill limits the issuance of designated summonses to examinations involving the largest 1600 corporate taxpayers and requires review by regional counsel before issuance.

30. ANNUAL REPORT ON NUMBER OF DESIGNATED SUMMONSES WITHIN PRECEDING 12 MONTHS

31. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS WITHIN 18 MONTH SAFE-HARBOR

The bill generally prohibits Treasury regulations from being effective before publication in the Federal Register. Exceptions are provided to prevent abuse or if the regulation is filed or issued within 18 months of enactment of the statute to which it relates. Taxpayers may elect to retroactively apply a regulation.

32. INFORMATION RETURNS MUST INCLUDE THE PHONE NUMBER OF THE CONTACT PERSON

33. REQUIRED NOTICE TO TAXPAYERS OF CERTAIN PAYMENTS

The bill requires the IRS to make reasonable efforts to notify within 60 days taxpayers who have made payments which the IRS cannot trace to the taxpayer.

34. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE

The bill allows a taxpayer to sue the United States for up to $500,000 if any officer or employee of the United States intentionally compromises collection or determination of tax due from an attorney, certified public accountant, or enrolled agent representing the taxpayer in exchange for information concerning the taxpayer's tax liability.

35. ANNUAL REMINDERS TO TAXPAYERS WITH OUTSTANDING TAX DEBTS

36. FIVE-YEAR EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS

The bill allows the IRS to churn the income earned in an undercover operation to pay for its expenses.

37. DISCLOSURE OF RETURNS ON CASH TRANSACTIONS

Any person who receives more than $10,000 in cash in one transaction, or two or more related transactions must file a form with the IRS. The bill allows the IRS to disclose information from this form to other Federal and State agencies.

38. DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER

The bill deletes the word "written" from the requirement that written consent from a taxpayer is required for disclosure of taxpayer information. This change facilitates development of the tax system modernization projects.

39. REPORT ON NETTING OF INTEREST ON OVERPAYMENTS AND LIABILITIES

The bill requires Treasury to conduct a study on the netting of interest on overpayments and underpayment.

40. USE OF NON-POSTAL DELIVERY SERVICES FOR TIMELY-MAILING-AS-TIMELY-FILING RULE

Under current law, only items mailed with the U.S. Postal Service are deemed filed with the IRS when they are mailed. The bill expands the timely-mailing-as-timely-filing rule to designated delivery services.

41. ANNUAL REPORTS ON MISCONDUCT BY IRS EMPLOYEES

The bill requires the IRS to make annual reports to the tax writing committees on all allegations of IRS employee misconduct.

Mr. President, passage of the Taxpayer Bill of Rights 2 is the first step in eliminating unfair enforcement of our tax laws by giving taxpayers an arsenal against the IRS. I again urge my colleagues to approve this important legislation and urge President Clinton to sign it.

Mr. BAUCUS. Mr. President, when I came to the Senate a few years back, one of the first bills I introduced was the Taxpayers' Bill of Rights, to protect taxpayers in disputes with the Internal Revenue Service. At that time I noted:

> Oliver Wendell Holmes reasoned that "Taxes are what we pay for a civilized society." However, Justice Holmes did not consider additional burdens imposed on taxpayers—added costs and delays that result from inefficiencies and inconsistencies in the administration of tax law.

That was back in 1979. And it took a while, but we finally scored a big win in 1988 with the enactment of a comprehensive Taxpayer Bill of Rights. That went a long ways toward defining taxpayer rights and providing protection against arbitrary actions by the IRS.

The Taxpayers' Bill of Rights required the IRS to give at least 30 days written notice before levying on a taxpayers' property, so that he or she would have time to file an appeal. It expanded the kinds of property exempt from IRS levies, and raised the wage total exempt from collection. It allowed taxpayers to collect costs and attorney's fees from the Government if the IRS was not substantially justified in bringing an action. And it let taxpayers sue the Government for damages if IRS employees acted recklessly in collecting taxes or intentionally disregarded any provision of the Internal Revenue Code.

These were important steps toward accountability and fairness. But they did not solve all the problems. A few years ago I spent a day working at Rocky Mountain Log Homes in Hamilton, MT. The business is owned by Mark Moreland and a couple of partners. They put together prefabricated log homes, which add a lot of value to the timber and create skilled, high-paying jobs. These homes sell all over the world, and are especially popular in Japan.

But then last year, Mark sent me a letter to tell me about the trouble he was having with the Service on an "independent contractor" issue. The dispute goes all the way back to 1986.

Mark went through many meetings with the Service, including two meetings in which he thought the matter had been settled. But then in 1995—9 years later—he was told that the matter remained "open" and that they owed the IRS a great deal of money.

So I wrote to the Commissioner to ask what was going on. But we did not get much satisfaction. Mark wrote me a couple of months later to let me know how it went. He said:

> I felt you would want to know what has happened subsequently. In spite of your efforts, the IRS pursued the matter and we were forced to retain counsel. Our attorney was able to keep the IRS from attaching our assets and challenged their contentions based on the IRS' 20 point test. For several months we were forced to produce documents and try to refute their position.

> Once we were on the brink of going to court on the matter, we received the enclosed communication. Unbelievably, they had disposed of all the pertinent records related to our case back in 1986! They had absolutely no basis for attempting to collect the original $28,000 let alone the additional $60,000 to $70,000 in penalties and interest. Through what can only be referred to as a bluff, they threatened and postured, hoping we would roll over and pay. The cost to us in legal fees, time lost from our businesses and practices, and mental anguish is immense.

So here is a case in which the IRS, with little justification to begin with, and at the end with no evidence at all, put a good business through 9 years of misery. And Mark's experience is not an isolated event. I have received many letters—far too many—who have gone through experiences like his. Good, law-abiding people are fed up with the means the IRS uses to resolve disputes with taxpayers. It is no wonder that many believe the IRS should be eliminated and the current tax system torn out by the roots.

Today we will do something to help. The Taxpayer Bill of Rights II builds off the start we made in 1989. To be specific, it creates an Office of Taxpayer Advocate within the IRS to help taxpayers resolve their problems with the IRS; expands the ability of taxpayers to take the IRS to court in order to abate interest; raises the damages a taxpayer can collect in the event an IRS agent recklessly or intentionally disregards the Internal Revenue Code from $100,000 to $1 million; and eases the burden of proof a taxpayer must show in order to collect attorney's fees and costs when he or she successfully challenges an IRS decision.

These are commonsense ideas. They will help folks like Mark who are victimized by reckless and irresponsible IRS procedures. So let's pass this bill, and restore some fairness and accountability to tax collection in this country.

Mr. GRASSLEY. Mr. President, first of all, I want to commend Majority Leader Lott for taking up the Taxpayer Bill of Rights II so that we can consider and pass this necessary legislation quickly. I have worked with others for a long time to finally get this done.

As most taxpayers have struggled to file their taxes by the deadline last April 15, and we recognize Tax Freedom Day today, the issue of taxpayers' rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse by the Government is an ongoing problem. With this in mind, I am very happy to have joined Senator Pryor and others in reintroducing the Taxpayer Bill of Rights II in the Senate, as S. 258. This is very necessary legislation that builds upon the original Taxpayer Bill of Rights passed into law in 1988, sponsored by Senator Pryor and myself.

For me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS Oversight. We made progress, but it was only the beginning.

Senator Pryor helped continue the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a Taxpayer Bill of Rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 7-year record of implementation regarding the Taxpayer Bill of Rights. Great strides toward taxpayer protection were achieved through this legislation.

However, the Taxpayer Bill of Rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. But, it was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it is clear that much more needs to be done. There is no question that much more needs to be done. There is no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled.

For instance, we believe the current ombudsman position is too limited and too beholden to IRS insiders. Our legislation will turn the ombudsman into a more independent office of taxpayer advocate that will have expanded powers to take the initiative in helping taxpayers who are being treated unfairly by the IRS.

Other important provisions include the abatement of interest with respect to unreasonable errors or delays by the IRS. Taxpayers would also have to be notified when and why installment agreements are terminated.

We also substantially increase the amount of civil damages taxpayers can claim for unauthorized collection actions, and taxpayers will not have protections against retroactive IRS regulations. And, of course, there are many more taxpayer protection provisions in the bill.

Mr. President, we were successful in passing a similar proposal through the Congress in 1992. However, the underlying legislation that the proposal was attached to was vetoed by former President Bush for reasons unrelated to taxpayers rights. So, we have come back again in the last two Congresses, working toward final passage.

Since 1987, Senator Pryor and I have worked in a cooperative, bipartisan effort to further taxpayer rights. We have continued working with the House to improve taxpayer rights. Congresswoman Johnson and Chairman Archer are commended for their successful efforts to pass this bill out of the House.

This is truly a bipartisan effort. Even President Clinton mentioned to me last year that he supported our efforts.

And we have had quite a few meetings with IRS and Treasury officials, who finally came to understand and agree that problems exist and need to be dealt with.

So, I urge my colleagues to join us in the cause to help make the IRS more responsible and more accountable to the taxpayers of this country.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2337) was deemed read the third time, and passed.

Mr. REID. Mr. President, if I could ask a question on this bill, the one referred to in the unanimous-consent agreement. I wrote the first taxpayer bill of rights that passed. I authored that. It was through the good offices of a member of the Finance Committee, Senator Pryor, and his diligent work that it passed. So I am very happy that the taxpayer bill of rights 2, which has been pushed through the Senate with a lot of trouble by the Senator from Arkansas. He is to be commended. This is a great thing to happen to him in that he has now decided not to run again. I appreciate the work of the two leaders in getting the taxpayer bill of rights 2 passed.

Mr. DASCHLE. Mr. President, let me just say, in that regard, the Senator from Nevada makes a very good point. The Senator from Arkansas, Senator Pryor, has labored on this issue probably longer than anybody here in the Senate and deserves much praise for his efforts. This is his second work product, along with others. We commend him for that.

GAMBLING IMPACT STUDY COMMISSION

Mr. LOTT. Mr. President, I inquire of the Democratic leader, what is the status with regard to the gambling impact study commission we had talked earlier about? You needed time to look at that and see if there were any problems with it, or whether amendments are required. What has the Senator been able to determine?

Mr. DASCHLE. If the majority leader will yield. As I understand it, we have three amendments that may be offered by one of the members of our caucus. At this point, he would like to be protected to offer those at the appropriate time.

Mr. LOTT. Are these germane amendments?

Mr. DASCHLE. As I understand it, they are germane amendments.

Mr. LOTT. I would like to try again to do this in such a way that it would not take much of the Senate's time. In fact, I do not think we can do it if we cannot get it done by unanimous consent. Could we ask for copies of these amendments to look at the text?

Mr. DASCHLE. Absolutely. If the majority leader will yield. I was not aware amendments were pending. As we tried to clear it, we were told that at least one Member—I think it is only one Member—has amendments. He said there were three. We would be happy to share them with you. He may be willing to agree to time agreements in an effort to expedite the situation.

Mr. LOTT. I would like to say that I did advise Senators on our side of the aisle that if there would be amendments, we probably would not even be able to bring it up because we do not have the time. We have killed 2 days here with these issues.

So I hope that Senators on both sides and Senators LUGAR and SIMON will work with us and see if we cannot get some sort of agreement so we can handle this quickly. I feel like I have fulfilled my commitment.

I yield to the chairman.

Mr. STEVENS. There is a managers' amendment, I point out, that Senator GLENN and I have worked up. So if we get a time agreement, I would like the managers to have the right to offer their amendment.

Mr. LOTT. I believe that is in the unanimous-consent request.

EXECUTIVE SESSION

NOMINATION OF WALKER MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 591, the nomination of Walker Miller, of Colorado, to be U.S. district judge for the District of Colorado; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Reserving the right to object. As the request is propounded, we do not get off the Department of Defense appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The nomination was considered and confirmed, as follows:

THE JUDICIARY

Walker D. Miller, of Colorado, to be United States District Judge for the District of Colorado.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONFEREE APPOINTMENTS

Mr. LOTT. Mr. President, I had planned to ask unanimous consent again to appoint conferees on health care reform—health insurance reform. I see the Senator from Massachusetts here. I would like very much for us to get these conferees appointed. I know that there is still discussion underway regarding medical savings accounts.

I now have something on paper. If we could review it, I will talk to Senator ROTH, Senator KASSEBAUM, and Congressman HASTERT and Congressman ARCHER. We will take a look at it. I had just about concluded that there was no intent at all to get health insurance reform. Now we have something we can review. I think it is a big mistake not to appoint conferees on this bill or any bill to go to conference. We labored for weeks and finally got conferees with the Coast Guard authorization bill. We got that done this morning at 10 o'clock, after all these weeks working on that.

My intent is, in short order, next week, to move to appoint conferees on the small business tax relief package, which includes minimum wage. I think we need to also appoint these. I will not ask for it tonight because I want to review the proposal I have.

Mr. DASCHLE. Mr. President, let me just say two things.

First, reference was made to the fact that the Democratic caucus—and those of us who are concerned about going to conference on health care also—oppose going to conference on the minimum wage. That was not the case. We do not oppose going to conference on the minimum wage. The unanimous consent was propounded in a way that combined the two, and, obviously, under those circumstances, we oppose.

I am pleased to hear the distinguished majority leader's comments that it is his desire to go to conference next week, and I am hopeful that on both these issues they can be resolved.

The second issue has to do again with the conferees. I do not want to be any more repetitive than he is. But since we tend to be repetitive on the floor to make our points, it is important again that I indicate our desire to be participants in conferences. We will be watching this Coast Guard conference very carefully because that will really be one of the prototypes. We are under new leadership now. It is my expectation that with new leadership there will be a new opportunity for bipartisan discussion, dialog, and resolution when it comes to the conference. This will be a good opportunity to demonstrate our good faith. I am hopeful that with that one over, we can move to others and see equal demonstrations of good faith and real bipartisanship in conferences. I have a feeling we will not have this conference problem in the future were that to be the case.

I yield the floor.

Mr. STEVENS. Mr. President, will the majority leader yield to me once again?

Mr. LOTT. Mr. President, I want to note with regard to the Coast Guard authorization that two of the Senators that are going to be in control of that are Senator STEVENS—once again he has been known and will be a conferee I am sure—and the Senator from South Carolina is going to be a conferee; bipartisan. Both of them represent coastal areas. Neither one of them wants us to end this session without a Coast Guard authorization bill. Yet, this issue has been held up by an issue involving claimless lawsuits that are being filed in the Federal court system—an issue which I really felt certainly did not justify all of the delay that has occurred here. But I believe that in conference they will work it out. They never are going to work it out until they get to conference. It took us weeks to get to conference. But now we are in it. I think these two guys, working with the House counterparts, are going to find a solution.

Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. I thank the leader. I can assure the leader that we will find an agreement on the Coast Guard bill. It is a very essential bill. I also state that there is no question about it, it has some very new initiatives, good new initiatives.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR 1997

Mr. STEVENS. Mr. President, I want to try once again on the defense bill.

As I understand it, Mr. President, under the situation we have now, if we are going to be in session tomorrow, the amendments in first degree on the defense bill must be filed by tomorrow. If we are in session on Monday, the second-degree amendments have to be filed Monday.

I certainly hope that I will not see the day when the Senate will vote against cloture on a defense bill, particularly one that has total bipartisan support; voted out of our committee without objection.

I can state to my good friend and partner from Hawaii that I am certain that we have personally reviewed every request made by each Senator and have discussed with each Senator every request made and have accommodated every Senator, or explained why it could not be accommodated. We have had no objection raised, to my knowledge, to any decision that has been made so far.

What I am concerned about is that means we are going into cloture on Tuesday, which means we are not going to get through our bill until at least this time next week.

I would like once again to see if there is not some way we can work out that question to come in tomorrow and handle amendments that are in agreement, come in Monday afternoon and handle amendments in agreement, and take up the amendments that are in contention on Monday and vote, and vote finally on our bill Tuesday afternoon.

That is the essence of what the request was in the unanimous consent proposal of the leader which we wrote.

Is there any way that any Senator would tell us what we could do to accommodate the concept of trying to move this bill forward?

Mr. LOTT. Mr. President, I might say to the Senator from Alaska and to the Senator from Nevada that their situation is in the mill. They are protected. I do not see why we cannot get an agreement to take up the Department of Defense appropriations bill and deal with it, recognizing your rights are still fully protected. Why can we not do that? I do not quite understand that.

Mr. BRYAN. Mr. President, if I might respond to the majority leader, the Senators on the floor currently have an understanding of the rules, as does the Senator from Alaska, and obviously the majority leader.

The Senators from Nevada are fighting for their lives. The legislation that is being proposed with respect to interim nuclear waste dumps is without precedent in the history of the country and the history of the Senate. Therefore, to ask the Senators from Nevada to surrender any of the parliamentary rights which this body confers upon us is to ask us to abandon the constituents that we represent.

I have not been here as long as my senior colleague, but I know that each of the Senators on the floor are advocates and tenacious supporters of their constituents. We can be no less with our own.

So the issue that is all important for us is the interim storage of nuclear waste, and there is no reason why that needs to go forward. The technical review people and scientists tell us there is no reason. It is only the nuclear utility lobby that puts us in this position.

Mr. LOTT. Mr. President, does either Senator from Alaska wish to say anything at this point or try anything else?

I thought I might propound another unanimous consent request.

I ask unanimous consent that the cloture vote with respect to nuclear waste occur at 10 a.m. on Tuesday, July 16, and it be in order to consider S. 1894 prior to the cloture vote regarding nuclear waste.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, will the leader allow me to respond to my friend?

Mr. LOTT. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I state to my friend and colleague from Nevada that I serve on the Appropriations Committee. I would like this bill to move on. But for reasons that have been explained, we cannot do that. The Senator from Alaska knows that if we agree that the Defense bill go on before the two cloture votes on Monday or Tuesday, we give up certain rights, important rights that we have. And so I respectfully say that I think we cannot give those rights up.

I would only say in addition to what my friend from Nevada said, we, we believe, are not only protecting the rights of the people of the State of Nevada, but there are going to be tens of thousands of tons of nuclear waste transported on railroads and trucks all over the United States that is unnecessary. The nuclear review board has said leave it where it is—the technical review board.

So we understand the importance of moving legislation. We want to move legislation. But we cannot do it with this nuclear cloud hanging over our head.

Mr. LOTT addressed the Chair.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I yield. In fact, Mr. President——

Mr. STEVENS. I will be brief. I would only say, if I might, Mr. President, I have been here a long time, and I have seen a lot of filibusters. I have seen a lot of delaying of the Senate. I have never seen any Senator—and I would challenge anyone to show me—that any Senator filibustering has ever held up a bill that is in the interest of national security. This Senator never has. I know Jim Allen never did. I do not remember any such parliamentary tactic being used against a Defense bill.

As a matter of fact, I think this is the first time I can remember we have had to file cloture to get the Defense appropriations bill passed. This is not just a run-of-the-mill bill. This is the most important bill we pass every Congress to maintain the defenses of this country. This is our second duty when we take the oath. We swear under the Constitution that we will maintain the defenses of this country.

I admire my friends from Nevada for standing up for their State. I take no back seat to anyone in standing up for my State. And I have taken every right that I have had on the floor to protect my State, but I have never held up a bill that is in the interest of national security.

I do not believe the Senators from Nevada are correct in asserting that somehow they would lose any rights by allowing us to proceed with this bill. Their rights are protected under the rules in terms of handling the issue that affects their State. Their rights are protected, of course, in handling whatever they want to do with regard to the bill that I have the privilege to manage, but they would lose none of their rights, and I would not be a party to taking rights away from them, by proceeding with the Defense bill.

Blocking the Defense bill has nothing to do with the national security as far as this country is concerned. My bill, our bill does. And it means now we will probably not get finished with this bill until about a week from now, and that means we will probably not be able to get back here, before we recess in August, with a conference report. We will not be able to know whether the President agrees. And we will be behind this bill that the Senators from Nevada are talking about all the way. If we are delayed now, we will be delayed later when it comes up again. It is going to come up again in terms of the conference report, in terms of appointing conferees. I say it is in the best interests of this country to get this bill out of the way.

I challenge the Senators from Nevada to demonstrate what they have said. Proceeding on this bill of ours now will not harm their rights with regard to the issue that affects their State in any single way.

Mr. REID. I would accept the challenge, if I could, through the majority leader.

Mr. STEVENS. I would be happy to have it.

Mr. LOTT. Mr. President, I believe I will yield the floor and let Senators get recognition in their own right.

Mr. STEVENS and Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If I could be more explicit, I will try. The rules do not provide any protection for the Senators from Nevada with regard to delay of the defense bill. I would challenge them to so state, and I do challenge them to so state. What they are doing today is just merely delaying getting to the bill that they object to with regard to Nevada. It is a timing question, until the cloture motion was filed. When the cloture motion was filed, we all know when we will vote on the issue pertaining to Nevada. But to say that it must wait, the decision on that must wait before we proceed on the bill—it is the pending business. It was the pending business this morning. We tried to raise it yesterday. And now we have spent the day today. I will be back tomorrow. I will be back Monday. I will be back Tuesday. I am going to be out on the floor every day. And I want to say to my good friends from Nevada, I am going to tell the world they are holding up the defense of the United States.

Mr. CRAIG. Will the Senator yield?

Mr. REID addressed the Chair.

Mr. STEVENS. I do yield to my friend from Nevada.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BRYAN addressed the Chair.

Mr. STEVENS. I yield for a question.

Mr. CRAIG. The Senator from Idaho, in working with the Senators from Nevada, assured them the protection that they now ask that they have and is granted under the rules of the Senate. There was no way to change their protection. The process we used to bring this bill to the floor is the process of the Senate.

So the Senator from Alaska is absolutely right. The Senators from Nevada, their full rights are protected. Now they use the defense bill, tragically enough, because I agree with the Senator from Alaska, while it is clearly within their rights to do what they do, and I do not dispute that now and I do not think the Senator from Alaska does, I believe their action is unprecedented.

I think it is important the RECORD show the Senator from Idaho has worked very hard to bring this national nuclear waste bill to the floor so that we can deal with a national problem. I dealt with the Senators from Nevada in a very forthright way to assure them that all of their rights would be protected and that I or any other Senator interested in this legislation was not in any way going to attempt to step on their rights, because in the Senate we do not do that. So they were protected in an adequate way.

I yield back to the Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator from Nevada wish to——

Mr. BRYAN. Mr. President, could I be recognized?

The PRESIDING OFFICER. The Senator from Alaska has the floor. The Senators from Nevada are seeking the floor.

Mr. STEVENS. I have no desire to end up today having the Senators from Nevada start filibustering my bill at this late hour. I will be happy to yield to the Senators for a question, but I hope that we either go ahead with my bill or decide when we will go ahead with my bill without regard to a filibuster on the nuclear issues. I will be glad——

Mr. BRYAN. Will the Senator yield for a question?

Mr. STEVENS. To have the Senators ask a question.

The PRESIDING OFFICER. The junior Senator from Nevada is recognized for a question.

Mr. BRYAN. I am sure the Senator from Alaska is aware that the Senators from Nevada are not trying to do anything that would compromise or jeopardize national defense. The Senators from Nevada, like the Senator from Alaska, have a strong conviction—come from a State in which national defense interests are of paramount consideration, as they are in the State which the Senator so ably represents.

We are talking about an appropriations bill that will go into effect October 1 of this year for the next fiscal year, so there is no imminent crisis that we face at the moment.

If I might indirectly respond to a question in the statement made by the Senator from Idaho, the Senators from Nevada have tried throughout this afternoon to offer a series of proposals that would allow us to move immediately not only to the defense appropriations bill but to other pieces of legislation that are pending as well. And we would be prepared to do that.

I think it is fair to say that some on the other side of the aisle were prepared to accept the proposals the Senators from Nevada were offering, but the Senator from Idaho and others indicated that they would be unprepared to accept the proposal which would move us immediately to the consideration of this bill only if the Senators from Nevada surrendered their parliamentary rights conferred under the rules with respect to a process which might occur if the nuclear waste bill ever went to conference, something at this point we do not know for sure.

So I do not believe it is fair to characterize that the Senators from Nevada are unwilling to try to deal with this bill, the Department of Defense bill. We have offered several proposals, and they have been rejected. I regret that because I think that would be the appropriate course of action for us to follow this evening.

Mr. REID. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Mr. President, let me respond to this first now. I want to make it clear—and we stand out here and say these are our friends in the Chamber. The Senators from Nevada come from a small State like I do in terms of population. We are friends. But I disagree. We currently have an order we will vote on the cloture motion on the nuclear waste disposal bill on Tuesday.

There is absolutely nothing that can be lost, in terms of rights of the two Senators from Nevada with regard to that bill by letting our bill go forward. As a matter of fact, letting it be voted on before, we could have it finished before that cloture vote.

I understand the idea of trying to delay getting to a bill in terms of trying to delay the bill ahead of it. But that is past, as I said. Once the cloture motion was filed, the time runs under the rule from then, and there is nothing that can be done to harm the position of the Senators from Nevada with regard to that bill by proceeding with the pending business.

I respectfully say again, we have a strange situation this year with regard to this bill. We know we are presenting a bill that is beyond the request of the President. We are working on a strategy to present the President a bill we think he will sign. That will take time. In any event, we need to know if the bill is to be signed. If it is not to be signed, then—if he wants to veto it—then we have to go back and finish that process. But we have to do it all within the period of September in order to finish, and this year is an election year. This is the second year of a Congress. We will go out of session in October.

I am saying again to the Senators, the worst thing that could happen to the defense of the United States is to act under a continuing resolution. We must get a bill for this subject, on defense, or else we cannot enter into long-term contracts. We cannot enter into contracts that save the taxpayers' money. We pointed out here today, on three occasions, what we will save by virtue of this bill; $1 billion in one acquisition alone, we will save. It is certified by the GAO. Everybody knows we are going to save money by changing the way we handle some of this acquisition for our defense forces. We cannot do that under a continuing resolution. The whole Government can act, perhaps, on a continuing resolution. The Department of Defense loses money, the taxpayers pay in excess for their defense every time we have to go through a continuing resolution.

I say to my friend, there is no way we are going to get back here and have another bill for defense if the President in fact vetoes the bill in September and we do not get the bill again to him in September. We cannot get through the defense bill in 2 weeks. We are going to be dealing with a continuing resolution. Every single portion of the Department of Defense loses and the taxpayers lose, if we try to operate the Department of Defense on a continuing resolution. I am pleading with my friend from Nevada to let go of our bill. They will not lose any of their rights. Again, I will be pleased to respond to any question the Senators have.

I do think I do know these rules. I challenge anyone to challenge what I have just said, because there is no right the Senator from Nevada will lose by letting us proceed with the pending business with regard to anything they have the right to. They do have the right to do what they are doing, I agree. But they do not lose any rights by letting us go ahead.

Mr. NICKLES. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. NICKLES. The Senator from Alaska has been here a little bit longer than I have, and I compliment him for his years of service as well as the Senator from Hawaii, Senator INOUYE, and I hope we can move forward with this legislation.

I cannot recall—I have been around when we had a few filibusters—but I cannot recall in my 16 years here that anybody has filibustered a bill, not the bill they were opposed to, but filibustering a bill that is coming up prior to the bill that they were opposed to.

Mr. STEVENS. I know Senators have objected to unanimous-consent requests on legislation that was preceding an issue they were concerned with. I think that is done.

I do not know of any situation where, after a cloture motion has been filed on the subject of the Senator's interest, where a Senator has then tried to delay any other legislation in order to try to protect a right that he perceived. Because I can perceive no right in such delay after the cloture motion is filed. We either get cloture or we do not get cloture. The Senator's rights are protected either way, under cloture rule or postcloture—the handling of the bill if cloture fails. I do not remember any such circumstance.

Mr. SANTORUM. Will the Senator from Alaska yield for another question?

Mr. STEVENS. Yes.

Mr. SANTORUM. I am trying to understand the rights that might be given up. If the Senators from Nevada do not allow the Defense bill to come up, will there be a cloture vote on the nuclear waste bill at 10 o'clock on Tuesday?

Mr. STEVENS. Yes.

Mr. SANTORUM. If they allow the bill to come up, will there be a cloture vote at 10 on Tuesday on the nuclear waste bill?

Mr. STEVENS. Yes.

Mr. SANTORUM. What rights, then, do they lose if that occurs?

Mr. STEVENS. I perceive none once we get into the cloture motion and vote.

Mr. REID. Will the Senator from Alaska yield, with his retaining his right to the floor?

Mr. STEVENS. Yes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend from Alaska, it appears to me that we are criticizing the wrong people here. If, in fact, there is such an urge to go forward with this legislation, and much other legislation, it would seem to me it would be the right thing to do to move away from a bill that the President said he is going to veto. Why is all the burden placed on us?

Mr. STEVENS. Let me answer that, respectfully. When we tried yesterday to get to the defense bill, nuclear waste was not on the screen. We tried to get on it this morning, did get on to it, and immediately we have a filibuster because of nuclear waste. The leader did what he should do. He made the motion to call up nuclear waste, and filed the cloture motion so there will be a cloture vote on the motion to proceed to that bill.

The Senators from Nevada not only have the right to insist on a cloture motion on the motion to proceed, but they also have a subsequent right to a cloture motion on the final vote on the bill, they then have the right to cloture motion on appointment of conferees on that bill. I can tell the Senators, if I were the Senators I can guarantee the Senate would not vote on this bill you oppose this year.

But that has nothing to do with my bill. That has nothing to do with my bill. You have every right to protect your own interests with regard to your bill, but you are delaying the defense interests, the basic concern of the defense of the United States, in my opinion.

I am telling you, you lose no rights. I should not address the Senator directly. I apologize. The Senator from Nevada loses no rights, neither Senator, by allowing our bill to proceed. And by consenting to that unanimous-consent request, we would vote either before or after the cloture motion, the bill would go to conference, the defense bill, and we have a chance—a chance of finishing this year with a bill signed and approved by the President.

Mr. President, I cannot deal with this much longer without displaying some of what some people have called an unruly temper. It is not an unruly temper. I know how to use it.

So I would say to my friend from Nevada, I am sorry this is the case. It is my understanding the distinguished assistant minority leader has duties. Mr. President, under the circumstances, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

THE TAXPAYER BILL OF RIGHTS

Mr. NICKLES. Mr. President, I wish to compliment Senator PRYOR and others for passage of the taxpayer bill of rights. I also wish to recognize Senator GRASSLEY, because he worked very energetically in trying to see that the Taxpayer Bill Of Rights 2 would actually become law. I am delighted we were successful in passing that today.

MORNING BUSINESS

TRIBUTE TO LT. GEN. PAUL E. BLACKWELL

Mr. HOLLINGS. Mr. President, today I wish to congratulate Lt. Gen. Paul E. Blackwell, Deputy Chief of Staff for Operations and Plans of the U.S. Army, who will retire on 26 July 1996. Lieutenant General Blackwell's career spans 31 years in which he has given distinguished service as a soldier, leader, and visionary for our military. Let me briefly recount to you the career of this distinguished servant of our Nation.

A native of South Carolina, Lieutenant General Blackwell graduated from Clemson University where he earned both a bachelor and masters of science. He entered active duty as a second lieutenant in 1965 as an infantryman. Since then, he has commanded at platoon through division level.

Lieutenant General Blackwell has served in every type of U.S. Army division—light, airborne, mechanized, motorized, and armor. He has held an extraordinary variety of command and staff positions, including commanding general, 24th Infantry Division (mechanized) and his most recent assignment as deputy chief of staff for operations and plans. Other key assignments include commanding general, 2d Armored Division(-), Garlstedt, Federal Republic of Germany; commander, III Corps (Forward), Maastrich, The Netherlands; assistant division commander, 3d Armored Division and commander, Hanau Military Community, Federal Republic of Germany; deputy director for operations, National Military Command Center, Joint Staff, Washington, DC; commander, 1st Brigade, 9th Infantry Division, Fort Lewis, WA; chief of staff, 9th Infantry Division, Fort Lewis, WA; G3 (operations officer), 9th Infantry Division, Fort Lewis, WA; commander, 1st Battalion, 4th Infantry, 3d Infantry Division, Aschaffenburg; Brigade S3, 2d Brigade, 3d Infantry Division, Kitzingen; S3, 2d Battalion, 325th Infantry, 82d Airborne Division.

Lieutenant General Blackwell's combat experience includes two tours in the Republic of Vietnam and service in Saudi Arabia during Operation Desert Storm. During his tours in Vietnam, he served in various positions to include commander, Company D, 3d Battalion, 60th Infantry, 9th Infantry Division and platoon leader of an airfield security platoon. During Operation Desert Storm, Lieutenant General Blackwell served as the assistant division commander of 3d Armored Division.

Lieutenant General Blackwell's career spanned a period of enormous changes and great turmoil requiring vigilance coupled with decisiveness to ensure our Nation's security. He has adapted to new and diverse and integrated technologies to assist the Army to change both intellectually and organizationally to meet the challenges of the 21st century.

Throughout his three decades of service, Lieutenant General Blackwell provided flawless moral character and vision for our Army. He led by example and significantly contributed to the transformation of the Army from a cold war, forward deployed force, into a power projection force, ready to defend the national interest in any corner of the world, whenever the Nation called. While meeting the challenges of today, he prepared the Army for tomorrow as well, with a farsighted and far-reaching vision of the conduct of future war. His determination to keep the Army "trained and ready," his sense of responsibility to his soldiers and the Nation, and his understanding of both our history and the future of armed conflict have given this Nation an Army capable of achieving decisive victory now and into the 21st century.

Lieutenant General Blackwell's career reflects selfless service to our Nation and the essence excellence we expect from our military leaders. Through the decades of service and sacrifice, he has been supported by a loving family. Lieutenant General Blackwell's family is a critical part of his success. Janet Blackwell and his son, Paul, have served the Nation by providing unconditional love and support through numerous deployments and countless family moves to maintain the homefront for this dedicated soldier.

Lt. Gen. Paul E. Blackwell is the quintessential professional, loyal servant of the Constitution, and caring leader for America's sons and daughters, on behalf of the Congress of the United States and the people we represent, I offer our sincere thanks for your service.

BILL LEE

Mr. JOHNSTON. Mr. President, today, I join thousands of Americans and other admirers around the world in paying tribute to Bill Lee, retired chairman of Duke Power Co. and a personal friend, who died on July 10, 1996, in New York at age 67.

To eulogize William States Lee as Duke's former chairman, while accurate, does not begin to do justice to the scope of Bill's talents, vision, and accomplishments. In a career at Duke that spanned four decades, Bill presided over one of the most successful electric utilities in the Nation. He provided the leadership for the most successful nuclear power program in the Nation. It was his determination to bring safe, clean, and reliable power for North and South Carolina electricity consumers that resulted in the construction of the Oconee, McGuire, and Catawba nuclear powerplants, which have admirable served the people of the region for many years.

Bill Lee's achievements do not stop at the bounds of Duke's service territory. He is revered as the driving force behind the national and international organizations that today do so much to ensure the safety of the United States and world nuclear powerplants. It is those contributions, perhaps even more that his contributions at Duke Power, that constitute his true legacy and assure his place in the history for the electric power industry.

After the 1979 accident at the Three Mile Island, Bill Lee, then president and chief operating officer of Duke Power, was called in to lead the recovery effort. It was Bill who spawned the idea that the nuclear industry needed its own watchdog organization to assure excellence in operation at every plant. He went on to create the Institute for Nuclear Power Operations, headquartered in Atlanta, which includes every nuclear utility in the Nation as its members. He served as INPO chairman from 1979 to 1982.

The news of the Chernobyl accident was only days old in 1986 when Lee launched a personal diplomatic crusade to bring the former East bloc countries into an organization like INPO. In was his often-stated belief that "radiation knows no national boundaries." Thanks largely to his personal ability to persuade and the respect he commanded on both sides of the Atlantic, the World Association of Nuclear Operators [WANO] was founded in 1986. Lee served as WANO president from 1989 to 1991. Today, WANO continues to be a major force for global nuclear safety, as a vehicle for sharing Western safety and performance expertise throughout the world.

Bill Lee was a native of Charlotte, NC. He was graduated from Princeton in 1951, with a degree in civil engineering, and after a stint in the U.S. Navy, joined Duke Power as a junior engineer in 1955. He was named vice president of engineering in 1965, and a board member 3 years later. He became chairman and president in 1989, and remained in that position until his retirement in 1994, when he became Duke's first chairman emeritus.

The business magazine Financial World named Bill a winner in its CEO of the Year competition for 4 consecutive years. In 1989, the magazine named him "Utility CEO of the Decade."

Bill also was active in numerous civic organizations, especially as an advocate for education reform. He is survived by his wife, Jan, his son, States, his two daughters, Helen and Lisa, his mother, Sara Toy, and five grandchildren. He will be greatly missed—and long remembered—by both family and his many admiring associates.

I will personally miss his boundless enthusiasm. This enthusiasm was always there, whether he was raising money for charity, keeping Duke Power on the cutting edge of excellence, or taking up some new adventure-like skiing at the age of 40. I worked with Bill on some of the toughest legislative issues the Energy and Natural Resources Committee faced. He was a great ally: Tough, razor sharp, sophisticated, always able to see the big picture. He was a leader who was a gentleman, a man with great integrity and a keen sense of the public interest. In an industry obsessed with the bottom line and next week's stock price, Bill was a visionary who took responsibility for the future. We need more Bill Lees, but were not likely to find any like him.

Bill Lee did it all, and he enjoyed all. I know my colleagues join me in paying tribute to this remarkable man and extending condolences to his family and many friends.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3290. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3291. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "Powerplant and Industrial Fuel Use Repeal Act,"; to the Committee on Energy and Natural Resources.

EC-3292. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the rule entitled "Interest Rate Risk," received on July 9, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-3293. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report on investors who are senior citizens; to the Committee on Banking, Housing, and Urban Affairs.

EC-3294. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of eight rules relative to TV broadcast stations, received on July 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3295. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty rules entitled "Alteration of Jet Route J-66," (RIN2120-AA66, 2120-AA65, 2120-AA64, 2120-AA83) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3296. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to consent agreements, (FRL5378-3) received on July 9, 1996; to the Committee on Environment and Public Works.

EC-3297. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules relative to nonattainment areas for ozone (FRL5536-1, 5532-4, 5524-2, 5381-7, 5381-4) received on July 8, 1996; to the Committee on Environment and Public Works.

EC-3298. A communication from Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to a deep-draft navigation project; to the Committee on Environment and Public Works.

EC-3299. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to access filings for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC-3300. A communication from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting, pursuant to law, an annual report relative to services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-3301. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Ocean Salmon Fisheries Off the Coasts of Washington, Oregon and California," received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3302. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska," received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC-3303. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska," received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC-3304. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Gulf of Alaska," received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3305. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement 96-63 (Processing of Returns Filed by Exempt Organizations to be Centralized in the Ogden Service Center)," received on June 27, 1996; to the Committee on Finance.

EC-3306. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 96-33," received on June 27, 1996; to the Committee on Finance.

EC-3307. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 96-36 (Weighted Average Interest Rate Update)," received on June 27, 1996; to the Committee on Finance.

EC-3308. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC-3309. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of Romania; to the Committee on Finance.

EC-3310. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Work Incentive Programs for AFDC Recipients," (RIN1205-AB12) received on June 27, 1996; to the Committee on Finance.

EC-3311. A communication from the Administrator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs," received on June 28, 1996; to the Committee on Finance.

EC-3312. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the evaluation of the Grant Program for rural health care transition; to the Committee on Finance.

EC-3313. A communication from Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska," (RIN0648-AG41) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from General Counsel, Department of Transportation, transmitting, pursuant to law, the report of four rules entitled "Establishment of Class E Airspace," (RIN2120-AA66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-3316. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC-3317. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Amendment to the International Traffic in Arms Regulations," received on July 5, 1996; to the Committee on Foreign Relations.

EC-3318. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the prevention of nuclear proliferation for calendar years 1994 and 1995; to the Committee on Foreign Relations.

EC-3319. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule relative to terrorists, received on June 26, 1996; to the Committee on Foreign Relations.

EC-3320. A communication from the Director of Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of CFR Chapter," (RIN0644-XX01) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Disclosure and Notice of Change Rates and Other Service Terms for Pipeline Common Carriage," received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of seven rules entitled "Navigation Safety Equipment for Towing Vessels," (RIN2115-

AE91, 2115–AF33, 2115–AA97, 2115–AE66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Disclosure, Publication and Notice of Change of Rates and Other Service Terms for Rail Common Carriage," received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the rule entitled "Waiver of Requirements for the Distribution of Prescription Drug Products that Contain List I Chemicals" received on July 8, 1996; to the Committee on the Judiciary.

EC–3325. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule concerning visas, received on July 1, 1996; to the Committee on the Judiciary.

EC–3326. A communication from the Attorney for National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of financial statements and schedules for calendar year 1995; to the Committee on the Judiciary.

EC–3327. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule concerning a notice of opposition, (RIN0651–AA89) received on July 9, 1996; to the Committee on the Judiciary.

EC–3328. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–3329. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled "Acquisition of Citizenship," (RIN1115–AD75) received on July 1, 1996; to the Committee on the Judiciary.

EC–3330. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled "Fees Assessed for Defaulted Payments," (RIN1115–AD92) received on July 1, 1996; to the Committee on the Judiciary.

EC–3331. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled "Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility" (RIN1115–AD92) received on July 8, 1996; to the Committee on the Judiciary.

EC–3332. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Pension and Welfare Benefits Administration," (RIN1210–AA51) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3333. A communication from Assistant Secretary of Labor for Mine Safety and Health Agency Contact, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for Explosives at Metal and Nonmetal Mines," (RIN1219–AA84) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3334. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report relative to the final funding priority for the Rehabilitation Research and Training Center; to the Committee on Labor and Human Resources.

EC–3335. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Director of the Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices," received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled "Office of Vocational and Adult Education School-to-Work Opportunities,"; to the Committee on Labor and Human Resources.

EC–3338. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled "Safe and Drug-Free Schools and Communities Federal Activities Grants Program,"; to the Committee on Labor and Human Resources.

EC–3340. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report of the Asset Forfeiture Program for fiscal year 1994; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997" (Rept. No. 104–316).

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–317).

By Mr. BOND, from the Committee on Appropriations, with amendments:

H.R. 3666. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on July 10, 1996:

By Mr. THURMOND, from the Committee on Armed Services:

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. BRYAN, and Mr. CONRAD):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN, and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. CONRAD, and Mr. BRYAN):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT ACT OF 1996

Mr. GRAHAM. Mr. President, with my colleague, Senator REID, we introduce today legislation which will clarify the Fair Labor Standards Act and the issue of minimum wage, as it applies to prisoners incarcerated in State and local institutions. I send the legislation to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GRAHAM. Mr. President, the main points of this legislation are as follows. No. 1, it will exempt prison workers from the minimum wage provisions. No. 2, it will put an end to a cascade of lawsuits that our States have been faced with by prisoners demanding back wages. It enables the effective prison work and employment training programs that have been developed within many of our State corrections facilities to continue without the fear of these lawsuits.

Mr. President, I am pleased to be able to cosponsor this legislation with my colleague, Senator REID, who, during the last Congress and previously, has brought this issue so effectively to our attention. This legislation has engendered bipartisan support and today we are joined by Senators MACK, DEWINE, BRYAN and DORGAN in our efforts to correct the application of minimum wage to State prisons.

This is an issue of national concern. Class action lawsuits by prisoners demanding backpay at minimum wage are entangling Federal courts in many sectors of the country. Florida alone has faced two such class action lawsuits in the last 24 months. In 1992, 18 States asked Congress for clarification of this issue. Today, 4 years later, we have yet to answer their call for help. It seems appropriate that we should address this issue in the very week that we have taken action to increase the minimum wage in the law.

Many prisoners participate in job training and work programs which provide numerous benefits. This legislation restricts its applicability in terms of prohibition from the application of the minimum wage to those prison industry programs which are providing goods or services to either a local, State, or Federal governmental agency. We are not including where there might be the production of products or the delivery of services that would be beneficial and therefore in competition with commercial, private-sector activities.

Not only are these activities beneficial in terms of providing services which range, in my State, from supplies such as furniture and printed materials, to the provision of services which are valuable to local, State, or Federal governments, but they also deal with one of the major issues that affects recidivism, the likelihood of a person upon release from prison returning to a life of crime. Consistently, one of the key factors in the likelihood of a prisoner either living a life of law and order and production or returning to their previous criminal behavior is whether they leave the prison prepared to hold a job.

These programs provide that kind of on-the-job training and experience that make prisoners, upon release, more likely to be employable, more likely to have the cultural skills, the understanding of what it means to go to work every day in order to get and hold a job.

I am very proud that in our State, the recidivism rate among those prisoners who have been through our prison industry program is one-fifth of the recidivism rate of the population as a whole. We want to protect these programs by eliminating the prospect that they might be subjected to the minimum wage.

What would happen if the minimum wage were to be made applicable to these prison work programs? Again, using the State of Florida as an example, it has been estimated that if the State were to lose the class action suit that is before it, it would cost millions of dollars in backpay and an additional $24 million every year to continue the programs as they are currently in place.

In a time of tight State budgets, there is very little likelihood that there would be this $24 million forthcoming, and, therefore, the prospect would be that this effective program that is serving so many important interests would be terminated.

So, Mr. President, this legislation is beneficial to the States and the communities that are the direct beneficiaries of the products and services produced by these prison industries. There is even a greater benefit in terms of reducing the likelihood of prisoners, upon release, returning to a life of crime and, therefore, being a predator upon society.

But it also gives us a chance, frankly, to eliminate a provision which makes us appear to be foolish to the American public. If you were to tell the average citizen in New Hampshire, did you know that there is an interpretation of the Federal minimum wage law that requires your State, if a prisoner is working while they are incarcerated, doing something productive, helping prepare themselves for their post-incarceration life, requiring the State to pay minimum wage to that person, in spite of the fact that the State is also providing them a place to live, to eat, their medical services, all of the requirements, and then to say they have to receive the minimum wage, which is now going to be raised over the next 2 years to $5.15 an hour, you would first encounter bemusement and then, I think, public anger at what they would see to be such a foolish idea.

So, Mr. President, I hope that, albeit 4 years late, we would respond to the request of the States to clarify that we do not intend to apply the minimum wage to those persons engaged in prison industries and allow the States to continue with this thoroughly rational and important part of their corrections program.

It is my honor to turn the remainder of the time to my colleague and cosponsor, Senator REID.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the efforts of my colleague. When this matter was first introduced in August 1992, Senator GRAHAM was a steadfast supporter of this legislation. He indicated that I have been a good advocate of this legislation. I say, Mr. President, not good enough. It seems that we should have this in law. We have not been able to do that.

I think it is fair to say that we should put the committee of jurisdiction, or committees of jurisdiction, on notice that we are going to move forward with this legislation. It is important we do so, and if we do not get it done in the committees, then we are going to have to do it here on the floor. We have waited too long.

The legislation that I introduced in 1992 was in response to the decision of the Ninth Circuit Court of Appeals that all inmates working in correctional institutions and industries in those institutions are covered by the Fair Labor Standards Act. That was stunning to me. As my colleague from Florida has indicated, this decision is beyond the ability to comprehend.

The decision has been overturned, and the courts around this country are confused on this issue, and it calls for a clarification. In fact, it is a pending court case in Florida that has brought Senator GRAHAM and I to the floor this morning to reintroduce the prison wage bill. Clarification is needed, not only for the direction of the courts, but to dissuade prisoner lawsuits to recover minimum wage payments for work done while in prison.

If inmates were covered by the Fair Labor Standards Act, they would not only be eligible—listen to this—for minimum wage, but it would open the door for unemployment compensation for prisoners, it would open the door for worker's compensation for prisoners, it would open the door for paid vacations for prisoners, it would open the door for overtime pay for prisoners. I mean, is this ridiculous?

If the Federal Government or States are required to pay minimum wage, it would mean the end of most prison work programs. We simply would not be able to afford them. State governments are already staggering from budget deficits. Inmates would lose their job training, in most instances, lose their opportunity to produce something during their incarceration and lose the incentive to reform themselves and return to society. Prisoners would sit idle in their cells. Taxpayers already pay for room, board, even cable TV for prisoners. I do not believe they want to pay for minimum wage as well.

Mr. President, I, frankly, would like to go further. I do not think they should have cable television. I do not think they should have some of the things they have in prison that they do have, but I am going to let well enough alone and see if we can move forward on this very meaningful legislation.

We in Congress just spent months, as my colleague has indicated, fighting for an increase in the minimum wage. Were we fighting for a worker trying to raise a family on $8,500 a year—that is minimum wage—or were we fighting for a wage increase for prisoners? I know that I was fighting for the working family and not the prisoner who has not played by the rules of society and is supposed to be punished, in my estimation.

Some opponents of this bill have raised the question of low-wage inmate competition with the private sector. But this issue has already been adequately explained by my colleague. This issue has already been, I repeat, addressed by the Ashurst-Sumners Act, as well as the Prison Industry Enhancement Certification Program. This is only talk.

Further, in our bill, we provide specifically that our language does not affect programs certified pursuant to the Ashurst-Sumners Act.

Mr. President, I asked, sometime ago, the General Accounting Office to look into this matter, and they rendered a very fine report on prison labor. I quote from this report:

> If the prison systems we visited were required to pay minimum wage to their inmate workers and did so without reducing the number of inmate hours worked, they would have to pay hundreds of millions of dollars more each year for inmate labor. Consequently, these prison systems generally regard minimum wage for prison work as unaffordable, even if substantial user fees (e.g.: charges for room and board) were imposed on the inmates.

They went on to say:

> Prison systems officials consistently identified large-scale cutbacks in inmate labor as likely and, in their view, a dangerous consequence of having to pay minimum wage. They believed that less inmate work means more idle time and increased potential for violence and misconduct.

Therefore, paying minimum wage to prisoners would not only be expensive, but dangerous and counterproductive.

The Fair Labor Standards Act of 1938 was enacted as a progressive measure to ensure all able-bodied working men and women a fair day's pay for a fair day's work. It was never, never intended to cover criminals in our prisons.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

THE HAROLD HUGHES COMMISSION ON ALCOHOLISM ACT OF 1996

• Mr. HATFIELD. Mr. President, it is my honor today, along with my distinguished colleagues, Senators GRASSLEY and HARKIN, to introduce legislation that will fulfill a lifetime dream. The Honorable Harold Hughes, the "man from Ida Grove," has made the struggle against alcoholism and its affects on individuals and their families his life work. Harold Hughes vision is to combat alcoholism, not only on a personal level, but on a community and national level as well. His dream will be fulfilled with the creation of a commission on all matters related to alcoholism and its affects on America.

The Talmud defines a good man as, "one who needs no monuments because their deeds are shrines." The Honorable Harold Hughes deeds are indeed shrines. My distinguished friend has devoted his life to helping others. He has served as Governor of Iowa, U.S. Senator, and now as a leader in the fight against the abuse of alcohol and drugs. He is the founder and chairman of the Hughes Foundation as well as the Harold Hughes Centers for Alcoholism and Drug Treatment. He has become a front-line soldier in the war against alcohol abuse in the United States.

Alcohol use and abuse in the United States affects all of us. Although alcohol is a legal drug, its effects are devastating. Alcoholism tears apart marriages, families and communities. As a Nation, we cannot allow the devastating effects to continue.

Alcohol abuse and dependency affects 10 percent of Americans, 18.5 million, but we all pay the price for this addiction.

About 56 percent of American families are affected by alcoholism.

If alcohol were never carelessly used in our society, 105,000 fewer people would die each year.

Alcohol is a factor in one-half of all homicides, suicides, and motor vehicle fatalities.

Treatment, support, direct health care costs, as well as lost work time and premature death cost the public $98.6 billion in 1990.

The Harold Hughes Commission on Alcoholism will provide the President, Congress, and the American people with the tools that are necessary to address the effects of this disease. Unlike commissions of the past, which studied the affects of alcoholism on our society, the work of this Commission will be uniquely narrowly tailored. The focus will not be on the big picture of alcoholism in the United States, rather it will be on the limited, practical, and cost-effective solutions to our growing crisis with alcoholism. The Commission will examine better ways to coordinate existing Government programs, improve education on the affects of alcohol, improve alcoholism research, and increase public/private sector cooperation in combating this disease. This work will be carried out by small working groups that will include academics, business executives and alcoholism experts. These working groups will focus on single policy issues in order to produce recommendations that will lead to tangible solutions to alcoholism.

Currently, the National Institute on Alcohol Abuse and Alcoholism under the National Institutes of Health is the leading research and funding organization for issues dealing with alcohol abuse. NIAAA conducts 90 percent of all research in these areas. Current research in the area of alcoholism includes: Searching for the genome for genetic markers that are linked to alcoholism; developing and approving a new drug, Naltexone, for the treatment of alcoholism; educating mothers on the risks drinking poses during pregnancy; preventing alcoholism through educational programs developed for schools, the workplace, and the community. This research and programming will greatly reduce the overall cost of alcohol abuse to society.

The Harold Hughes Commission will be a vehicle for existing programs like NIAAA as well as other research programs and Government agencies to increase their effectiveness. The coordination of exsisting programs will increase the success rate of all the programs.

This legislation marks the beginning of a renewed congressional commitment to fighting alcoholism in America. It also pays tribute to a man who made a similar commitment in his own life for himself, his community, and others who are fighting the battle against alcoholism.•

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

GUN CRIMES LEGISLATION

• Mr. DEWINE. Mr. President, prosecutions of gun criminals are down 20 percent under the Clinton administration. At a time when 10 million Americans every year become victims of violent crime, the administration is not making the prosecution of armed criminals a major priority.

I think that's a mistake. I think we have to do more to get violent felons off the streets. And I am introducing a bill that will help make sure this happens.

Recently, the Supreme Court handled down a unanimous decision that essentially disarmed a very effective weapon that Federal prosecutors use to combat violence and drug abuse. The bill I am introducing will rearm Federal prosecutors—and it will do so in a way that it will not be open to reinterpretation by the courts. Congress must leave no doubt that when a criminal commits a violent crime or completes a drug deal, and a gun is around, the gun is a part of the offense, and the criminal will get 5 years added to his prison sentence.

Prior to December 6, 1995, Federal prosecutors used title 18, section 924(c)(1) to impose an additional mandatory 5 years in prison for those criminals who use or carry a firearm during or in relation to a violent crime or a drug trafficking crime.

The purpose of this statute was to send violent criminals and drug traffickers to jail—where they belong. And this provision was an effective law enforcement tool because the lower courts defined "use" very broadly. In fact, if the defendant simply had a gun nearby, it was sufficient to convict under section 924(c)(1)—because the courts ruled that the proximity of the gun served to "embolden" the defendant.

According to the U.S. Sentencing Commission, in 1994 alone, over 2,000 defendants were sentenced to longer terms under section 924(c)(1).

The Supreme Court's ruling last year ended the effectiveness of this statute as a crime-fighting tool. The court ruled that, in order to charge a defendant under section 924(c)(1), the Government must show that the defendant actively employed a firearm during or in relation to a violent or drug trafficking crime. Therefore, if a firearm merely served to embolden a criminal, the court said, it was not being "used" within the meaning of section 924(c)(1), and the criminal would not receive the additional 5 years in prison.

When Congress passed this statute, it was sending a clear message to drug dealers and violent criminals—Guns and drugs are a recipe for disaster. And, if you mix them, you are going to pay a price. I believe that this Congress should act to restore this crime fighting tool, and we should do it in a way that leaves nothing to the reckoning of the courts.

My legislation would do just that. It would amend section 924(c)(1) to cover all circumstances in which a drug dealer or violent criminal is caught with a firearm that is being used to further his drug trafficking or violent enterprise. Under this legislation, a drug dealer, for example, would be subject to a mandatory additional 5-year prison sentence for drug trafficking, if he "uses or carries a firearm, or has a firearm in close proximity to illegal drugs or drug proceeds, or has a firearm in close proximity at the time of arrest or at the point of sale of illegal drugs."

I believe that this legislation will do a great deal to help the law enforcement officials on the front lines of the war on drugs. It makes our law stronger—and helps get these felons off the streets, out of our communities, and into prison.•

By Mr. DEWINE:

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

CRIME LEGISLATION

• Mr. DEWINE. Mr. President, a few weeks ago, I spoke on the floor about the current administration's record on crime. The facts clearly demonstrate that the administration's actions do not fulfill its rhetoric on this issue.

I think it is time to give law enforcement officers the tools they need to do their jobs—protecting American families. Today, I am introducing legislation aimed at doing just that, in one significant way.

The bill I am introducing today would establish, for the first time in the Federal Criminal Code, a general attempt provision. Thankfully, criminals do not succeed every time they set out to commit a crime. We need to take advantage of these failed crimes to get criminals off the streets.

Mr. President, under current Federal law, there is no general attempt provision applicable to all Federal offenses. This has forced Congress to enact separate legislation to cover specific circumstances. This approach to the law has led to a patchwork of attempt statutes—leaving gaps in coverage, and failing to adequately define exactly what constitutes an attempt in all circumstances.

Since statutes include attempt language within the substantive offense, but don't bother to define exactly what an attempt is. Others define, as a separate crime, conduct which is only a step toward commission of a more serious offense. Moreover, there is no offense of attempt for still other serious crimes, such as disclosing classified information to an unauthorized person.

This ad hoc approach to attempt statutes is causing problems for law enforcement officials. At what point is it OK for law enforcement officials to step in to prevent the completion of a crime? If someone is seriously dedicated to committing a crime, law enforcement must be able to intervene and prevent it—without having to worry whether doing so would cause a criminal to walk. In the absence of a statutory definition of an attempt, the courts have been called upon to decide whether specific actions fit within existing statutory language.

When a criminal is attempting to commit a crime where attempt is not an offense, then law enforcement must wait until the crime is completed, or find some other charge to fit the criminal's actions. Law enforcement should never be placed in either of these positions.

The bill that I am introducing today will solve these problems in the current law. As I mentioned earlier, this legislation will add a general attempt provision to the U.S. Criminal Code. It provides congressional direction in defining what constitutes an attempt in all circumstances. And, it will serve to fill in the irrational gaps in attempt coverage.

In my view, it is time for the American people—acting through the Congress—to clarify their intention when it comes to this area of the law.

Millions of Americans work hard every day to make ends meet and raise their families and provide a better life for their children.

But, there are some people who choose a different approach to life—a life of crime. We as Americans need to leave no doubt where we stand on that choice. If you even try to commit a crime, we're going to prosecute you and convict you. This bill will make it easier for our law enforcement officers to protect our families and our communities.•

By Mr. DEWINE:

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

THE CLONE PAGER AUTHORIZATION ACT OF 1996

• Mr. DEWINE. Mr. President, I recently made some remarks on the Senate floor about the current administration's record on crime. The facts are clear: The administration's actions on crime do not meet its rhetoric.

To stop crime, we have to do more. That doesn't mean another rhetorical assault on crime—or even a flashy 10-point program. Rather, we have to do more of the little things that—when you put them all together—make a big difference.

The most important of these is giving law enforcement officials the tools they need to do their jobs. Today, I am introducing legislation that will help us do that.

The bill I am introducing today would simply rectify an imbalance in current Federal law which makes it more difficult for law enforcement officials to fight drug trafficking. Today, drug traffickers have taken advantage of technological advances to advance their own criminal interests.

Drug traffickers—on a regular basis—use digital display paging devices—better known as beepers—in transacting their business. They do this because it gives them the freedom to run their criminal enterprise out of any available phone booth, and to avoid police surveillance. If law enforcement officials knew from whom they were receiving the calls to their beepers it would certainly aid efforts in tracking down drug traffickers.

The technology now exists to allow law enforcement to receive the digital display message, without intercepting the content of any conversation or message. It is called a clone pager. This clone pager is programmed identically to the suspect's pager and allows law enforcement to receive the digital displays at the same time as the suspect.

This device functions identically to a pen register. Mr. President, as you may know, a pen register is a device which law enforcement attaches to a phone line to decode the numbers which have called a specific telephone. Like a clone pager, the pen register only intercepts phone numbers, not the content of any conversation or message.

Since both devices serve the same purpose, a reasonable person would conclude that both the system for receiving authorization to use these devices, and the procedures mandated by the courts once the authorization was granted would be the same. However, in both cases it is not.

Under current law, the requirements for obtaining authorization to use a clone pager are much more stringent than they are for using a pen register. I would like to briefly outline the differences.

In order to obtain authorization to use a pen register, a Federal prosecutor must certify to a district court judge the phone number to which the pen register will be attached, the phone company that delivers service to that number, and that the pen register serves a legitimate law enforcement purpose. In other words, the prosecutor must show only that the use of the pen register is based on an ongoing investigation. The district court judge may then grant the authorization on a mere finding that the prosecutor has made the required certification. The pen register can then be used for a period of 60 days—with no requirement that law enforcement report pen register activity to the court.

In contrast, the U.S. attorney for a particular district must sign off on a request for clone pager authorization. Once this occurs, a prosecutor may then go before a district court judge where he must show that there is probable cause to suspect an individual has committed a crime—a much higher standard than what is required for a pen register authorization. He must also detail what other investigative techniques have been used, why they have not been successful, and why they will continue to be unsuccessful. Moreover, the prosecutor must disclose other available investigative techniques and why they are unlikely to be successful. Only after all of this is done can authorization to use a clone pager be granted.

But these are not the only differences in treatment. After the authorization is granted, it can only be used for 30 days. During that 30 days, the prosecutor must report activity from the clone pager to the issuing judge at least once every 2 weeks.

I do not believe that the authorization disparity in authorization for these two devices is warranted.

The legislation that I am introducing today would simply amend the Federal code to end this disparity. This bill would give law enforcement agents ready access, with warranted limitations, to the tools they need to do their jobs. This bill will bring Federal law enforcement into the 21st century. The drug traffickers are already there. It's time for law and order to catch up with them.•

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

CRIME LEGISLATION

• Mr. D'AMATO. Mr. President, I offer a bill, originally sponsored in the House by my colleague from New York, Representative SLAUGHTER. The bill will allow local district attorneys the option to federally prosecute repeat sexual offenders. Authorizing local district attorneys the opportunity to pursue Federal prosecution of habitual sexual offenders ensures that the toughest penalties will be imposed on these predators. They deserve nothing less.

It is horrendous that a rapist's average sentence is only 10½ years, with even less time being served. The sentence for child sex offenders is no better. Too often, these monsters are on the street ready to prey on their next victim.

In addition, repeat offenders convicted under this section of the bill will be sentenced to life for their second offense. Criminals repeatedly convicted of rape and serious sexual assaults must be taken off our streets and removed from our communities forever.

I urge my colleagues to review the merits of this bill, join as cosponsors and urge its immediate passage.•

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

THE CATTLE INDUSTRY IMPROVEMENT ACT OF 1996

Mr. DASCHLE. Mr. President, today several colleagues and I are introducing the Cattle Industry Improvement Act of 1996. This legislation addresses the deep concern of cattle, hog, and sheep producers across the Nation that the livestock industry does not operate in a free and open market. Livestock producers, especially cattle producers, are receiving the lowest prices in recent memory. Producers can barely make ends meet, let alone make a profit. The Cattle Industry Improvement Act is a fair, substantive bill which offers commonsense solutions to problems that have plagued the livestock industry for a long time.

For the last 2 years the issue of livestock concentration has been the No. 1 agricultural issue in South Dakota, even exceeding interest in the farm bill. Livestock concentration and low cattle prices do not just affect farmers and ranchers in my State. The impact is felt by the entire economy of South Dakota, affecting people who live in cities, towns, and rural communities alike. A recession in the cattle industry has a ripple effect throughout the entire State the consequences of which are potentially devastating. Farm foreclosures, job layoffs by agriculture related businesses and bank failures are all likely if cattle prices do not rebound in the immediate future.

I began the effort to address the issue of livestock concentration last year with the introduction of legislation creating a livestock commission to review the impact of packer concentration. This bill was a bipartisan effort that passed the Senate but was blocked in the House.

Fortunately, Secretary Glickman rescued the effort by creating the USDA Advisory Committee on Agricultural Concentration. This advisory committee, which included livestock producers, has served a vital role in addressing concentration in agriculture. The advisory committee submitted its findings and recommendations to Secretary Glickman on June 6. Some of its recommendations can be implemented administratively and are currently under review by Department of Agriculture officials to determine their feasibility. Others require legislative action. The conclusion the committee reached is unequivocal: the status quo is unacceptable. Modern livestock production has changed, the USDA must keep pace, and Congress must give the Department of Agriculture the tools necessary to respond to these changes in a way that gives producers a chance to make an honest living and compete fairly in the marketplace.

The Cattle Industry Improvement Act of 1996 gives the Department those tools. The bill requires the Secretary to define and prohibit noncompetitive practices. It mandates price reporting for all sales transactions conducted by any entity who has greater than 5 percent of the national slaughter business, and requires timely reporting of quantity and price of all imports and exports of meat and meat by products. Livestock producers will be able to count on Federal protection against packers and buyers who retaliate against them for public comments made regarding industry practices. Federal agriculture credit policies will be reviewed to determine if they are adequate to address the cyclical nature of modern livestock production.

The bill also calls for the review of Federal lending practices to determine if the Government is contributing to packer concentration, and directs the President and the Secretaries of Agriculture and Health and Human Services to formulate a plan consolidating and streamlining the entire food inspection system.

Finally the bill requires the USDA to develop a system for labeling U.S. meat and meat products. Companies will be encouraged to voluntarily participate in labeling their products as originating from U.S. livestock producers.

Swift congressional action is crucial for our Nation's livestock producers. Free and open markets are one of the foundations of our Nation and our economy. We as consumers all suffer if markets, especially food markets, do not operate freely. The Cattle Industry Improvement Act is critical to ensuring a fair shake for hard-working livestock producers and the Nation's consumers

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cattle Industry Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expedited implementation of Fund for Rural America.
Sec. 3. Prohibition on noncompetitive practices.
Sec. 4. Domestic market reporting.
Sec. 5. Import and export reporting.
Sec. 6. Protection of livestock producers against retaliation by packers.
Sec. 7. Review of Federal agriculture credit policies.
Sec. 8. Streamlining and consolidating the United States food inspection system.
Sec. 9. Labeling system for meat and meat food products produced in the United States.
Sec. 10. Spot transactions involving bulk cheese.

SEC. 2. EXPEDITED IMPLEMENTATION OF FUND FOR RURAL AMERICA.

Section 793(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)(1)) is amended by striking "January 1, 1997," and all that follows through "October 1, 1999," and inserting "November 10, 1996, October 1, 1997, and October 1, 1998,".

SEC. 3. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following:

"(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.".

SEC. 4. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(1) by inserting "(1)" before "To collect"; and

(2) by adding at the end the following:

"(2) Each person engaged in the business of slaughtering livestock who carries out more than 5 percent of the national slaughter for a given species shall report to the Secretary in such manner as the Secretary shall require, as soon as practicable but not later than 24 hours after a transaction takes place, such information relating to prices and the terms of sale for the procurement of livestock and the sale of meat food products and livestock products as the Secretary determines is necessary to carry out this subsection.

"(3) Whoever knowingly fails or refuses to provide to the Secretary information required to be reported by paragraph (2) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(4) The Secretary shall encourage voluntary reporting by any person engaged in the business of slaughtering livestock who carries out 5 percent or less of the national slaughter for a given species.

"(5) The Secretary shall make information received under this subsection available to the public only in the aggregate and shall ensure the confidentiality of persons providing the information.".

(b) ELIMINATION OF OUTMODED REPORTS.—The Secretary of Agriculture, after consultation with producers and other affected parties, shall periodically—

(1) eliminate obsolete reports; and

(2) streamline the collection and reporting of data related to livestock and meat and livestock products, using modern data communications technology, to provide information to the public on as close to a real-time basis as practicable.

(c) DEFINITION OF "CAPTIVE SUPPLY".—For the purpose of regulations issued by the Secretary of Agriculture relating to reporting under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), the term "captive supply" means livestock obligated to a packer in any form of transaction in which more than 7 days elapses from the date of obligation to the date of delivery of the livestock.

SEC. 5. IMPORT AND EXPORT REPORTING.

(a) EXPORTS.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting after "products thereof," the following: "and meat food products and livestock products (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)),".

(b) IMPORTS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Commerce shall, using modern data communications technology to provide the information to the public on as close to a real-time basis as practicable, jointly make available to the public aggregate price and quantity information on imported meat food products, livestock products, and livestock (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)).

(2) FIRST REPORT.—The Secretaries shall release to the public the first report under paragraph (1) not later than 60 days after the date of enactment of this Act.

SEC. 6. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.

(a) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(1) by striking "or subject" and inserting "subject"; and

(2) by inserting before the semicolon at the end the following: ", or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer".

(b) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

"(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

"(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

"(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

"(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.".

(c) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

"(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

"(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

"(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

"(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.".

SEC. 7. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and

price volatility risks inherent in livestock and dairy enterprises.

SEC. 8. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.—In consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and all other interested parties, the President shall prepare a plan to consolidate the United States food inspection system that ensures the best use of available resources to improve the consistency, coordination, and effectiveness of the United States food inspection system, taking into account food safety risks.

(b) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress the plan prepared under subsection (a).

SEC. 9. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

"(g) LABELING OF MEAT OF UNITED STATES ORIGIN.—

"(1) IN GENERAL.—The Secretary shall develop a system for the labeling of carcasses, parts of carcasses, and meat produced in the United States from livestock raised in the United States, and meat food products produced in the United States from the carcasses, parts of carcasses, and meat, to indicate the United States origin of the carcasses, parts of carcasses, meat, and meat food products.

"(2) ASSISTANCE.—The Secretary shall provide technical and financial assistance to establishments subject to inspection under this title to implement the labeling system.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 10. SPOT TRANSACTIONS INVOLVING BULK CHEESE.

(a) IN GENERAL.—The Secretary of Agriculture shall collect and publicize, on a weekly basis, statistically reliable information, obtained from all cheese manufacturing areas in the United States, on prices and terms of trade for spot transactions involving bulk cheese, including information on the national average price, and regional average prices, for bulk cheese sold through spot transactions.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under this section shall be kept confidential by each officer and employee of the Department of Agriculture, except that general weekly statements may be issued that are based on the reports of a number of spot transactions and that do not identify the information provided by any person.

(c) FUNDING.—The Secretary may use funds that are available for dairy market data collection to carry out this section.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Cattle Industry Improvement Act, which addresses an issue that is critical to our livestock and dairy industries—the concentration of economic power. I want to applaud the Minority Leader [Senator DASCHLE] for his extraordinary leadership on this issue. Last year he led the effort to establish a commission to investigate concentration in meat packing and processing, introducing legislation that passed in the Senate. That legislation ultimately led to the report Concentration in Agriculture—A Report of the USDA Advisory Committee on Agricultural Concentration—issued this June, which confirmed the extensive concentration occurring through the entire livestock marketing chain. The report warned that concentration in processing and manufacturing is likely to harm farmers more than anyone else in the marketing chain given their already low market power in the face of a few large corporate buyers. That report made a number of recommendations to Congress, the administration and the livestock industry for steps that could be taken to address these problems. The legislation Senator DASCHLE is introducing today takes action on a number of those recommendations.

The trend towards concentration in the livestock industry is particularly disturbing in light of the current record low prices in cattle markets and record high prices for feed—the most important and costly input to livestock production. In Wisconsin, low cattle prices have hit our dairy farmers hard as they obtain a substantial portion of their income from the sale of cull cows and veal calves. When beef prices are low, Wisconsin's 27,000 dairy farmers are equally hard hit.

According to the USDA report, while prices are distressingly low for producers, returns for meat packers are still quite high. As some of my colleagues have pointed out, with four firms slaughtering 80 percent of the cattle in this country, it is no wonder that producers in Wisconsin and elsewhere are concerned about the disparate economic health of livestock producers and livestock packing and processing industry. While it isn't clear that concentration has caused the low prices, the USDA report confirmed that given the circumstances in the livestock industry, market manipulation for large packers and processors is certainly possible.

The Cattle Industry Improvement Act includes provisions designed to improve market information in the cattle industry which suffers from inadequate market information. Less than 2 percent of fed cattle are sold through an open "price discovery" process, providing producers with very little information about what other cattle producers are receiving for their cattle and what buyers are paying for cattle. The market information provisions of this bill will allow producers to deal with their buyers on a more level playing field.

In addition, this bill provides additional flexibility and authority for the Secretary of Agriculture to aggressively target noncompetitive activities in livestock markets under the Packers and Stockyards Act. Another extremely important provision in this bill is the mandated review of Federal agriculture credit policies to determine whether or not our lending practices are facilitating the growth of larger livestock and dairy operations. Many dairy farmers have complained to me that they have a difficult time getting credit for both operating purposes and for capital investments because lenders insist that farmers greatly expanding their herd size in order to be credit worthy. Many small farmers simply cannot get credit for minor herd expansion. That is neither fair to our family sized farmers nor is it sound policy. Such practices create self-fulfilling prophecies—forcing small farms to grow significantly larger or to exit the industry. I am looking forward to reviewing the results of the study required by this legislation.

Finally, Mr. President, I want to thank Senator DASCHLE for his cooperation in including a provision in this bill which I proposed to address concentration concerns and market information inadequacies in dairy markets. The cheese industry operates in a market that suffers from a lack of pricing information that is even more extreme than in the cattle industry. While less than 2 percent of the cattle in the United States are sold on markets with open and competitive bidding, less than one-half of one percent of the cheese in the United States is sold on an open cash market—the National Cheese Exchange in Green Bay, WI.

Even so, the price opinion of the National Cheese Exchange directly and decisively affects the price that farmers throughout the nation receive for their milk. Milk prices are tied directly to that price through the Basic Formula Price, calculated by USDA. The BFP determines the class III price for milk under the Federal milk marketing order system. Even if that linkage did not exist, however, milk prices would still be dramatically affected by the exchange opinion because it is used as the benchmark in virtually all forward contracts for bulk cheese. Ninety to ninety-five percent of bulk cheese in the United States is sold through forward contracts. In other words, virtually all cheese sold in the country is priced based on the opinion price at the cheese exchange. Additionally, concentration in cheese processing is high and increasing. The top four manufacturers and marketers of processed cheese market 69 percent of the tonnage of processed cheese nationally. Most if not all of those manufacturers are traders on the exchange.

The National Cheese exchange has been the subject of great controversy among dairy farmers because the small amount of trading on the exchange has such a substantial impact on farmers. A recently released report by the University of Wisconsin-Madison and the Wisconsin Department of Agriculture, Trade and Consumer Protection concluded that characteristics of the

Green Bay cheese exchange make it vulnerable to price manipulation by the most powerful member-firms of the exchange. While such behavior may or may not violate antitrust laws, it is certainly not good policy to rely solely on this type of thin cash market to determine milk prices or cheese prices for the Nation.

Like cattle producers, dairy farmers suspect that the price they receive for their product may be controlled by a few large processors that trade on the National Cheese Exchange. A one cent change in the opinion price at the exchange translates into a 10 cent change in the price of milk to farmers. When prices on the exchange drop suddenly and precipitously, dairy farmers nationally lose millions of dollars in producer receipts and begin to wonder whether the price decline was truly reflective of market conditions. Others suspect that in times of rising milk prices, such as today, traders on the exchange are able to prevent prices from rising as high as they might given the market conditions.

Unfortunately, no alternative to the National Cheese Exchange exist for cheese price discovery. It is the only cash market in the country for bulk cheese. While there is a futures market for cheese and other dairy products, trading of futures contracts have been weak making the futures prices unreliable benchmarks. Furthermore, there is little or no market information on prices for spot transactions of cheese collected by the Department of Agriculture. What little information that is collected is not considered extensive enough to be reliable.

Section 4 of the Cattle Industry Improvement Act includes a provision requiring the Secretary of Agriculture to collect and report weekly statistically reliable prices and terms of trade for spot transactions of bulk cheese from all cheese manufacturing areas of the country. The intent of this provision is straight forward—to increase the amount of market information on cheese prices that is available to producers and processors.

This provision is not the end solution to the policy challenges imposed by the National Cheese Exchange. Those solutions will be considered by the Department of Agriculture through their Federal milk marketing order reform process and by the regulators of the exchange. This provision is a first step towards solving a complicated and multi-faceted problem. This market data collection effort may only collect 5-10 percent of bulk cheese transactions nationally. However, even if the data captures only 5 percent of the transactions, it will still represent a 10-fold increase in the amount of market information available to producers and processors today.

As the USDA advisory report concluded "It is of the utmost importance that information about market conditions and trends be widely available to sellers and buyers at all levels of the industry. . . It is widely agreed that equal and accurate market information improves the price discovery and determination process." While that report was referring to cattle, not cheese, the principle that more market information is always better holds true for cheese as well.

USDA collection of prices for spot transaction of bulk cheese was recommended by the joint UW-Madison/Wisconsin Department of Agriculture report as a possible solution to the thin market problem at the Cheese Exchange. During a recent House Livestock, Dairy and Poultry Subcommittee hearing on the National Cheese Exchange, the Department of Agriculture also suggested an approach similar to that described in Section 4 of this legislation as a way to improve cheese market information. Other witnesses, such as the National Farmers Union and Kraft General Foods, also suggested increased reporting of spot transactions of cheese as a method of improving price discovery in cheese markets.

Mr. President, this is a very modest data collection effort. This is a first step towards improving market information in the dairy industry and lessening the influence of the exchange. It will not and is not intended to replace the National Cheese Exchange. The data collection required in the bill will merely supplement existing market information and hopefully, improve price discovery.

There is much more work to be done at both the State and Federal level to address the challenges posed by the National Cheese Exchange. But I think this is a logical first step forward.

Once again, I thank the minority leader for his recognition of the importance of the cheese price reporting provision in addressing concentration and market information concerns in the dairy industry and for his cooperation in including this provision in his important legislation.

ADDITIONAL COSPONSORS

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 607

At the request of Mr. WARNER, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 791

At the request of Mr. COCHRAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 791, a bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes.

S. 1701

At the request of Mr. PELL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1740, a bill to define and protect the institution of marriage.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1830, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1939

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1939, a bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

STEVENS AMENDMENT NO. 4439

Mr. STEVENS proposed an amendment to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 8, line 1, strike the number "$17,700,859,000" and insert in lieu thereof "$17,696,659,000".

On page 9, line 11, strike the number "$9,953,142,000" and insert in lieu thereof "$9,887,142,000".

On page 12, line 22, strike the number "$1,069,957,000" and insert in lieu thereof "$1,140,157,000".

McCAIN AMENDMENTS NOS. 4440–4444

(Ordered to lie on the table.)

Mr. McCAIN submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4440

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on the results of the audit conducted under subsection (a), including a description of the adequacy of—

(1) physical and operational security measures;

(2) access and perimeter control;

(3) communications security;

(4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;

(5) special security considerations at non-permanent facilities;

(6) potential solutions to inadequate security, where identified; and

(7) cooperative security measures with host nations.

AMENDMENT NO. 4441

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

"(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).".

Effective Date: This section shall take effect beginning with the President's budget submission for fiscal year 1999.

AMENDMENT NO. 4442

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for any program, project, or activity which is not included in the future-years defense program of the Department of Defense for fiscal years 1997 through 2002 submitted to Congress in 1996 under section 221 of title 10, United States Code, unless the Secretary of Defense certifies to Congress that—

(1) the program, project, or activity fulfills an existing, validated military requirement;

(2) the program, project, or activity is of a higher priority than any other program, project, or activity included in that future-years defense program for which no funds are appropriated or otherwise made available by this Act; and

(3) if additional funds will be required for the program, project, or activity in future fiscal years, such funds will be included in the future-years defense program to be submitted to Congress under such section in 1997.

AMENDMENT NO. 4443

On page 8, line 1, strike out "$17,700,859,000" and insert in lieu thereof "$17,698,859,000".

AMENDMENT NO. 4444

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the funds appropriated or otherwise made available for the Department of Defense by this Act, $14,000,000 shall be available to the Secretary of Defense for activities to meet the anti-terrorism requirements of the Department, including intelligence support, physical security measures, and education and training for anti-terrorism purposes.

THE WATER RESOURCES DEVELOPMENT ACT OF 1996

CHAFEE AMENDMENT NO. 4445

Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 65, line 9, strike "1995" and insert "1996".

Beginning on page 66, strike line 7 and all that follows through page 67, line 4, and insert the following:

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

On page 67, between lines 4 and 5, insert the following:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

On page 67, line 5, strike "(1)" and insert "(2)".

On page 67, line 13, strike "(2)" and insert "(3)".

On page 67, line 22, strike "(3)" and insert "(4)".

On page 68, between lines 3 and 4, insert the following:

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

On page 68, line 4, strike "(4)" and insert "(6)".

Beginning on page 68, strike line 15 and all that follows through page 69, line 5, and insert the following:

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

On page 69, line 6, strike "(6)" and insert "(8)".

On page 69, between lines 16 and 17, insert the following:

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

On page 69, line 17, strike "(7)" and insert "(10)".

On page 70, line 3, strike "(8)" and insert "(11)".

On page 70, line 9, strike "(9)" and insert "(12)".

On page 70, line 21, strike "(10)" and insert "(13)".

On page 71, line 9, strike "(11)" and insert "(14)".

On page 71, between lines 15 and 16, insert the following:

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

On page 71, line 16, strike "(12)" and insert "(16)".

On page 71, line 24, strike "(13)" and insert "(17)".

On page 72, strike lines 5 through 16.

On page 72, line 17, strike "(16)" and insert "(18)".

On page 72, between lines 23 and 24, insert the following:

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report

of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

On page 72, line 24, strike "(17)" and insert "(20)".

On page 73, line 11, strike "(18)" and insert "(21)".

On page 73, line 16, strike "$257,900,000" and insert "$229,581,000".

On page 73, after line 23, add the following:

(b) PROJECTS SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

On page 74, between lines 1 and 2, insert the following:

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading "MOBILE HARBOR, ALABAMA" in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.".

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

On page 74, line 2, strike "(a)" and insert "(d)".

On page 74, line 19, strike "(b)" and insert "(e)".

On page 75, line 11, strike "(c)" and insert "(f)".

On page 76, line 1, strike "(d)" and insert "(g)".

On page 76, between lines 5 and 6, insert the following:

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

On page 76, line 6, strike "(e)" and insert "(i)".

On page 76, strike lines 13 through 24 and insert the following:

March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

On page 77, line 1, strike "(g)" and insert "(j)".

On page 77, line 10, strike "(h)" and insert "(k)".

Beginning on page 77, strike line 20 and all that follows through page 79, line 12, and insert the following:

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF DEFENSE—CIVIL" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

On page 79, line 13, strike "(k)" and insert "(r)".

On page 79, between lines 21 and 22, insert the following:

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: ", except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent".

On page 79, line 22, strike "(l)" and insert "(v)".

On page 80, between lines 8 and 9, insert the following:

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes", approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

On page 80, line 9, strike "(m)" and insert "(z)".

On page 80, between lines 18 and 19, insert the following:

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

On page 80, line 19, strike "(n)" and insert "(bb)".

Beginning on page 81, strike line 3 and all that follows through page 82, line 15, and insert the following:

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking "$500,000" and inserting "$1,300,000"; and

(2) by striking "$250,000" each place it appears and inserting "$650,000".

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

On page 82, line 16, strike "(q)" and insert "(ff)".

On page 83, line 1, strike "(r)" and insert "(gg)".

On page 83, line 9, strike "$12,370,000" and insert "$12,870,000".

On page 83, line 10, strike "$8,220,000" and insert "$8,580,000".

On page 83, line 11, strike "$4,150,000" and insert "$4,290,000".

On page 83, line 12, strike "(s)" and insert "(hh)".

Beginning on page 83, strike line 21 and all that follows through page 84, line 4, and insert the following:

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) RECREATIONAL COMPONENT.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

On page 84, line 5, strike "(u)" and insert "(jj)".

On page 84, line 13, strike "(v)" and insert "(kk)".

On page 84, line 20, strike "perform" and insert "provide".

On page 85, between lines 1 and 2, insert the following:

(a) BRANFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) DESCRIPTION OF LINE.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

On page 85, line 2, strike "(a)" and insert "(b)".

On page 85, line 21, strike "(b)" and insert "(c)".

On page 86, line 24, strike "(c)" and insert "(d)".

On page 89, line 1, strike "(d)" and insert "(e)".

On page 90, between lines 3 and 4, insert the following:

(f) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

On page 90, line 4, strike "(e)" and insert "(h)".

On page 91, line 10, strike "(f)" and insert "(i)".

On page 92, between lines 6 and 7, insert the following:

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

On page 92, line 7, strike "(g)" and insert "(k)".

On page 92, between lines 14 and 15, insert the following:

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

On page 92, line 15, strike "(h)" and insert "(n)".

Beginning on page 92, strike line 21 and all that follows through page 95, line 2, and insert the following:

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

On page 95, between lines 3 and 4, insert the following:

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

On page 95, line 4, strike "(a)" and insert "(b)".

On page 95, line 14, strike "(b)" and insert "(c)".

On page 96, line 4, strike "(c)" and insert "(d)".

On page 96, line 12, strike "(d)" and insert "(e)".

On page 96, line 21, strike "(e)" and insert "(f)".

On page 97, line 3, strike "(f)" and insert "(g)".

On page 97, line 9, strike "(g)" and insert "(h)".

On page 97, line 14, strike "(h)" and insert "(i)".

On page 98, line 6, strike "(i)" and insert "(j)".

On page 98, line 13, strike "(j)" and insert "(k)".

On page 98, line 19, strike "(k)" and insert "(l)".

On page 98, line 24, strike "(l)" and insert "(m)".

On page 99, line 4, strike "(m)" and insert "(n)".

On page 99, line 18, strike "(n)" and insert "(o)".

On page 99, line 22, strike "(o)" and insert "(p)".

On page 100, line 3, strike "(p)" and insert "(q)".

On page 100, line 12, strike "(q)" and insert "(r)".

On page 100, line 23, strike "(r)" and insert "(s)".

On page 101, between lines 4 and 5, insert the following:

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled "Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania", dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

On page 101, line 5, strike "(s)" and insert "(w)".

On page 101, line 6, strike "The" and insert "Not later than 2 years after the date of enactment of this Act, the".

On page 101, line 11, strike "and".

On page 102, line 5, strike the period and insert a semicolon.

On page 102, between lines 5 and 6, insert the following:

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

On page 102, line 6, strike "(t)" and insert "(y)".

On page 102, between lines 8 and 9, insert the following:

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terreboone Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by P.L. 101–646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

On page 102, between lines 10 and 11, insert the following:

SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat.

174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

On page 102, line 11, strike "**201**" and insert "**202**".

On page 103, line 1, strike "**202**" and insert "**203**".

On page 103, line 10, strike "**203**" and insert "**204**".

On page 103, line 22, strike "**204**" and insert "**205**".

On page 104, line 8, strike "$121,000,000" and insert "$156,000,000".

On page 104, line 21, strike "**205**" and insert "**206**".

On page 105, between lines 18 and 19, insert the following:

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term "develop" means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term "South Florida ecosystem" means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term "Task Force" means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the "conceptual plan").

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled "Conceptual Plan for the Central and Southern Florida Project Restudy", published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) NOTICE OF MEETINGS.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4177) is amended by adding at the end the following:

"(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).".

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98-8 (97 Stat. 13).

On page 105, line 19, strike "**206**" and insert "**211**".

On page 106, line 8, strike "**207**" and insert "**212**".

On page 106, between lines 14 and 15, insert the following:

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

On page 106, line 15, strike "**208**" and insert "**214**".

On page 107, line 4, strike "**209**" and insert "**215**".

On page 107, line 11, strike "**210**" and insert "**216**".

On page 108, line 1, strike "**211**" and insert "**217**".

Beginning on page 108, strike line 7 and all that follows through page 109, line 25, and insert the following:

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the "11th Street Basin") and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T-152-N, R-104-W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water

Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

On page 110, line 1, strike "**213**" and insert "**221**".

On page 110, line 17, strike "**214**" and insert "**222**".

On page 111, line 1, strike "**215**" and insert "**223**".

On page 111, line 16, strike "**216**" and insert "**224**".

On page 112, line 1, strike "**217**" and insert "**225**".

On page 112, line 23, strike "**218**" and insert "**226**".

On page 113, strike lines 6 and 7 and insert the following:

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share

On page 113, between lines 19 and 20, insert the following:

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87-874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4810).

On page 115, strike lines 21 through 25 and insert the following:

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92-367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'National Dam Safety Program Act'.";

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

"(2) DAM.—The term 'dam'—

"(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

"(i) is 25 feet or more in height from—

"(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

"(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

"(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

"(B) does not include—

"(i) a levee; or

"(ii) a barrier described in subparagraph (A) that—

"(I) is 6 feet or less in height regardless of storage capacity; or

"(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

"(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

"(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

"(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

"(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

"(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

"(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

"(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

"(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

"(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

"(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

"(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.";

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking "SEC. 3. As" and inserting the following:

"SEC. 3. INSPECTION OF DAMS.

"(a) IN GENERAL.—As"; and

(B) by adding at the end the following:

"(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

"(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

"(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.";

(6) in section 4 (as redesignated by paragraph (3)), by striking "SEC. 4. As" and inserting the following:

"SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

"As";

(7) in section 5 (as redesignated by paragraph (3)), by striking "SEC. 5. For" and inserting the following:

"SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

"For";

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

"SEC. 6. NATIONAL DAM INVENTORY.

"The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

"SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

"(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

"(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

"(2) chaired by the Director.

"(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

"(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

"(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

"(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

"(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

"(2) involve, to the extent appropriate, each Federal agency; and

"(3) include—

"(A) each of the components described in subsection (d);

"(B) the implementation plan described in subsection (e); and

"(C) assistance for State dam safety programs described in subsection (f).

"(b) DUTIES.—The Director shall—

"(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

"(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

"(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

"(A) develop and implement the Program;

"(B) establish goals, priorities, and target dates for implementation of the Program; and

"(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

"(c) OBJECTIVES.—The objectives of the Program are to—

"(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

"(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

"(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

"(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

"(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

"(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

"(d) COMPONENTS.—

"(1) IN GENERAL.—The Program shall consist of—

"(A) a Federal element and a non-Federal element; and

"(B) leadership activity, technical assistance activity, and public awareness activity.

"(2) ELEMENTS.—

"(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

"(B) NON-FEDERAL.—The non-Federal element shall consist of—

"(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

"(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

"(3) FUNCTIONAL ACTIVITIES.—

"(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

"(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

"(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

"(e) IMPLEMENTATION PLAN.—The Director shall—

"(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

"(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

"(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

"(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

"(A) in accordance with the criteria specified in paragraph (2); and

"(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

"(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

"(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include, at a minimum—

"(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

"(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

"(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

"(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

"(II) a procedure for more detailed and frequent safety inspections;

"(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

"(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

"(vii) regulations for carrying out the legislation of the State described in this subparagraph;

"(viii) provision for necessary funds—

"(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

"(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

"(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

"(x) an identification of—

"(I) each dam the failure of which could be reasonably expected to endanger human life;

"(II) the maximum area that could be flooded if the dam failed; and

"(III) necessary public facilities that would be affected by the flooding.

"(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

"(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

"(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

"(5) APPROVAL OF PROGRAMS.—

"(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

"(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

"(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

"(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

"(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

"(h) BOARD.—

"(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

"(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

"(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

"(A) 1 member shall represent the Department of Agriculture;

"(B) 1 member shall represent the Department of Defense;

"(C) 1 member shall represent the Department of the Interior;

"(D) 1 member shall represent FEMA;

"(E) 1 member shall represent the Federal Energy Regulatory Commission;

"(F) 5 members shall be selected by the Director from among dam safety officials of States; and

"(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

"(4) COMPENSATION OF MEMBERS.—

"(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

"(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

"(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

"(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"SEC. 9. RESEARCH.

"(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

"(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

"(2) devices for the continued monitoring of the safety of dams.

"(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

"SEC. 10. REPORTS.

"(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

"(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

"(1) describes the status of the Program;

"(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

"(3) describes the progress achieved in dam safety by States participating in the Program; and

"(4) includes any recommendations for legislative and other action that the Director considers necessary.";

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking "SEC. 11. Nothing" and inserting the following:

"SEC. 11. STATUTORY CONSTRUCTION.

"Nothing";

(B) by striking "shall be construed (1) to create" and inserting the following: "shall—

"(1) create";

(C) by striking "or (2) to relieve" and inserting the following:

"(2) relieve"; and

(D) by striking the period at the end and inserting the following: "; or

"(3) preempt any other Federal or State law."; and

(10) by adding at the end the following:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"(a) FUNDING.—

"(1) NATIONAL DAM SAFETY PROGRAM.—

"(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

"(B) ALLOCATION.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

"(I) One-third among States that qualify for assistance under section 8(f).

"(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

"(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

"(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

"(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

"(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

"(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

"(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

"(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

"(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

"(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.".

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking "the first section of Public Law 92-367 (33 U.S.C. 467)" and inserting "section 2 of the National Dam Safety Program Act".

Beginning on page 137, strike line 13 and all that follows through page 140, line 15, and insert the following:

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term "non-Federal public water supply customer" means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29 million for fiscal year 1997 and $24 million for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22 million in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

On page 148, between lines 5 and 6, insert the following:

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(2) by striking "the following provisions" and all that follows through the period at the end and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.".

(b) DEFINITION OF SHORE PROTECTION PROJECT.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking "SEC. 4. As used in this Act, the word 'shores' includes all the shorelines" and inserting the following:

"SEC. 4. DEFINITIONS.

"In this Act:

"(1) SHORE.—The term 'shore' includes each shoreline of each"; and

(2) by adding at the end the following:

"(2) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.".

On page 148, line 6, strike "**333**" and insert "**334**".

On page 153, after line 24, add the following:

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (33 U.S.C. 701-1(a)), is amended—

(1) in the ninth sentence, by striking "ninety" and inserting "30"; and

(2) in the eleventh sentence, by striking "ninety-day" and inserting "30-day".

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

"(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

"(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

"(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

"(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

"(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

"(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

"(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

"(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

"(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

"(4) APPLICABILITY.—

"(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

"(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

"(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.".

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: ", dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility".

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: "For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.".

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) is amended—

(1) by striking "$3,000,000" and inserting "$5,000,000"; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended by inserting before the period at the end the following: ", except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest".

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a), by inserting ", watersheds, and ecosystems" after "basins";

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking "$6,000,000" and inserting "$10,000,000"; and

(B) by striking "$300,000" and inserting "$500,000".

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1940), is amended to read as follows:

"SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

"(a) CONVEYANCES.—

"(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93-251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

"(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

"(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

"(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

"(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

"(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

"(F) such easements as the Secretary of the Army considers necessary for—

"(i) sewer and water line crossings of relocated Washington State Highway 14; and "(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

"(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

"(b) EFFECT OF CONVEYANCES.—

"(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

"(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

"(A) execute an acknowledgment of payment of just compensation;

"(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

"(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

"(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

"(A) dismiss any pending litigation arising from the relocation of the city; and

"(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, *aff'd in part and rev'd in part*, 833 F.2d 1024 (Fed. Cir. 1987), *cert. denied*, 485 U.S. 1007 (1988).

"(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

"(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

"(B) execute a release of all claims for relief of any kind against the United States arising from this section.

"(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

"(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

"(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.".

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100-581 (102 Stat. 2944) is amended—

(1) by striking "(a) All Federal" and all that follows through "Columbia River Gorge Commission" and inserting the following:

"(a) EXISTING FEDERAL LANDS.—

"(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,"; and

(2) by adding at the end the following:

"(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.".

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated "Area D" on Exhibit A to Army Lease No. DACW-68-1-81-43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(C) the 20 acres of property commonly known as "Richland Bend" that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(D) the 7.05 acres of property commonly known as "Taylor Flat" that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(E) the 14.69 acres of property commonly known as "Byers Landing" that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW-68-1-77-10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. "Sonny" Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the "J. Bennett Johnston Waterway".

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the "J. Bennett Johnston Waterway".

On page 154, line 1, strike "**334**" and insert "**348**".

On page 116, line 6, insert the following after "authorized": ", to the extent funds are made available in appropriations acts,".

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

SIMON AMENDMENTS NOS. 4446–4447

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4446

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contracts for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purposes of the contact award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—

(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) reports to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302 (3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after the date this is 60 days after the date of the enactment of this Act.

AMENDMENT NO. 4447

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship";

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4448

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 1, line 2 strike out "17,698,859,000 and insert in lieu thereof "17,699,359,000".

FORD AMENDMENT NO. 4449

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 65, strike out line 8 and all that follows through page 66, line 15, and insert in lieu thereof the following:

SEC. 8059. (a) The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b)(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not, during the one-year period beginning on the date of the enactment of this Act, enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado unless the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology that is as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites and can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) In this section, the term "assembled chemical munition" means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g)(1) Of the amount appropriated by title VI under the heading "CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE", $60,000,000 shall be available for the pilot program under this section. Such amount may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

THE HAWAII JURISDICTION ACT OF 1996

AKAKA AMENDMENT NO. 4450

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 1906) to include certain territory within the jurisdiction of the State of Hawaii, and for other purposes; as follows:

On page 3, after line 24, add the following:

(9) WAKE ATOLL.—The term "Wake Atoll" means all of the islands and appurtenant reefs at the parallel of 19 degrees, 18 minutes, of latitude north of the Equator and at the meridian of 166 degrees, 35 minutes, of longitude east of Greenwich, England, and the territorial waters of the islands and reefs.

On page 4, lines 4 of 5, strike "and Palmyra Atoll" and insert "Palmyra Atoll, and Wake Atoll".

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

KERRY (AND McCAIN) AMENDMENT NO. 4451

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the total amount appropriated under title II, $20,000,000 shall be available subject to authorization, until expended, for payments to Vietnamese commandos captured and incarcerated by North Vietnam after having entered the Democratic Republic of Vietnam pursuant to operations under a Vietnam era operation plan known as "OPLAN 34A", or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces while participating in operations in Laos or along the Lao-Vietnamese border pursuant to "OPLAN 35", who died in captivity or who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

BOND (AND OTHERS) AMENDMENT NO. 4452

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. FORD, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated by this Act may be obligated or expended—

(1) to reduce the number of units of special operations forces of the Army National Guard during fiscal year 1997;

(2) to reduce the authorized strength of any such unit below the strength authorized for the unit as of September 30, 1996; or

(3) to apply any administratively imposed limitation on the assigned strength of any such unit at less than the strength authorized for that unit as of September 30, 1996.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold an oversight hearing entitled Implementation of the Small Business Regulatory Enforcement Fairness Act of 1996 on Tuesday, July 23, 1996, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Keith Cole 224-5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the benefit of Members and the public that the hearing previously noticed for the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources on several measures relating to the Bureau of Reclamation for July 30, 1996, at 9:30 a.m. and will now commence at 2:30 p.m. in the committee hearing room.

The measures that had been noticed are:

S. 931. To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

S. 1564. To amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality, and transmission projects, and for other purposes.

S. 1565. To amend the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation Laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects.

S. 1649. To extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1719. To require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes.

In addition, the subcommittee will receive testimony concerning S. 1921—To authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

As I stated, the hearing will now take place on Tuesday, July 30, 1996, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact James Beirne at (202) 224-2564 or Betty Nevitt at (202) 224-0765 of the subcommittee staff or write the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 11, 1996, to conduct a hearing on S. 1800, the Fair ATM Fees for Consumers Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule, Order No. 888.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 11, 1996, at 10 a.m., to hold a hearing on S. 1740, the Defense of Marriage Act.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 11, at 3 p.m., to hold a hearing.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1738, a bill to provide for improved access to and use of the

Boundary Waters Canoe Area Wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT OF COL. JOHN R. BOURGEOIS

• Mr. WARNER. Mr. President, I am pleased to recognize the dedication, public service, and patriotism that has personified the career of Col. John R. Bourgeois, U.S. Marine Corps. Colonel Bourgeois will be retiring on July 11, after nearly 40 years in the Marine Corps and after 17 years as director of the U.S. Marine Band. On July 11, which marks the 198th birthday of the Marine Band, he will conduct his final concert as director of "The President's Own" at a change of command ceremony at Constitution Hall.

Colonel Bourgeois entered the Marine Corps in 1956 and after his recruit training was stationed in San Francisco as principal French hornist with the Department of the Pacific Marine Band. In 1958, he joined the U.S. Marine Band here in Washington, both as a French hornist and as an arranger.

He became the U.S. Marine Band operations chief in 1968; assistant director in 1974; and director in 1979. John Bourgeois was promoted to the rank of colonel in June 1983.

Col. John Bourgeois's career has spanned nine Presidential administrations, and he has regularly conducted both the Marine Band and the Marine Chamber Orchestra at the Executive Mansion. He has also selected the musical program and directed the band at the U.S. Capitol for four Presidential inaugurations.

As the 25th director of the Marine Band, Colonel Bourgeois has held the traditional post of music director of Washington's prestigious Gridiron Club, and composed the "Gridiron Centennial" march to honor the club's centenary in 1985. He is also the producer of the annual satirical productions of the Military Order of the Carabao, a distinguished organization of past and present members of our armed services who served in the Far East.

In recognition of his outstanding contributions to bands and band music, both in the United States and abroad, Colonel Bourgeois has been awarded the Medal of Sudler Order of Merit, and the Star of the Sudler Order of Merit from the John Phillip Sousa Foundation. He has also received the Phi Mu Alpha National Citation for service and dedication to music and country.

Colonel Bourgeois is president of the National Band Association and of the John Phillip Sousa Foundation. He is the past president of the American Bandmasters Association and the American vice president of the International Military Music Society. He is also a member of Washington's celebrated Alfalfa Club.

Under the colonel's leadership the Marine Band presented its first overseas performances in history, visiting the Netherlands, Ireland, Norway, England, and, in 1990, performing an historic 18 day concert tour of the former Soviet Union.

A Louisianan by birth, I am proud to say that John Bourgeois is a Virginian by choice. He resides for much of the year at his home in the beautiful Shenandoah area of Little Washington.

John Bourgeois is a man of great musical achievement and outstanding intellectual qualities. I am honored to call attention to his distinguished career and to wish him well in retirement.•

ARMY BREAST CANCER RESEARCH PROGRAM

• Mr. LEAHY. Mr. President, during the past 4 years, I have stood on the floor of the Senate many times to express my strong committment for Federal support of breast cancer research. I have been joined by colleagues from both sides of the aisle, many whose lives have been personally touched by this deadly disease. Our voices have joined the millions of American families who have known all too well the real consequences of this indiscriminate killer.

In 1992, the Members of this Chamber heeded the message we sent about the inadequacies of Federal dollars provided to researchers to find the causes and cure of breast cancer. It was then that Senator HARKIN and I successfully transfered $210 million from star wars to the Army Breast Cancer Research Program at the Department of Defense. Despite some formidable forces, an additional $250 million has been appropriated for this successful program in the 4 years since that time.

This year, I rise to thank my colleagues for their continued support of the Army Breast Cancer Research Program, particularly Senator STEVENS for his leadership as the chairman of the Appropriations Subcommittee on Defense. When we first began circulating the letter of support for the Army Breast Cancer Program to Members of the Senate, we were encouraged by the number of Senators who supported the program. But when we completed the process, we were extremely excited by the extraordinary support expressed by 54 Senators, the largest number since the birth of this program.

Continued funding for the Department of Defense Breast Cancer Program is more critical now than ever. Over the past 2 years, there have been incredible discoveries at a very rapid rate that offer fascinating insights into the biology of breast cancer, such as the isolation of breast cancer susceptibility genes, and discoveries about the basic mechanism of cancer cells. These discoveries have brought into sharp focus the areas of research that hold promise and will build on the knowledge and investment we have made. The Army Breast Cancer Research Program has provided researchers with the tools to make these tremendous breakthroughs.•

TRIBUTE TO MERLE E. WOOD

• Mrs. FRAHM. Mr. President, I rise today to honor an outstanding Kansan, Merle Wood, who passed away earlier this week. Merle was a resident of Olathe, KS.

Merle spent the first 24 years of his career as a petty officer in the U.S. Navy, serving in both World War II and the Korean Conflict. He retired as the Navy's chief hospital corpsman.

After his first retirement, Merle served as a government relations representative for American Home Products. In 1972 he went to work for Marion Laboratories as director and then vice president of government affairs. In 1985 he was elected to Marion's board of directors. He retired from his second career in 1989 and embarked on his third career as vice president of government and consumer affairs for the Kansas City Royals.

Merle held leadership positions in many national organizations, including the American Quarter Horse Foundation, the Southern Christian Leadership Conference, and the League of the United Latin American Citizens. He received the Legion of Merit and Lifetime Membership Award from the Military Society of Anesthesiology and was a member of the Association of Military Surgeons. He also belonged to the Andrew G. Morrow Society of Cardiovascular Surgeons, which created the Merle E. Wood Scholar Fellowship in his honor.

Mr. President, no one could meet Merle Wood without being charmed by his open personality and impressed by his wide-ranging knowledge. I extend my condolences to his wife, Ellen, and their children. Merle will be greatly missed by the Greater Kansas City community and all who knew him.•

JUNK GUN PROLIFERATION THREATENS POLICE OFFICERS

• Mrs. BOXER. Mr. President, in March, I introduced legislation to prohibit the sale and manufacture of junk guns, or as they are also called, Saturday night specials. The importation of these cheap, easily concealable, and unsafe weapons has been prohibited since 1968, but their domestic production continues to soar.

In 1995, 8 of the 10 firearms most frequently traced at crime scenes were junk guns.

My bill has received strong support from California's law enforcement leaders. The California Police Chiefs Association has endorsed my bill along with more than two dozen individual police chiefs and sheriffs representing some of California's largest cities and counties.

Law enforcement leaders support my bill because of the terrible threat that junk guns present to police officers. Today, I want to speak about that threat and share with my colleagues a letter I received from Janice Rogers, the wife of a California highway patrolman shot with one of the most common junk gun models.

Janice's husband, Officer Ronald Rogers, was on duty last March, when he stopped to assist a pedestrian walking on a freeway shoulder near Livermore, CA. Before giving him a ride to a phone off the freeway, Ron had to check the pedestrian for weapons. As Ron approached, the man pulled out a junk gun concealed in his pocket and shot Officer Rogers in the face at point blank range. The bullet entered the left side of his face and exited out the right side of his neck. It was a miracle, the doctors later told Ron and Janice, that the bullet missed all vital structures.

The force of the gunshot knocked Officer Rogers down. He tried to draw his weapon but nerve damage caused by the gunshot rendered his right arm useless. The attacker pinned him to the ground and prepared to shoot him in the head a second time, but the gun jammed. He began beating Officer Rogers mercilessly, hitting him in the head repeatedly with the jammed pistol. By the time help arrived, Officer Rogers had not only been shot in the face, but had also been pistol whipped 30 times, fracturing his skull and every bone in his face.

The firearm used in this horrible assault was a Davis Industries P–380. It is the second most frequently traced firearm at crime scenes. This gun is so small that criminals can simply hide it in a pocket, as Ron Rogers' assailant did.

If this firearm were made overseas, it could not be imported legally. It is so small that it would fail the import test on the basis of size alone. However, because of the junk gun double standard—a loophole in the law accidentally created by Congress in 1968—an estimated 100,000 of these guns are produced legally every year. It makes absolutely no sense. If a firearm is such a threat to public safety that its importation should be restricted, its domestic production should also be prohibited. A gun's point of origin is irrelevant.

Ron and Janice Rogers are courageous people. They worked together through months of grueling physical therapy and four reconstructive surgeries. Last month, Officer Ron Rogers resumed full active duty in the California Highway Patrol. The citizens of the bay area are fortunate to have law enforcement officers like Ron Rogers patroling their communities.

Janice Rogers wants to make sure that what happened to her husband never happens to anyone else. That is why she has joined me in calling for a ban on junk guns. I want to read what she wrote to me about my bill:

> Opponents of your legislation might claim that banning these types of weapons won't stop criminals who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively place these guns into the hands of criminals.

Janice Rogers is absolutely right. Each year, the companies that dominate the junk gun industry produce more than half a million handguns. Many of those guns find their way into criminals' hands and are used in brutal assaults like the attempted murder of Officer Ron Rogers.

To protect our families, our children, our communities, and our law enforcement officers, we must act now. I urge my colleagues to cosponsor the Junk Gun Violence Protection Act. I ask that the letter I received from Janice Rogers be printed in the RECORD.

The letter follows:

MAY 15, 1996.

Re Banning "Junk Guns."

Barbara Boxer, U.S. Senator, 1700 Montgomery Street, Suite 240, San Francisco, California 94111.

From: Ron & Janice Rogers.

DEAR SENATOR BOXER: We read with great interest about your co-sponsoring legislation to prohibit the domestic manufacture, transfer, and possession of Saturday Night Specials. We would like to applaud your efforts to get these weapons off of our streets. This topic holds very special interest to us.

My husband, Ron has been an officer with the California Highway Patrol for thirteen years. On March 11, 1995, while on duty, Ron stopped to assist a pedestrian waling on the shoulder of a freeway in the city of Livermore. The 19-year-old pedestrian asked for a ride and Ron agreed to give him a ride off of the freeway to a phone. Ron told him that he would first have to check him for weapons prior to allowing him to get in the patrol car. At this time, without warning, the 19 year old pulled a Davis P–380 Auto Pistol he had concealed in his pocket and shot Ron point-blank in the face. The bullet entered the left side of Ron's face and exited the right side of his neck. The trauma surgeons described the bullet's path as miraculous in that it narrowly missed all vital structures.

The force of the gunshot knocked Ron down an embankment. His assailant came down after him. Ron was not aware at that time that he had been shot, but he knew that he had been severely injured. Ron attempted to draw him duty weapon as his assailant came down the embankment after him, but due to nerve damage caused by the bullet's path, his right arm and hand would not function. A struggle ensued as they tumbled to the bottom of the embankment. His assailant straddled him and as he pulled the slide back he told Ron he was going to kill him. His assailant fired a second shot but fortunately the barrel of the gun had become plugged with mud from the struggle and the bullet lodged in the barrel. When the Davis P–380 Auto Pistol malfunctioned, his assailant then began striking Ron in the head and face with the handgun while attempting to remove Ron's gun from its holster. As Ron struggled to keep his assailant from gaining access to his gun, he was struck over 30 times with the handgun, inflicting severe lacerations and fracturing Ron's skull and all of his facial bones.

If it were not for the miraculous intervention of three off-duty peace officers who stopped the assault and summoned medical aid Ron would not be here today. The suspect, Larry White is still in custody awaiting trial for attempted murder of a peace officer. He has plead not guilty.

Opponents to your legislation might claim that banning these types of weapons won't stop criminal who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively places these guns into the hands of criminals. Criminals find these weapons particularly appealing in that they are cheap and easy to conceal. It is a well known fact that these junk guns need to be used at close range in order to ensure accuracy and that basically ensures severe if not fatal injuries.

We are extremely concerned about the lack of responsibility on the part of the gun's manufacturer for producing and distributing a handgun which is clearly of insufficient quality to be used for any sporting purpose, leaving its only conceivable purpose to be for injuring or killing human being at close range.

We discussed the possibility of a lawsuit with our attorney, but he and his associates were unprepared to undertake such a novel case on a contingent fee basis and believed that financing such litigation would be costly and would likely carry and appeal to the U.S. Supreme Court. We also contacted several of the lobbying organizations—Center to Prevent Handgun Violence and Coalition to Stop Gun Violence. Neither were willing to assist us in legal remedy against Davis Industries after they discovered that the serial numbers had been drilled off of the handgun.

Over a year has passed since Ron's assault. Ron has endured four reconstructive surgeries and months of agonizing physical therapy. Just this week he was released back to full duty. We would like to think that in surviving such an ordeal that we could in some way make a difference. Our opportunity to pursue legal action passed us by, but if there is anything that we can do to further your cause, please don't hesitate to contact us. We would like to assist you in anyway that we can.

Sincerely,

JANICE L. ROGERS.●

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. MCCONNELL. Mr. President, I rise today to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award. The Gold Award is the highest achievement a Girl Scout can earn and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

The young ladies from Kentucky who will receive this honor are: Jeanette Vonseal Allison, Julia Carter, Michelle Clark, Carla Cornett, Rachel N. Duncan, Staci Hurt, Lisa Jones, Laura Roberts, Julie Slone, Mollie Carol

Smith, Anna Elizabeth Smoot, and Laura Camille Wilson from the Wilderness Road Girl Scout Council.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Mr. President, I ask you and my colleagues to join me in paying tribute to these outstanding young ladies. They deserve recognition for their contributions to their community and their country and I wish them continued success in the years ahead.•

FILEGATE WAS BAD ENOUGH—NOW THIS?

• Mr. SIMON. Mr. President, the FBI and the Office of Personnel Management are making a terrible move that is not in the national interest, that may save a few dollars temporarily, but will cost us in the long run. They are privatizing many of our background checks.

Not only is this questionable from a security point of view, it will result in a massive invasion of privacy.

Those of us in public life are on a big "privatizing" kick. The reason is rarely to save money. The main reason is so that people who are in executive positions can go out and say "When I took office, there were so many Federal employees or State employees or city employees, but now there are fewer." The decrease makes it appear that a great job is being done.

The reality is while that kind of talk goes on, the budgets tend to go up.

Frequently, those who are adversely affected by privatization are people at the very bottom of the economic ladder.

For example, we have privatized custodial services at some of the Federal buildings in Chicago. The already low wages for these people are being depressed more, and they lose the benefits of retirement pay and other things.

Privatizing background checks for those who either are coming into government or who may be given greater responsibilities is simply foolish.

Prof. Stephen Gillers of the New York University School of Law had an op-ed piece in the New York Times about this that should be creating some concerns among Federal officials, as well as people at the State and local level.

I ask that the New York Times op-ed be printed in the RECORD.

The op-ed follows:

FILEGATE WAS BAD ENOUGH. NOW THIS?

(By Stephen Gillers)

The F.B.I. called again last month. It phones several times a year to ask me about former students who are seeking sensitive Government jobs. I could verify that indeed it was the Federal Bureau of Investigation calling. The voice-mail message had the bureau's telephone exchange, and the agent talked the way agents do, unfailingly polite and right to the point.

I answered all his questions. I trusted the confidentiality of my answers, even though Louis J. Freeh, the F.B.I. director, had recently acknowledged that the White House had managed to "victimize" the bureau by getting its secret files on prominent Republicans and others. I figure that two "Filegates" in a generation is not something the bureau will permit.

It seems that my next call may come not from the F.B.I., or from the Office of Federal Investigations, which also checks out Government personnel. It may instead come from a private company, which under a Clinton Administration plan will conduct 40 percent of Government security clearances. And I may be questioned not by a G-Person (formerly G-Man), but by a private investigator whose employer submitted a winning bid. The decision to privatize this work, rash in the best of times, needs a close second look after Filegate.

Take quality. Privatizing will dilute it. The company will be free to accept other customers, including private ones. Can I be confident that what I say will not be shared with those customers? I'm not going to be as candid if my answers can find their way into private files.

What about subpoenas? I doubt the courts will protect private records as jealously as they do F.B.I. files. And whom will I be talking to? I have a pretty good idea of what's required to become a Government investigator, the quality of supervision, and the length of time people hold that job. But who will the private investigators be, who will check their work, and where will they be working tomorrow?

The need to earn a profit will also compromise quality. Under the plan, a private company owned by former Government employees will have an exclusive contract for three years. Then the work will be put up for bid. Whether payment is a fixed sum for all investigations, or like piecework, a flat fee per investigation, profitability will encourage companies to do the minimum and not pursue the last elusive detail.

Abuse will also be easier. The F.B.I. has many ways to protect itself. Its director cannot easily be fired, it enjoys broad public support, and it has excellent media contacts. Yet it did not stand up to a White House that, by accident or design, easily obtained files for no lawful reason. Will a private company, dependent on Government officials for renewal of a lucrative contract, be able to challenge an improper request? Don't count on it.

The only defense offered for this misguided plan is that it may save $25 million yearly. But even that is unsure. While the General Accounting Office cautiously concluded that "privatization would be likely to produce a net savings to the Government in the long term," it added that "any new business faces many uncertainties that affect profitability."

One hidden cost will be duplication of work. Certain law-enforcement records will be unavailable to private investigators. So Government personnel will have to complete the assignments, inevitably requiring them to retrace some steps. This time must be added in figuring the true cost.

In any event, the savings are not worth it. As one Federal investigator put it, this work is "inherently governmental." Some tasks should not be privatized because the value of having the Government do them is priceless. Enforcing the law and approving new drugs are two examples. Security investigations for public jobs are a third. No business, especially one with other customers, should be authorized to routinely collect sensitive information on American citizens in the name of the United States.•

TRIBUTE TO PAUL BOFINGER

• Mr. SMITH. Mr. President, I rise today to pay tribute to Paul Bofinger from Concord, NH, as he retires as president of the Society for the Protection of New Hampshire Forests. Paul ends a distinguished 35-year career with this organization, serving as its president for the last 23 years. This exceptionally hard-working man has long been recognized as one of the top conservationists in our State.

The last 35 years have seen a steady period of growth and awareness of conservation issues in New Hampshire, and Paul has played a large role in this development. In the last three and a half decades, New Hampshire became the first State to establish statewide control over septic systems, and the first to take steps toward preserving wetlands. Paul is justly proud of his record and the fact that the number of New Hampshire residents who are concerned about protecting the environment is increasing each year.

Paul is described by many as a master of negotiations. During the struggle over the Wilderness Protection Act, he negotiated a balanced agreement which set aside 77,000 acres as national forest land while preserving land for timber as well. He demonstrated understanding for both sides but always urged what was best for the land. Another of Paul's brilliant negotiations involved the construction of the Franconia Notch Parkway, a compromise between the preservation of forest lands and the construction of a four-lane interstate highway. Paul had a rare intuition for politics and policy and his heart was always in the right place when it came to protecting our State.

Paul's many projects, from the Trust for New Hampshire Lands and the Northern Forest Lands Council to the fight against acid rain and his support of current use legislation, have earned him numerous awards. Some of his more prestigious awards include: the John Aston Warner Medal for American Forests, the President's Conservation Achievement Award from the Nature Conservancy, and the Tudor Richards Award from the Audubon Society of New Hampshire.

As Paul leaves the field of nature conservation, he will be sorely missed, but his memory and work will endure. It is he and others like him whom we should credit for preserving our beautiful New Hampshire wilderness for the next generation of Granite-staters. I thank Paul for his 35 years of service and commend him for an extraordinary job. We will miss his strong voice on behalf of our State's forests and his devotion to protecting our natural environment.•

THE DEFENSE AUTHORIZATION BILL

• Mr. BIDEN. Mr. President, I wish to discuss the Defense authorization bill, which passed the Senate yesterday. The bill contains several provisions that I have strongly advocated and worked hard to advance.

First and foremost, the bill authorizes funds for three military construction projects in my home State of Delaware that will add to our military preparedness. The first of these is a C-5 aerial delivery facility at Dover Air Force Base that will allow the base to fulfill the strategic brigade airdrop mission, enhancing Dover's leading role in meeting our new military requirements in the post-cold war era. Second, $12 million for new visiting officers quarters will ease a severe housing shortage at Dover and also allow for a much-needed transportation upgrade at the base. Third, an operations and training complex for the Air National Guard will improve readiness by replacing several outdated and dilapidated facilities at the Air Guard's headquarters at the New Castle County Airport. I am grateful to my colleagues on the Armed Services Committee for including these projects, which I had requested.

I am also pleased that the bill provides for the transfer of the last parcel of military-controlled land at Cap Henlopen to the Delaware State Park System, completing a long-standing project I began when I first arrived in the Senate.

In addition, the bill restores two important provisions that I fought hard to include in the antiterrorism act, but were removed by the conference committee. First, the Nunn-Lugar-Domenici amendment, of which I am an original cosponsor, gives authority to the Armed Forces to assist local law enforcement, should we ever face an emergency involving a chemical or biological weapon. The Armed Forces alone have the capacity and equipment to respond to such an incident. In addition, this amendment will improve our ability to interdict weapons of mass destruction before they reach American soil. It will help ensure the security of all Americans by expanding programs to safeguard nuclear material in the former Soviet Union.

The second antiterrorism provision is a Feinstein-Biden amendment to prohibit the distribution of bomb-making information on the Internet. The Senate had overwhelmingly approved this amendment to the antiterrorism bill, but it was not included in the final conference report.

I am pleased that these two crucial antiterrorism provisions are included in the Defense authorization bill.

Another important amendment to this bill calls for a study of the benefits and costs of enlarging the North Atlantic Treaty Organization to include the new democracies of Central Europe.

While I believe that the addition of Poland, Hungary, the Czech Republic, and Slovenia may well strengthen our own security, that or our allies, and that of Europe as a whole, we must understand in detail what we are undertaking before asking these countries to shoulder the burdens of NATO membership. The mandated study will answer the relevant questions.

Despite these significant achievements, Mr. President, I cannot support a bill that is fiscally irresponsible. If we are serious about balancing the budget, no area of Government—including defense—should be immune to a critical review of spending.

Between 1981 and 1992, the annual Federal deficit quadrupled—from $74 billion to $290 billion. Since 1992, the deficit has been cut by more than half—the Congressional Budget Office now projects that the Federal deficit will be about $140 billion this year, down from $290 billion at the end of the Bush administration.

This marks the first time in modern budget history—since we demobilized at the end of WWII—that the deficit has gone down 4 years in a row.

The deficit is now less than 2 percent of our Nation's output—we have the best budget record of any of the advanced industrial economies. Today, Federal spending as a share of the economy is the lowest it has been since 1979.

This is a record that owes a lot to the hard choices we made in 1993 and to the discipline it has taken to stick with those decisions. We cannot—we must not—put this record in jeopardy. We certainly should not throw more money at the Pentagon than it says it needs.

For every dollar wasted on exotic weapons systems that the Department of Defense is not asking for, there is less for crime prevention, for the infrastructure that underpins our economy, and for education and research that will be the key to tomorrow's productivity growth.

We have to balance our priorities carefully and to use our scarce resources efficiently. The Defense budget should not become the new way to keep old habits alive.

The overwhelming majority of the money added to the President's Defense authorization request would go toward procurement and development of weapons systems that the Pentagon does not believe are necessary to ensure the security of the United States. In fact, $3.8 billion of the additional money is for programs that are not even in the Pentagon's long-range plan to defend our country.

Mr. President, my distinguished colleagues argued for this unnecessary spending on the grounds that the readiness of our military was at stake. This ignores the fact that American military readiness today is at an all-time high.

We cannot take an additional $11.4 billion our of the pockets of the taxpaying American people to buy airplanes and ships we don't need. We cannot continue to borrow from our grandchildren's future to pay for additional weapons at a time we face no major military threat. In short, we cannot afford this bill.

Mr. President, I could not in good conscience vote to spend $11.4 billion more than the military itself believes is necessary to defend our Nation. It is my hope that the conferees will work to bring down the spending in this bill to an acceptable and responsible level, so that at time, I can support the bill.•

THE PASSING OF ALEX MANOOGIAN

• Mr. ABRAHAM. Mr. President, it is with great personal sadness that I note the passing of Alex Manoogian, a highly respected community leader and businessman from Detroit, MI. Mr. Manoogian was revered as the most influential leader in the Armenian-American community in Detroit and throughout the United States.

Mr. Manoogian came to the United States from his native Armenia in the 1920's, and settled in Detroit shortly thereafter. He soon founded the Masco Corp., a small venture which by 1936 became the first company owned by an Armenian to be listed on the stock exchange. He married the former Marie Tatian, who passed away in 1992, and was the father of a daughter, Louise, and a son, Richard.

Mr. Manoogian was a member of the Armenian General Benevolent Union [AGBU] and the Knights of Vartan. By the 1940's he had been elected the national commander of the Knights and director on the central board and then president of the AGBU. In 1970, the AGBU voted him life president, and then in 1989 honorary life president, for his tremendous contributions.

Under Mr. Manoogian's leadership, the Knights of Vartan Brotherhood established an endowment fund through which it donated services to the church and other charitable, educational, and cultural organizations. Also under his leadership, the AGBU established the Alex and Marie Manoogian Cultural

Foundation, which has supported the publication and translation of many scholarly and literary works, funded cultural activities and provided assistance to needy Armenian intellectuals and educators throughout the world.

Mr. Manoogian was a generous man who contributed to various hospitals, museums, libraries, universities, schools, and other charitable and cultural organizations in the United States and around the globe. He leaves us with many institutions throughout the world bearing his family name.

In recognition of his international philanthropy, Mr. Manoogian was awarded the Ellis Island Award, the Knight of Charity Award, the Presidential Medal from Argentina, the Cross of St. Gregory the Illuminator by His Holiness Vasken I, the Catholicos of all Armenians, the First Order of the Cedars by the President of Lebanon, the Cross of St. James by his Beatitude the Patriarch of Jerusalem, and the 50th Anniversary Medal by the Prime Minister of Armenia. The President of the Republic of Armenia awarded him the honor of National Hero, and the President of Nagorno-Karabagh bestowed upon him the Medal of Honor of Artzakh.

He was a fine man, whom I personally shall miss. I extend my deep condolences to the Manoogian family. My thoughts and prayers are with them.•

BUDDY BEARS FOR ABUSED CHILDREN

• Mr. HATFIELD. Mr. President, it is my great pleasure today to recognize the Buddy Bears for Abused Children Program. This program is a volunteer effort coordinated with Oregon law enforcement agencies that donates teddy bears to abused children. The growth and popularity of this program serves as an example of its success in promoting a very special cause.

The Buddy Bear program provides a simple but immediate gift to children who are often at their most vulnerable. In many cases these children are being taken from the trauma of an abusive or drug addicted home life or have been completely abandoned by their parents. At a confusing and frightening moment in their young lives, this gift, presented to them by an officer, serves as an important signal of caring and trust.

The driving force behind this program for the last 5 years has been Leonard H. Odom of Salem, OR. Mr. Odom is a member of the Marion County Sheriff's Office and has spent hundreds of volunteer hours each year collecting donations from individuals and businesses in the community. As a result of his tireless efforts with the Buddy Bear program, he was awarded a letter of commendation from the Marion County Sheriff's Office at an awards ceremony on May 17, of this year.

As an example of the impact of the Buddy Bear program, I would like to share a letter that Mr. Odom received. It reads:

> Dear Mr. Buddy Bear,
>
> An unusual and touching incident arose when I went to buy the Buddy Bears, and I thought you might find it interesting. A young, black girl, 18 or 19 waited on me. When she saw the bears she picked one up and said, "Hi Mr. Bear," and gave him a hug. I said, "Now don't get too attached to those bears, they are for a very special purpose."
>
> I then proceeded to tell her that we have a friend who works with the Sheriffs department and he collects bears to give to children who have been in a traumatic situation. The girl stopped what she was doing and she had this very startled look on her face. She said, "I got one of those bears when I was a little girl. My Step-Dad tried to kill my Mother. He went after her with a machete, he beat her, he hit us, and when the police got there they gave me and my sister a teddy bear to hug. I remember it to this day. I think your friend is doing a wonderful thing."
>
> So now you know first hand how appreciated your work is to the victims.
>
> Elcena

It is programs like the Buddy Bears for Abused Children, and the energy and commitment of people like Mr. Odom, that make volunteer efforts in Oregon and across the country so successful. I am honored today to recognize this program and individual.•

CELEBRATING TWO RIVERS LANDING VISITOR CENTER

• Mr. SANTORUM. Mr. President, I rise today to call attention to the recently completed Two Rivers Landing Visitor Center located in Easton, PA.

On July 16, 1996 a new state-of-the-art cultural visitor center will open its doors to the public permitting visitors to experience the unique wonders of Easton and its surrounding communities. The visitor center embodies a highly successful public-private partnership between the Federal Government, Commonwealth of Pennsylvania, private industry, community leaders and local lenders. The Two Rivers Landing Visitor Center represents the anchor project in the Easton Economic Development Corporation's strategic plan for revitalizing Easton.

Primarily, the visitor center will celebrate the historic accomplishments of Binney & Smith, Inc., makers of Crayola crayons through a Crayola Factory display. In addition, the visitor center will highlight the natural beauty and assets of the Easton region through a National Canal Museum and National Heritage Corridor and State Heritage Parks Center.

Unquestionably, the highlight of the Two Rivers Landing Visitor Center will be the Crayola factory. The factory will allow visitors the opportunity to experience first-hand how a Crayola crayon is molded, labeled, and packaged. The Crayola factory component will allow visitors the opportunity to creatively interact with Crayola products in a range of different mediums.

Mr. President, for generations Americans of all ages have experienced the joy and magic of Crayola crayons. Crayola crayons have become a part of our lives not only as children, but also as parents and grandparents. It is estimated that 20,000 visitors travel to the Binney & Smith, Inc. Forks Township, PA manufacturing facility each year to witness the creation of these crayons. The number of visitors is even more astounding when one realizes that the current manufacturing plant tour uses no advertising or promotions whatsoever. With these facts in mind, I hope my colleagues will join me in observing a National Day of Color in honor of this opening.

I hope that the visitors center will also act as a local hub to direct tourists to the region's other enriching attractions—children's shows and performances at the nearby State Theater, the canal boat ride and locktender's house located at Huge Moore Park, the fish ladder on the Delaware River, activities occurring at Lafayette College, local restaurants, local retailers, other regional events, and Bushkill Park.

Mr. President, it has been 3 years since proposals were unveiled to create a visitor center that would help revitalize downtown Easton. Those who have had the privilege to tour the facility prior to its grand opening indicate that the facility has successfully captured the spirit and history of the Easton region.

The Two Rivers Landing Visitor Center will expose many new visitors to the rich heritage of Easton, while at the same time, stimulating the economy of the region. I would like to congratulate the parties involved in this undertaking on a job well done.•

ORDERS FOR FRIDAY, JULY 12, 1996, AND TUESDAY, JULY 16, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, July 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, and the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; there then be a period for morning business until the hour of 12:30 with Senator COVERDELL or his designee in control of the time from 9:30 to 11 a.m., and Senator FORD in control of the time from 11 a.m. to 12 p.m., and Senator DASCHLE or his designee to be in control of the time from 12 to 12:30; further, immediately following morning business, the Senate stand in adjournment until the hour of

9 a.m. on Tuesday, July 16, and that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, unfortunately we have been unable to complete action on the Defense appropriations bill. The Senate will therefore be in session tomorrow for a period of morning business. No votes will occur during tomorrow's session. The Senate will then reconvene again on Tuesday, at 9 a.m. and, in accordance with the provisions of rule XXII, a live quorum will begin at 10 a.m. and, upon the establishment of a quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect rollcall votes to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate will be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill. As a reminder to all Senators, under the provisions of rule XXII, Senators have until the hour of 1 p.m. tomorrow, or the close of business if earlier, to file first-degree amendments to the Defense appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m, adjourned until Friday, July 12, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 1996:

DEPARTMENT OF STATE

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 26, 1996. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be major general

BRIG. GEN. MICHAEL W. ACKERMAN [redacted]
BRIG. GEN. FRANK H. AKERS, JR [redacted]
BRIG. GEN. LEO J. BAXTER [redacted]
BRIG. GEN. ROY E. BEAUCHAMP [redacted]
BRIG. GEN. KENNETH R. BOWRA [redacted]
BRIG. GEN. KEVIN P. BYRNES [redacted]
BRIG. GEN. MICHAEL, A. CANAVAN [redacted]
BRIG. GEN. ROBERT T. CLARK [redacted]
BRIG. GEN. MICHAEL L. DODSON [redacted]
BRIG. GEN. ROBERT B. FLOWERS [redacted]
BRIG. GEN. PETER C. FRANKLIN [redacted]
BRIG. GEN. THOMAS W. GARRETT [redacted]
BRIG. GEN. EMMITT E. GIBSON [redacted]
BRIG. GEN. DAVID L. GRANGE [redacted]
BRIG. GEN. DAVID R. GUST [redacted]
BRIG. GEN. MARK R. HAMILTON [redacted]
BRIG. GEN. PATRICIA R.P. HICKERSON [redacted]
BRIG. GEN. ROBERT R. IVANY [redacted]
BRIG. GEN. JOSEPH K. KELLOGG, JR [redacted]
BRIG. GEN. JOHN M. LEMOYNE [redacted]
BRIG. GEN. JOHN M. MCDUFFIE [redacted]
BRIG. GEN. FREDDY E. MCFARREN [redacted]
BRIG. GEN. MARIO F. MONTERO, JR [redacted]
BRIG. GEN. STEPHEN T. RIPPE [redacted]
BRIG. GEN. JOHN J. RYNESKA [redacted]
BRIG. GEN. ROBERT D. SHADLEY [redacted]
BRIG. GEN. EDWIN P. SMITH [redacted]
BRIG. GEN. JOHN B. SYLVESTER [redacted]
BRIG. GEN. RALPH G. WOOTEN, [redacted]

IN THE MARINE CORPS

THE FOLLOWING MAJOR OF THE U.S. MARINE CORPS FOR POSTHUMOUS APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE U.S. CONSTITUTION:

JOHN JOSEPH CANNEY [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

DENTAL CORPS

ANN L. BAGLEY [redacted]
TIMOTHY BANDROWSKY [redacted]
KEITH A. BERRY [redacted]
*FREDERICK C. BISCH [redacted]
BARRY G. BISHOP [redacted]
MICHAEL L. BRACE [redacted]
LAWRENCE G. BREAULT [redacted]
*ROBIN T. BRUNO [redacted]
DAVID M. BURNETTE [redacted]
*RICHARD M. ELLIS [redacted]
NANCY K. ELLISTON [redacted]
*GLEN J. FALLO [redacted]
MICHAEL W. FORD [redacted]
*FREDERICK J. HARMON [redacted]
CHARLES L. HATLEY, [redacted]
*DONALD C. HOFHEINS [redacted]
*MARY A. JOHNSON [redacted]
ANTHONY P. JOYCE [redacted]
ANDRE K. KIM [redacted]
ETHEL M. LARUE [redacted]
JAMES J. LIN [redacted]
THOMAS S. MACKENZIE [redacted]
*THOMAS G. MARINO [redacted]
*NASRIN MAZUJI, [redacted]
DALE L. PAVEK [redacted]
*DONNA B. PHILLIPS [redacted]
BONITA L. PRUITT [redacted]
*WILFRED P. RAMALHO [redacted]
DAVID R. REEVES, [redacted]
*STEVEN ROBERTS [redacted]
*ROBERT D. ROCK [redacted]
*RONALD L. ROHOLT [redacted]
LARRY G. ROTHFUSS [redacted]
STEPHEN J. ROUSE [redacted]
*JASON E. SHOWMAN [redacted]
*KEITH D. WHITE [redacted]
GORDON W. WOOLLARD, [redacted]

MEDICAL CORPS

*JOSEPH T. ALEXANDER [redacted]
*CURTIS J. ALITZ [redacted]
*ROBERT C. ALLEN [redacted]
BRIAN D. ALLGOOD, [redacted]
PAUL J. AMOROSO [redacted]
*JO ANN ANDRIKO [redacted]
*MICHAEL APPLEWHITE [redacted]
*ANDREW E. AUBER [redacted]
MARK R. BAGG, [redacted]
JAMES A. BARKER [redacted]
*KENNETH B. BATTS [redacted]
*ALAN L. BEITLER [redacted]
DAVID E. BERTLER [redacted]
JOSEPH BETTENCOURT [redacted]
*JOHN F. BILELLO [redacted]
*STEPHEN A. BODNEY, [redacted]
KENT L. BRADLEY [redacted]
MATRICE W. BROWNE [redacted]
WILLIAM T. BROWNE, [redacted]
*PAUL B. BURKE, [redacted]
WILLIAM BURKHALTER, [redacted]
KAREN M. BURNHAM, [redacted]
*HOWARD A. BURRIS II [redacted]
*BRADFORD S. BURTON [redacted]
*NORMAN E. BUSSELL [redacted]
JOHN W. BYRON, [redacted]
JOHN G. CARROUGHER [redacted]
*JERRY D. CHAMP, [redacted]
DOUGLAS E. CHAPMAN [redacted]
*JOHN D. CHARETTE [redacted]
*DANIEL T. CHING, [redacted]
*EDWARD CHU, [redacted]
*LANCE D. CLAWSON [redacted]
*THOMAS C. COBURN [redacted]
*STEPHEN J. COZZA [redacted]
*THOMAS R. DAMIANO [redacted]
*STEVEN S. DAVIS [redacted]
MICHAEL A. DEATON [redacted]
*CARL W. DEMIDOVICH [redacted]
*DAVID DESERTSPRING [redacted]
SCOTT R. DUFFIN [redacted]
*MICHAEL R. DUNHAM [redacted]
*CHARLES V. EDMOND [redacted]
RALPH L. ERICKSON [redacted]
JEREL J. ERNE, [redacted]
*DENNIS L. FEBINGER [redacted]
SCOTT A. FENGLER [redacted]
*JAMES FLECKENSTEIN, [redacted]
*KATHERINE S. FOLEY [redacted]
JAMES M. FRANCIS [redacted]
IAN H. FREEMAN [redacted]
*KENNETH T. FURAKAWA [redacted]
THOMAS H. GARVER [redacted]
*ANTHONY D. GOEI [redacted]
RICHARD R. GOMEZ [redacted]
*LUIS F. GONZALEZ [redacted]
PATRICK D. GORMAN [redacted]
*ROBERT R. GRANVILLE [redacted]
PATRICIA B. GURCZAK [redacted]
*HENRY D. HACKER [redacted]
*MICHAEL A. HARKABUS [redacted]
*ALLAN C. HARRINGTON [redacted]
*SUSAN L. HENDRICKS [redacted]
*JEFFREY W. HERROLD [redacted]
*OLEH W. HNATIUK [redacted]
CURTIS J. HOBBS [redacted]
*ROSS T. HOCKENBURY [redacted]
*JOHN B. HOLCOMB, [redacted]
*PHILLIP HOLZKNECHT [redacted]
*DAVID G. HOOKER, [redacted]
DAVID W. HOUGH, [redacted]
JAMES K. HOWDEN [redacted]
DENNIS A. ICE [redacted]
*MARK R. JACKSON [redacted]
*ANNESLEY W. JAFFIN [redacted]
*ARLON H. JAHNKE [redacted]
ALAN JANUSZIEWICZ [redacted]
*KERRY R. JOHNSON [redacted]
*SHEILA B. JONES [redacted]
*CONNIE R. KALK, [redacted]
*THASAN N. KANESA [redacted]
*STEVEN M. KARAN [redacted]
PETERSON D. KARR [redacted]
*STEVEN D. KLAMERUS [redacted]
*DAVID D. KRIEGER, [redacted]
*MITCHEL D. KRIEGER [redacted]
*ROBERT A. KUSCHNER [redacted]
*MICHAEL LADOUCEUR [redacted]
*WILLIAM R. LAURENCE [redacted]
CHERYL A. LITTLE [redacted]
*SVEN K. LJAAMO [redacted]
*KENNETH D. LOCKE [redacted]
*JOSEPH A. LOPEZ [redacted]
*MARK A. LOVELL [redacted]
*JAMES M. MADSEN [redacted]
*MARK T. MARINO [redacted]
*KIM R. MARLEY [redacted]
EVAN J. MATHESON [redacted]
BRYAN E. MCDONNELL [redacted]
VICTOR MCGLAUGHLIN, [redacted]
RANDOLPH E. MODLIN [redacted]
*HUDA MONTEMARANO [redacted]
*FRANCO MUSIO, [redacted]
BARRINGTON N. NASH [redacted]
*ELIZABETH NEUHALFEN [redacted]
*DAVID W. HIEBUHR, [redacted]
KOJI D. NISHIMURA [redacted]
*SCOTT A. NORTON, [redacted]
*CHRISTIAN OCKENHOUSE [redacted]
*MICHAEL A. OCONNELL [redacted]
*FRANCIS G. OCONNOR, [redacted]
JUDITH A. OCONNOR, [redacted]
*CRAIG M. ONO, [redacted]
*MIGUEL A. OQUENDO [redacted]
*GREGORY H. PARISH [redacted]
JOSEPH M. PARKER [redacted]
CARLOS M. PARRADO [redacted]
*DARRYL W. PETERSON [redacted]
*BRUNO PETRUCCELLI, [redacted]
*TIMOTHY P. PFANNER [redacted]
*MARIA E. PLA [redacted]
*JOSEPH F. POHL [redacted]
*MATTHEW W. RAYMOND [redacted]
*WILLIAM R. RAYMOND, [redacted]
*MICHAEL A. RIEL [redacted]
JIMMIE W. RIGGINS [redacted]
*FRANK M. ROBERTSON [redacted]
SPENCER S. ROOT [redacted]
*BERNARD J. ROTH [redacted]
*MARK V. RUBERTONE [redacted]

*NORMAN SCARBOROUGH [redacted]
*RICHARD A. SCHAEFER [redacted]
*JOHN H. SCHRANK [redacted]
*BEVERLY R. SCOTT [redacted]
*BRIAN G. SCOTT [redacted]
CHRISTINE T. SCOTT [redacted]
*EDWARD R. SETSER [redacted]
*BARRY J. SHERIDAN [redacted]
*MARK F. SHERIDAN [redacted]
JEFFREY E. SHORT [redacted]
*ERIC A. SIECK [redacted]
*KEITH N. STEINHURST [redacted]
HARRY K. STINGER [redacted]
*JOSE A. STOUTE [redacted]
*MARGARET STRIEPER [redacted]
*LOREE K. SUTTON [redacted]
*SIDNEY J. SWANSON [redacted]
*DEAN C. TAYLOR, [redacted]
*DAVID C. TELLER [redacted]
*EDWARD W. TRUDO [redacted]
*LEO D. TRUCKER II [redacted]
GEORGE W. TURIANSKY [redacted]
*DOUG A. VERMILLION [redacted]
DAVID M. WATTS [redacted]
NADJA Y. WEST [redacted]
*JOSEPH A. WHITFIELD [redacted]
*DEAN L. WILEY [redacted]
*MICHAEL R. WILLIAMS [redacted]
*MICHAEL J. WILSON [redacted]
*REGINALD W. WILSON [redacted]
*MICHAEL K. YANCEY [redacted]
*CRISTINA M. YUAN [redacted]
*BURKHARDT H. ZORN [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be major

DENTAL CORPS

JAMES W. BAIK, [redacted]
BRYAN C. BOUCHELION, [redacted]
STEVEN A. BROWN [redacted]
LIONEL A. BULFORD [redacted]
LILLIAN M. CONNER [redacted]
JENNIFER ELLEFSON [redacted]
MARK R. GLEISNER [redacted]
JONATHAN W. HILL [redacted]
DAVID M. JONES [redacted]
GARY T. JONES [redacted]
CHRISTOPH I. LANGER [redacted]
SUNG Y. LEE [redacted]
TERRY S. LEE [redacted]
ORLANDO R. MARTIN, [redacted]
EDWARD A. MOORE [redacted]
PAMELA J. ORTIZ [redacted]
SEAN M. OSULLIVAN [redacted]
STEVEN B. PASCOE [redacted]
CRAIG G. PATTERSON [redacted]
GRANT A. PERRINE [redacted]
MARK J. PIOTROWSKI [redacted]
MICHAEL E. REA [redacted]
DONALD C. RICHARD [redacted]
DAVID C. SMISSON [redacted]
CRAIG S. STEWART [redacted]
CRAIG P. TORRES [redacted]
JOSEPH W. VARGAS [redacted]
JOSE R. VILLANUEVA [redacted]
PAUL J. VIZGIRDA [redacted]
KEVIN D. WILSON [redacted]
KENNETH O. WYNN [redacted]

MEDICAL CORPS

BARRY A. AARONSON [redacted]
MICHAEL J. ABELE [redacted]
NOBLE L. AIKINS [redacted]
BRUCE J. AISTRUP [redacted]
JAY T. ALLEN, [redacted]
CHARLES A. ANDERSON [redacted]
JOHN G. ANGELO [redacted]
CHRISTINA APODACA [redacted]
PETER J. ARMSTRONG, [redacted]
ANTHONY AVITABILE [redacted]
GREGORY BAHTIARIAN, [redacted]
GEORGE K. BAL [redacted]
JON E. BALDWIN [redacted]
PETER K. BAMBERGER [redacted]
ROBERT B. BARGER [redacted]
RANDALL F. BARKER [redacted]
MARCIA A. BARNES [redacted]
SARAH A. BARR, [redacted]
TERESA J. BATES [redacted]
RICHARD L. BAUMANN [redacted]
BRIAN D. BAXTER [redacted]
CHRISTINA M. BELNAP [redacted]
DAVID M. BENEDEK [redacted]
PETER J. BENSON [redacted]
TIMOTHY R. BERIGAN [redacted]
DAVID S. BERRY [redacted]
ANTHONY BEVILACQUA, [redacted]
CHRISTOPHER BILLINGSLEA [redacted]
NANCY B. BLACK, [redacted]
KEVIN P. BLACKMON [redacted]
JEREMY R. BLANCHARD [redacted]
RICHARD T. BLASZAK, [redacted]
JAMES G. BLOM, [redacted]
JOHANNES V. BLOM, [redacted]
HEATHER I. BLOMELEY [redacted]
EDWARD H. BOLAND [redacted]
BRIAN S. BOLINGER, [redacted]
STEVEN R. BOYEA [redacted]
RONALD H. BRANNON, [redacted]
KENNETH E. BREEDEN [redacted]
UNA M. BREWER, [redacted]
STEVEN J. BREWSTER [redacted]
PARIS A. BRINKLEY [redacted]
JENNIFER J. BRITTIG [redacted]
JOHN B. BROWN, [redacted]
PAUL A. BRUNDAGE [redacted]
ADRIENNE M. BUGGS [redacted]
PATRICK L. BURBA [redacted]
JAMES H. BURDEN [redacted]
MARK R. BUSH, [redacted]
RASHID A. BUTTAR [redacted]
BRENT E. CAIN [redacted]
MARK D. CALKINS, [redacted]
JOHN CARAVALHO [redacted]
ANA A. CARDENAS [redacted]
SCOTT K. CARTER [redacted]
EDUARDO O. CAVEDA, [redacted]
MELINDA CAVICCHIA, [redacted]
PAUL R. CAZIER [redacted]
PAUL T. CHAN, [redacted]
TIMOTHY T. CHANG [redacted]
ARTHUR B. CHASEN [redacted]
PING-HSIN CHEN [redacted]
KENNETH H. CHO [redacted]
MARK Y. CHU, [redacted]
KENDALL R. CLARK [redacted]
KERRY L. CLEARY [redacted]
JEFFREY L. CLEMONS [redacted]
DAVID B. CLINE, [redacted]
MICHAEL L. COHEN [redacted]
RODNEY L. COLDREN [redacted]
JOHN H. COLE III [redacted]
ANDREA J. COLO, [redacted]
MARK R. COLOMBO, [redacted]
KENT E. COPELAND [redacted]
KARIN A. COX, [redacted]
LOUIS C. COYLE [redacted]
JOHN D. CROCKER, [redacted]
DALE R. CROCKETT [redacted]
JANIS K. CROLEY [redacted]
DAVID N. CROUCH, [redacted]
BRIAN M. CUNEO [redacted]
THOMAS K. CURRY [redacted]
PAUL S. DARBY [redacted]
TERRY E. DAVENPORT [redacted]
BRENDA L. DAWLEY [redacted]
HOYOS J. DE [redacted]
JAMES D. DECKER [redacted]
ROBIN J. DELEON [redacted]
KAREN DELLAGIUSTINA [redacted]
ARTHUR DELORIMIER [redacted]
BETH L. DENNIS [redacted]
ROBERT A. DESANTIS [redacted]
WENDI T. DIAMOND [redacted]
MARC P. DIFAZIO [redacted]
ERIN A. DOE [redacted]
DANIEL J. DONOVAN [redacted]
THEODORE A. DORSAY [redacted]
DAVID A. DORSEY [redacted]
WILLIAM EDENFIELD [redacted]
NATHAN S. ELLIS [redacted]
JOHN B. ELLSWORTH [redacted]
JOSEPH M. ENDRIZZI [redacted]
JOSEPH C. ENGLISH II [redacted]
MICHAEL A. ESLAVA [redacted]
ERIC T. FAJARDO [redacted] A
CARLOS FALCON, JR. [redacted]
HERBERT P. FECHTER, [redacted]
TERRY M. FLETCHER, [redacted]
KENNETH T. FOREMAN [redacted]
JOHN FRONTERA, 129-64-5819
RONALD M. FRYE [redacted]
JAMES L. FURGERSON [redacted]
ERICH M. GAERTNER [redacted]
ROGER A. GALLUP [redacted]
MEREDITH G. GARRETT [redacted]
DANIEL J. GAVIN [redacted]
GLEN P. GENEST [redacted]
STEVEN E. GEORGE [redacted]
THOMAS W. GIBSON, [redacted]
JEFFREY J. GLOBUS [redacted]
ROD M. GONCLAVES, [redacted]
DANIEL S. GORDON [redacted]
JOSH L. GORDON [redacted]
JOHNATHAN R. GORE [redacted]
ALFRED C. GORMAN [redacted]
EUGENE P. GRADY [redacted]
KURT W. GRATHWOHL, [redacted]
DARREN F. GRAY [redacted]
RAYMOND D. GREASER [redacted]
DAVID L. GRECO [redacted]
GINA GRECO-TARTAGLIA, [redacted]
GENE L. GRIFFITHS [redacted]
EDUARDO R. GUZMAN, [redacted]
JAMES B. HAERING [redacted]
JOHN J. HAGAN [redacted]
JAMES A. HALL [redacted]
MICHAEL K. HAMMOND, [redacted]
ELIZABETH HANCOCK, [redacted]
JACK K. HANDLEY [redacted]
LORI E. HARRINGTON [redacted]
MARK D. HARRIS [redacted]
BENJAMIN HARRISON [redacted]
JOHN E. HARTMANN [redacted]
BENJAMIN D. HARVEY [redacted]
WILLIAM C. HASKINS [redacted]
RANDY P. HAUSTED [redacted]
ALLLAN C. HAYS [redacted]
JOHN C. HEFLIN [redacted]
JAY W. HELGASON [redacted]
ERIC R. HELLING [redacted]
JAVIER HERNANDEZ [redacted]
JAMES E. HIGHT [redacted]
THOMAS K. HIROTA [redacted]
DAVID HOANG, [redacted]
TUAN A. HOANGXUAN [redacted]
MICHAEL C. HODGES [redacted]
CHARLES HOLLCRAFT [redacted]
PATRICK J. HORAN, [redacted]
DAVID A. HOTCHKISS [redacted]
ERIC R. HOYER [redacted]
RANCE W. HUMPHREYS, [redacted]
MICHAEL G. HUNT [redacted]
RONALD L. HURST [redacted]
PEYTON H. HURT [redacted]
TINH K. HUYN, [redacted]
ANDREW P. HYATT [redacted]
ROBERT G. IRWIN [redacted]
DANIEL ISENBARGER [redacted]
RICHARD B. ISLINGER [redacted]
LESLIE W. JACKSON [redacted]
ANTHONY F. JERANT [redacted]
HELEN R. JOHNSON [redacted]
JAMES H. JOHNSON [redacted]
JEFFREY J. JOHNSON [redacted]
KENWARD B. JOHNSON [redacted]
MICHAEL W. JOHNSON [redacted]
RINNA C. JOHNSON, [redacted]
WAYNE A. JOHNSON [redacted]
BOBBY W. JONES [redacted]
DAPHINE L. JONES [redacted]
ROBERT A. JOY [redacted]
VIRGINIA B. KALISH [redacted]
RAJASEKHAR KANDALA [redacted]
CARL A. KARR [redacted]
ROHIT K. KATIAL, [redacted]
MICHAEL L. KEEHN [redacted]
JOHN J. KELEMEN, [redacted]
ROBERT V. KELLOW [redacted]
KAREN K. KERLE [redacted]
JOSEPH M. KNAPP [redacted]
DAVID C. KOEHLER [redacted]
NICHOLAS M. KOMAS, [redacted]
ANDREW J. KOSMOWSKI [redacted]
BRIAN N. KRAVITZ, [redacted]
MICHELLE B. KRAVITZ [redacted]
JOHN K. KULA [redacted]
RICHARD K. KYNION [redacted]
ROBERT C. LADD [redacted]
TIMOTHY P. LAIRD [redacted]
RAYMOND S. LANCE [redacted]
FORREST LANCHBURY [redacted]
JOHN D. LANE [redacted]
MONA L. LANE [redacted]
JOHN D. LARAWAY [redacted]
THOMAS M. LARKIN [redacted]
SARAH L. LAVALLEE [redacted]
LAM H. LE [redacted]
WILLIS T. LEAVITT [redacted]
KENNETH M. LECLERC [redacted]
MICHAEL D. LEWIS [redacted]
KAREN H. LICKTEIG [redacted]
JAMES R. LIFFRIG [redacted]
KENNETH K. LINDELL, [redacted]
PHILIP R. LINDSTROM [redacted]
THOMAS R. LOVAS [redacted]
WENDY MA, [redacted]
CHRISTIAN MACEDONIA [redacted]
MICHAEL S. MACHEN, [redacted]
KEVIN M. MAGUIRE [redacted]
RICHARD J. MAGUIRE, [redacted]
MILES E. MAHAN [redacted]
MARTIN MALDONADOALFANDARI [redacted]
MAMMEN P. MAMMEN, [redacted]
PAUL L. MANGANELLI [redacted]
DAVID E. MANTHEY [redacted]
STEPHEN N. MARKS [redacted]
WILLIAM H. MARSHALL [redacted]
MARY MATHERMONDREY, [redacted]
CAL S. MATSUMOTO, [redacted]
WILLIAM D. MATTHEWS [redacted]
GEORGE L. MAXWELL [redacted]
WILLIAM R. MAYS [redacted]
SCOTT J. MC ATTEE [redacted]
CORNELIUS MC CARTHY [redacted]
THOMAS E. MC CROREY, [redacted]
PAMELA D. MC GARRAH [redacted]
CHRISTOPHER MC GRAW [redacted]
GARNER P. MC KENZIE [redacted]
MARK A. MEEKS, [redacted]
THOMAS S. MEGO [redacted]
JENNIFER MENETREZ [redacted]
ROBERT J. METZ [redacted]
EDWARD C. MICHAUD, [redacted]
SAMUEL K. MILLER [redacted]
STEVEN E. MILLER [redacted]
THOMAS J. MINER [redacted]
DAVID B. MITCHELL [redacted]
VICTOR N. MIZRACHI, [redacted]
GREGORY P. MICK [redacted]
HENRY E. MOELLER [redacted]
GREG T. MOGEL [redacted]
WILKES G. MONROE [redacted]
ANDREW MONTEMARANO, [redacted]
CAROL A. MOORES [redacted]
ERIC D. MORGAN, [redacted]
ROBERT E. MORGAN [redacted]
CHET A. MORRISON [redacted]
ROBERT W. MORSE [redacted]
JONATHAN P. MUELLER [redacted]

DANIEL J. MULLINS [redacted]
MICHAEL P. MULREANY [redacted]
FLETCHER M. MUNTER [redacted]
GEORGINA L. MURRAY [redacted]
CHARLES S. NEEDHAM [redacted]
ALAN S. NELSON [redacted]
BRADLEY J. NELSON [redacted]
MICHAEL R. NELSON [redacted]
RACHAEL S. NELSON [redacted]
ANTHONY R. NERI [redacted]
VU NGO, [redacted]
DENNIS D. NICHOLS [redacted]
DAREN B. NIGUS [redacted]
JAMES M. NOLD, [redacted]
GREER E. NOONBURG [redacted]
DIANE K. NOYES [redacted]
KEN OKADA, [redacted]
ERIC W. OLINS [redacted]
PATRICK G. OMALLEY [redacted]
DAVID G. OMDAL [redacted]
DENNIS M. ORDAS [redacted]
JOAQUIN F. ORONOZ [redacted]
NORMAN E. PAHMEIER [redacted]
DANIEL PAK [redacted]
DANIEL E. PARKS [redacted]
ROSANGELA PARSONS [redacted]
PAUL F. PASQUINA [redacted]
LISA A. PEARSE [redacted]
JAMES F. PEHOUSHEK [redacted]
ROGER S. PENCE [redacted]
ANDREA M. PENNARDT [redacted]
MARIA PEREZMONTES [redacted]
JOSEPH L. PERRY [redacted]
MARGUERITE A. PERSI [redacted]
KRIS A. PETERSON [redacted]
RICHARD P. PETR [redacted]
FREDERIC PFALZGRAF [redacted]
STEVEN D. PICERNE [redacted]
MICHAEL L. PLACE [redacted]
GLEN POFFENBARGER [redacted]
GLENN G. PRESTON [redacted]
JAMES M. PTACEK [redacted]
MARK W. PTASKIEWICZ [redacted]
MIGUEL A. PUPIALES [redacted]
MARTIN G. RADVANY [redacted]
DAVID E. RAMOS [redacted]
EDWARD E. RAMSEY [redacted]
TIMOTHY D. RANKIN [redacted]
VICTORIA A. REES [redacted]
MARK M. REEVES [redacted]
ANDREW M. REIBACH [redacted]
SANDRA L. REINHOLD [redacted]
PATRICK REINSVOLD [redacted]
ROGER J. REMBECKI [redacted]
MICHAEL J. RENSCH [redacted]
SCOTT A. RICE [redacted]
CYNTHIA D. ROBERTS [redacted]
PHILIP R. ROBERTS [redacted]
DONALD W. ROBINSON [redacted]
WILLIAM RODRIGUEZ [redacted]
MARYJO K. ROHRER [redacted]
WILLIAM ROLLEFSON [redacted]
VERONICA J. ROOKS [redacted]
RAFAEL ROSADOCOSME [redacted]
CHARMAINE A. ROSS [redacted]
ALLEN D. RUBIN [redacted]
STEPHEN M. SALERNO [redacted]
DANIEL J. SALZBERG [redacted]
JAMES A. SANTORO [redacted]
RUSSELL E. SCHEFFER [redacted]
DANIEL J. SCHISSEL [redacted]
MICHAEL J. SERWACKI [redacted]
BRENT D. SHELTON [redacted]
JOHN S. SHIN [redacted]
TAE J. SHIN [redacted]
ANNE B. SHROUT, [redacted]
KENNETH R. SHUMAN [redacted]
ERIC E. SHUPING [redacted]
REGINALD SINGLETON [redacted]
MARY F. SIPPELL [redacted]
NEIL H. SITENGA, [redacted]
CARL M. SMAGULA [redacted]
KELLEY W. SMITH [redacted]
PAUL M. SMITH [redacted]
MICHAEL J. SNYDER [redacted]
DOUGLAS SODERDAHL, [redacted]
TEELA SORENSEN [redacted]
GERALD J. SPARKS [redacted]
FRANZ J. STADLER [redacted]
JOHN J. STASINOS [redacted]
CHARLES R. STEPHENS [redacted]
JOE J. STEPHENSON [redacted]
ALEXANDER STOJADINOVIC [redacted]
JEFFREY S. STRONG [redacted]
MICHAEL J. SUNDBORG [redacted]
CHARLES E. SWALLOW [redacted]
ERNIE D. SWANSON [redacted]
DONALD L. TAILLON, [redacted]
CHARLES L. TAYLOR [redacted]
ROBERT W. THEAKSTON [redacted]
BENJAMIN THOMPSON [redacted]
LESLIE S. TORGERSON [redacted]
JAVIER I. TORRENS [redacted]
LENHANH P. TRAN [redacted]
ALLAN L. TRUAX [redacted]
KENNETH TRZEPKOWSKI [redacted]
DAVID C. TUMAN, [redacted]
DAVID A. TWILLIE [redacted]
PATRICK A. TWOMEY [redacted]
MATTHEW J. UYEMURA [redacted]
MANUEL VALENTIN [redacted]
JAMES T. VANDENBERG [redacted]
DAVID P. VETTER [redacted]
GILBERT L. VIGO [redacted]
MICHAEL L. VILLANO [redacted]
MARK A. VOSS [redacted]
BRADLEY J. VOSSBERG [redacted]
DALE L. WALDNER [redacted]
DANIEL W. WALSH [redacted]
DANIEL WATSON [redacted]
CRAIG R. WEBB [redacted]
JEFFREY W. WEISER [redacted]
LAUREEN F. WELLS [redacted]
PAUL W. WHITECAR [redacted]
ANDREW R. WIESEN [redacted]
TIMOTHY E. WIESS [redacted]
RICHARD K. WINKLE [redacted]
ERIC R. WOOTEN [redacted]
KEITH J. WROBLEWSKI [redacted]
CHRISTOPHER WRUBEL [redacted]
JULIE A. WUEST [redacted]
PETER C. YOUNG [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

ARMY COMPETITIVE

To be major

*ANTHONY J. ABATI [redacted]
*JUSTON W. ABEL [redacted]
*TIMOTHY W. ABEL [redacted]
*BRYAN K. ADAMS [redacted]
*GEORGE S. ADAMS [redacted]
*JOSEPH M. ADAMS [redacted]
*WILLIAM A. ADAMS, [redacted]
WILLIAM J. ADAMS [redacted]
*FRANK T. AKINS [redacted]
MICHAEL ALBERTSON [redacted]
DAVID R. ALEXANDER [redacted]
*KIRK T. ALLEN [redacted]
*WILLIE E. ALMOND [redacted]
*JAMES B. ALVILHIERA [redacted]
*BRIAN K. AMBERGER [redacted]
*PAUL J. AMBROSE [redacted]
*CHARLES T. AMES [redacted]
*DAVID A. ANDERSEN [redacted]
CURTIS A. ANDERSON [redacted]
FRANK H. ANDERSON [redacted]
*DARYL W. ANDREWS, [redacted]
*ANTHONY W. ANGELO [redacted]
*KIM J. ANGLESEY [redacted]
ANTONIO ARAGON, [redacted]
KEVIN A. ARBANAS [redacted]
*FRANCISCO ARCE, [redacted]
DAVID A. ARMSTRONG [redacted]
*MICHAEL ARMSTRONG [redacted]
JEFFREY A. ARQUETTE [redacted]
HERMAN ASBERRY III [redacted]
KEVIN J. AUSTIN [redacted]
VICTOR BADAMI [redacted]
ROBERT A. BAER [redacted]
*JACQULINE BAGBY [redacted]
MICHAEL J. BAGLEY [redacted]
JOEL B. BAGNAL [redacted]
*EDWARD B. BAKER, [redacted]
*JOHN D. BAKER [redacted]
*TERRANCE J. BAKER [redacted]
*DONALD L. BALCH, [redacted]
WILLIAM BALKOVETZ [redacted]
*MICHAEL A. BALSER [redacted]
JOHN F. BALTICH [redacted]
BERNARD B. BANKS [redacted]
ROBERT BANNON, [redacted]
JOHN H. BARBER, [redacted]
*PETER C. BARCLAY [redacted]
*ROBERT A. BARKER [redacted]
*ROBERT S. BARKER [redacted]
*MARK K. BARKLEY, [redacted]
DONALD L. BARNETT [redacted]
GLENN J. BARR [redacted]
BRETT BARRACLOUGH [redacted]
WILLIAM V. BARRETT [redacted]
JOHN S. BARRINGTON [redacted]
*EARL W. BARTHEL [redacted]
MICHAEL W. BARTLETT [redacted]
*ROGER S. BASNETT [redacted]
*DAVID B. BATCHELOR, [redacted]
*ANDRE D. BATSON [redacted]
*JOHN L. BAUER [redacted]
*JOHN M. BAXTER [redacted]
*MARK R. BEAN [redacted]
THOMAS C. BEANE [redacted]
ARTHUR B. BEASLEY [redacted]
DONALD BEATTIE, JR. [redacted]
*VERNON L. BEATTY [redacted]
*STEPHANIE BEAVERS [redacted]
CLARENCE L. BECKHAN [redacted]
*TIMOTHY D. BECKNER [redacted]
*DEBORAH L. BECKWITH [redacted]
PETER J. BEIM [redacted]
*DELOISE J. BELIN [redacted]
JAMES C. BELL [redacted]
KIRK C. BENSON [redacted]
*GEORGE W. BENTER [redacted]
GUS BENTON II [redacted]
*MICHAEL D. BENTON [redacted]
DAVID J. BERCZEK [redacted]
*MARK E. BERGESON [redacted]
*ALAN R. BERNARD [redacted]
RAYMOND J. BERNIER [redacted]
*JOHN W. BERRIE [redacted]
*JORGE BERRIOSDELEON [redacted]
*MARK A. BERTOLINI [redacted]
*FRANCIS BETANCOURT [redacted]
JOHN K. BEUCKENS [redacted]
LINDA K. BEUCKENS [redacted]
WILLIAM L. BIALOZOR, [redacted]
*STEVEN R. BIAS [redacted]
BURT A. BIEBUYCK [redacted]
*MICHAEL L. BIGHAM [redacted]
KENNETH J. BILAND [redacted]
JOHN S. BILLIE [redacted]
*MICHAEL C. BIRD [redacted]
*MICHAEL BIRMINGHAM [redacted]
*WILLIAM T. BISHOP [redacted]
*JAMES R. BLACKBURN [redacted]
*DIRK C. BLACKDEER, [redacted]
*BARRY L. BLACKMON [redacted]
*ALAN C. BLACKWELL [redacted]
MARK A. BLAIR [redacted]
KENNETH C. BLAKELY [redacted]
*DARIN C. BLANCETT [redacted]
*GREGG A. BLANCHARD [redacted]
MARK R. BLIESE [redacted]
MARK B. BOAZ, [redacted]
KENNETH L. BOEHME [redacted]
GEORGE W. BOND, [redacted]
*MADELINE T. BONDY [redacted]
*BRENDA L. BONK, [redacted]
VINCENT C. BONS [redacted]
*MICHAEL T. BOONE [redacted]
*DANIEL J. BOONIE [redacted]
*NERO BORDERS, JR. [redacted]
*BERNARD H. BOUCHER [redacted]
JOHN R. BOULE [redacted]
JEFFREY A. BOVAIS [redacted]
*DANIEL P. BOWEN [redacted]
*MICHAEL E. BOWIE [redacted]
BRYAN S. BOYCE [redacted]
*MARK A. BOYD, [redacted]
THOMAS A. BOZADA [redacted]
*LEO E. BRADLEY [redacted]
*MICHAEL J. BRADLEY [redacted]
*ROBERT T. BRADSHER [redacted]
SUZANNE L. BRAGG [redacted]
FRANCIS A. BRANCH [redacted]
*STEVEN A. BRENNAN [redacted]
*WILLIAM B. BRENTS [redacted]
MICHAEL L. BREWER [redacted]
PATRICK BREWINGTON [redacted]
TONY A. BREWINGTON, [redacted]
*TODD A. BRICK, [redacted]
*GREGORY T. BRIERLY [redacted]
CLARENCE E. BRIGGS [redacted]
*DARRYL J. BRIGGS [redacted]
DOUGLAS J. BRILES [redacted]
BRIAN P. BRINDLEY [redacted]
JOHN F. BRINEY [redacted]
GALE J. BRITTAIN [redacted]
THOMAS H. BRITTAIN [redacted]
DAVID M. BRITTEN [redacted]
*MICHAEL W. BROBECK [redacted]
*JEFFREY M. BRODEUR [redacted]
*JOHN J. BROOKS [redacted]
*JOHN T. BROOKS [redacted]
*THOMAS BROUILLETTE, [redacted]
*MICHAEL A. BROWDER [redacted]
*BRIAN D. BROWN, [redacted]
*DONALD R. BROWN [redacted]
*EVAN L. BROWN, [redacted]
HARRY S. BROWN [redacted]
KEVIN E. BROWN, [redacted]
KEVIN P. BROWN [redacted]
*ROBERT S. BROWN [redacted]
*STEPHEN R. BROWN [redacted]
*THERREL L. BROWN [redacted]
TODD D. BROWN, [redacted]
*BYRON L. BROWNING [redacted]
EMORY W. BROWNLEE [redacted]
RICHARD A. BUCHER [redacted]
*KATHRYN V. BUCKLEY [redacted]
*CHARLES H. BUEHRING [redacted]
*DAVID C. BULLARD [redacted]
ROBERT L. BULLARD [redacted]
JON K. BUONERBA [redacted]
*PATRICK W. BURDEN [redacted]
*DAVID J. BURKE [redacted]
SHANE R. BURKHART [redacted]
*FRANCIS B. BURNS [redacted]
*TIMOTHY S. BURNS [redacted]
JEFFREY S. BURRELL [redacted]
CHARLES L. BURROWS [redacted]
GERALD V. BURTON [redacted]
*DANIEL G. BURWELL [redacted]
GREGORY J. BUSCH [redacted]
*STEVEN R. BUSCH [redacted]
*DAVID A. BUSHEY [redacted]
DOUGLAS B. BUSHEY [redacted]
*STEVEN B. BUTLER [redacted]
*FRANCIS M. BUZEK [redacted]
*LORETTO M. BYANSKI [redacted]
*BRADLEY R. BYLER [redacted]
*SUSAN S. CABRAL [redacted]
TEDSON J. CAMPAGNA [redacted]
*DOUGLAS A. CAMPBELL [redacted]
ROBERT I. CAMPBELL [redacted]
ROBERT M. CAMPBELL [redacted]
DENNIS A. CARD [redacted]
CAMERON D. CARLSON [redacted]

JAMES W. CARLSON [redacted]
CHRISTOPHER CARNES [redacted]
FORREST CARPENTER [redacted]
*JOHN M. CARPER [redacted]
*JOHNEE O. CARR [redacted]
*MICHAEL J. CARR [redacted]
SCOTT A. CARR [redacted]
KENNETH G. CARRICK [redacted]
ROGER D. CARSTENS [redacted]
*ALFRED D. CARTER [redacted]
*MIKE A. CARTER [redacted]
THOMAS E. CARTLEDGE [redacted]
JENNIFER A. CARUSO [redacted]
*DANIEL P. CASE [redacted]
JERRY CASHION [redacted]
PERRY N. CASKEY [redacted]
LUIS CASTRO [redacted]
WALLACE B. CELTRICK [redacted]
ROBERT P. CERJAN [redacted]
ROBERT CHAMBERLAIN [redacted]
*ANTHONY K. CHAMBERS [redacted]
*DOUGLAS G. CHAMBERS [redacted]
*ROBERT W. CHAMNESS [redacted]
*TONNEY A. CHANDLER [redacted]
*ANDREW J. CHANDO [redacted]
*DAVID W. CHAPLIN [redacted]
*DANIEL M. CHARTIER, [redacted]
*PAMELA R. CHARVAT [redacted]
*WALTER B. CHASE [redacted]
*WELTON CHASE, JR. [redacted]
*RANDALL CHEESEBOROUGH [redacted]
*MARCUS C. CHERRY [redacted]
*MICHAEL P. CHEVLIN [redacted]
*MICHAEL R. CHILDERS [redacted]
*WILLIE J. CHILDS [redacted]
*TODHUNTER J. CHILES [redacted]
*MICHAEL J. CHINN, [redacted]
*LARY E. CHINOWSKY [redacted]
*MARC J. CHMIELEWSKI [redacted]
*FREDERICK S. CHOI [redacted]
*ANTONIO S. CHOW, [redacted]
*JERRY CHRISTENSEN [redacted]
*KURT A. CHRISTENSEN [redacted]
*HOWARD R. CHRISTIE, [redacted]
*CONRAD D. CHRISTMAN [redacted]
*DAVID CINTRON, [redacted]
*ANTHONY B. CLARK [redacted]
*BRIAN J. CLARK [redacted]
*BRIAN M. CLARK, [redacted]
*DAVID E. CLARK [redacted]
*HARLEY W. CLARK, [redacted]
*LINWOOD B. CLARK [redacted]
*PERRY C. CLARK [redacted]
*JEANIE S. CLAXTON [redacted]
*DALE D. CLELAND [redacted]
*ROSS M. CLEMONS [redacted]
*ERIC M. CLEVELAND [redacted]
*TIMOTHY CLEVELAND [redacted]
*CHARLES T. CLIMER [redacted]
*WAYNE E. CLINE, [redacted]
*JOSEPH S. COALE [redacted]
*NORMAN K. COBB, [redacted]
*ALEXANDER COCHRAN, [redacted]
*ANDREW V. COCHRAN [redacted]
*GREGORY G. CODAY [redacted]
*JOHN P. CODY [redacted]
*DAVID C. COGDALL, [redacted]
*THOMAS E. COGDALL, [redacted]
*KYLE A. COLBERT [redacted]
*DANNY B. COLE, [redacted]
*DARRYL L. COLE [redacted]
*EDWARD F. COLE [redacted]
*WILLIAM R. COLEMAN [redacted]
*CRAIG A. COLLIER, [redacted]
*THOMAS W. COLLINS [redacted]
*DARRYL J. COLVIN, [redacted]
*LYDIA D. COMBS, [redacted]
*RONALD L. CONDON, [redacted]
STEPHEN F. CONLEY, [redacted]
*CLARENCE W. CONNER, [redacted]
ROBERT E. CONNOLLY [redacted]
GLENN M. CONNOR, [redacted]
SCOTT P. CONNORS [redacted]
ERIC R. CONRAD [redacted]
MARK F. CONROE, [redacted]
*STEVEN A. CONROY [redacted]
DAVID CONSTANTINE [redacted]
*CHARLES K. COOK, [redacted]
STEPHEN B. COOK [redacted]
*CAROLINE COOPER [redacted]
*STEPHEN D. COOPER [redacted]
*ESTHER E. CORTES [redacted]
*SYLVESTER COTTON [redacted]
JOSEPH A. COUCH, [redacted]
EMMA K. COULSON, [redacted]
DAVID COURTOGLOUS [redacted]
*ALLAN L. COVILLE [redacted]
*MAURICE B. COX, [redacted]
NEAL O. COX [redacted]
TRISTAN P. COYLE [redacted]
*KENNETH J. CRAWFORD [redacted]
KYLE D. CRAWFORD [redacted]
*MICHAEL J. CREED [redacted]
THOMAS E. CREVISTON [redacted]
*TELFORD E. CRISCO [redacted]
ROBERT P. CRISLER [redacted]
*LLOYD C. CROSMAN [redacted]
KEVIN J. CROTEAU, [redacted]
*WILLIAM E. CROZIER [redacted]
JUAN A. CUADRADO [redacted]
*MATTHEW J. CULLEN [redacted]
*THOMAS J. CULLINANE [redacted]
*ROBERT W. CULVER [redacted]
STEVEN F. CUMMINGS [redacted]
*BRIAN D. CUNDIFF [redacted]
JOHN R. CUNNINGHAM [redacted]
*JOHN R. CUNNINGHAM [redacted]
*ORVILLE S. CUPP [redacted]
MICHAEL L. CURRENT [redacted]
*TERRY F. CUSTER [redacted]
*WILLIAM C. DAHMS [redacted]
*ERIK O. DAIGA [redacted]
STEVEN G. DAILEY [redacted]
JAY T. DAINTY [redacted]
EDWARD M. DALY [redacted]
*MICHAEL DANDRIDGE, [redacted]
JAMES P. DANIEL [redacted]
DUANE A. DANNEWITZ [redacted]
*ANTHONY J. DATTILO [redacted]
*JOHN D. DAUGHERTY [redacted]
*DALE E. DAVIDSON [redacted]
CHARLES E. DAVIS [redacted]
*HERMAN D. DAVIS [redacted]
*KEVIN I. DAVIS [redacted]
*REGINALD R. DAVIS [redacted]
*WILLIAM J. DAVISSON [redacted]
DENNIS J. DAY [redacted]
*JAMES V. DAY [redacted]
CAROL R. DEBARTO [redacted]
MICHAEL D. DEBARTO [redacted]
*DAVID F. DECOSTE [redacted]
THOMAS F. DEFILIPPO [redacted]
*JEAN D. DEGAY [redacted]
EDMUND J. DEGEN [redacted]
KEVIN J. DEGNAN [redacted]
*ROBERT W. DEJONG [redacted]
TERRENCE P. DELONG [redacted]
*BRIAN S. DEMEYERE [redacted]
PAMELA J. DENCH [redacted]
*CARL L. DETTENMAYER [redacted]
*TIMOTHY P. DEVITO [redacted]
BARRY A. DIEHL [redacted]
DAVID F. DIMEO [redacted]
*TODD A. DIRMEYER [redacted]
BARRY S. DIRUZZA [redacted]
MICHAEL D. DISHMAN, [redacted]
*BRIAN J. DISINGER [redacted]
*MICHAEL DOMINIQUE [redacted]
*CHARLES DONALDSON [redacted]
RANDALL DONALDSON [redacted]
SCOTT E. DONALDSON [redacted]
SUSAN K. DONALDSON [redacted]
GEORGE T. DONOVAN, [redacted]
TERENCE M. DORN [redacted]
EDWARD W. DOUGHERTY, [redacted]
*KENNETH E. DOWNER [redacted]
*MARK J. DRABIK [redacted]
*BARTEL G. DRAKE [redacted]
*HELMUT F. DRAXLER [redacted]
DAVID L. DRUECKER [redacted]
*DONALD W. DRUMMOND, [redacted]
*STEVEN W. DUKE [redacted]
*JAMES B. DUNCAN [redacted]
DEAN C. DUNHAM [redacted]
STEPHEN J. DURHAM [redacted]
JOE DURR III, [redacted]
*JOHN C. DVORACEK [redacted]
*DAVID B. DYE [redacted]
DAVID A. DYKES [redacted]
CHESTER F. DYMEK [redacted]
JOHN S. EADDY [redacted]
*BRIAN D. EARL [redacted]
*TYRON W. EASON [redacted]
CHARLES N. EASSA [redacted]
MARK A. EASTMAN [redacted]
BRIAN K. EBERLE [redacted]
*JOHN G. ECKHARDT [redacted]
*TIMOTHY S. ECOFF [redacted]
*MICHAEL A. EDDINGS [redacted]
*MITCHELL B. EDGAR [redacted]
*JAMES D. EDWARDS [redacted]
*ROBERT M. EDWARDS [redacted]
*ANDREW C. EGER [redacted]
*STEVEN M. ELKINS [redacted]
*GEOFFREY ELLERSON [redacted]
*DONALD ELLERTHORPE [redacted]
*MARK R. ELLINGTON [redacted]
*JOSHUA M. ELLIOTT [redacted]
*ROBERT E. ELLIOTT [redacted]
*STEVEN M. ELLIOTT [redacted]
*DENNIS B. ELLISON [redacted]
*HUGH L. ELMORE, JR [redacted]
*RONALD P. ELROD [redacted]
*JOHN R. ELWOOD, [redacted]
*PAMELA B. EMBERTON [redacted]
*CARLOS ENCARNACION, [redacted]
*MICHAEL T. ENDRES [redacted]
*PAUL A. ENGLISH [redacted]
*SCOTT A. ERDO [redacted]
*NILS J. ERICKSON [redacted]
*JOHN J. ESLINGER [redacted]
*MARK T. ESPER [redacted]
*BRITT W. ESTES [redacted]
*DAVID B. EVANS [redacted]
*KENNETH E. EVANS [redacted]
*MARK A. EVANS, [redacted]
*MICHAEL A. EVANS [redacted]
*KATHLEEN EZELL-BAILEY [redacted]
*ROBERT J. FAGAN [redacted]
*DONALD H. FAIL [redacted]
*KEITH A. FALCETTI [redacted]
*CHRISTOPHER FARLEY [redacted]
*STEPHEN E. FARMEN [redacted]
*JEFFREY FARNSWORTH [redacted]
*QUENTON L. FARR [redacted]
*KEVIN W. FARRELL, [redacted]
*MICHAEL A. FARUQUI [redacted]
*JOHN R. FASCHING [redacted]
*CAROL L. FASOLD [redacted]
*JAMES FASONE [redacted]
*RICHARD S. FAULKNER, [redacted]
*GREGORY A. FAWCETT [redacted]
*KENNETH FEIERSISEN [redacted]
*LARRY S. FELLOWS [redacted]
*BENJAMIN R. FELTS, [redacted]
*JOSEPH J. FENTY [redacted]
*ROY J. FERGUSON [redacted]
*DAVID D. FERRELL [redacted]
*MICHAEL S. FERRIER [redacted]
*JOSEPH E. FERRIS [redacted]
*FREDERIC P. FILBERT [redacted]
*ALEXANDER FINDLAY, [redacted]
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*MICHAEL E. ZARBO	[redacted]
JOHN V. ZAVARELLI	[redacted]
*RANDALL M. ZELENKA	[redacted]
*CHARLES R. ZIEGLER	[redacted]
DOUGLAS K. ZIEMER	[redacted]
ROBERT J. ZOPPA	[redacted]

[redacted]

CONFIRMATION

Executive nomination confirmed by the Senate July 11, 1996:

THE JUDICIARY

WALKER D. MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

HOUSE OF REPRESENTATIVES—*Thursday, July 11, 1996*

The House met at 10 a.m. and was called to order by the Speaker.

Rabbi Warren Stone, Temple Emanuel Synagogue, Kensington, MD, offered the following prayer:

Distinguished leaders of our country, why do we pray?

We pray because we need to look beyond ourselves, to seek guidance in the One beyond all time and space.

In a time of indirection, prayer can give us vision and hope.

In a time of conflict and injustice, prayer can help us act with courage.

God, may we shed our veils of defense to uncover a truth deep within ourselves. Our time on Earth is short; we are like a flower that will fade, a cloud passing by, like dust floating on the wind, a dream soon forgotten.

And yet, while here so briefly, may we never forget that we have the capacity for a lasting greatness. With our lives we can make a profound difference in the lives of others. We, created in the Divine Image, can uplift the human spirit. That is how we should be remembered.

Help us Lord to choose this path.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. STEARNS] come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 743. An act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

WELCOMING RABBI WARREN STONE

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I have the pleasure of welcoming Rabbi Warren Stone to the House this morning.

Rabbi Stone has been the spiritual leader at Temple Emanuel Synagogue in Kensington, MD for the past 10 years. His tenure at Temple Emanuel has been characterized by growth in membership and community involvement. Under Rabbi Stone's leadership, members of the congregation volunteer their services to the community, visiting the elderly, feeding the hungry, and helping at local shelters for battered women and for the homeless.

Rabbi Stone is a staunch environmentalist, and often weaves into his sermons messages about the importance of protecting our natural resources and maintaining a safe and healthy environment. He is an advocate for Israel and for human rights.

Rabbi Stone has distinguished himself with an impressive record of dedicated service to both Temple Emanuel and the Montgomery County community. I am honored that he delivered the invocation on the House floor this morning, and I am proud to represent Rabbi Stone and the congregation of Temple Emanuel Synagogue in Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will receive fifteen 1-minutes per side.

PRESIDENT CLINTON SHOULD KEEP HIS WORD TO SIGN WISCONSIN WELFARE WAIVERS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, on July 13, 1995, speaking to the National Governors' Association, President Clinton asked the Governors to send him waivers on welfare and he said, "If you do that, you sign them, you send them to me and we will approve them within 30 days."

On May 18 of this year the President devoted his weekly radio address to the Wisconsin welfare plan. He said he was encouraged by it. He said he was supportive of it. He said, "I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work."

Yesterday was the 30th day since Wisconsin submitted its welfare plan. The Clinton administration has broken its pledge given to the Governors a year ago. The Clinton administration has failed to approve the Wisconsin welfare waivers.

This House voted overwhelmingly in favor of approving the Wisconsin welfare waivers. We believe that people should work if they are able bodied. We believe there should be a transition from welfare to work. We believe we should strengthen families by having a strong, firm commitment to collecting child support and to making sure that child support is paid. We believe the future of the children of this country requires welfare reform.

It is very unfortunate that the President has failed to sign the waiver for Wisconsin. I call on President Clinton today to keep his word to the Governors and to sign the Wisconsin welfare waivers and allow the people of Wisconsin to reform welfare.

WASHINGTON POST OWES APOLOGY TO UNITED STATES CITIZENS OF CUBAN DESCENT

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise to express my outrage with yesterday's Washington Post editorial entitled "Cuba—The Poisonous title III" that refers to United States citizens as the "Miami Cubans." I have never seen the Post refer to New York Jews or the Boston Irish or the Chicago Polish community. No, this second class citizenship status by the Washington Post is preserved just for the Miami Cubans. As an American of Cuban descent, not from Miami, I think it is despicable.

Finally, title III of the Helms-Burton legislation is that part of the bill that stands up for U.S. citizens. Let us review the facts. The property of American citizens and businesses were illegally confiscated between 1959 and 1960. Those businesses were never compensated by the Cuban regime for their losses.

Title III does not prohibit investment by any nation in Cuba unless they do it in the stolen property of American citizens and companies. So there we have it. If you do not knowingly and intentionally invest in stolen property, you

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have no reason to be concerned about this bill.

I hope the Post gets its facts straight. It owes an apology to the Americans of Cuban descent.

MAKE HEALTH CARE MORE AFFORDABLE FOR AMERICANS

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, Congress is ready to pass bipartisan legislation that will make health care insurance more available and affordable for millions of American families without big government. It is called private sector health care reform.

However, over the last 11 weeks someone in the other body has been holding health care reform hostage, refusing to allow the legislation to proceed by using complicated procedural gimmicks. This common sense health care reform is being stonewalled, Mr. Speaker, because of the dream that still exists of imposing a single player, Government-run health care system on the entire Nation.

I think that a couple of years ago the people in this country spoke out very loud and clear that they do not want a Government-run system, but they want access, they want availability, and they want affordability for health care. Today many Americans are forced to stay in their current jobs out of fear of losing their health care benefits and insurance. Others just live in fear of losing health care coverage should they lose their job.

This bipartisan legislation would make sure Americans who lose their coverage can keep their jobs their health care, and take care of their families. I urge the movement of the bill.

EDUCATION SHOULD BE PLACED AT TOP OF NATION'S PRIORITY BUDGET LIST

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, in the spending bill that is coming to the floor this morning, the Republicans are once again proposing harmful education cuts, and, fortunately, the President has once again promised to veto any bill the Republicans send him that does not include reasonable levels of education funding.

Mr. Speaker, I believe that education should be placed at the top of our Nation's budget priorities. We should be heading in a direction completely opposite from where the Republicans are going, especially at a time when enrollment in our Nation's schools is rapidly expanding.

A failure to increase funding for education is a failure to invest in our children's future. I urge my colleagues on the other side of the aisle: Give up this quest to gut our education system. The Republicans tried it last year, they are trying it again this year, and it should not be done. Education needs to be a priority when we deal with this budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

WHO HIRED CRAIG LIVINGSTONE?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I thought of a good way to find out who hired Craig Livingstone. Livingstone, as my colleagues will remember, is the Gore campaign political operative who went to work in the White House and proceeded to illegally review the FBI files of private American citizens.

When asked by the congressional committee who hired him, Craig Livingstone said, "I do not know." Now, the taxpayers are going to have to spend hundreds of thousands of dollars trying to find out who hired Mr. Livingstone.

I have got a cheap alternative. Let us ask Eleanor Roosevelt. All right, everybody, light your candles: Eleanor, Eleanor. It is not working. Maybe one of the Democrats can tell me what I am doing wrong.

The fact is we can save the taxpayers thousands of dollars if Mr. Livingstone would just tell the truth.

AMERICA NEEDS A RAISE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I will not get into a seance with my friend from Georgia, but some good news that did come through from the Senate this week was the passage of the minimum wage bill.

That is right, in spite of the Republican leadership's concerted effort in the House and Senate to set the agenda and to add a poison pill to the minimum wage, the American public's will is being reflected in the other body and in this House.

Unfortunately, the antics and tricks to try and stop the minimum wage, the 90-cent increase for those that are making $4.25 an hour today, is still in motion. They are threatening, in fact, to tie it up and hold it to other bills, to in fact try and put in place tax breaks that will dig the deficit hole deeper in this country and deny low-income workers, mostly, I might say, adults, and very often, too often, women, the opportunity to get a fair wage, a living wage.

Mr. Speaker, America needs a raise, and they need this Congress to respond fair and equitably. At the same time we are cutting all the social programs, we have to let people earn their way and get a fair wage in our economy.

□ 1015

ANOTHER BROKEN WELFARE PROMISE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it has been 31 days now since President Clinton promised to take action on Wisconsin's welfare waiver request.

Thirty-one days—no action.

Another welfare promise by Bill Clinton will most likely fall by the wayside. In the meantime, millions of Americans are caught in an endless cycle of dependency and poverty.

On May 18 this year, Bill Clinton held up the Wisconsin plan as a model of good welfare reform. Let me just quote from his radio address that day:

> All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare reform based on work . . .

That was Bill Clinton on May 18 talking on welfare. Today is July 10, and all we hear is silence. His 30 days are up and all we hear is the silence of another broken welfare promise.

WHY THERE WILL BE NO MINIMUM WAGE INCREASE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the House and Senate have passed a minimum wage bill, but I want to let my colleagues in on a little secret. The Speaker is not going to let it become law.

Our dictator, Speaker GINGRICH, has decided that along with the majority Members of the extreme right in the Republican Party and Members of this House, that people working for minimum wage in my district and all over this Nation do not need this year an increase of 45 cents an hour.

Mr. Speaker, they are working right now today, while these Members up here are enjoying all their large incomes, et cetera. They say, Speaker

GINGRICH and the extreme right Republicans say that my people should not get 45 cents an hour more. Now is that right? No, it is not right.

Why do we not have a minimum wage bill? Why? Because Speaker GINGRICH has decided that he is going to kowtow to the special interests that give large funds to their campaign funds.

POINT OF ORDER

Mr. McINNIS. Point of order, Mr. Speaker. I ask that the words of the gentleman be stricken. The gentleman called the Speaker of the House a dictator. I would ask for an interpretation of the House. The Speaker of the House is not a dictator, and I ask that the words of the gentleman from Missouri [Mr. VOLKMER] be stricken.

The SPEAKER pro tempore (Mr. FOLEY). The Chair rules that point of order has come too late. There has been intervening debate.

DEADLINE FOR DECISION ON WISCONSIN WELFARE PLAN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, today is the day. Thirty days have passed since Bill Clinton placed a self-imposed deadline to take action on Wisconsin's welfare waiver request.

Mr. Speaker, the Wisconsin welfare plan has bipartisan support in Wisconsin, and here in our Nation's Capitol.

The Wisconsin welfare plan truly ends welfare as we know it. It moves people from welfare, to work, instilling personal responsibility, and lifting families and children out of the poverty trap.

Mr. Speaker, Bill Clinton pointed to the Wisconsin welfare plan as a model. He pledged his administration's firm and strong support for helping the people of Wisconsin move from welfare to work. He said and I quote, "We should get this done."

Last year, Bill Clinton promised to sign waivers within 30 days. Well, the 30 days are up, and all we hear from the White House is the sound of another broken promise.

Mr. Speaker, this is just another example of Bill Clinton saying one thing and doing another.

MAJORITY NEEDS TO GET ITS MATH RIGHT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when it comes to investing in our children's education, the new majority must need a refresher course in basis math because their numbers just do not add up. While school enrollment is expected to grow by 7 percent by 2002, the new majority is proposing a cut in education by 7 percent below 1995 levels.

This means that our schools, as they get more crowded, our teachers will be taking on more and our students will be receiving less; less help in fighting drugs and violence, less help in raising learning standards; and less help in basic reading and math.

Mr. Speaker, this is not the way to take care of our children. It is time for the new majority to get its math right. It is time for a budget that gives our children the tools they need to succeed in the next century.

THE NATURAL DISASTER PROTECTION PARTNERSHIP ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the East Coast is currently being battered by Hurricane Bertha. As we all know, such disasters can occur at any time. The Midwest has been hit by floods in the past. The West Coast has been hit by natural disasters. Since Hurricane Hugo in 1989, the Federal Government has paid out over $67 billion on disaster relief. Insurance companies have also paid out over $33 billion since 1989.

But now, Mr. Speaker, we have a bill that will help out. It is called the Natural Disaster Protection Partnership Act. It forges together Government and private entities to provide geographic areas insurance protection.

This legislation will reduce cost and physical damage from natural disasters by requiring States to adopt improved enforcement of model building codes, and would also provide a grant program, financed by the private sector, to provide badly needed resources to implement preparation and loss reduction strategies.

Mr. Speaker, my colleagues, we should all support this initiative.

SENATE SHOULD FREE THE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is day 2 and the Republican Senate continues to hold the minimum wage hostage. The Republicans are demanding that Medical Savings Accounts be added to health care reform as ransom for its release. MSA's—the Republican payoff to special interests and big donor insurance companies. The same MSA's that Consumers Union has called a time bomb * * * that will make health insurance less accessible and less affordable for many Americans.

Over 80 percent of the American people support a minimum wage increase. Today's LA Times editorial page says:

> An increase in the minimum wage is long overdue. What is clearly resolved in the minds of most Americans . . . is that they want to see work encouraged and appropriately compensated.

But the Republicans would rather hold this legislation hostage to special interests.

I say enough is enough. For the sake of hard-working American families across this country—the Republicans in the Senate must give up their unreasonable demands and free the minimum wage.

PERSONAL ATTACKS DEMEAN THE HOUSE

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I was going to speak this morning on health insurance, but based on the comments of the gentleman from Missouri [Mr. VOLKMER], I think what we ought to do is take another look at ourselves.

We accomplish nothing, we demean the House, we demean each one of us when we use such words as were used by the gentleman from Missouri. I would just tell my colleagues, as a freshman Member of this House, that we do not do anything positive for our country, for our future generations, or for ourselves by vicious personal attacks.

To name someone a dictator is both inappropriate and demeaning to the House. My words would be that we should look at that and say, what are we doing when we do that? We have not put forward anything positive for anybody in terms of our districts, in terms of the American public, by doing so. I would just hope that we would follow an example different than that as we talk in the 1-minutes in the morning.

EDUCATION: THE KEY TO THE AMERICAN DREAM

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, unfortunately today I think my Republican colleagues just do not get it. The fact is that education is the key to the American dream and the key to global competitiveness, but American students are falling behind their foreign counterparts. Enrollment is increasing by 7 percent over the next 6 years, but the Republicans are cutting the budget by 7 percent below 1995 levels. That will not enable us to meet the American Dream.

Let us look at the cuts. They are cutting math and reading assistance for 150,000 disadvantaged students. They are cutting local education assistance by $350 million under the Goals 2000

Program. They cut 15,000 disadvantaged students out of the Head Start Program.

They claim they want to fight drugs, but they cut $25 million out of the Safe and Drug Free Schools Program. They say they want technological advances, but they cut $277 million out of technology programs for schools. They say they want advanced higher education, but they cut direct student loans.

Let us give education the priority it deserves.

TIME TO STOP THE FAKE ADS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, if the people do not wake up, they may have the best labor-union Congress money can buy. The AFL–CIO is doing the dirty work of the liberal Democrats in Congress and of Bill Clinton.

In North Carolina, a right-to-work State, union ads falsely charged that I voted to give myself a congressional pay raise. Of course I just arrived in Congress in 1995, not in 1989, when the last pay raise was voted on.

Next, the right arm of the Democrat National Committee, the AFL–CIO, put ads on the air in Raleigh-Durham saying that my name was Randy, not David. That would be news to my parents.

Then a colleague called me from Nebraska saying that the AFL–CIO attack ad on minimum wage was being shown on television in Omaha, NE, attacking DAVID FUNDERBURK of the Second District of North Carolina. Admittedly, Nebraska starts with "N" like North Carolina, but that is where the similarity ends. And our "Randy" in Congress is from Washington State.

The big boss labor unions of the Democrat party are spending tens of millions to lie, distort and deceive the public so they can buy back a left-wing, union-controlled Congress. It is time to stop the mud and false ads.

REPUBLICANS TARGET EDUCATION AGAIN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate my colleague from North Carolina when he asks to stop the slinging of the mud on the one hand, and not the other.

But, Mr. Speaker, let me talk about education this morning. Did we learn anything last year in Congress? Maybe we need to do more homework on our own. The American people overwhelmingly rejected education cuts last year, and they still do. But the Republicans want to deny education services to hundreds of thousands of children with the bill we have today.

The Labor-HHS-Education appropriations bill cuts education funding $2.6 billion below the level needed to keep up with inflation. Overall education will be cut below fiscal year 1995 levels at the same time school enrollment is going up 7 percent. Education reform funding and Eisenhower teacher training grants are being eliminated. The Republican bill provides $475 million less in title I funding for disadvantaged children than the administration requested.

It is time for the Republicans to listen to the American people and provide the funds for education. It is America's future we are talking about.

AMERICA'S CHILDREN DESERVE BETTER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, while continuing to fund his pet projects around the world, President Clinton has turned his back on the Nation's fight against drugs.

For 3 years this President has made severe staff cuts to drug enforcement agencies, and, of course, drug use among children has skyrocketed. Among 12- and 13-year-olds alone marijuana use has increased 137 percent. One reason is because Mexican drug smugglers have invaded and taken over the Texas border, allowing them to bring marijuana, cocaine, and heroin into our country and to our children at will.

Even the President's drug czar admits we have lost control of the border. President Clinton gave $20 billion to bail out Mexico, but now when we need to protect our own citizens against Mexican drug lords he says wait.

Mr. Speaker, America's children deserve better.

RESTORE EDUCATION CUTS TO RENEW THE AMERICAN DREAM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today the Republicans once again rush to act as the demolition team for the American dream, as they are putting on their jerseys and getting ready to rush out there and unilaterally disarm our children as they prepare to move into the global competitive economy they are going to face in the 21st century. Yes, the Republicans are eagerly awaiting their ability to slash away at education funding.

I personally believe there is no better investment in our future than making sure every American child has a world-class education. I am ashamed when we are willing to add billions for prisons and slash away at education so that America's kids are going to be left holding the debt and no way to pay it off. This is shameful.

I hope everyone today votes for the Obey amendment, which will try to restore these cuts and put America back on line, following the American dream we were all able to follow.

THE CLINTON YEARS: NO END TO WELFARE AS WE KNOW IT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. KELLY. Mr. Speaker, Americans have spent more than $5 trillion trying to end poverty—but throwing more of our Nation's hard-earned tax dollars at the failed programs of the 1960's is not the answer.

Remember in 1992, President Clinton campaigned on the promise to end welfare as we know it. Well, last year, when this Congress sent him a true welfare reform initiative, he vetoed it.

Then, on May 18, the President reaffirmed his desire for reform, by endorsing the welfare initiatives proposed by Wisconsin Governor Thompson.

In fact, President Clinton said, "Welfare does not have to be a partisan issue. Wisconsin has the makings of a solid, bold plan, and we should get it done."

Well, this Congress, has gotten it done. The waivers that Wisconsin needs to implement its program have been sitting on the President's desk for weeks, waiting for his approval.

Eighteen other States are also waiting for waivers to curb poverty in their communities. And according to HHS, they will wait at least 210 days, just for the initial review.

Mr. Speaker, the President has gotten one thing right about welfare reform—it shouldn't be about politics. This Congress believes it should be about giving people a hand-up, and the American people agree with us. It's time President Clinton stopped talking, and start delivering on his promises.

Where is your pen, Mr. President? The country needs welfare reform.

THE SPECULATORS VERSUS THE PEOPLE

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, it is the speculators versus the people. The bear is on Wall Street. A good example of what is happening to this country occurred last Friday when the country received good news: Unemployment had dropped to 5.3 percent; a quarter of a million new people were added to the payrolls in America; the average hourly wage, biggest increase in 1 month in recorded history, 9 cents in that 1 month. And what happens on Wall Street? Pandemonium breaks loose. The Dow Jones average goes down 114 points, 30-year Treasury bonds leap a quarter of a point.

The bears on Wall Street make their living by betting on the next Federal Reserve decision. The Federal Reserve needs to hold the line on interest rates so that we can have true welfare reform, so we do not lock in 5 to 6 million people on unemployment because of decisions that are made to benefit speculators in this country.

WISCONSIN IS WAITING FOR WAIVER ON WELFARE

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, on May 18, President Clinton went on national radio and called Wisconsin Works a solid, bold welfare reform proposal. Several days later he repeated the same line in the State of Wisconsin. When Governor Thompson submitted Wisconsin's bold welfare program to the bureaucrats here in Washington, they said they needed 1 month to review it. Guess what. One month expired yesterday, and we are not in month No. 2. In Wisconsin we have a rather simple idea. We think you should replace welfare with work.

How much longer will we have to wait for the bureaucrats in Washington to give us their stamp of approval to finally put in place what the President called a solid, bold welfare reform plan. Am I optimistic that the approvals just around the corner will consider this fact? There are 28 welfare waiver applications currently pending from 19 different States, some dating back almost 3 years. Mr. Speaker, how long will the State of Wisconsin have to wait? One more month? Three more months? One more year? Three more years?

Mr. Speaker, we should ask the President, where is the waiver application the State of Wisconsin needs for its bold welfare reform proposal?

MINIMUM WAGE IS A MORAL ISSUE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my Republican colleagues to stop blocking action on the minimum wage. I have said it before and I will say it again here today: Raising the minimum wage is not just an economic issue, it is a moral issue; it is the right thing to do.

The Republicans in this House tried to block an increase in the minimum wage and failed. The Republicans in the Senate tried to block it and failed. Having lost on the floor, Republicans now are holding the minimum wage hostage. The Republicans in Congress will do anything to deny hard-working people a small raise.

Mr. Speaker, Mr. Majority Leader, I know you vowed to fight an increase in the minimum wage with every fiber in your being, but you cannot fight the will of the American people forever.

One thing is for sure, come November, working people will remember.

WELFARE REFORM

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, again, President Bill Clinton has dropped the ball on welfare reform. During his 1992 campaign, Bill Clinton promised to end welfare as we known it. But when given the opportunity, Bill Clinton broke his promise—he vetoed welfare reform, not once, but twice.

Thirty days ago, Bill Clinton promised to take action on Wisconsin's welfare waiver request. Well, the 30 days are up, and again we see that Bill Clinton cannot be trusted to keep his word. Again, he has broken his promises and again he has done nothing about one of the most pressing problems in this country.

Mr. Speaker, what is it going to take? Why can't Bill Clinton keep his promises?

Millions of Americans are stuck in a cycle of welfare dependence and poverty, and all the White House can do is worry about its poll numbers and play partisan political games. Bill Clinton should keep his promise to reform welfare and finally begin showing leadership.

SAFE DRINKING WATER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise an extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Republicans seem to be obsessed with this welfare business but there are some issues that are much bigger than welfare. Clean drinking water in this country is something that everybody needs, whether you are Republican or Democrat.

The front page of the Washington Post has a story that you cannot drink the water in Washington, DC.

Now, if you look at USA Today they are talking about Washington State and the problems with drinking water there.

Yet this House dawdles and does not appoint the conferees to deal with the Safe Drinking Water Act. Now, it is amazing to me that you can sit here and talk about some welfare waiver when, in fact, this city, the capital of the United States, the most powerful country in the world, if you come to my office or come to the Speaker's office or any other office, they will not get you a glass of water from the tap.

Every one of us drinks bottled water in this building. You go in those Cloakrooms, both sides, you have bottled water.

The American people are entitled to safe drinking water. Appoint the conferees, Mr. Speaker.

CLINTON ADMINISTRATION ECONOMIC POLICY EFFECTS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, many Americans feel that under the Clinton administration economic policies, they are worse off. The reason why they feel that way is because they are worse off.

Under Clinton administration economic policies, real median family income has had a zero annual growth rate. That compares with a 1.7-percent annual growth rate between 1983 and 1989.

Under Clinton administration policies, wages and salaries declined by 2.3 percent between March 1994 and March 1995, the largest drop on record in the post World War II era. Under Clinton administration policies, real average weekly earnings fell in 1995 by three-tenths of 1 percent. Under Clinton administration policies, the median household has lost eight-tenths of 1 percent of their purchasing power.

The Nation has seen the GDP grow at 1.4 percent. That is one-third of the economic growth during the Reagan years.

Under Clinton, had normal recovery circumstances applied, 11.2 million jobs would have been created. Clinton only got 7.7 million jobs. We have had a bad economic performance under this President.

STRIKING THE ERGONOMIC RIDER

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, later this morning the House will vote on my amendment to the Labor, HHS bill which would strike the extreme rider which ties OSHA's hands on reptitive motion injuries and prohibits them from even developing voluntary guidelines.

This extreme rider prohibits even, as I say, voluntarily guidelines requested by many concerned businesses and would prohibit the collection of data on the frequency of such injuries.

Mr. Speaker, repetitive stress injuries are the fastest growing health problem in the American workplace. This year 2.7 million workers will file workers compensation claims for repetitive motion injuries costing Americans employers at least $20 billion. Nonetheless, OSHA would be prohibited from even answering questions about how to prevent these injuries.

Adopting my reasonable amendment would help businesses reduce their workers compensation costs, reduce injuries to the American worker and increase U.S. productivity in the workplace. I urge my colleagues to support my amendment on ergonomics.

BOB DOLE'S AMERICA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, what is Bob Dole thinking? What is his vision for America?

The answers to those questions are slowly coming out.

First, we are told that America is a place where cigarette smoking is not addictive. He lectures all of America and experts like C. Everett Koop on the issue and says he opposes President Clinton's efforts to take cigarettes out of the hands of our young people.

Now we are told that the Brady bill was not a good idea and that he would repeal the law's reasonable 5-day waiting period. That should not be a big surprise, because he led the fight against the law as the Senate Republican leader. This comes at a time when President Clinton is leading the fight to end gun killing violence. He announced a program this week to disarm America's kids.

The visions of the two candidates is clear and distinctly different. Bill Clinton sees America where our children are healthier and safer. Bob Dole sees an America where kids have a nonaddicting cigarette in one hand and a pistol in the other. Lucky for us that kids do not have three hands. What's next, Bob Dole?

WISCONSIN WELFARE REFORM

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I just thought I would take 1 minute because I do have a revelation here. When I was a kid going to school, the Jesuits used to say that not even God can square a circle. There are some things that God cannot do.

I got a really nice letter from the President in Wisconsin in regard to the Wisconsin reform plan. And the President said, and I quote, "I am pleased that you have joined me in expressing support for Wisconsin's effort to reform welfare." But then he went on to say, "but we are currently reviewing the State's waiver request and we look forward to possibly, you know, getting it done." He says, getting it done.

And on one hand he is for the program and on the other hand he is against the program. I cannot quite figure this out. So I got news for the Jesuits: God may not be able to square a circle, but I think Bill Clinton can.

I want to be fair with the President. Let us ask the President to give Wisconsin their waivers so we can move forward with this Wisconsin reform plan.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3396) to define and protect the institution of marriage. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 474 is a straightforward resolution. The proposed rule is a modified closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

After general debate the bill shall be considered under the 5-minute rule and shall be considered as read. The proposed rule provides for two amendments to be offered by the ranking member of the Subcommittee on the Constitution, the gentleman from Massachusetts [Mr. FRANK]. The first amendment made in order under the rule is an amendment to strike section 3 of H.R. 3396. This amendment is debatable for 75 minutes. The second amendment made in order under the rule is an amendment to suspend the Federal definition of marriage under certain circumstances.

The Committee on Rules recognized that these two amendments go to the core of the bill, and by making them in order the committee ensures that full consideration will be given to the important issues raised by this legislation.

Finally, the proposed rule provides for one motion to recommit with or without instructions. Mr. Speaker, the Committee on Rules reported House Resolution 474 out by unanimous voice vote.

Mr. Speaker, H.R. 3396, the Defense of Marriage Act, consists of two provisions which will protect the rights of the various States and the Federal Government to make their own policy determinations as to whether same-sex marriages should be recognized in their respective jurisdictions. Section 2 of the bill clarifies that no State need give effect to a marriage recognized by another State if the marriage involves two persons of the same sex. It does not prevent a State from giving effect to such a marriage, nor does it prevent a State from making its own determination for purposes of its State law.

Section 3 ensures that the traditional meaning of marriage, the legal union between one man and one woman as husband and wife, will be the meaning used in construing Federal laws.

Mr. Speaker, it is my understanding that H.R. 3396 has considerable bipartisan support. In fact, President Clinton will sign this bill in its current form. I believe that H.R. 3396 advanced that interest. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I insert the following extraneous material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	77	60
Structured/Modified Closed[3]	49	47	35	27
Closed[4]	9	9	17	13
Total	104	100	129	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. McINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Colorado, Mr. McINNIS for yielding me the customary half hour.

Mr. Speaker, this is a very difficult, very emotional issue and, my personal opinions aside, I do not believe it belongs on the floor of the House of Representatives today.

This issues makes a tremendous amount of people extremely uncomfortable; it divides our country when we should be brought together; and frankly, it appears to be a political attempt to sling arrows at President Clinton.

But, my Republican colleagues have decided to bring this issue up, and unfortunately for the country, here it is.

Mr. Speaker, it is a shame that my Republican colleagues are bringing up this bill instead of tackling the mountains and mountains of work awaiting them. This Congress has yet to finish five appropriations bills; this country is waiting for the bipartisan Kennedy-Kassebaum health care bill; and a long-overdue minimum wage increase. But what are my Republican colleagues doing?

This week they are doing this bill.

Mr. Speaker, this is not what the country wants and I am sorry to see that my Republican colleagues are wasting precious floor time on their political agenda with complete disregard for the needs of working Americans and congressional responsibilities for Federal spending.

But, Mr. Speaker, the rule for this bill not as unfair as other rules we have seen this year.

It will allow for 1 hour of general debate, of which the Democrats get half, it makes in order two Democratic amendments by Mr. FRANK, and it gives the Democrats the time requested on these two amendments.

My Republican colleagues did not make in order an amendment by Representative SCHROEDER to exclude from the Federal definition of marriage any subsequent marriage unless the prior marriage was terminated on fault grounds.

They also did not make an amendment in order by Representatives JOHNSON and HOBSON to provide for a GAO study of the differences in benefits in a marriage and a domestic partnership.

But, there is adequate time for debate of this issue during general debate and debate on the amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is very important to distinguish a couple of remarks made by my friend, the gentleman from Massachusetts. The gentleman from Massachusetts says that this Protection of Marriage Act is not what this county wants. I take issue with that. I think this is exactly what this country wants. This country is demanding that the tradition of marriage be upheld. What this country does not want is for one State out of 50 States, that is, specifically the State of Hawaii, to be able to mandate its wishes upon every other State in the Union.

What this bill does is it allows every State to make their own individual decision. So if the State of Wyoming wants to make their decision, they can make their decision. Texas can make its decision. Colorado can make its decision. But they have the freedom to make that decision; it is not mandated upon them by a court, a supreme court in the State of Hawaii.

I think it is particularly important to take a look at the traditional marriage, and we are going to have plenty of time to debate that. If we look at any definition, whether it is Black's Law Dictionary, whether it is Webster's Dictionary, a marriage is defined as union between a man and a woman, and that should be upheld, and there is no reason to be ashamed of that tradition. It is a long-held tradition. It is a basic foundation of this country, and this Congress should respect that.

Finally, I think it is important, Mr. Speaker, to address a couple of other issues. First of all, in regard to the Schroeder amendment, which was not allowed by the Committee on Rules, that amendment is clearly, in my opinion, a delusion, it is a diversion. It is not focused on the key issue which is important here, and that is, should one State be able to mandate on every other State in the Union a requirement that those States recognize same sex marriage?

Now, in regard to the gentleman's comment about the Johnson amendment: The Johnson amendment would put in the statute a requirement that the General Accounting Office do a study. It does not require a mandate by statute. In fact, the chairman of the committee, the gentleman from Illinois [Mr. HYDE], said that he would write a letter requesting that study. Every Member of the U.S. Congress has that right to request that study be made. There is no reason to put that in statute.

Again I think it is a delusion, I think it is a diversion from the topic at hand, from the issue that we have got to look at, and that is where our focus ought to be.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just cannot think why we could not be talking about getting the water cleaned up in this country right now, why we could not be getting the Kennedy-Kassebaum health bill before us right now, why we could not get the minimum wage.

The matter before us today, nothing is going to happen for at least 2 years. People are going to be dying very shortly if we do not clean up our water. People are going to be dying unless we get adequate health care. People are going to be starving in the streets unless we do not raise our minimum wage.

So I think the gentleman from Colorado [Mr. MCINNIS] may have got his items a little out of priority, out of whack.

Mr. Speaker, I yield 5 minutes to the honorable gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member on the Subcommittee on Courts and Intellectual Property.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me.

I want to say I think that this bill and bringing it up today is an absolute outrage. If my colleagues think there is not enough hate and polarization in America, then they are going to love this bill because this just trying to throw some more gasoline on political fires people are trying to light this year, and that is not what we need. The State of Hawaii is years away from taking final action. Meanwhile the gentleman from Massachusetts is right: We cannot drink the water in the capital city of this great Nation.

So we got to deal today with something that might, might, happen years from now, but we cannot deal with the water issue today? Now, something is wrong with that.

We are also saying what this bill basically says is that there is a tremendous threat to marriage if two people of the same sex stand up and vow commitment to each other, that if they do that, then my marriage is being threatened. I do not think so. I belong in the marriage hall of fame. I have been married for 34 years. I have never felt threatened by that issue.

In over 200 years this Congress has never gotten into the definition of marriage because we have left it to the States. What we are saying today is even if States vote unanimously to allow this type of marriage, the Federal Government will not recognize it. This is unique, this is different, and I really am troubled by that.

But I had an amendment that said, "If you want to defend marriage, I'm going to tell you what I see wrong with marriage. It is the fact that we have let people crawl out of marriages like they crawl—a snake crawls out of its skin and never deal with economic consequences."

So I had an amendment saying, "The real defense of marriage would be to say at the Federal level you don't give benefits to the next marriage until the person who left that marriage has dealt with the first one in a property settlement based on fault."

That would save us gazillions of dollars in welfare and child support and all sorts of things because we say we are defending marriage. But we know the traditional way this has been done is that people move to the Federal dole because we do not want to go tap the person on the shoulder and say, "You have responsibility for that family you just left. You cannot just shed them and throw them on the taxpayers' roll."

But, no, no, they do not want to take up my amendment. That is a diversion, they say. That is delusion.

It is not diversion, it is not delusion. It is absolutely to the point of this bill. It was not ruled out of order. So what happened? The Committee on Rules said, oh, "No, we cannot take that up." Why? Because this is a political ruse. This is not about really protecting marriage and the things that have caused this great institution of marriage to crack.

Now, I feel very strongly that if we are going to make marriage work, we should be really valuing adults, taking responsibility for each other. That is very hard for anybody to do any more. This country is getting straight A's in fear of commitment. Most people do not want anything but maybe a cat. So if there are two individuals and they are willing to make a commitment to each other under the civil law of a State and a State decides to recognize it, what right does the Federal Government have to say, no, they cannot do that?

What we? Are we not human beings? Do we not respect each other? Should we not really be doing everything we can to try and take care of each other as our brother's keepers, as our sister's keepers? Taking care of children?

I am shocked that my amendment was not allowed, terribly shocked, because if nothing else, it protects the most innocent victim of throwaway marriages, and that is children.

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Children have been cast off and thrown away, and people do not want to take responsibility for them and say, "I am going to have a new family."

To me, Mr. Speaker, my amendment goes to the core of the defense of marriage. If we really want to defend marriage in this country, then say to people, when you make that commitment you have to mean that commitment. And even if you want to leave that commitment, you may be able to leave it physically, but you cannot shed it economically. You still have economic responsibility.

That is why I say this bill is absolutely nothing but a wedge issue. We are building the platform for Candidate

Dole to stand on in San Diego. We are out trying to make candidates spend a million dollars defending this issue when we are not talking about the debt, when we are not talking about clean water, when we are not talking about all the real issues. I urge a no on this rule.

Mr. McINNIS. Mr. speaker, I yield myself such time as I may consume.

Let me point out first of all, Mr. Speaker, that the amendment of the gentlewoman from Colorado in committee was turned down 22 to 3, 22 to 3.

Second of all, I think an interesting situation here, the gentlewoman, the preceding speaker, is from the State of Colorado. As Members know, I am from the State of Colorado. The gentlewoman from Colorado supports same-sex marriage. The gentleman from Colorado opposes same-sex marriage. That is a debate that ought to be carried out within the confines of the State of Colorado.

Neither the gentlewoman from Colorado nor the gentleman from Colorado ought to have their debate determined by the Supreme Court in the State of Hawaii. The gentlewoman is very capable of carrying forward this debate within Colorado, as I feel that I am, too. We ought to carry that out, not the people of Hawaii. That is a decision for the people of Colorado or for the people of Wyoming or for the people of New York.

Second of all, I think it is important to highlight the President's comments. At the very beginning, I believe that the gentlewoman from Colorado made the comment that she is shocked that we are bringing this type of bill to the floor. Let me say the President's comments, of whom I find the gentlewoman from Colorado in constant support, the President, through his press secretary says, "The President believes this is a time when there is a need to do things to strengthen the American family, and that is why he has taken this position in opposition to same-sex marriage."

This is an issue that becomes very relevant the minute the Hawaii Supreme court issues its decision. In addition, it is also very relevant because of the implications it has to the Federal Government on benefits that are entitled to spouses. So there are three keys we really need to look at: First, what will the Federal Government be obligated to as far as tax-funded dollars by same-sex marriages; second, what are States' rights? Why should not the States exercise their individual rights? The third point is the traditional definition of marriage.

I for one have no shame, have no bashfulness, in standing in front of the U.S. House and saying I do not support same-sex marriages. I believe that the tradition of marriage, as recognized between one man and one woman, not one man and five women, not one man and one man or one woman and one woman, but one man and one woman, should be continued to be recognized as a tradition which is basic to the foundation of this country.

Mr. Speaker, I yield 5 minutes to the fine gentleman from the State of California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I speak to a specific point, the constitutionality of what we do today, because the issue had been raised. I begin with drawing my colleagues' attention to Article 4, Section 1: "Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State." But I urge my colleagues to read to the second sentence of that section: "And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved and the Effect thereof."

The second sentence of that provision of the Constitution is quite important to understand the constitutionality of the bill we debate today, because whereas the general rule is that full faith and credit is to be given to the acts, records, and judicial proceedings of every other State, an exception is created if Congress chooses by general law, as opposed to a specific law to a specific contract, by general law to prescribe the manner in which such records and proceedings are proved, and the effect thereof. I emphasize the second phrase, "The effect thereof."

A leading treatise on the field of constitutional law, the Library of Congress' own contracted work, the annotated Constitution, at page 870, refers to this power in the context of divorce, not marriage; we do not have any quotation from this source on marriage. But on divorce they say, "Congress has the power under the clause to decree the effect that the statutes of one State shall have in other States."

This being so, it does not seem extravagant to argue that Congress may under the clause describe a certain type of divorce and say it shall be granted recognition throughout the Union and that no other kind shall." "And that no other kind shall," establishing, I think quite clearly, what the phrases of the Constitution suggest: that Congress has the constitutional authority to establish exceptions to the general full faith and credit clause.

Has Congress used this authority? Yes, it has, quite recently, in a very related context. In 1980 the Congress adopted section 1738(a) of title 28, which provided that "Whereas child custody determinations made by the State where the divorce took place generally are applied in all other States, not so if the couple moved to another State." And Congress said that the second State did not have to abide by the child custody determinations of the first State where the couple moved to the second State, an explicit use of this second sentence of article 5, section 1, power in the Congress.

Then most recently, in 1994, in section 1738(b) of the same title, Congress once again established that rule for child support orders. We have, thus, a rather clear example of power explicitly in the Constitution, recognized by treaties, and used as recently as last year.

The advisability of this bill shall be debated. My purpose this morning was to speak to its constitutionality. Mr. Speaker, there is no doubt as to its constitutionality.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Honolulu, HI [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I would ask the gentleman from Colorado, inasmuch as he continues to invoke the name of Hawaii, to at least try to be accurate. I understand the gentleman has his political duty that he is going to do today here, at least as he conceives it. I do not object to that. I do object to his, I must say, making statements like "Hawaii mandating its wishes on the rest of the Nation"; his constant invocation of what Hawaii intends to do or not do.

I daresay that there are not five people in this House of Representatives that have the slightest clue as to what is taking place legislatively or judicially or personally in Hawaii with respect to this issue. I can tell the Members that the individuals involved are constituents of mine, two of whom I know personally.

I know that the kind of rhetoric that has been utilized with respect to this issue does not reflect either their wishes or their motivations. I find it at best a question that needs to be answered as to our definition with respect to marriage. I will not use the word hypocritical, but I think others might certainly question the motivation of people who want to define marriage when this Defense of Marriage Act might better be characterized as defense of marriages.

If we intend to say that marriage, and we are writing a national marriage law, which is what we want to do here, is between one man and one women, does that mean that we will now write a national divorce law? Because I understand some of the people who are sponsoring this bill are on their second or third marriages. I wonder which one they are defending.

I do not object to that. I think people are entitled to make their private relationships what they will and to seek such happiness in this life as they are able to achieve, but I think that when we move into the area of the private relationships of other people, that we at least ought to show some respect for the human context.

When the gentleman from Colorado and others speak so glibly of Hawaii and the people who are involved in the legal proceedings there, they forget these are human beings, some human beings that I know personally. All they are trying to do is conduct their lives as reasonable, sober, responsible people seeking their measure of happiness and tranquility in this life, and to try to bring as much as they can into their lives of the values that we cherish in Hawaii, of kindness and responsibility.

Mr. Speaker, amendments will be offered to this bill, because this is more than the defense of marriage. It also gets into the question of benefits. We contend and I certainly contend that nothing that is proceeding today in Hawaii and in the courts of Hawaii affects in any way what any other State does. It is quite clear, and I can cite at great length, and I do not have the time obviously now, the fact that other States are able to establish already what they recognize or do not recognize with respect to marriage.

The full faith and credit clause has been invoked in our Nation's history very few times, less than half a dozen times, and it involves the custody of children, the protection of children, the interstate capacity to enforce child support laws. That is the kind of thing we have dealt with, serious issues.

I do not doubt that it is a serious issue for individuals here as to what constitutes marriage, but to try to utilize Hawaii for some political agenda having to do with, I guess, the elections in November is something that I find nothing less than reprehensible. We can define marriage any way we want in the States right now. This bill has nothing to do with that. Hawaii certainly is not challenging it.

In fact, I would like to hear from the gentleman from Colorado or anybody else any indication that the State of Hawaii has ever indicated in any way, shape, or form that it intends to, as the gentleman put it, mandate its wishes on the rest of the Nation. I do not think this is the case, and I do not think this is the bill to do this kind of thing, and certainly not to malign Hawaii in the process.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, in regard to the gentleman from Hawaii, there certainly will be a mandate or an attempt to mandate upon every State in the Union any decision that comes out of the Hawaiian Supreme Court allowing same-sex marriage.

Second of all, the gentleman from Hawaii starts out by, in my opinion, lecturing the gentleman from Colorado about the State of Hawaii and where do these comments come from. Let me quote from a gentleman from the State of Hawaii who represents the State of Hawaii in the State House of Hawaii. The gentleman is State representative Terrance Tom, who testified before the committee here.

Let me quote: "I do know this: No single individual, no matter how wise or learned in the law, should be invested with the power to overturn fundamental social policies against the will of the people.

"If this Congress can act to preserve the will of the people as expressed through their elected representatives, it has a duty to do so. If inaction by the United States Congress runs the risk that a single judge in Hawaii may redefine the scope of Federal legislation, as well as legislation throughout the other 49 States, failure to act is a dereliction of the responsibility you were invested with by the voters."

This is not politics. This is clearly, if we fail to act in this body, as stated by the gentleman from the State of Hawaii, "It is a dereliction of responsibility you," referring to the U.S. Congress, "were invested with by the voters."

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, you need to duck in here today. The red herrings are flying fast and furious. We hear about clean water and we hear about minimum wage and we hear about amendments that were defeated by overwhelming votes in committee, and it being outrageous that those amendments are not before us today. We hear about politics.

We hear about all sorts of things from the other side, when the fact of the matter is, Mr. Speaker, let us do away with the red herrings, let us put aside the smoke and look at what we have. We have a basic institution, an institution basic not only to this country's foundation and to its survival but to every Western civilization, under direct assault by homosexual extremists all across this country, not just in Hawaii.

This is an issue, Mr. Speaker, that has arisen in a bipartisan manner, as the gentleman from Colorado has already stated. President Clinton said he supports this legislation and would sign it. I would also point out that our colleagues on the other side, this is not a Republican proposal, it is a proposal that enjoys bipartisan support. Just look at the list of cosponsors, both original cosponsors and subsequent cosponsors, and Members will find people from both parties who support this. The reason they do support it is because it is not a partisan issue. This is an issue that transcends partisan lines. It goes to the heart of a fundamental institution in this country, and that is marriage.

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Mr. Speaker, this issue is not one invented by anybody who is a cosponsor of this bill. It was not invented by anybody in this Congress. It is an issue that is being forced on us directly by assault by the homosexual extremists to attack the institution of marriage. One has to look no further than the words of some of their organizations themselves, such as the Lambda Defense Fund. This is part of a concerted effort going back many years and now poised, at least in the State of Hawaii, for success from their standpoint.

The learned gentleman from Hawaii took issue with any of us who might claim to know something about what is going on in Hawaii as if we did not. Well, in fact we do. One of the reasons we do know a little bit about what is going on in Hawaii is the fact that one of the persons we heard from in the Judiciary Committee, the subcommittee, was Hawaiian State Representative Terrance Tom, chairman of the Hawaiian House Judiciary Committee. He said that the Supreme Court's ruling in Hawaii has been met with very strong resistance on the part of the Hawaiian public and public opinion and their elected representatives.

He went on to explain in some detail the background as to why this legislation that he was testifying in behalf of in the Congress was important to him and to other people in Hawaii. We do not purport to know certainly as much as the learned representative from Hawaii but we do know a little bit about what is going on out there.

The legislation that is before this body today is a reaction to what is being forced on this country. It is very limited legislation. It goes no further than is absolutely essential to meet the very terms of the assault itself. It simply limits itself to providing, as the Constitution clearly and explicitly foresaw in the full faith and credit clause, that we exercise that power to define the scope of full faith and credit, and it also goes no further than simply fulfilling our responsibility in this body to define the scope of marriage as with other relationships and institutions that fall into the jurisdiction of Federal law, to define it, that for purposes of Federal law only, marriage means the union between a man and a woman.

One of the most astounding things that I heard was in our committee, one member indicating that he did not really know the difference for legal purposes between a man and a woman or between a male and a female. I daresay, Mr. Speaker, that we all know that. And the fact of the matter is that marriage throughout the entire history of not only our civilization but Western civilization has meant the legal union between one man and one woman. For us to now be poised as a country, and this is an issue that will be presented, to sweep that away would be outrageous. The American people demand this legislation.

Mr. Speaker, this legislation is necessary, it is essential, it is limited in scope, and it addresses the legal issues that properly fall within the ambit of congressional authority. It goes no further than is necessary to meet this challenge, but the challenge is there, and the challenge must be met. If we were to succumb to the homosexual extremist agenda on the other side, and this is part of a plan, then we would be the first country to do so. Not even the very liberal socialist economies of Europe or the countries of Europe have done this. No country in the world recognizes homosexual marriages as the full legal equivalent of heterosexual marriage.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Palm Beach, FL [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, let me preface my remarks that yesterday I celebrated my 42d wedding anniversary with my first and only wife. I have two children and four grandchildren that I am very proud of.

Mr. Speaker, I really have to say that we should be embarrassed today to consider this legislation. Of all the pressing needs facing our country, the leadership has chosen to focus on this, the so-called Defense of Marriage Act.

Defending our country against enemies is certainly important, as is defending our children against poverty and ignorance. Defending the elderly against neglect is important, as is defending our families against crime and criminals. But defending marriage? Get real. Defending marriage against what? Against whom? We are wasting precious time here.

Mr. Speaker, this legislation denigrates the House of Representatives. What this bill lacks in substance and import, it makes up for in shameless politics. Demonizing Communist countries, welfare mothers, or immigrants is now old news. So the demon du jour is gays.

I do not doubt the sincerity of those Americans who truly fear the notion of gay marriage. But the institution of marriage is not in jeopardy because some choose to associate with the benefits and the obligations of marriage. We as Members of Congress have a duty to educate, to enlighten, and push for a society that does not punish people because they are different. We are here to lead our constituents, not leave them behind.

The possibility that gays may marry must rank pretty low among the problems and the difficulties facing American families today. Everyone knows that the only true threat to marriage comes from within. Let us focus on the real problems this election year and do our constituents a real favor. They just might appreciate it.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Embarrassed? The preceding speaker says we should be embarrassed because we are talking about marriage on this House floor. Let me say to every one of my colleagues, I am not embarrassed by defending the traditional recognition of marriage. I would like to quote from a friend of mine, Bill Bennett:

> The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce, and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization.

The issue is very simple here. No. 1, the rule that we are discussing today is a very fair rule. In fact, the gentleman from Massachusetts, who has just asked for a request to yield, is going to have lots of time in the following hour because the Rules Committee has allowed two of his amendments to be debated on the floor. It will be a very healthy and good debate for all of us.

No. 2, the bill is very clear in what it does. It does the following:

First, it confirms the tradition of marriage as this country and every other country in the world recognizes. That is, a union between one man and one woman. Second, it preserves the States rights, so that one State, like the Supreme Court of the State of Hawaii, cannot mandate upon another State their interpretation of what marriage should be. And, third, it preserves the ability for the Federal Government not to be obligated to a particular State that may choose to recognize same sex marriage.

With that, Mr. Speaker, I yield 3½ minutes to the fine gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I would just like to say, as I have said many times, that the family is the cornerstone, in fact the foundation of our society, and at the core of that foundation is the institution of marriage.

Mr. Speaker, there have been many that have come and said already this morning, does Congress not have more important things to do? I would say, Mr. Speaker, that there is absolutely nothing that we do that is more important than protecting our families and protecting the institution of marriage.

I have said, too, that this current situation that is taking place in Hawaii, where the Supreme Court is about to rule that same sex marriages are in order, is a frontal assault on the institution of marriage and, if successful, will demolish the institution in and of itself with that redefinition.

How can we possibly, once we begin to redrew the border, the playing field of the institution of marriage to say it also includes two men, or two women, how can we stop there and say it should not also include two men and one woman, or three men, four men, or an adult and a child? If they love one another, what would be the problem with that? As long as we are going to expand the definition of what marriage is, why stop there? Logically there would be no reasonable stopping place.

Another thing that I would like to address is that there have been many who have said that we are doing this for political reasons. What political gain is there for Republicans or Democrats when the President has already endorsed this very bill? He has said he will sign it. This is not a wedge issue. This is not a line of distinction between one Presidential candidate and another. The President has said he will sign it. We just simply have to do the right thing and pass it today.

Many are asking, why do we need the Defense of Marriage Act? Quite simply, the legal ramifications of what the State court of Hawaii is about to do cannot be ignored. If the State court in Hawaii legalizes same-sex marriage, homosexual couples from other States around the country will fly to Hawaii and marry. These same couples will then go back to their respective States and argue that the full faith and credit clause of the U.S. Constitution requires their home State to recognize their union as a marriage.

We in Congress can prevent confusion and litigation in 49 States by passing this modest bill. The legislation does two things, simply: First, it allows States to decide for themselves if they will recognize same-sex unions as marriages. Each State can affirmatively embrace either same-sex marriages or refuse to recognize Hawaiian same-sex marriages. This provision respects each State's historical power to establish conditions for entering into a legal marriage.

Second, the bill defines for Federal purposes marriage as the legal union of a man and woman as husband and wife, and spouse as a husband or wife of the opposite sex.

Let me just conclude by saying, Mr. Speaker, that as a concerned father and observer of our culture, I wonder what marriage and child-rearing will be like for my own grandchildren. Destroying the exclusive territory of marriage to achieve a political end will not provide homosexuals with the real benefits of marriage, but it may eventually be the final blow to the American family. Now, more than ever, the institution of the family needs to be protected, promoted, and preserved.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York City [Mr. NADLER].

Mr. NADLER. Mr. Speaker, marriage does not need defense from Congress. Two gay people applying for the benefits and the obligations of marriage should stay together their whole life, that does not threaten a marriage. If your marriage is threatened, it may be because you have lost your job and cannot provide for your family. It may be because of emotional reasons. Congress is not going to save your marriage. If your marriage is not threatened, you do not need Congress to intervene. I will talk about that later.

What I want to say now is that this bill is a fraud from beginning to end. It is a fraud. It purports to do two things: It is going to save the other States from having to go along with same sex marriages if and when Hawaii does so. No; it will not.

First of all under the full faith and credit clause of the Constitution, the Supreme Court has always recognized the public policy exception. If one State recognizes 12-year-old marriages and New York chooses not to, New York does not have to recognize a marriage of 12-year-olds if they get married in one State and move to New York, and so forth. If Hawaii chooses to recognize same sex marriages and Colorado or New Jersey has a policy against same sex marriages, they will not be forced to recognize it under the existing Constitution and the existing law. If they were, if the Supreme Court read the full faith and credit clause differently than it does, this could not stop it because you cannot amend the Constitution by a statute. So this bill is unnecessary for that purpose and were it necessary it would be ineffective.

But the second clause of the bill is the really pernicious clause because the first clause, save all the States from Hawaii, does nothing at all. It does nothing. It is a fraud to talk about it, a fraud on the American people.

The second part of the bill is that assault on States rights which we keep hearing from the gentleman from Colorado and others as sacrosanct, this bill is going to defend States rights, nonsense. What this bill says in the second clause is that if Colorado or New York or Hawaii or New Jersey or any State chooses whether by judicial fiat or by action of its legislature or by public referendum of its people to recognize same sex marriages, the Federal Government will not recognize those marriages for purposes of Social Security or Veterans' Administration benefits or pensions or tax benefits or anything else. We will say to a State, "Do what you want, we won't recognize what you do because Congress knows better."

Mr. Speaker, marriage and divorce has always been a State matter, never to be tampered with by Congress or by the Federal Government. Why start down that road now? And if we start down that road now, we will continue. This is not States rights. This is Federal invasion.

□ 1130

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, welcome to the campaign headquarters for the radical right. You see, knowing that the American people overwhelmingly rejected their deep cuts in Medicare and education, their antifamily agenda and their assault on our environment, the radical right went mucking around in search of an election-year ploy to divide our country. Not only does the Defense of Marriage Act trample over the Constitution, it flies in the face of everything the new majority supposedly supports when it comes to States rights and to determining marriage law.

Let us not be pawns. Let us not be pawns of the radical right. Let us not turn the floor of the House of Representatives into a political convention for extremists. Let us not take part in this assault on lesbian and gay Americans and their families. Instead, let us defeat the rule on this mean-spirited bill.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] has 8½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill. The Republican leadership of this Congress should be ashamed of itself. This bill is nothing more than a publicity stunt. Despite the rhetoric we have heard today in this Hall and the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking gay men and lesbians. No matter who is being attacked, discrimination is discrimination, and it is wrong.

You know, I have never been called by any constituent, by anyone to complain to me that they want me to defend their marriage. If we want to have a debate about defending American marriages and American families, let us talk about the real issues affecting American families. Let us talk about the rising cost of college education. Let us talk about the ability to get health insurance, to afford health insurance, to keep health insurance for our children. Let us talk about raising the minimum wage. That is the way we strengthen our families, by looking at the real issues and taking responsible action to solve them.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, how interesting it is that President Clinton now is being labeled with the radical right or that some of the Democrats, and there are going to be a number of Democrats who vote for this bill, being labeled, as they should be apparently, ashamed of themselves or extremists. These are not extremists. This is a long-held American tradition and not just an American tradition. It is a tradition held in every country in this world. It is a tradition we ought to uphold.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I rise in strong support of this act. The impending recognition of same-sex marriages in Hawaii is what is bringing it to the floor. The suggestion that somehow this is political or this is campaign rhetoric or campaign tactics, which I heard in the subcommittee, I heard again at the full committee, is simply not the case.

As I will mention later, if anything, it is about the last thing that I or my colleagues on that subcommittee or on the Committee on the Judiciary want to get involved with. It is something that frankly no one wants to touch with a 10-foot pole, certainly not me. The fact is that the impending recognition of same-sex marriages in Hawaii has raised the probability that all other States in the United States of America are going to be compelled to recognize and to enforce the Hawaii marriage contract under the full faith and credit clause of the U.S. Constitution. That has very far-reaching implications, both fiscally as well as socially for the State of Ohio.

For example, if two individuals of the same gender obtain a marriage license in Hawaii and then move to Ohio, the State of Ohio would have to honor that marriage license. The people of Ohio would have no say in the matter. The fact is that there is some question about that. It is not absolutely crystal clear as to whether the full faith and credit clause would apply in that way, but what we are going to do is we are going to make it crystal clear that a State will not have to recognize a same-gender marriage if it chooses not to.

Second, I want to point out that there is another issue involved in this, and it has to do with all of the rights and privileges, the obligations and responsibilities that go with a legal marriage contract as it relates to Federal law. We are talking about probably most important, survivors benefits, both for veterans as well as for Social Security recipients, et cetera, et cetera, et cetera.

One of the things that was said during the debate that I think is probably the most preposterous, and this was said at committee. I do not know if it has been said on the floor today. But that is that Congress has no business legislating morality. That is preposterous. It is ridiculous and it is absurd. The fact is that we legislate morality on a daily basis. It is through the law that we as a nation express the morals and the moral sensibilities of the United States, and what is morality except to decide what is right and what is wrong? That is what morality is all about.

Clearly we have got laws about murder, we believe that murder is wrong. It is a moral issue. We have laws about theft and burglary, larceny, rape, and other bodily attacks. Those are moral issues. To question that somehow we have no right to make a moral judgment on an issue completely misses the point of what we do in Congress every single day of the week.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, Mr. GERRY STUDDS, the ranking member of the Subcommittee on Fisheries, Wildlife and Oceans.

Mr. STUDDS. Mr. Speaker, first if I may make a legal observation then a much more personal one. This bill has two brief sections. One purports to give States the right to decline to recognize marriages in another State, and the other denies Federal benefits to any State which makes such a decision. As has been said before, the first part is absolutely meaningless. Either under the Constitution the States already have that right, in which case we do nothing, or they do not, in which case we cannnot do anything because it is a constitutional provision. So, so much for the first part.

We are then left with a bill that simply denies Federal benefits to any State which choose to sanction a certain kind of marriage. Mr. Speaker, I have served in this House for 24 years. I have been elected 12 times, the last 6 times as an openly gay man. For the last 6 years, as many Members of this House know, I have been in a relationship as loving, as caring, as committed, as nurturing and celebrated and sustained by our extended families as that of any Member of this House. My partner, Dean, whom a great many of you know and I think a great many of you love, is in a situation which no spouse of any Member of this House is in. The same is true of my other two openly gay colleagues.

This is something which I do not think most people realize. The spouse of every Member of this House is entitled to that Member's health insurance, even after that Member dies, if he or she should predecease his or her spouse. That is not true of my partner. The spouse of every Member of this House knows that, if he or she predeceases, is predeceased by their spouse, a Member, that for the rest of their lives they may have a pension, long after if they live longer, the death of the Member of Congress.

I have paid every single penny as much as every Member of this House has for that pension, but my partner, should he survive me, is not entitled to one penny. I do not think that is fair, Mr. Speaker. I do not believe most Americans think that is fair. And that is real. Yet that is what the second section of this bill is about, to make sure that we continue that unfairness. Did my colleagues know, for example, that, if my partner, Dean, were terribly ill and in a hospital, perhaps on death's door, that I could be refused the right to visit him in the hospital if a doctor either did not know or did not approve of our relationship? Do you think that is fair? I do not think most Americans think that is fair.

He can be fired solely because of his sexual orientation. He can be evicted from his rental home solely because of his sexual orientation. I do not think most Americans think that is fair. Mr. Speaker, not so long ago in this very country, women were denied the right to own property, and people of color, Mr. Speaker, were property. Not so very long ago people of two races were not allowed to marry in many of the States of this country.

Things change, Mr. Speaker, and they are changing now. We can embrace that change or we can resist that change, but thank God All Mighty, as Dr. King would have said, we do not have the power to stop it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts, Mr. BARNEY FRANK, the ranking member of the Subcommittee on the Constitution.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why no Member on the other side agreed to yield. We have a tradition around here of yielding. But when your arguments are as thin as theirs, you do not risk rebuttal.

Let us talk about the points here. First of all, we are told that this is not political. Now, people may understand why we do not speak here under oath. No one in the world believes that this is not political. We are told we must do this because the Hawaii Supreme Court is threatening them. The Hawaii Supreme Court decision in question came in 1993. The process in Hawaii, which is now still going on, does not end until, at the earliest, in late 1997 and probably 1998. There is a trial that has to take place that has not even started. Why, when the decision came in 1993 and the process will not end until 1997 or 1998, are we doing this 3 months before the election? Oh, it is not political, sure.

Second, there is a very false premise, the notion that this is to protect States from having to do what Hawaii does. Every Member on the other side who sponsored this bill believes that that part is unnecessary. Every Member believes that the States already have that right. What is being protected here is not the right of States to make their own decision but the right of States to vote Republican in the 1996 Presidential election.

We will be told time and again that we have 3 weeks left in this session until August and then we will have a month. We have an enormous amount of undone work. The leadership is talking about abandoning the appropriations process, the Republican leadership, and doing continuing resolutions on issue after issue after issue. We will be told we do not have time to debate it. Why? Because we have to protect America from something that will not happen until 1998.

And what are we protecting, as my colleague and friend from Massachusetts has just said? This is the most preposterous assertion of all, that marriage is under attack. I have asked and I have asked and I have asked and I guess I will die, I hope many years from now, unanswered: How does the fact that I love another man and live in a committed relationship with him threaten your marriage? Are your relations with your spouses of such fragility that the fact that I have a committed, loving relationship with another man jeopardizes them? What is attacking you? You have an emotional commitment to another man or another woman. You want to live with that person. You want to commit yourselves legally.

I say I do not share that commitment. I do not know why. That is how I was born. That is how I grew up. I find that kind of satisfaction in committing myself and being responsible for another human being who happens to be a man, and this threatens you? My God, what do you do when the lights go out, sit with the covers over your head? Are you that timid? Are you that frightened?

I will yield to the gentleman from Oklahoma if he will tell me what threatens his marriage.

Mr. LARGENT. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. LARGENT. Absolutely. I would just submit, Mr. Speaker, that the relationship of the gentleman from Massachusetts [Mr. FRANK] with another man does not threaten my marriage whatsoever, my marriage of 21 years with the same woman.

Mr. FRANK of Massachusetts. Mr. Speaker, whose marriage does it threaten?

Mr. LARGENT. It threatens the institution of marriage the gentleman is trying to redefine.

Mr. FRANK of Massachusetts. It does not threaten the gentleman's marriage. It does not threaten anybody's marriage. It threatens the institution of marriage; that argument ought to be made by someone in an institution because it has no logical basis whatsoever.

Here we go, I keep asking people, whose marriage is threatened? Not mine, not his.

No one on the other side yielded once. People on the other side mentioned other Members, distorted their arguments and never yielded once. I certainly will not yield again, because I think the nonanswer is clear. I have asked it again and again.

□ 1145

What is it that says, and people have said this, I have had people when I was in my district for 9 days last week saying, I am worried. I cannot afford my college tuition. I am worried about public safety. I am worried about Medicare. No one said to me, oh, my God, two lesbians just fell in love and my marriage is threatened. Oh, my God, there are two men who commit to each other and they are prepared to be legally responsible for each other. How can I possibly go on with my marriage?

What we see is very clear. There is no reason for this in terms of time. There is no reason for it legally, because the States already have that right. This is a desperate search for a political issue by hitting people who are unpopular. And, yes, I acknowledge the notion of two men living together in a committed relationship or two women makes people nervous and uncomfortable. I want to talk about that. But threaten your marriage?

I will make a prediction that between now and the end of this debate tomorrow we will hear not one specific example of how this threatens marriage because no one who believes that the bonds between a man and a woman who love each other and care for each other and are prepared to commit to each other for a lifetime or 3 years or whatever the pattern may be, is somehow threatened because two other people love each other.

What about the love that two others have for each other threatens your own love? What an unfortunate concept.

Mr. McINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I want to address the last speaker's comments and say that, first, we need to step back from trees and look at the forest and try to take a long view of our culture, and we can look at history and show that no culture that has ever embraced homosexuality has ever survived.

Second, I would say that what this same-sex marriage is seeking is State sanction of their relationship. There is nothing that prevents the gentleman from Massachusetts [Mr. FRANK] right now from having a loving relationship with his significant other, no matter what their sexes are.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Let me point out about this yielding and not yielding. The gentleman from Massachusetts tried to make a point, as frivolous as I felt it was, that our side was not yielding. Both sides are allocated a fair amount of time, 30 minutes each. We each get 30 minutes.

Now, the gentleman from Massachusetts criticized or lectured the gentleman from Colorado because I would not yield time to him, and the gentleman from Massachusetts claims the reason we will not do it is because we do not like debate. As soon as the gentleman from Oklahoma begins his debate, the gentleman from Massachusetts claims his time back.

I think we need to be very civil and very professional on this House floor. We each have 30 minutes, let us use our 30 minutes.

Let us talk, and I think first of all understand this is not an issue between the parties. President Clinton supports this. President Clinton says now is the time to address it. And let me quote directly from his press agent. "He believes this is a time when we need to do things to strengthen the America family, and that is the reason why he has taken this position in support of this bill."

What is the rule? The rule is fair. What is especially interesting about it is the gentleman who says this side of the aisle will not or is afraid to debate him. It is this side of the aisle who voted unanimously up in the Committee on Rules, along with the gentleman from Massachusetts and his side of the aisle, to allow the gentleman from Massachusetts 75 minutes on his first amendment and a certain period of time for his second amendment. He is going to get lots of debate time coming up.

What is it that this bill does? I think we need to take our collective arguments here in the last hour and focus in on exactly what does this bill do. It does not impact the Clean Water Act, it does not have anything to do with domestic relations, as far as the gentlewoman from Colorado suggested as no fault, fault, et cetera, et cetera. It is very specific. It is very simple. First, it upholds the long-held tradition that a marriage is defined as a union between one man and one woman.

Second, it declares that one State will not be bound by the decision of the Supreme Court of another State in regards to a marriage. In other words, the Supreme Court of the State of Hawaii cannot mandate upon the State of Ohio or upon the State of Colorado or upon the State of California that they recognize same-sex marriages within their State even if their State wholeheartedly rejects that type of concept.

Third, it does not obligate the Federal Government for financial requirements or financial obligations because a State chooses to recognize it. For example, if the State of Hawaii, through their Supreme Court, recognizes same-sex marriage, it does not immediately obligate the Federal Government to pay for benefits.

If a Member wants those kinds of benefits, and the other gentleman from Massachusetts spoke about that, and I thought his words were well spoken, if he wants those benefits, introduce a bill and run it through the regular process of the U.S. Congress. That is how he can get those benefits, not through a mandate from the Supreme Court of the State of Hawaii.

So, in other words, every State preserves their right. We preserve the long-time tradition of marriage between one man and one woman. And I will reaffirm once again, and I have no shame in standing up here in the House of Representatives saying that I support wholeheartedly the traditional interpretation, the traditional recognition, and I hope for all time the future recognition of the definition of marriage.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS], my good friend.

Mr. STEARNS. Mr. Speaker, I want to say to my colleagues, when we hear from that side of the aisle that this is a political issue, we have heard the President of the United States indicate that he would sign this bill, so I think the President is almost saying that he agrees with what we are doing and he would like to see as soon as possible the bill brought to him for his signature. So we really cannot say it is a political one when the President of the United States, who represents the Democrats, says he wants the bill, too.

I rise in strong support of this rule. I commend the gentleman for bringing this rule forward. And I might point out to my colleagues that it is our party that brought this bill here; that this bill probably would never have seen the light of day if it had not been for the new majority in Congress, and I think it is important to point that out.

I would like to conclude by saying that we all know that families are the foundation of every civilized society, and marriage lies at the heart, the core, of what a family is. If we change how marriage is defined, we change the entire meaning of the family. So what we are doing today, I say to the gentleman from Colorado, is extremely important and all of us should realize we must pass this rule.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 133, not voting 10, as follows:

[Roll No. 300]

YEAS—290

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman

Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—133

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
Kolbe
Lantos
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Woolsey
Yates

NOT VOTING—10

Dunn
Gibbons
Hall (OH)
Lincoln
Longley
McDade
Peterson (FL)
Riggs
Thornton
Young (FL)

□ 1212

Messrs. GEJDENSON, GUNDERSON, GENE GREEN of Texas, and HORN changed their vote from "yea" to "nay."

Mr. SCHUMER and Ms. KAPTUR changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 300, on House Resolution 474 providing for the consideration of H.R. 3396, the Defense of Marriage Act, was unavoidably detained on other business and unable to be physically present for the vote. Had I been present, I would have voted "yea."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 10, 1996, a request for a recorded vote on the amendment by the gentlewoman from California [Ms. PELOSI] had been postponed and the bill had been read through page 22, line 16.

The Clerk will read.

The Clerk read as follows:

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, X, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $3,080,190,000, of which $297,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $2,828,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $192,592,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication of distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $75,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: Page 22, line 22, after the dollar amount, insert the following: "(reduced by $2,600,000)".

Page 26, line 1, after the first dollar amount, insert the following: "(increased by $2,600,000)".

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be divided, 20 minutes to the gentlewoman from New York [Mrs. LOWEY], 10 minutes to the gentleman from Wisconsin [Mr. OBEY], and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that the gentleman from Delaware [Mr. CASTLE] and I are introducing with the gentleman from New York [Mr. SCHUMER] restores funding to the CDC National Center for Injury Prevention and Control. Our amendment simply overturns the Dickey amendment passed by the full committee which reduced the bill's appropriation for the CDC injury prevention and control program by $2.6 million and increased the appropriation for the area health education centers by a like amount.

This amendment will restore the injury prevention and control program to its fiscal year 1996 level of $43 million, which is the level approved by the subcommittee. My colleagues who support the area health education centers program, as I do, please note that under our amendment, the area health education center will receive an increase of $2.9 million, or over 12 percent, compared to last year.

Why must we restore funding for the CDC injury control program? Because the injury prevention and control program helps to prevent thousands of needless and tragic accidents and injuries each year.

The injury prevention and control program is one of the leading Federal agencies working to prevent domestic violence. Injury control funds are also being used to prevent drownings at Federal recreation facilities, reduce violence in public housing projects, cut down on driving accidents by the elderly, improve emergency medical services in order to decrease the number of traumatic brain and spinal cord injuries, reduce deaths caused by fires in the home and many, many other lifesaving activities.

Unless our amendment passes, all of these vital activities could be affected. So why were funds for the injury prevention program cut? Let me be very blunt to my colleagues. The NRA dislikes the fact that the injury control center collects statistics and does research on gun violence. Even though the injury control program spends only 5 percent, or 2.6 million, of its budget on gun violence related research, it is despised by the NRA. But frankly, my colleagues, I do not understand this. Is not the purpose of the NRA to promote the responsible use of guns? Is not the NRA interested in keeping guns out of the hands of criminals and teenagers who are not using guns for sport but to kill? It seems to me that the CDC and the NRA really should be working together to ensure that guns are used safely and responsibly.

We will hear charges that the CDC research is biased and duplicative, but the program passed three rigorous reviews by the GAO, the National Academy of Science and the HHS office of the inspector general.

After reviewing Federal violence prevention efforts, conservative columnist George Will concluded in 1992:

> Clearly the criminal justice community is inadequate to the task of turning the tide of violence; so as a sound investment in improving the quality of American life, no Federal funds are spent better than those that fund the CDC's research.

While the Justice Department focuses on the incarceration of offenders after the shootings occur, the CDC focuses on the prevention of gun injuries before they occur. CDC injury control research is examining how trauma surgeons can help to intervene in the cycle of youth violence and prevent youth from returning to trauma centers at a rate of 44 percent.

CDC research is looking at why some inner-city youths commit violence with guns and others do not. CDC research is helping State departments of health around the country better monitor gun related injuries so that they can most effectively target their prevention activities.

The NRA's attack of the CDC puzzles me put it also outrages me. Gun violence in America is a public health emergency. According to Dr. George Lundberg, an editor of the Journal of the American Medical Association, "There is no question now that violence is a public health issue. Research to end this epidemic of violence is absolutely vital and it must continue."

Over 37,000 Americans die each year from wounds inflicted by guns. Almost 6,000 children and teens are shot every year by guns; 100,000 other Americans are injured in shootings each year. This explosion of violence is placing an enormous burden on our health care system. The medical cost of gun violence is $4.5 billion a year.

The cost of treating a patient with a gunshot wound averages over $14,000. As a result, more than 60 urban trauma centers have been forced to close over the past 10 years alone. If current trends continue, Mr. Speaker, gunshots will surpass car accidents as the leading cause of death in United States.

To combat this horrifying trend, the National Center for Injury Prevention and Control has conducted groundbreaking peer reviewed research on the types and costs of injuries caused by firearms. It has worked to prevent suicide among teens, taught conflict resolution techniques. Let me be very clear, the center conducts research, gathers facts. It is not an advocacy organization nor does it make policy. In fact, our amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control.

Let me state this a second time so that my colleagues are clear. This amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control. The NRA opposes the CDC injury control research because it wants to suppress the awful truth about gun violence. The NRA simply does not want the facts set getting out. It is no more than censorship. It must be stopped.

There are many groups that support this amendment: The College of Emergency Physicians, AMA, ABA, American Public Health Association, the American Nurses Association, the Association of State Health Officials, and on and on. I urge my colleagues to support this amendment to preserve the vital work of the injury control center.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, because of my position on this amendment, I believe that the time that has been allocated to me should be allocated instead to the gentleman from Arkansas [Mr. DICKEY] who is an opponent of the amendment. So I ask unanimous consent that the 10 minutes allocated to me be allocated to the gentleman from Arkansas [Mr. DICKEY], and that he control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1230

Mr. DICKEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is an issue of federally funded political advocacy. We have here an attempt by the CDC through the NCIPC, a disease control agency of the Federal Government, to bring about gun control advocacy all over the United States through seminars, through the staff members and through the funding of different efforts all over the country just on this one issue, to raise emotional sympathy for those people who are for gun control. It is a blatant attempt on the part of government to federally fund lobbying and political advocacy. Rather than calling violence a disease and guns as a germ, these people should be looking at the other root causes of crime: Poverty, drug trade, gangs, and children growing up without parental support, and the cruel trap of welfare dependency. Those things have more to do with crime control than trying to come at it from a disease definition.

Ownership of guns by itself is what this particular amount of money is going to. It is not a public health threat. In fact, the violence related to guns has been found to be going down to the extent of two-thirds, where we actually have a 173 percent increase in the number of guns in the United States. So it is obviously not a public health threat, because we are doing this through education and training and not through a discredited study program by the CDC through the NCIPC.

Some quotes that exist from one of the officials that we pay Federal money to, what we need to try to do is to find a socially acceptable form of gun control. Experts from Harvard and Columbia medical schools have reviewed the work on firearms that this agency has done with Federal money and have stated that it displays an emotional antigun agenda and are so biased and contains so many errors of fact, logic and procedure that we cannot regard them as having a legitimate claim to be treated as scholarly or scientific literature. So this is discredited by authorities. It is not something we should be doing.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to the Lowey amendment, but I do so in despair of our ability to discuss this on substance rather than on symbolic grounds.

This controversy started when the gentleman from Arkansas [Mr. DICKEY] offered an amendment in subcommittee which purported to eliminate the ability of CDC to engage in research on gun control and which purported to prevent that agency from engaging in unbiased research. I voted against that amendment in subcommittee because I have always resisted the idea of telling anybody in this Government what kind of research they can conduct in the health field. I just do not think that lay people know enough to do that. I think health research issues ought to be decided by scientists, not by politicians.

But the gentleman from Louisiana [Mr. LIVINGSTON] and I jointly cosponsored an amendment to the bill which reads as follows, and it was adopted. On page 26 of the bill it says: "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control." We then added this paragraph to the report on page 49: "The bill contains a limitation to prohibit the National Center for Injury Prevention and Control at the Center for Disease Control from engaging in any activities to advocate or promote gun control. The CDC may need to collect data on the incidents of gun-related violence, but the committee does not believe that it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership. The committee expects research in this area to be objective and grants to be awarded through an impartial peer review process."

What the gentleman and I tried to do was to make certain that CDC, in fact, did not engage in biased research, and that is the language that we adopted. When we got to the full committee, the gentleman from Arkansas [Mr. DICKEY] then did not offer the report language to which we objected and merely offered an amendment which moved money from CDC to the area health education centers, and I supported that amendment because it was essentially a judgment about where we thought the money would do the most good. Would it do the most good in this controversial program at CDC, or would it do the most good in the area of health education centers?

I come down on the side of the education centers primarily because I represent rural areas, and I know that they are medically underserved communities. The area in which this money was put simply enables us to support training of medical residents and students for medicine, nursing, allied health, pharmacy and related fields.

I would point out that in my State, for instance, these agencies are administered by a partnership between Wisconsin's two medical schools, the Medical College of Wisconsin and the University of Wisconsin Medical School.

So basically what I would suggest to my colleagues is that this amendment, while it is being debated in terms of gun control, the effect of the Lowey amendment will not be to enhance gun control any more than the effect of the Dickey amendment was to diminish gun control. The only direct effect on CDC's ability to get involved in the gun control issue is determined by the language which we already have in the bill and have in the report by virtue of the amendment sponsored jointly by the gentleman from Louisiana [Mr. LIVINGSTON] and myself.

So I would say the House simply has a choice to make. If they think that the money ought to be put in CDC where the gentlewoman from New York [Mrs. LOWEY] puts it, then vote with her. If they think the money ought to stay in the area of health education centers where I believe it ought to be and where the gentleman from Arkansas [Mr. DICKEY] put it, then vote against the Lowey amendment. I would urge that my colleagues vote against the Lowey amendment because I think that the dollars have been placed in a preferable place by the effect of the Dickey amendment offered in full committee.

As I say, I despair of this issue ever being discussed in anything but symbolic terms. I know that at the presidential level we have Mr. Dole, in my view, trying to exploit the gun issue one way and the White House trying to exploit it dealing with it the other way. I am not interested in that phony debate. What I am interested in doing is making rational choices as a policymaker about where scarce dollars ought to go, and I frankly think that it has become so controversial at CDC that the money is much more rationally spent where the committee wound up putting the money.

So this may seem a very quaint position on my part, but my trouble is that I read the amendments, I do not just read the titles. So it seems to me that Members ought to focus on what the real effect of this amendment really is. It simply moves dollars. It is only indirectly related to the gun issue, and I wish we could address it in that fashion because we are qualified to decide where research dollars ought to go. We are not qualified to pretend that we are doing something that we are not doing.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, saying programs like shelters for battered women and rehab for drug addicts were nothing more than "pork."

Now, the NRA has set its sights at the Centers for Disease Control [CDC]. They have succeeded in pushing an amendment to cut the National Center for Injury Prevention and Control [NCIPC] from the CDC's budget. This office does research on injuries, including those caused by guns, and links it to health outcomes.

But the NRA says that this office engages in "recklessly biased research and blatant political advocacy."

I disagree.

This office does vital studies to improve how law enforcement, the judicial system, and our health care system can prevent and improve assistance to victims of domestic violence.

Now the NRA wants us to stop looking at the problem so they can pretend it does not exist.

They can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue.

In this case, the NRA and the radical right are saying, if you fear it, kill it, and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence; support the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], my colleague and cosponsor of the amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for yielding this time to me.

I obviously rise in support of the Lowey-Castle amendment, and I listened carefully to the always articulate comments of the gentleman from Wisconsin [Mr. OBEY] about this, and I would just note that right now the National Center For Injury prevention and Control, which is getting a reduction in this, is actually getting a reduction to less than 6 percent of their budget from last year, whereas the health education center he talked about is going up to 23 percent, and if we are able to succeed in this amendment, that would still go up 12.8 percent, and this particular agency that we are dealing with here would go down by some 5 percent. So no matter how we look at this, the very cause that he is talking about is being well treated.

This is a modest amendment. I would simply, as we know, restore the funding for the National Center for Injury Prevention and Control. But this is very important, and what they do is important, and I do not think they should be involved in gun control, and the gentleman from Wisconsin [Mr. OBEY] pointed out very carefully it is very specific in this piece of legislation right now that they cannot be involved in any advocacy with respect to gun control.

I do not have a problem with that. I absolutely concede that. They should not be, and in fact I think one can even make an argument that they have not been in the past. They rejected studies that try to do that. But the bottom line is that it is important because injuries kill over 85 children and young adults in the United States every day and cost our country more than $224 billion in the last decade in terms of direct medical care and rehabilitation costs as well as lost wages of the individual and productivity losses to the Nation.

This agency, the NCIPC, collects and analyzes data about a wide range of injuries including motor vehicle crash, fires, drowning, falls, poisonings, suicide and homicide. They have saved lives. They have prevented injuries from happening in this country. The centers research has led to a number of important recommendations in a variety of areas, from wearing helmets while riding a bicycle to storing firearms in the home separately from bullets to installing fire detectors in homes. These are major safety changes. They probably had as much influence on saving lives as any agency in this country, and I think to reduce their funding would be a tremendous mistake.

It does also collect and analyze data about firearm injuries because they are the second leading cause of injuries of Americans between the ages of 10 and 24. Firearms are the cause of approximately 37,900 deaths in this country as well as all manner of other problems, including 3 times as many serious injuries. Ten States and the District of Columbia now have more people dying because of firearms than they do in automobile accidents. By the year 2000 there are going to be more people dying because of firearms and automobile accidents in the United States of America. The cost of gun shot violence in the United States amounts to $20 billion, a fifth of which is medical expenses. That is $200 per family that we are paying for these injuries to people and deaths to people because of the use of guns in the United States.

They have done many things. My short time does not allow me to go into all the things which they have done. They are not advocacy, they are changes which they have made, and I would encourage each and every one of us to support this amendment. I think it is absolutely the right thing to do. It is not a gun issue. It is a safety issue in this country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Castle-Lowey amendment.

One of the principal efforts of the CDC's National Center for Injury Prevention and Control was to study American firearms—guns—in regard to injuries involving firearms.

Let me save the American taxpayer $2.6 million dollars with some free information:

Guns can be dangerous, especially if loaded, pointed at someone and the trigger is pulled.

Now, that was simple; was it not?

Given this knowledge, one has to question why taxpayer funds were even wasted on this issue in the first place. I think I know the answer.

The bottom line is that it is bothersome to some Members of this body that many Americans own firearms.

Therefore, anything that can shed a negative inference on firearms, like the fact that they are dangerous, becomes worthy of taxpayer support research and political exploitation.

As interesting as pursuing these issues further might be, they are in the end irrelevant.

The second amendment to the United States Constitution reads: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

I urge a "no" vote on this amendment.

□ 1245

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentlemen from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

What is the NRA so afraid of? Perhaps it is the truth.

Once again, the NRA is making its annual assault on scientific efforts to make guns more safe for families.

Last year, 38,000 Americans died of gunshot wounds compared to 41,000 who died from automobile accidents. Yet we would never dream of opposing Government research efforts to make automobiles safer. If the automobile lobby was as irresponsible as the NRA, we would not have the seat belt.

Today, we are seeing a proliferation of cheaply made guns that are blowing up in people's hands, misfiring when jostled or dropped, and killing or wounding people accidentally.

So while motor vehicle deaths are dropping year by year, we have seen no progress on the number of those dying accidentally from gunshot wounds.

Shame on the NRA for spreading its paranoic world view to stop legitimate scientific research from making guns just a little bit more safe.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

The NRA arguments that the Centers of Disease Control research is "junk science" is, of course, specious. Does the NRA know more about science than the New England Journal of Medicine?

The NRA protestations that the research is duplicated elsewhere is spurious. Even the GAO disagrees.

So what is the NRA afraid of? They are afraid that legitimate science will conclude that having a gun in the home is dangerous. They are afraid that consumers will learn that a gun in the home increases the chances of suicide and accidental deaths—particularly among children.

Last year, I joined with my Republican friend STEVE HORN in a bipartisan letter to restore these important CDC funds. I hope that this amendment will have similar bipartisan support.

We need to prove to the American people that when the NRA says jump, Congress doesn't put on its gym shorts.

Everyone—everyone except the extremists at the NRA—understands that this CDC research is necessary and objective. Let's show that we can rise above the paranoid rantings of the NRA to do something to make gun ownership a little bit more safe.

Support this amendment.

Mr. PORTER. Mr. Chairman, 145,000 people die each year from injuries in our society, including those sustained in motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. Injury is the leading cause of death and disability for our Nation's children and young adults. Those injuries cost our country more than $224 billion a year in direct medical care and rehabilitation as well as lost wages and productivity. That is an increase of 42 percent in the last decade alone.

Is injury a proper subject for our Centers for Disease Control and Prevention? Of course it is. Only $2.6 million of $46.3 million goes to gun-related research. It also goes for car crashes. What do they examine when they look at car crashes? They look at how the cars are equipped, how the cars are used, how the drivers are trained. Should we not also look at the same injury result regarding guns? Of course we should do that. Of course, we should study how we can make society safer and how we can reduce injuries.

The CDC work on firearms injuries is not duplicated anywhere else in the Government. Unlike other agencies, CDC uses the same public health model to prevent firearms injury that it does with other public health problems. It identifies the problem, examines the risk factors, develops interventions, and evaluates what works. This is an area we should be addressing. CDC has done it.

The gentlewoman from New York [Mrs. LOWEY] and the gentleman from Louisiana [Mr. LIVINGSTON] have made absolutely certain that the information cannot be used to advocate gun control in any way. I believe this amendment is a very, very proper amendment. To take away the $2.6 million makes no sense at all. We are making good progress here. It is not being misused. This is simply an attempt by the NRA to remove guns, which cause a great deal of injury and death in our society, from a list of other instruments that do. There is no rational reason for doing that. They should be examined as well.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank my distinguished colleague from Arkansas for yielding time to me.

Mr. Chairman, Centers for Disease Control, Centers for Disease Control. The words are not real long, only a couple of syllables. Look up the word "disease" in the dictionary, at least any legitimate dictionary. I have done it. There is no reference in any dictionary that I can find that says that accidents or handgun injuries or murders are a disease. There is a reason why they are not found within a definition of disease. They are not diseases.

Let us talk about honestry and truth in government. The Centers for Disease Control, all of us ought to agree, and but for the political agenda on the other side here most Members do agree, that the Centers for Diesease Control have not eradicated disease. In other words, they have work left to do, very important work they could be doing. Yet they are devoting scarce resources for a political agenda that is, pure and simple, a political agenda.

If my colleagues from New York and other States want to do away with handguns, that is fine, from their standpoint. Or if people on my side of the aisle do not like handguns and want to outlaw them, do it, but do it honestly. Propose legislation to outlaw them. Propose an amendment to the Constitution doing away with the second amendment. But do not take an institution that has done so much good work and cause it to lose credibility further, as it has already done, by engaging in a political agenda. This is a political agenda.

The political agenda is well-documented. You can look at publications such as the Injury Prevention Network, which is funded in part by CDC, and which engages, by the very terms of its publication, in illegal lobbying activity. It recommends picketing. It recommends lobbying. As a matter of fact, the kind of work these organizations engage in with Federal funds is so bad that even when I wrote to the director of CDC, Dr. Satcher, he had to agree with it, and said it is improper what they are advocating here.

There is a political agenda at work here that ought to be of concern to all of us on both sides of the aisle. It is called politics. Politics should not be injected into the CDC. One does not also have to look beyond simply the organizations themselves that the National Century for Injury Prevention and Control or whatever is engaged in. They are very clearly, very explicitly, antigun lobbies.

Again, if colleagues on either side of the aisle support those organizations, support what they do, then come up front and say so, and say we need to do something to get handguns off the streets of America. But do not do it through an organization dedicated explicitly to disease control.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio [Mr. STOKES], a distinguished member of the committee.

Mr. STOKES. Mr. Chairman, I thank the distinguished gentlewoman from New York for yielding time to me.

Mr. Chairman, I rise in strong support of the Castle-Lowey amendment.

Defunding critical injury prevention and control research and outreach is a dangerous precedent. Over the years, this lifesaving research has enjoyed bipartisan support. We must not let politics cloud the need to fund meritorious science in this area. We did not allow such to interfere with the conduct of research on cancer, AIDS, and other areas which threaten the lives of hundreds of thousands of Americans. And, we must not prevent critical research in the area of firearm and other injuries as well.

While CDC conducts research on the prevention and control of injuries from fires, drownings, and poisonings as well, the concern appears to be with respect to firearm injuries. CDC is not working the area of firearms injury prevention and safety for political reasons. It is working in the area because of the tremendous number of Americans injured or killed with firearms. According to the American Academy of Pediatrics, firearms injuries are in fact the fourth leading cause of years of potential life lost, and is the second leading cause of injury fatality in the United States. Firearms are the leading cause of death for African American youth ages 15 to 24, and is the second leading cause of death among white youth in this same age group. Like cancer, AIDS, and heart disease, this is a major public health problem that must be addressed.

Applications for the CDC's injury control research grants are peer reviewed by the scientific community prior to funding. In fact, its peer review process is modeled after that used by the National Institutes of Health which we strongly support.

For over three decades now, firearms fatalities have steadily increased in the United States. It is projected that if current trends continue, by the year 2000, they will be the leading cause of injury death. the World Health Organization has in fact issued a resolution declaring that violence is a leading worldwide public health problem, and designating the prevention of violence as a public health priority. Let's do what's right. Let's continue to protect children and families across this country. Support the restoration of $2.6 million to the CDC's Injury Prevention and Control Program.

I strongly urge my colleagues to vote "yes" to this critical lifesaving amendment.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, what we are talking about here is a simple debate between spending money on health care needs of people in low-income and rural areas and spending money on a politically correct study that some of our colleagues in some parts of the country think is very important.

My colleague, the gentleman from Georgia, Mr. BARR, made the point very well earlier: What is the Centers for Disease Control doing studying a politically correct idea that some few people in this country think is important? This is a classic idea of a Federal agency that has grown appendages over the years that have nothing to do with the original mandate that Congress set up in the first place.

If our friends from New York or other States in the country or other cities believe that this study is important, why do they not go to their local citizens in their cities, why do they not go to their States, and ask them to pay more tax money to fund a politically correct study like this? Why do they not tell them it is a great idea and raise new tax money for something like this? Why do they think the Federal Government ought to be studying such an issue?

There is not a one of us in this Congress who believes that kids should have guns, that people should be using firearms for any reasons aside from sport. The law-abiding citizens of this country use firearms. We are for that, but we are not for firearm abuse or misuse in any way. So we would encourage everyone here to think about that.

We are not talking about a vital function for the Centers for Disease Control. We need to look after the needs of our people and our communities, but we cannot stand here and say it is more important to fund something like this, as opposed to giving people in need health care that they need in low-income and rural areas. If Members love this idea, they should go back and ask their local citizens to raise tax money locally to fund a crazy idea like this.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment. This amendment will restore $2.6 million in funding for the National Center for Injury Prevention and Control.

This funding was cut in committee in a misguided attempt to stop the NCIPC's research into the prevention of firearms injuries, based on the allegation that such research masquerades as Government-funded gun control advocacy. The cut also represents a profound misunderstanding of the important work of the NCIPC.

The NCIPC is tasked with undertaking medical and scientific studies of issues affecting the public health. Such work is validated by a number of improvements in public health in recent decades, particularly as it relates to automobiles. Scientific research into car accidents has led to improvements in car design, road engineering, driver education, and drunk-driving prevention.

Mr. Chairman, regardless of our views on gun control, there seems to be general agreement in this body that our Nation is suffering an epidemic of gun violence. Firearms are the second-leading cause of death for children and young adults; in 10 States they are the leading cause. Shootings are the leading cause of death for black teenagers, and the second-leading cause of death for white teenagers.

NCIPC's research on firearms violence may bring improvements in gun design, training, and methods of storage. Moreover, the committee cut in NCIPC funding will not end the center's firearms research. Instead, the center is likely to reallocate funds from other important violence prevention programs, such as combating violence against women. Furthermore, gun control opponents who persist in their belief that NCIPC has been advocating gun control can take heart from the provision already in the bill which prohibits the CDC from using injury prevention and control funds to advocate or promote gun control.

I urge my colleagues to join me in support of the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentlewoman for yielding time to me, Mr. Chairman, and for her leadership in bringing this important amendment to the floor. I urge my colleagues to support it. The National Center for Injury Prevention and Control provides the Nation with information that is crucial, reliable, and well-respected among experts about the incidence of and extent to which injuries, including those which result from automobile accidents, fires, domestic violence, bicycle accidents, and guns affect our lives, and identify strategies for reducing these injuries, many of which are fatal.

The Lowey amendment addresses the problem the committee created in symbolic action that will have real effects on America's children and families when it eliminated funds. The gun injury crisis facing our Nation, especially our children, must not be ignored and cannot be hidden. Firearms violence from homicides, suicide, or, and this is important, accidental shootings, killed 5,751 children aged 1 to 19 in 1993. Child deaths from guns in a year are the equivalent of more than the deaths of 205 classrooms of children. We need CDC research and expertise to help inform the Nation, to help gun owners have safety. I urge my colleagues to support the amendment of the gentlewoman from New York [Mrs. LOWEY].

Mr. DICKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I would just like to take a moment to point out that violence and firearms-related research will not be undermined by a transfer of $2.6 million from the CDC's NCIPC to area health education centers, because firearms violence is studied already by a number of agencies within the Department of Justice, including the National Institutes of Justice and the Bureau of Justice Statistics as well as the Bureau of Justice Assistance and other programs.

In fact, Dr. Arthur Kellermann, an NCIPC grantee recipient who has received millions of taxpayer dollars to study firearms, recently received a grant from the Department of Justice to study firearms violence, a clear indication of the duplicative nature of NCIPC's work in this area. I want to point out that a number of studies are currently involved, studying the cause and effect of injuries caused by firearms, and I see this transfer as not a threat to that research, but merely cutting one area of the funding.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore funding for the National Center for Injury Prevention and Control. This research at the CDC not only increases our understanding of the effects of firearms on our society but may also aid us in finding ways to prevent firearm deaths and injuries.

Opponents of this research maintain that it is used to further a political agenda. But acknowledging the 37,000 firearm deaths each year is not political posturing; it is recognizing that firearms pose a major threat to the health and well-being of our society.

Those who oppose this research should speak with the police officers who risk a face-off with a deadly weapon each time they put on their uniform. They should go to the emergency rooms in my district and across the Nation where doctors and nurses deal with wreckage left by gun violence day and night.

They should see the skyrocketing costs of health care to those who have been affected by this.

They should visit the children who have seen close friends and neighbors taken away by firearms—or talk, as I have, with the family of a 6-year-old accidentally killed in a gang shooting.

They would learn then that this research is not about advancing an agenda, but about combating a growing epidemic of violence.

Already this Congress has tried to repeal the ban on assault weapons enacted in the 1994 crime bill. A majority of Americans oppose making it easier to get deadly weapons. Let's not deprive them of the one weapon they can use in response—knowledge.

I urge a "yes" vote on the Lowey-Castle amendment.

☐ 1300

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this amendment, primarily because the funding for the amendment comes from the Area Health Education Centers Program. Establishing priorities is always difficult for each of us but my support for the AHEC Program specifically stems from the fact that rural America still is in desperate need of health care providers.

While there is talk of physician gluts in some parts of the country, rural America faces exactly the opposite with regard to its needs for physicians. In Texas several AHEC Programs have a direct impact on the supply and support of rural providers in my district and all over the State. The AHEC Program has a proven track record of successfully improving the supply and support of health practitioners. To me, keeping the funds in this program is a much higher priority for dollars spent than what this amendment proposes. Therefore, I urge a "no" vote on the Lowey-Castle amendment.

Mr. DICKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise to express my opposition to the amendment that is being offered and express my support for the committee position in the bill and ask that Members vote accordingly.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment to restore $2.6 million to support vital research into injury reduction and violence prevention.

Forty thousand Americans, almost 6,000 children, are killed by firearms every year. In communities across this Nation, parents must put their children to bed at night fearing that they might be shot in their sleep by a stray bullet. The National Center for Injury Prevention and Control has taken a scientific approach to studying this problem. That is why their work has passed muster with the New England Journal of Medicine's peer review process and with the American Medical Association. But apparently the NRA is fearful that the facts may move concerned Americans to want to do something about the problem. I think the fact that thousands of Americans are shot every year is a real problem. I think the lives of our children are so important that maybe, just maybe, this Congress should for once say "no" to the NRA and do something about our children being shot.

All the authors of this amendment ask is that we not be afraid to gather the facts about gun-related violence in America so we may know better how to deal with this problem and how to prevent it. Vote for this amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. DICKEY] has the right to close. It is the Chair's understanding that the gentleman from Wisconsin [Mr. OBEY] has only one remaining speaker and he has 2 minutes remaining, the gentleman from Arkansas has 2 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 3½ minutes remaining.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2.6 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention program:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the crossfire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the injury prevention program would allow scientists in the field of injury control, like Dr. Degutis, to continue their work. Vote for the Lowey-Castle amendment.

Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society—140,000 people in the United States die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long-term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention Program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, page 26, line 9 has very binding language as far as the CDC funding is concerned.

It says as follows: Those funds may not be used to advocate or promote gun control. They will not be used for that purpose.

As far as the rural health care argument is concerned, that particular budget, before this amendment which would add $2.6 million, before the change in appropriations, is going to go up 12.8 percent. With the additional money, it would go up 23 percent. All we are trying to do is to have the CDC budget stay the same.

As to politically correct study aspects, the CDC has been dealing in these issues for a long time: Motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. The Center's research has led to all manner of recommendations in this country with respect to helmets, with respect to storing guns and bullets separately, in dealing with all of the problems of injuries in this country. More people are dying by injuries every year in this country. We simply need to do something about it. There is a place for CDC to do this. There is a place to look at what we can do to prevent injuries and deaths from guns. It is not gun control. Please vote for the amendment.

The CHAIRMAN. It is the understanding of the Chair that each of the three participants with time now is down to one speaker, so the Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 2 minutes.

Mr. OBEY. Mr. Chairman, again trying to separate symbol from substance, the bill language already clearly says that none of the funds made available for injury prevention may be used to advocate or promote gun control, courtesy of the Livingston-Obey amendment. So that problem is taken care of.

The report language makes clear that CDC may continue to engage in all legitimate research and analysis.

All it says is that the committee expects research in this area to be objective and grants to be awarded through an impartial peer review process. It says, "The committee does not believe it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership."

We have already been told by supporters of the Lowey amendment that they no longer have any objection to that language. That means we simply have a choice about where the dollars ought to go.

One can have a legitimate difference of opinion on that. All I would say is that I think the dollars are best spent if they remain where the committee put them in the Area Health Education Centers account. That has been a very tiny account. It is only $23 million.

If you think $23 million is enough to spread around to all of the underserved rural areas of the country and the underserved urban areas of the country, you are looking at a different country than I am. Those underserved areas badly need those added resources. That is where the committee puts them. I would urge Members to make a choice on that basis and oppose the Lowey amendment.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 1½ minutes.

Mrs. LOWEY. Mr. Chairman, I would like to respond to some of the points that were brought out in this debate, because again I invite my colleagues who support the NRA, who believe that the individual citizen has the right to carry a gun, to join us in support of this amendment.

I do that for the following reasons: First, I would like to clarify that the CDC's mission is to promote health, quality of life, by preventing and controlling disease, injury, and disability.

We have heard from doctors like Dr. Lundberg that violence is a public health emergency. We are not talking about taking away anyone's gun. This is not an advocacy amendment. We are talking about preventing violence. This is not duplicative. We have seen from studies that CDC does not duplicate the work of any other Federal agency or department in its work on firearm injuries. It focuses on the prevention of firearm injuries before they occur. The Department of Justice focuses on incarceration of offenders after the shootings occur. So we are not talking about taking away guns, Mr. Chairman. We are talking about preventing violence. That is why this agency has done such important work on conflict resolution, helping to prevent violence, working in our communities, working to prevent domestic violence. That is what this is all about.

Mr. Chairman, I urge my colleagues to support this amendment. I urge Members to work with me to stop the violence that pervades our communities and our country.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 2 minutes.

Mr. DICKEY. Mr. Chairman, the Centers for Disease Control was given $75 million more than last year in this particular budget. But that is for disease control. It is not for political advocacy.

So that the people here who are going to vote will know what the attitude of the Senate is, I have a letter here addressed to the chairman of the subcommittee in the Senate from 10 Senators, including TRENT LOTT, DON NICKLES, and LARRY CRAIG, who are part of the leadership. In that letter it states here,

> One of the most egregious of these is contained in a publication called the Injury Prevention Network newsletter which was funded by a grant from the NCIPC. This newsletter contained purely political statements and appears to be dissuading individuals from voting for certain political party members.

That is nothing but a lobbying group.

I have another letter from the Help Network which is sponsored by NCIPC. In refusing to allow someone to come to one of the seminars that was provided by the Center, it stated: "Your organization clearly does not share these beliefs and therefore does not meet the criteria for attendance at the meeting."

What are those beliefs? It is intended to be a meeting of like-minded individuals who represent organizations that believe handgun violence is a public health crisis. They excluded someone, a doctor, a medical doctor who wanted to come to a meeting, and this was funded federally by this particular agency.

We have had a decline in gun accidents. I want to be more specific on that. From 1967 to 1986 there was a rise in the number of handguns owned by 173 percent. The number of violent accidents that happened was reduced by two-thirds during that same period of time.

The NRA has nothing to do with this bill whatsoever. It has not testified. I ask Members to vote against this amendment.

Mrs. SCHROEDER. Mr. Chairman, in 1993, the Denver Post began its editorial supporting my legislation calling for objective scientific information about gun deaths the following way:

> The often overly emotional debate surrounding gun violence in America disguises a curious lack of solid statistical information about firearms and death. America needs better, more objective information if it is to formulate rational public policy.

The debate on guns has been guided for too many years by glands. Let's give our brains a chance to figure out how we reduce the number of lives cut short by gun violence.

The Lowey-Castle amendment restores the Injury Prevention and Control Program to its fiscal year 1996 level of $43.19 million. This is what the subcommittee approved for the program before the NRA exerted its influence.

The Lowey-Castle amendment gives us a chance to rationally talk about gun and gun violence in a way where we are dealing with untainted science, rather than politicized rhetoric.

Unbiased facts on guns and death would improve public policy. The Lowey-Castle amendment will allow the American people to get those objective facts.

CDC's approach to violence prevention is based on science—good science. To ensure this level of credibility, the research on firearm injury prevention passes through two tough peer-review processes.

This science can yield answers to questions being asked in communities around the country: How can we curb the number of unintentional deaths and injuries from firearms? Can we do anything to prevent violence in the streets, violence in the home, and violence in the schools?

In 1992 alone, firearms were responsible for approximately 1,500 unintentional deaths and an undetermined number of suicide attempts and non-fatal injuries. Are we not to try to figure out why and see how these unintentional injuries could be prevented? When Americans were dying by the hundreds due to automobile accidents, we turned to science to help us figure out how to prevent these deaths. The result? Seatbelts and child restraints. Perhaps if we take a scientific approach to firearms, we can find a similar solution.

Let's give our brains a chance to treat violence as a major public health problem that can be solved. Vote for the Lowey-Castle amendment.

Mr. TOWNS. Mr. Chairman, I rise today to urge my colleagues to support the amendment offered by my colleagues from New York and Delaware. This amendment calls for the reinstatement of $2.6 million for the Centers for Disease Control. Specifically, these funds would go to the National Center for Injury Prevention and Control [NCIPC]. The NCIPC has produced studies relating to a multitude of issues addressing violence in America. For example, because of the work of this national center, we now know the effects of abuse on women and the preventive measures that will help to provide better intervention programs for batterers. The NCIPC also provided a study on the effects gun violence has on our health care system.

I want to say to my colleagues that this is a serious public health issue that we cannot ignore. During hearings that my subcommittee held last Congress on "Violence as a Public Health Issue," witness after witness discussed how violence in this society is having an increasingly negative impact on the public health sector. For example, the Centers for Disease Control reported that firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-1980's. A recent Washington Post article reported guns kill more teenagers than cancer, heart disease, AIDS, and other diseases combined. In 1990, 57 percent of African-American teenagers who died, died because of a bullet. This issue is not only about lives lost, but also an issue of bad economics. In New York City hospitals, nearly 10 percent of all emergency room visits, that were the direct result of violence, are without coverage. This does not include followup visits. Simply stated, the cost to hospitals is enormous.

Let us make no mistake: The Injury Prevention and Control Center is not promoting gun control; it is promoting new approaches to controlling violence and reducing injuries. The fact that most traumatic injuries are due to gun violence is not a rationale for eliminating funding for this important center's work. In this day and age doesn't it seem only reasonable that we should help promote any Federal program dedicated to the prevention of violence? I, therefore, urge the adoption of this amendment.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, arguing that crime prevention efforts—like shelters for battered women and rehab for drug addicts—were nothing more than "pork." Now, the NRA and members of the new majority, have aimed their assault weapons at the Centers for Disease Control [CDC]. The NRA succeeded in pushing an amendment to cut $2.6 million—the exact amount budgeted for the National Center for Injury Prevention and Control [NCIPC]—from the CDC's budget.

The NCIPC does research on injuries and links it to health outcomes. They have found that there are 56,000 violence-related fatalities a year, which includes 37,000 deaths from firearm injuries. They also estimate that there are approximately 100,000 nonfatal shootings each year—and that the resulting injuries burden an already over-extended health care system.

Other projects have included: Examining the effectiveness of methods like interventions with batterers, preventative education, and better enforcement of protective laws by the police and court system; and helping states to collect data on violence against women and services available to these women while evaluating training programs for health care providers in order to identify, treat, and refer victims of violence.

It's clear to me that these studies don't fit the NRA's accusations that the NCIPC engages in "recklessly biased research and blatant political advocacy." But, it should come as no surprise that the NRA, and members of the radical right want to kill this program—because it's the year of an all-out assault on American women and children.

The NCIPC's research is vital in our efforts to learn what causes gun violence, violence against women, and what we can do to prevent it. That the NRA squeals that programs like these are "pork" shows their desperation—they can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue. The NRA has fought to kill NCIPC funding for one reason, they know they can't really argue against studies that will protect our children, and reduce deaths due to domestic violence. In this case, the NRA and the radical right are saying, if you fear it, kill it—and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence, support the Lowey-Castle amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

Are there further amendments at this point?

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY: On page 22, line 22, strike "$3,080,190,000" and insert "$3,082,190,000" and on page 57 after line 13, insert:

SEC. 215. Amounts available in this title for Congressional and legislative affairs, public affairs, and intergovernmental affairs activities are hereby reduced by $2,000,000.

Mr. NEY. Mr. Chairman, in 1969 Congress passed the Black Lung Benefits Act upon realizing that specialized pulmonary medical services were needed in the Nation's coal fields. They also realized that Federal support would be needed to develop these services.

The main goal of the Black Lung Clinics Program has always been to keep respiratory patients out of the hospital by utilizing preventive medicine in the fields. Mr. Chairman, these patients are extremely expensive to treat. The Black Lung Clinics Program also guarantees that respiratory disease patients will have the medical care they need even if they cannot afford it.

However, this year the Black Lung Clinics Program is funded at the level of $1.9 million which is the same level requested by the President in his fiscal year 1997 budget proposal. Unfortunately this would represent about a 50-percent reduction from the fiscal year 1996 funding level of $3.8 million. It should also be noted that in fiscal year 1996 the Black Lung Clinics Program received a funding reduction of about 8 percent. My amendment merely restores funding for Black Lung Clinics to the original level.

It has been recently brought to my attention, and I hope my colleagues listen closely to this point, that some confusion has arisen between the Black Lung Clinics Program and the Black Lung Benefits Program. as you know, the Black Lung Benefits Program pays disability and medical benefits only to those coal miners that are found to have black lung disease. On the other hand, the Black Lung Clinics Program currently has 40 black lung clinic sites and 27 mobile units throughout the United States, providing preventive health care to over 165,000 coal miners in our country.

□ 1315

Mr. Chairman, coal miners have helped to build this great Nation, and they made it what it is today. Through no fault of their own, many miners are now constricted by a variety of respiratory illnesses contracted through occupational hazards, and that is associated with the mining of coal.

I ask my colleagues for their support in restoring funding for the Black Lung Clinics Program. I can assure my colleagues that this money will be spent wisely on hard-working Americans whose industries have been decimated by previous acts and rules and regulations around 1990.

Mr. Chairman, I also would be remiss if I did not thank the gentleman from Illinois, Chairman PORTER, and his staff for their efforts, also the gentleman from Wisconsin, Mr. OBEY, and his staff for their efforts on this, and the diligent work of the gentleman from Illinois, Mr. POSHARD, who worked with this to help make this amendment come about. Also the support of the gentleman from Ohio [Mr. CREMEANS], the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Illinois [Mr. WELLER], and the gentleman from Kentucky [Mr. ROGERS].

I again urge your support of a very important amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe very strongly that the gentleman from Ohio [Mr. NEY] has targeted a very, very serious problem. Black lung is a pernicious disease. We support the amendment, commend him for his leadership and urge its adoption.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on this side, let me say I have mixed feelings about the gentleman's amendment because I do agree with his effort to add funding for the Black Lung Clinic's Program. I am dubious about the fairness of taking the funding from the area the gentleman takes it from, but with the clear understanding that the source of this will have to be fixed and rearranged in conference, I, at this point, would have no objection to the gentleman's amendment and would accept it on this side.

Mr. POSHARD, Mr. Chairman, I rise today in very strong support of the Ney amendment. I represent a district in southeastern Illinois that once was home to a large and prosperous coal mining industry—one that employed thousands of miners and provided a strong economy for our region. Unfortunately, many of these miners, who have since lost their jobs, now suffer from black lung disease.

Without a strong Black Lung Clinic Program, many of the coal miners in my district and across the Nation suffering from this disease will no longer have access to needed health care services. I am afraid that because of a weakened economy and high unemployment, many of the miners in my district will be forced to seek more costly services.

The fact is decreasing funding for the Black Lung Clinic Program will only increase the cost of health care for all Americans and the burden on Federal and State governments. Those currently seeking the services of black lung clinics do not want to be forced onto public aid and into welfare simply because they can no longer afford and have access to these services.

For these reasons, I urge my colleagues to support the Ney amendment to restore level funding to the Black Lung Clinic Program, and to be champions of cost-effective health care services in America.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. NEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL FACILITIES GUARANTEE AND LOAN FUND FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $7,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $140,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,153,376,000, of which $8,353,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.

Mr. OBEY. Mr. Chairman, I would ask the Chair whether or not it would be in order, if the gentleman from Illinois concurs, to ask unanimous consent to take out of order the Condit amendment and dispose of it. I understand that after a colloquy the gentleman has agreed to withdraw the amendment.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, how much time will it take?

Mr. OBEY. I think less than 5 minutes.

Mr. PORTER. Mr. Chairman, we have no objection.

The CHAIRMAN. The Chair would respond to the gentleman that by unanimous consent that can certainly be done. Is the gentleman from Wisconsin asking unanimous consent?

Mr. OBEY. Mr. Chairman, I ask unanimous consent to take the Condit amendment out of order at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. CONDIT] is recognized for purposes of offering an amendment out of order.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONDIT: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Refugee and entrant assistance" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by $487,000,000 and 0.9 percent, respectively.

Mr. CONDIT. Mr. Chairman, by the end of the fiscal year, nearly 150 Hmong refugees will be reunited with their families in the 18th Congressional District of California. It is morally right for us to allow these families to be reunified after decades of separation. However, it is morally imperative that the Federal Government assure the communities of the resettlement that their new residents will not place undue strain on already scarce local resources. Unfortunately in the past, this commitment has never been fully met.

The underlying law, which establishes cash and medical assistance to refugees, provides such assistance to continue for 36 months. The appropriations bill before us today provides assistance for only 8 months. For many refugees unfamiliar with life in the United States, 8 months of assistance is simply not enough. The 8 months ends, but the need remains for much longer. Invariably, it is the State and local communities which are left to fill the void. This is unacceptable.

The amendment which I offer today would increase refugee cash and medical assistance levels to the point at which they would reach their 36-month threshold authorized in law. In reality, the need is much greater, even than that, even than my amendment today, Mr. Chairman, proposes. Many refugees require aid as long as they live here. The number in my amendments are the best estimates of those who administer th program based on the broad numbers assumptions, but the fact is clear, the money in the appropriation bill on the floor today does not even begin to cover the cost of the refugees and assimilate the refugees into their new communities.

The burden they are placing on social services is breaking the back of communities like my home community of Merced County. In Merced County, CA, in my district, the unemployment rate is over 20 percent, and almost half of the population is in some sort of public assistance program. Clearly, communities such as Merced need to be compensated, and this needs to be thoroughly thought out, and they need help under these very difficult circumstances in assimilating additional refugees into the community.

We must begin to increase our sensitivity to this issue. Granted, many of these problems transcend finances. It is undisputed that structural changes are necessary in the way we resettle refugees, and I have been working with the gentleman from Wisconsin [Mr. OBEY] and the chairman of the committee on legislation to achieve this much-needed change. But in the meantime, the issue of money is not trivial. It is extremely important.

I am pleased that this year the office of refugee resettlement received a comparably generous level of funding in this lean budgetary time. Yet the amount is still pale in comparison to what local communities need and to the funding level originally intended by Congress. I am hopeful that the committee in the future will impart the greatness, at least discuss the importance of the Federal responsibility in this area, and would ask the chairman and the ranking member if they would just for a moment engage me in a colloquy on this matter.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am pleased to engage my colleague from California in a colloquy. I understand that this is an issue of Federal accountability, and I share the gentleman's concern for local areas strapped by the demands of refugee resettlement. While there may be more to be done, I believe that the increase in funding for the office of refugee settlement over the administration's request represents our real commitment to these programs.

However, I would be pleased to work with the gentleman in the future to assure that this issue continues to receive the committee's full attention. I will be happy to work with the gentleman from California [Mr. CONDIT] and the gentleman from Wisconsin [Mr. OBEY] during the conference on this matter.

Mr. CONDIT. Reclaiming my timing, I thank the gentleman from Illinois for entering into this colloquy. I also want to thank the chairman for all his hard work on this legislation. I realize the difficult balancing act which it represents, and so I greatly appreciate the gentleman's effort to protect the current funding for refugee assistance. It also goes without saying any additional funding which may emerge in conference with the Senate would be most helpful.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Wisconsin. I commend him for his successful effort in assuring a more substantive level of funding for refugees and his assistance in the bill which is before us today.

Mr. OBEY. Mr. Chairman, I thank the gentleman for helping us to raise this issue because it is important for Members to understand what is happening. I happen to share the problem that the gentleman has in his district.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CONDIT was allowed to proceed for 3 additional minutes.)

Mr. CONDIT. I yield to the gentleman from Wisconsin.

Mr. OBEY. The gentleman referred to Hmong refugees. For those people who do not understand who they are, during the Vietnam war, the Hmong did our CIA's dirty work in Laos. They took a lot of guff. They suffered a lot of casualties. When the war effort collapsed, a lot of them came to this country. More are now coming. If we did not want to incur more obligation to the Hmong, then we should not have asked for their help undercover during the Vietnam war. It is just that simple.

They performed a service for this country and that is the reason that they are now here, because their country has collapsed. The problem, however, is that when the Federal Government made a foreign policy decision to allow them into this country, it did not follow up that decision with the provision to deliver adequate support to the local districts so that education costs, welfare costs, and other costs would not have to be borne by local taxpayers who never made that foreign policy decision.

That is why, during the immigration bill, I tried to offer an amendment which would correct the problem, because I think that there is a bigger problem than just the absence of money. I think the current system is broken. The problem is that refugees are abandoned at the doorstep of the local welfare office. This condemns those refugees to the welfare treadmill and it condemns local communities to having to pay large amounts of their support.

Mr. Chairman, that is why I tried on the immigration bill last year to require private voluntary organizations to actually assume their obligations and become true sponsors of refugees through an intensive case management approach of job skills and that our proposal would have barred able-bodied refugees from any cash assistance during their first year in the United States.

This approach was tried on a pilot basis by Catholic Charities in Chicago and San Diego. They reduced welfare levels to a very low level. It was also tried by the Cuban American National Foundation in Florida. Both the Bush administration and the Clinton administration tried to adopt this approach but they were prevented in court from doing so, and I am extremely unhappy that the Committee on Rules prevented us from attacking this problem on the immigration bill.

But I want to assure the gentleman that my interest remains and I know the gentleman has already joined in sponsoring that legislation with me. But I would invite other Members who are aware of the problem to join us, as well, because it is a serious problem. Local taxpayers should not be left holding the bag for a foreign policy decision, and I congratulate the gentleman for helping us to once again bring this to the attention of the House and look forwarding to the opportunity to work with him.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 1 additional minute.)

Mr. CONDIT. Mr. Chairman, I simply want to thank the chairman, Mr. PORTER, and the ranking member, Mr. OBEY, for their willingness to discuss this matter. This is an important matter to, I think, a lot of people in my district, as well as the district of the gentleman from Wisconsin [Mr. OBEY], and probably other people throughout the country.

We are not opposed to the people coming to our district, I want to underline that. We are not opposed to that. We just simply think it is unfair to bring them there and not give them the wherewithal to assimilate them into the community. It is unfair to them. It is unfair to the citizens around them. It puts an undue burden on the social structure, social services in the community. We welcome them there, we want them there, but we want them to be able to be constructive, important components of the community.

So with that, I want to thank the chairman and I want to thank the ranking member, and I look forward to working with both of them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $33,642,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103-322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,385,741,000.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES—NATIONAL INSTITUTES OF HEALTH"—

(1) in the item relating to "NATIONAL CANCER INSTITUTE", after the dollar amount, insert the following: "(reduced by $48,902,000)";

(2) in the item relating to "NATIONAL HEART, LUNG, AND BLOOD INSTITUTE", after the dollar amount, insert the following: "(reduced by $29,581,000)";

(3) in the item relating to "NATIONAL INSTITUTE OF DENTAL RESEARCH", after the dollar amount, insert the following: "(reduced by $4,499,000)";

(4) in the item relating to "NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES", after the dollar amount, insert the following: "(reduced by $17,270,000)";

(5) in the item relating to "NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE", after the dollar amount, insert the following: "(reduced by $15,826,000)";

(6) in the item relating to "NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES", after the dollar amount, insert the following: "(reduced by $31,124,000)";

(7) in the item relating to "NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES", after

the dollar amount, insert the following: "(reduced by $20,175,000)";

(8) in the item relating to "NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $13,293,000)";

(9) in the item relating to "NATIONAL EYE INSTITUTE", after the dollar amount, insert the following: "(reduced by $6,816,000)";

(10) in the item relating to "NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES", after the dollar amount, insert the following: "(reduced by $7,058,000)";

(11) in the item relating to "NATIONAL INSTITUTE OF AGING", after the dollar amount, insert the following: "(reduced by $10,947,000)";

(12) in the item relating to "NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES", after the dollar amount, insert the following: "(reduced by $5,319,000)";

(13) in the item relating to "NATIONAL INSTITUTE OF DEAFNESS AND OTHER COMMUNICATION DISORDERS", after the dollar amount, insert the following: "(reduced by $4,566,000)";

(14) in the item relating to "NATIONAL INSTITUTE OF NURSING RESEARCH", after the dollar amount, insert the following: "(reduced by $1,385,000)";

(15) in the item relating to "NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM", after the dollar amount, insert the following: "(reduced by $4,857,000)";

(16) in the item relating to "NATIONAL INSTITUTE ON DRUG ABUSE", after the dollar amount, insert the following: "(reduced by $10,377,000)";

(17) in the item relating to "NATIONAL INSTITUTE OF MENTAL HEALTH", after the dollar amount, insert the following: "(reduced by $14,462,000)";

(18) in the item relating to "NATIONAL CENTER FOR RESEARCH RESOURCES", after the dollar amount, insert the following: "(reduced by $9,311,000)";

(19) in the item relating to "NATIONAL CENTER FOR HUMAN GENOME RESEARCH", after the dollar amount, insert the following: "(reduced by $6,923,000)";

(20) in the item relating to "JOHN E. FOGARTY INTERNATIONAL CENTER", after the dollar amount, insert the following: "(reduced by $490,000)";

(21) in the item relating to "NATIONAL LIBRARY OF MEDICINE", after the first dollar amount, insert the following: "(reduced by $3,251,000)";

(22) in the item relating to "OFFICE OF THE DIRECTOR", after the dollar amount, insert the following: "(reduced by $5,450,000)"; and

(23) in the item relating to "BUILDINGS AND FACILITIES", after the first dollar amount, insert the following: "(reduced by $19,118,000)".

In the item relating to "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION", after each of the two dollar amounts, insert the following: "(increased by $291,000,000)".

☐ 1330

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that 10 minutes be allocated to the gentleman from Pennsylvania [Mr. GOODLING] and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GOODLING. Mr. Chairman, to put it very bluntly, my amendment would increase the Federal appropriation for the Individuals with Disabilities Education Act [IDEA]. IDEA is the Federal law supporting our Nation's special education system. It was originally passed 21 years ago. It was supposed to be a partnership between the Federal Government, States, and local government, but that partnership has disintegrated. But before that I would say that last month we passed by voice vote a comprehensive reform of IDEA. In that bill the central partnership of IDEA remained unchanged. But let me tell my colleagues what the partnership was all about 21 years ago.

Twenty-one years ago this Congress said we have a partnership with State and local governments. We will tell you exactly what you will do, how you will do it, when you will do it; we will mandate everything, but as partners, we are going to give you 40 percent of the money for all of our mandates.

Anybody have any idea how much they got last year? Less than 7 percent; 21 years later our partnership has provided less than 7 percent of the 40 percent we promised.

We should have been promising 100 percent if we were going to mandate 100 percent. The greatest problem facing local school districts at the present time is this tremendously unfunded mandate from the Federal Government, IDEA. It costs almost 2.5 times more to educate an IDEA student than it does to educate any other student. And without Federal support, the only place the local districts have to get that money is to take it from the rest of the students because of a Federal mandate.

Now, for 20 years, as a minority member, I tried to get the then Democrat majority to live up to the obligation that we said we were going to carry out when we passed the legislation. In fact, in a bipartisan effort on the Committee on the Budget, the gentleman from Michigan, Congressman KILDEE, and I worked out a plan where we would get close to the 40 percent over a 5-year period simply by increasing by 5 percent per year. But look what has happened. We promised 40 percent and we should get there.

In fact, Mr. Perkins, when he was the chairman and when IDEA was originally on the floor in 1975, said,

> Members should understand that while the legislation will place the Federal Government in a more active role of financing the education of handicapped children, it does so in gradual fashion and in a manner which can only be described as fiscally responsible.

Senator Randolph said,

> This measure will provide for a gradually increasing Federal fiscal role for the education of handicapped children. . . . Beginning in fiscal year 1978 a new formula will target Federal monies for handicapped children by paying a specified percentage of the average per pupil expenditure multiplied by the number of handicapped children receiving special education and related services in a State.
>
> This percentage will increase gradually from 5 percent of the average per pupil expenditure in 1978 to 40 percent in 1982.

Not 1996; 1982. Our support is going down, folks. And what is happening to local school districts? The cost of special education has skyrocketed. It has skyrocketed for many reasons; first of all, a number of children are born to drug-addicted mothers. Second, it has skyrocketed because of expenses that local districts must pay defending themselves when they get into a conflict with a parent. And there are many other reasons.

But what happens all the time, and particularly from my side of the aisle, they will say, boy, the cost of education today is skyrocketing and yet education is not any better. Never does anyone say, however, that much of that escalated cost comes from Federal Government mandates, and this is the biggest one.

We do not mandate chapter 1; we do not mandate early childhood education programs; we do mandate IDEA, but we do not pay for it. The local district is caught having to pay for that.

So I merely ask that we take $291 million, not from NIH but from an increase for NIH. Under this bill, that increase is 6.8 percent. This amendment would make it only a 4.4-percent increase, which is a 10.5-percent increase over the last 2 years.

Let me point out, by the time this bill is finished in conference, no matter how much we may decrease NIH at this particular time, I guarantee Members that it will be more than the 6.8 percent that the House has in the bill now. And how can I say that? Because just last week I was with the senior citizen from Pennsylvania. Excuse me, I am the senior citizen from Pennsylvania; he is the senior Senator from Pennsylvania. As we traveled through a disaster area in Gettysburg, he said, "GOODLING, you can tell PORTER that I already told NIH that there is no way PORTER can outbid me, that I will make sure they get more from me than he can possibly promise them."

It was suggested to me that this can be taken care of in conference, and we can get this measly 1 percent increase. Take $291 million from a $283 billion appropriations bill? Well, I would like to believe that we could get that, but we went through this last year, and I assumed that we would get an increase last year. Now, the negotiations were taken out of the hands of the people that normally negotiate, but in the end, we did not get a penny, not one penny.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I would be happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I encourage my colleagues on both sides, and particularly on this side, to heed the wisdom of the gentleman from

Pennsylvania, the chairman of the committee, and I would ask my colleagues this: Have you not heard from your school districts, your school boards, and your local mill levy taxpayers about the cost of your schools? Well, the gentleman in the well, the gentleman from Pennsylvania, is taking a fairly good step to try to solve that problem of local school costs.

One of the reasons, as the gentleman has noted, that local school costs are climbing like they are is because the Federal share, the promised, guaranteed but reneged on Federal share of educating America's disabled students is on the decrease. The gentleman is trying to stop that hemorrhage, and I urge my colleagues on behalf of their local taxpayers to support the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Let me again indicate that contrary to what a lady from Hanover, in my district, called this morning to say, I am not taking money from her sick family.

How could anything be more wrong than a statement like that? I am trying to get a little bit of the increase to NIH moved to IDEA. I cannot emphasize enough how much we mandated everything in that law. We promised them 40 percent. Last year they got somewhere between 6 and 7 percent, and this year they do not get a penny more.

So I would encourage all to keep in mind that we made a great promise 21 years ago. We called it a partnership, but the partnership turned out to be "we will dictate from Washington everything you will do, and you will pay for it, because we said you will pay for it."

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I rise today to oppose the amendment from the gentleman from Pennsylvania, and I do that reluctantly because first of all, I have a great respect for him, I served on the committee for 2 years with him, and also because I agree with most of what he said concerning the IDEA program and the problems about mandates.

My opposition to it is not about the IDEA program or the question of mandates; my opposition is the cuts in NIH funding. The National Institutes of Health is really one of the crown jewels of the Federal Government, something we can all be proud of. This is the area where dozens and dozens of Nobel Prize winners come out of.

The National Institutes of Health is where the National Cancer Institute is located, the National Heart, Lung and Blood Institute. This is where AIDS research is done.

Now, it is not all done at the National Institutes of Health; 78 percent of the money for the National Institutes of Health is given in extramural grants to universities and research centers all over the United States. In fact, over 1,700 institutions in the United States receive grants from the NIH. Some 78 percent of the money goes all over the United States, and that is what is funding AIDS research, heart disease research, cancer research.

We have to make such touch choices when we are on Appropriations and Budget, and really this gives a great illustration of the touch choices we are faced with. I am a very strong believer in basic biomedical research, and we have to continue to provide that kind of support.

I urge my colleagues, we have made the choices, we have made the decision, let me see if we can find more money from the IDEA program, but let us not cut the National Institutes of Health. I urge opposition to the amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee and the subcommittee.

Mr. OBEY. Mr. Chairman, I cannot disagree with a single word uttered by the distinguished chairman of the Education and Labor Committee, or whatever the new title is now. The gentleman from Pennsylvania [Mr. GOODLING] has had a long commitment to education for the handicapped, and I respect it and I share it.

I would simply say that the problem with the amendment is not where he wants to put the money; it is what has to be cut in order to fund it. The basic problem we have is that this problem cannot be fixed under the allocation process given to us by the Speaker and by the leadership of the Republican Party in the House.

Any time that this House decides it is going to add $11 billion above the President's request for the Pentagon, then we have to expect that that money is going to come out of somewhere. And that means that we have less available to put in this bill, less available to put in housing, less available to put in environmental protection.

That is the nub of the problem. That is why on this side of the aisle we fiercely oppose the allocation that led this subcommittee into this hole. At this point Mr. GOODLING has no choice but to try to find a source within this bill to fund this amendment, and the problem is the source he has selected means that we would reduce the number of competing research grants at NIH by 282 new researchers, we would slow research development from the committee bill for Alzheimer's disease, for developmental diagnostics of breast and prostate cancer, cancer genetic studies, et cetera, et cetera.

I do not think Members want to do that. I do not think Members want to vote against the Goodling amendment either. So what I would suggest be done, Mr. Chairman, is that for every Member in this House, no matter which party they belong to, who would like to do what the gentleman from Pennsylvania is asking that we do, I would suggest that you go to your leadership, explain that the allocation process which they have supported has short-sheeted this committee and that this subcommittee needs more resources, and we ought not be increasing the Pentagon budget by $11 billion in the process.

□ 1345

These decisions are not the fault of the gentleman from Illinois [Mr. PORTER]; they are the fault of the allocation process which in my view has been severely warped, which causes all of the reductions that lead us to oppose this bill in general.

Mr. PORTER. Mr. Chairman, could the Chair advise us about the allocation of the remaining time?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 1 minute remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], the chair of the Biomedical Research Caucus.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, just as the other Members have expressed the pain that they are sustaining at having to disagree with the gentleman from Pennsylvania [Mr. GOODLING], my colleague, I must say that it is doubly painful for me because we are neighbors in spirit, neighbors in geography, neighbors in congressional districts, and I believe until now good friends. We will see, following this presentation of mine, whether we remain, but I think we will be on equanimity when I terminate.

Mr. Chairman, the biomedical research that is conducted by the National Institutes of Health has for years shown a steady progress in the prevention of disease and fight against disease. That goes without saying.

The programs that the gentleman from Pennsylvania wants to support also show the necessity for this society to do something about a special problem, namely with special education.

The problem that we had in determining how to vote on this bill is, which is an orange, which is an apple, which one will we put in our own fruit basket?

For now it seems that we have to stick with the NIH, the orange of this combination, because in the long run it also helps disabled students. The NIH, if it completes its work, and, of course, it will never complete its work, will some day bring us a startling discovery that will prevent a whole generation perhaps of disabled students, the very students which the gentleman from Pennsylvania wants to help by transferring this fund.

We have made a commitment to NIH because it is a national problem of discipline in the research and bringing about of remedies for disease. The disabled children will be helped by that.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say that I have the utmost respect for the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the authorizing committee. We work well together. We have attempted to reflect his priorities in our appropriations, and have done the very best that we can with limited resources to do that.

Mr. Chairman, the gentleman correctly puts his finger on an area of funding that is a very high priority for our country. Special education for handicapped children certainly is very high on our priority list, and he correctly points out that it is an unfunded mandate that the Federal Government promised to meet and has fallen far short of meeting.

I might say to the gentleman, however, that the bill, this bill alone, this one bill, provides about $10 billion of assistance to children with disabilities. It is provided in different ways, not just through the education system, but through Medicaid and through SSI, where kids are helped. That, of course, does not help the budgets of the school districts involved, I realize. But it is not as if this country and this Congress and this side of the aisle is not making a very strong commitment to kids with disabilities. We are.

I might repeat a point that the gentleman from Pennsylvania [Mr. GEKAS] just made, and I want to make it more forcefully even than he did. That is, if we can invest money in biomedical research, we can over time prevent the very disabilities that end up with kids having to have special education in our schools.

So it is the primary investment that I want to support, to make certain that we do not have a growing population of kids with disabilities but a reducing population, and hopefully at some point in time, absolutely none; every kid able to be in school without special education funding and the need for special education treatment.

HIH is a priority for our country. NIH is perhaps the best money we spend. The entire cost of biomedical research has been saved in America by one discovery. All the costs of NIH through its entire history have been paid for through one discovery, and there have been tens of thousands of discoveries. It is a tremendously efficient investment for our country. We lead the world in biomedical research. We improve the lives of people not only in our country but everywhere on earth through the discoveries made. There are tough choices to be made.

Mr. Chairman, I will tell the gentleman from Pennsylvania in closing that I will do everything possible in conference and in negotiations with the White House, if I am permitted to be a part of those negotiations, to bring up funding for this very high priority. Special education for disabled kids is a priority for our country, and I think the gentleman puts his finger upon a problem that we must address and correct.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time, and I thank him for the leadership that he has shown for biomedical research.

Mr. Chairman, the National Institutes of Health, as has been stated by my colleagues, has done phenomenal work in terms of seeking remedies through research, from the time a child is born through the elderly, with women's health. This is now the midpoint in the decade of the brain. Some incredible research has yielded some fantastic results which it comes to juvenile diabetes, Alzheimer's, coming to grips with some of the major problems we have had.

We know that the work that is being done, as one small example, that if we arrest Alzheimer's for 5 years we save $40 billion. This is the kind of research, as has been stated, that is going to allow these young people who have taken advantage of the IDEA Act to find that they have the cures.

So, Mr. Chairman, IDEA is a very good program. We can work it out in conference. It has been funded as it was last year. Let us keep this money in NIH. It will make a difference in health care.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairamn, in closing I want to say that, number one, I am not taking any money that NIH presently has. They will still have a 10.5 percent increase in this Congress. But all of our biomedical research is not going to do anything to stop the number of youngsters that will be coming into IDEA because of mothers and fathers who are drug addicted, and mothers who are smoking and drinking during pregnancy. All of those things are going to continue to bring more and more young people into IDEA.

IDEA is a mandate from the Federal Government, one of the few in this entire bill when you get beyond Medicaid and Medicare. Yet what do we do about it? We just give lip service. In fact, even worse than that, as the chart shows, we decrease the amount, not increase, the amount that we promised 21 years ago and just last month. We are down to less than 7 percent, and who knows where we will be by the time conference is over?

Mr. Chairman, I can only hope that the leadership that I pleaded with for 6 months to do something about this issue will do something for someone who plays on the team, rather than what I see in this bill, with all sorts of increases for those who give the leadership fits on many issues. Maybe that is the way Members get something around here, and if that is the way it is, I will have to change my sweet disposition and become a miserable cuss.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was rejected.

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to compliment the gentleman from Illinois [Mr. PORTER] for his excellent leadership in developing a very good bill under very difficult circumstances. The subcommittee faced a very restricted 602(b) which made difficult choices necessary.

I want to compliment the gentleman particularly for providing important increases for the National Institutes of Health. These increases total $819.6 million over last year and $340.9 million over the President's request.

But, as the chairman knows, liver disease affects 25 million people and there has been a recent 11 percent surge in the number of people affected by hepatitis C. Dr. Tony Fauci recently talked about the need for "a strong commitment to basic and clinical research" to address new emerging and reemerging infectious diseases. Dr. Fauci specifically mentioned liver disease due to the hepatitis C virus as one of those emerging diseases.

Does the gentleman from Illinois agree with me that liver disease due to hepatitis C virus is a very serious public health problem to which the National Institutes of Health should give priority?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I certainly agree, and would encourage NIH to sue all of the mechanisms at its disposal to create a balanced interdisciplinary program of basic, applied, and clinical research to learn more about the ways to treat, cure, and prevent hepatitis C.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman for his response.

My second question relates to the Centers for Disease Control and Prevention. I understand from the private organizations which are trying to respond to the public's need for information about liver disease that they have experienced a fourfold increase in public inquiries about liver disease from patients, family members and physicians. Does the gentleman believe that the CDC has a role to play in meeting this public demand for information on liver disease?

Mr. PORTER. Mr. Chairman, if the gentleman will continue to yield, yes, I certainly believe it is within the mission of the Centers for Disease Control and Prevention to inform the public about this serious risk, and the prevention and treatment of infectious diseases such as hepatitis. I would encourage the agency to work collaboratively with national voluntary health organizations, which include professional societies and community-based patient groups, to help meet this need.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from Illinois for his response. I feel strongly that the CDC should actively pursue a public information campaign to meet the rapid growth in public inquiries about liver disease.

Mr. GREENWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER] in a colloquy regarding traumatic brain injury. As the gentleman is aware, I have been working for 3 years for enactment of a comprehensive bill to address the needs of those affected with traumatic brain injury.

H.R. 248, of course, the Traumatic Brain Injury Act, passed the House earlier this week and is expected to pass the Senate before the week is out. We believe it will be this evening. The bill authorizes a number of activities that are essential to those with serious brain injuries: Prevention projects, enhanced NIH research, demonstration projects to improve access to health services, and epidemiological data collection.

We had hoped this bill would be signed into law by the time the House considered the Labor-HHS appropriation so that we could take the next step to fund these important new activities. I realize that that will not be possible under the rules of the House, but I would ask the chairman if he would consider supporting these activities in later action on the bill once they are authorized.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am pleased to respond to the gentleman from Pennsylvania, and want to applaud his diligent efforts to enact legislation to address this important health problem.

As you point out, we cannot fund programs that have not yet been authorized, but if H.R. 248 is enacted in a timely way, it is my hope that the Senate and eventually the conferees will support its activities.

□ 1400

I am sure my colleagues on the committee recognize how devastating traumatic brain injury is to our country and its citizens, and we will do everything to be of help in this regard.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. EVERETT). The Clerk will read.

The Clerk read as follows:

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,438,265,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $195,596,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $819,224,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $725,478,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,256,149,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,003,722,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $631,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $333,131,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $308,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $484,375,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $257,637,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $189,243,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $59,715,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $212,079,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $487,341,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $701,247,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $416,523,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $37,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $189,267,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $26,707,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $150,093,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1997, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $275,423,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $200,000,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,849,235,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $90,469,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $34,700,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $75,056,618,000, to remain available until expended.

For making, after May 31, 1997, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1997 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1998, $27,988,993,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $60,079,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,733,125,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1997, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,301,000,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1998, $4,700,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $900,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $412,076,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–333 for fiscal year 1995 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1996 and 1997.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $950,000,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year: *Provided*, That $13,000,000 shall become available for obligation on October 1, 1996.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,480,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1997 shall be $2,480,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,854,036,000, of which $531,941,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $27,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $240,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,445,031,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1998, $1,111,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $810,545,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $148,999,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $11,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,399,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,066,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act.

SEC. 205. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1997, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 209. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 210. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 211. None of the funds made available in this Act may be used by the National Institutes of Health to provide grants or cooperative agreements under the SBIR program under section 9(f) of Public Law 85-536 for research proposals when it is made known to the Federal official having authority to obligate or expend such funds that (in the process of technical and scientific peer review under section 492 of the Public Health Service Act) the median of the evaluation scores for the proposals in the review cycle involved is higher than the median of the evaluation scores in such review cycle for RO1 proposals.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Beginning on page 43, strike line 23 and all that follows through page 44, line 7.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, with the time divided equally between myself and the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] and the gentleman from Massachusetts [Mr. KENNEDY] will each control 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise today to object to a particular provision that was contained in this bill. I think anyone that recognized that this is basically writing legislation in an appropriations bill would recognize very quickly that, if you look at the specifics that are contained in this provision, that there is a major change in U.S. law, which is for the first time going to be backing off the standard for the SBIR Program.

People in the Chamber and listening on C-SPAN ought to understand that the SBIR Program is one of the most innovative and creative and successful programs that has been created in the Government of the United States. It sets aside just about 2 or 2.5 percent of all the funding that goes into every funding bill that comes through the Congress of the United States and makes certain that there is a small business component to how our funding is set.

I have fought very, very strongly and successfully to increase NIH funding. In this legislation, there is a funding increase of over 6.5 percent. Yet what we find is hidden in the appropriations language a very devious and, I think, harmful piece of wording which essentially limits the small business component from what should be 2.5 percent of total funding down to 2 percent of total funding.

Now, there are those within NIH that would say that small businesses have not been able to come up with the kind of quality applications for funding that have been provided by universities. Universities receive 98 percent of the funding that comes out of NIH.

The truth of the matter is universities do something very, very well. They do basic research very, very well. The kind of research that we see in the SBIR Program is not basic research. It is applied research. It is specifically designed to create jobs for the people of our country and to create a competitive environment for the people of our country so that we can actually take the basic research which our universities and others do and use it to actually create real wealth for the American people.

Now, what is bizarre is that we use the standards for basic research to determine whether or not the applications that come in under the applied research portion of the bill which goes into the small business component as the standard for determining whether or not the small businesses are meeting the quality criteria that is required of the universities.

If we simply assessed what, in fact, was basic research versus that, in fact, was applied research, there would be more than enough quality applications submitted under the SBIR Program to attain the 2.5 percent level which was part of this bill and a part of this legislation before there was language submitted into the legislation which has been protected under the rule which no longer allows us to knock out the provisions that essentially provide authorization within an appropriations bill.

I wish we could knock this out on a point of order. The truth of the matter is that what we really see here is a devious and, I think, unfair attempt by the major universities and academic institutions of the country to come in and knock out just a 2.5 percent set-aside for the small businesses of this country.

We fund, as I said, 97.5 percent. Today 98 percent of all the money that comes into NIH, which we have fought very hard to increase when every other account of the Government goes down, we have actually increased the NIH funding by 6.5 percent. But that is not good enough. My district, in Cambridge and all the rest of it up in Massachusetts, receives more money from NIH perhaps than any other district in the country, a fact which I am very proud of. But I am not proud of the fact that those same universities are going out through the back door of cutting and gutting the provisions that set aside funds for the SBIR Program.

I would hope that the Congress of the United States would take action today; if we are not successful today, that we will take action between now and the time that we actually mark up where we go to conference to make certain that the full assessment is done to determine whether or not it is in fact fair, justified or even good public policy to have the small business standard assessed by virtue of the academic standards that are met for basic research by the universities.

I would ask my friend, the chairman of the committee, the gentleman from Illinois [Mr. PORTER], if he would entertain a colloquy with me over the idea of perhaps meeting with those various interests, including people from NIH, from GAO, from the National Science Foundation, as well as those people in the biotech industry and people in the small businesses of this country and determine whether or not we in fact have achieved the best public policy by virtue of the legislation that was contained in today's action on the House floor.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say to the gentleman that our concern with the SBIRs is not that there is a set-a-side for biomedical research. That is fine. Our concern is with the quality of research that is offered.

I think there are some very, very legitimate unresolved questions as to how you evaluate that quality. I think the gentleman has put his finger on an issue that has to be resolved in some sensible and good way. I would say that his suggestion that we bring together all of the concerned parties, including NIH itself, and sit down and work through this, I think people of good will can resolve this very easily. I would definitely support the gentleman in that conference and be willing to sit in on it and see if we cannot work this out. I am sure that we can.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman, who is perhaps one of the reasonable and, I think, an individual who has pursued, ever since I have served with him in the Congress, nothing but good public policy in all of the actions that he has taken, and it is a pleasure to serve with the gentleman from Illinois [Mr. PORTER]. And having said that, I think it is unfortunate that we in this legislation actually knock down what should have been a 2.5-percent funding level to a 2-percent funding level.

I think that if the review would indicate that there is not, in fact, good quality research that is coming in by the small businesses, then obviously we do not want to be funding it. But I think that it is unfortunate that we took action to actually knock down the funding level for the small businesses before the full assessment in terms of the basic research versus applied research differentials were taken into account.

But I think that if the gentleman is willing to try to take into account those differences at a meeting between now and the time we get to the conference, I would be happy to withdraw my amendment and look forward to meeting with the gentleman unless—I know that there were some other speakers, but they probably do not know we are even doing this.

So I would be happy to withdraw with that proviso that we do, in fact, have that meeting.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 212. EXTENSION OF MORATORIUM.—Section 6408(a)(3) of the Omnibus Budget Reconciliation Act of 1989, as amended by section 13642 of the Omnibus Budget Reconciliation Act of 1993, is amended by striking "December 31, 1995" and inserting "December 31, 2000, or the first day of the first quarter on which the Medigrant plan for the State of Michigan is effective under title XIX of such Act.".

SEC. 213. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to entering into a contract in accordance with subsection (c), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that (as of the date of the enactment of this Act) constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the conveyance specifies that, if the State of Louisiana engages in a material breach of the contract under subsection (c), title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The transfer described in subsection (b) may be made only if, before the transfer is made, the Secretary and the State enter into a contract whose provisions are in accordance with the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve, and consistent with the memorandum of understanding signed June 11, 1996 by the Chancellors of Louisiana State University and Southern University.

Mr. CHABOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask my colleague from Illinois [Mr. PORTER] if he would please engage me in a brief colloquy.

I also want to thank the gentleman from Illinois for his tremendous leadership in crafting this bill. I am most grateful for the gentleman's continued strong support for medical research.

Two weeks ago, I introduced a bipartisan bill that would authorize expenditures for research into an extremely rare and deadly disease known as lymphangioleiomyomatosis, or "LAM." LAM is especially cruel because it strikes only women, most of whom are of childbearing age. LAM victims develop painful cysts on their lungs and gradually lose their capacity to breathe. Because doctors know so little about LAM, they often misdiagnose it. Tragically, LAM patients die within 10 short years of their diagnosis. The intent of the LAM Disease Research Act is to build upon the excellent work undertaken by the National Heart, Lung, and Blood Institute; work encouraged by the gentleman and his subcommittee in its fiscal year 1996 report.

Were the rules different, I would have offered the LAM Disease Research Act as an amendment to the Labor-HHS appropriation. I understand, however, that such an amendment would be subject to a point of order. Therefore, I cannot offer my amendment.

It is my understanding, however, Mr. Chairman, that money appropriated under this bill may be used by the National Heart, Lung, and Blood Institute to study LAM and work toward a cure. I ask the gentleman if I am correct in that understanding, and I know that he joins me in being greatly concerned about the deadly LAM disease.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. Yes, Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his remarks. I might say to the gentleman that testimony was given before our subcommittee on this very deadly disease. I did manage to pronounce its name, as the gentleman from Ohio [Mr. CHABOT] did so successfully a moment ago. I am not going to try it again.

But let me say that he is correct that under this bill the money may be spent to research LAM along with other deadly diseases. In fact the Heart, Lung and Blood Institute has begun research into LAM, and I fully expect that effort to go forward.

Mr. CHABOT. I thank the gentleman from Illinois. I want to commend him for his efforts in this area. I and many, many people afflicted with this disease really do appreciate his efforts.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment. I missed by a few minutes the earlier time and would like to offer the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PORTER. Reserving the right to object, Mr. Chairman, I would like to say to the gentleman from Indiana [Mr. SOUDER] under my reservation that we have so many amendments offered to the bill, that since he was not here at the time this portion of the bill was read I find great difficulty in going back now to pick up these amendments.

I think the gentleman perhaps, from Wisconsin, would also object to this, and while we would like to accommodate the gentleman from Indiana and would have accommodated him had he been here, I do not know that we can do it with so many amendments pending. I think we are going to have objection on the other side as well.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PORTER. I would object, yes, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman from Wisconsin ask unanimous consent to return to that portion of the bill?

Mr. GUNDERSON. If necessary, Mr. Chairman. I thought we were on that portion of the bill.

The CHAIRMAN. The gentleman's amendment goes to a section of the bill that we have already passed in reading by paragraph, so the gentleman would have to ask unanimous consent in order to take up the amendment at this time.

Does the gentleman from Wisconsin [Mr. GUNDERSON] ask unanimous consent?

Mr. GUNDERSON. I do. I ask unanimous consent to offer my amendment.

Mr. PORTER. Mr. Chairman, reserving the right to object, I would say to the gentleman again it is the same problem, but I understand that the gentleman intends merely to make comments and then withdraw this amendment.

Mr. GUNDERSON. That is correct.

Mr. PORTER. On that condition, I would not object if he simply wants to strike the last word and present his arguments.

Mr. GUNDERSON. Mr. Chairman, I withdraw my unanimous-consent request and move to strike the last word.

Mr. Chairman, it was our intent on behalf of the Rural Health Care Caucus, and I apologize for the confusion on timing here to offer an amendment which would do two things. The amendment would increase spending for rural outreach grants and for rural transition grants by $10 million each. It was our intent personally, not by everybody, but at least by this Member, that we would take that money out of the $2.4 billion available for the social services block grant.

Why do I say that? I say that because if my colleagues will look at the committee report, the committee report intended that these programs would be funded out of that social services block grant.

Now, the reality is, in all due respect, that our rural counties do not get that much money under the social services block grant, that that money is truly available in this area.

Second, I think it absolutely essential that we understand the importance of these two particular programs, that perhaps all of the rural programs, these are the two programs most essential in guaranteeing access to health care in rural areas. The transition grants are the basis by which we make changes in rural hospitals in order to keep those health care access facilities alive, and they have been a very key program.

Yes, they should be changed from a demonstration project to a permanent project or permanent program, but what we have done on behalf of the Rural Health Care Caucus is we have introduced legislation that will consolidate these various programs into a rural health care program. Unfortunately, that was originally a part of the balanced budget reconciliation for last year. As my colleagues all know, that bill was vetoed by the President, through no fault of us, and so that has not been accomplished.

We have in the last week, on a bipartisan basis, introduced a Comprehensive Rural Health Care Improvement Act that includes these changes. It is our intent to get this done, if at all possible, before the appropriation process is complete, and at that point we would hope that we can then get the necessary funding for these programs.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], my colleague and leader from the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding this time to me.

The distinguished gentleman from Wisconsin is the cochairman of the Rural Health Care Coalition. I had the privilege only a session ago, and I was going to rise in support of his amendment; I do, and it simply has been described by the gentleman very well.

The problem is this bill includes only $4 billion for the rural health outreach grants. This is $27.3 million below the level of last year. As the gentleman has indicated, in the committee report we were supposed to get the full funding. This funding will provide support only for the continuation of grants that were funded before this year. As to the transition grants, and as the gentleman has indicated, both of these programs are vital to the rural health care delivery system, this bill simply zeros out all of the transition grant funding.

Now, what the gentleman was trying to do and what I certainly was going to support him doing is that we are increasing the social services block grant $99 million. We were simply going to ask for an additional $20 million of restoring that funding that would be under last year's level.

And so I guess I would ask the distinguished chairman of the full committee whether or not it is his intent when we go to conference, since I think, obviously, he is going to object when we offer this amendment, but could I have the assurance of the distinguished gentleman and the chairman, who I know has worked very hard, so that at least in conference we could restore these funds and we could restore a vital part of the rural health care delivery system?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. Let me explain what my feelings are about the program the way it is written. We talked, if I can say to the gentleman from Kansas and the gentleman from Wisconsin, earlier we talked about a program called Healthy Start, a demonstration program started under President Bush by Secretary Louis Sullivan at HHS, a very, very good program. I said in respect to this program and in respect to the State students incentive grants program, one that the President himself zeroed out in this budget and that we zeroed out and have steadfastly maintained it ought to be zeroed out, these are programs that have never been specifically authorized. They have operated under a demonstration authority just like this one has, the rural outreach grants, since fiscal year 1991, and in respect to rural outreach the current cycle of grants will end for the most part in fiscal year 1996.

The bill's funding level of $4 million would permit the few remaining grantees to continue operating through fiscal year 1997. But after $146 million of total funding this demonstration should be evaluated, the lessons learned from it and the resources provided, incorporated into existing programs that provide similar services or new legislation should be written to reflect that, and one of the great difficulties we have in Congress is that we start a demonstration project. SSIG is a prime example; 24 years of demonstration, and we kept funding it year after year after year.

And so I would say to the gentleman I would try to do my best to work out his concerns because I think there is undoubtedly a lot to be learned and a lot of good derived from this program, but if the gentleman, both from Kansas and from Wisconsin, and he is on the authorizing committee, if we could get this thing moved into legislation that applies broadly and not continue with those demonstrations year after year after year, we would make a lot of progress in getting our budget under control.

The CHAIRMAN. The time of the gentleman from Wisconsin [GUNDERSON] has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

□ 1430

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, as the gentleman from Wisconsin has indicated, we are striving to do just that in regard to authorizing language. We have a rural health care bill that is supported in a bipartisan effort on behalf of the Rural Health Care Coalition; 146 Members now support this effort, so we can get the authorizing language.

What I want to demonstrate to the distinguished chairman of the subcommittee is this. Last year, 309 hospitals all throughout our rural areas have applied for these grants. Sixty-five new grants were awarded. With the funding we have for these programs now, that is going to end. When we have Medicare reimbursement problems, when we have miles to go in regards to servicing our area, when we have major health care reform and managed care reform, this is the way we are going to transition.

These are good programs. We need the funding if we possibly can. We simply ask for $20 million, when it was cut by $26 million. It is very evident to me that with 309 hospitals applying for these grants almost on an emergency basis, I have small communities in my district who have no primary health care, a community of 8,000, which, with a grant, then had the primary care for 3,000 of these residents. We will simply have no health care in many, many areas.

So I would plead with the chairman that once we do our job in regard to the Rural Health Care Coalition, we can have at least adequate funding under the severe budget restrictions that we have. I thank the chairman for listening.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. If the gentleman would further yield, nothing would make me happier to see that by the time we go to conference on this bill we have authorizing legislation and we can fund that directly.

Mr. GUNDERSON. We are working toward that goal. I appreciate the support of both gentlemen.

Ms. WATERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, first, I would like to thank the gentleman for his leadership in increasing NIH by over $800 million and the National Heart, Lung, and Blood Institute by some $83 million.

I rise to have this colloquy with the chairman of the subcommittee because I am very concerned about problems of women as it relates to cardiovascular diseases. It is not well understood or known, but heart disease is the No. 1 killer of women. However, women are not represented in research. For many years women and minorities were either absent or underrepresented in clinical trials. Most of the treatment and equipment are based on studies that have been limited basically to men.

Unfortunately, and surprisingly, many of the doctors in this country remain unaware of women's more subtle symptoms, such as shortness of breath, dizziness, and arm pain. They do not recognize these as symptoms of cardiovascular disease, and oftentimes when women go in complaining of these symptoms they are mistreated, misdiagnosed, or not treated at all. Of the women who die suddenly from heart attack, 63 percent of them had no evidence of previous heart disease. They did not know, there had been no other signs. But the fact of the matter is they have these symptoms that are unrecognized by doctors. Four out of 5 women are not aware that heart disease is the leading killer of women in this country.

I know that oftentimes we hear a lot about cancer, we hear a lot about other diseases. Most people think that cancer may be the No. 1 killer of women, but Mr. Chairman, I want Members to know that heart disease is the leading killer of women in this country. One in 5 females has some form of cardiovascular disease. Half a million females die from cardiovascular diseases each year. This is almost double the number of deaths of all cancers combined.

Mr. Chairman, appreciating the work of the chairman of the subcommittee with NIH and the way that he has worked to fund them, and I know he understands these problems, as we continue with this year's appropriations process, I would like to know if we can work together to ensure that NIH, in particular the Heart, Lung, and Blood Institute, focus a fair portion of their increased budget resources on research, prevention, and education programs for women, and at-risk women, including African-American women.

Mr. PORTER. Mr. Chairman, will the gentlewomen yield?

Ms. WATERS. I yield to the gentleman from Illinois.

Mr. PORTER. We would be very happy to work with the gentlewoman in this regard, Mr. Chairman, I think she puts her finger on a very serious problem, and to work also with NIH to ensure that they move in that direction.

Ms. WATERS. I appreciate that, Mr. Chairman. I think if we can work together to ensure the research, management, and support account for education programs of the National Heart, Lung, and Blood Institute, that we will eliminate the slippage that we see in funding levels. The chairman is aware that that account has been as high as $6 million, but it could fall to as low as $3 million this year.

We know that education can work. Education is the first line of preventing these diseases, and it is particularly important for women's heart disease. If we can work together through this process, we can ensure that the education budget shares in the increase provided to NHBLI.

Mr. Chairman, I hate to push this issue. I know that with all the work the gentleman is doing and all the attempts the gentleman is making, he is trying to focus attention on so many things, but I have gotten focused now on cardiovascular diseases of women, and I am very moved by the fact that many of my friends now who are my age are literally dying, women in their fifties who are dying from cardiovascular diseases.

I think we need not wait much longer until we have a higher number of women dying. We can in fact, with a little attention, focus some education so we can eliminate this as a major problem in our society.

Mr. PORTER. If the gentlewoman will continue to yield, Mr. Chairman, I would agree that NHLBI's public education activities are tremendously important, and I would be happy to work with the gentlewoman to ensure that they are well supported in the final product.

Ms. WATERS. I thank the gentleman very much, Mr. Chairman.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER]. I would say to the chairman, over the years he has been a strong supporter of the efforts to end domestic violence in this Nation. His commitment in the issue is reflected in his support of the Violence Against Women Act programs in the bill. He has committed all of the funds allocated to this subcommittee from the violent crime reduction trust fund to these crucial programs. Unfortunately, despite these efforts, these programs are not yet fully funded because the current 602(b) allocation falls short of the necessary funding levels.

As we know, the Violence Against Women Act was passed unanimously by this House in 1994. This Act was Congress' statement that we would not stand idly by while American women were injured by their husbands, boyfriends, or family members. It symbolizes our commitment to end the epidemic of domestic violence in our Nation.

Mr. Chairman, I was pleased to work with the chairman of the subcommittee on the provisions in the bill that funds the domestic violence programs. Currently this bill takes a large step forward in fulfilling our commitment to the women of this country. Working together, we have provided funding for battered women's shelters, victims of sexual assault, and local community programs to end domestic violence. In addition, we have also included full funding for the National Domestic Violence Hotline. The hotline, which opened in February received over 15,000 calls in its first 4 weeks alone. It is helping women all over the country receive the services that they desperately need.

Mr. Chairman, I know the chairman of the subcommittee did everything he could to fund these programs under the 602(b) allocation from the crime trust fund for this subcommittee. However, despite his commitment to these programs, we are still approximately $16 million short of full funding. Can we find a way to get these programs the funding they so desperately need?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would like to thank the gentlewoman from New York for bringing this to our attention. I would also like to commend her for the wonderful work she has done on the subcommittee on behalf of the victims of violence. No one has been a stronger advocate, and she has kept our focus on these very, very important issues.

Like the gentlewoman, I believe that the Violence Against Women Act programs provide much needed services to victims of domestic violence throughout our country. I was glad to provide as much funding to these vital programs as I could under the current allocation to our subcommittee. I was particularly pleased to provide over $57 million to the battered women's shelters. This money is critical because it goes directly to the victims of domestic violence and helps them to escape the violence and begin their lives anew.

As pleased as I was to provide $61 million to the Violence Against Women Act programs, I believe these crucial programs should be fully funded. It is my understanding that the Senate subcommittee for Labor-HHS appropriations has a 602(b) allocation that will allow it to fully fund these programs.

In addition, it is my understanding that Chairman SPECTER currently intends to fully fund VAWA programs. In light of this, at conference I would plan to seek an adjustment of our 602(b) allocation to allow us to match senate funding levels. I am committed to doing everything I can to ensure that Violence Against Women Act programs are in fact fully funded.

Mrs. LOWEY. Mr. Chairman, I would like to thank the chairman for his dedication to eradicate domestic violence, and his commitment to fully fund these programs. Under his leadership we will have a program that truly assures that victims of domestic violence will receive the services they desperately need.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title II is as follows:

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary for such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4) The Secretary will provide for the continuation at the transferred property of the projects (underway as of the date of the enactment of this Act) to make repairs and to make energy-related improvements, subject to the availability of appropriations to carry out the projects.

(5) The contract disposes of issues regarding access to the cemetery located on the transferred property, and the establishment of a museum regarding memorabilia relating to the use of the property to care for patients with Hansen's disease.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property with management, engineering, or dietary duties:

(A) The State will provide the individual with the right of first refusal to an employment position with the State with substantially the same type of duties as the individual performed in his or her most recent position at the transferred property.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (d)(3)(B) (relating to disability), as applicable with respect to the individual.

(7) The contract contains such additional provisions as the Secretary determines to be necessary to protect the interests of the United States, and the Secretary shall have final approval over the terms of the contract.

(d)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later than 30 days after the date on which the transfer was made.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later than 30 days after the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with management, engineering, or dietary duties, and who becomes an employee of the State pursuant to subsection (c)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever is applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by a State pursuant to subsection (c)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(e) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansens's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, is a patient of the Center and is receiving long-term care (referred to in this subsection as an "eligible patient"), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient. Of the amounts appropriated for a fiscal year for the Public Health Service, the Secretary shall make available such amounts as may be necessary to carry out the preceding sentence.

(5) Except in the case of an eligible patient for whom it is not feasible to relocate for purposes of subsection (c)(3), each eligible patient may make an irrevocable choice of one of the following long-term care options:

(A) For the remainder of his or her life, the patient may reside at the Center.

(B) For the remainder of his or her life, the patient may elect to receive payments each year in an annual amount of $33,000 (adjusted for fiscal year 1998 and each subsequent fiscal year to the extent necessary to offset inflation occurring after October 1, 1996), which payments are in complete discharge of the obligation of the Federal Government under paragraph (4). If the individual makes the election under the preceding sentence, the Federal Government does not under such paragraph have any responsibilities regarding the daily life of the patient, other than making such payments.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5).

(f) For purposes of this section:

(1) The term "Center" means the Gillis W. Long Hansen's Disease Center.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "State" means the State of Louisiana.

(g) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

"SEC. 320. (a)(1) At the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

"(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and conduct and promote the coordination of research, investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and the complications of such disease.

"(3) Paragraph (1) is subject to section 213 of the Department of Health and Human Services Appropriations Act, 1997.

"(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease to any person determined by the Secretary to be in need of such care and treatment.

"(c) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purpose.".

SEC. 214. (a) None of the funds made available in this Act or any other Act may be used to make any award of a grant or contract under section 1001 of title X of the Public Health Service Act for fiscal year 1997 or any subsequent fiscal year unless the applicant for the award agrees that, in operating the voluntary family planning project involved, the applicant will comply with the following conditions:

(1) Priority will be given in the project to the provision of services to individuals from low-income families.

(2) An individual will not be charged for services in the project if the family of the individual has a total annual income that is at or below 100 percent of the Federal poverty line, except to the extent that payment will be made by a third party (including a government agency) that is authorized, or is under a legal obligation, to pay the charge.

(3) If the family of the individual has a total annual income that exceeds 100 percent of such poverty line but does not exceed 250 percent of the line, the project will impose a charge according to the ability to pay.

(4) If the family of the individual has a total annual income that exceeds 250 percent of such poverty line, the project will impose the full charge for the services involved.

(5) Subject to paragraphs (1) through (4), the policies of the applicant will ensure that economic status is not a deterrent to participation in the project.

(b) None of the funds made available in this Act may be expended for the program under section 1001 of title X of the Public Health Service Act after the expiration of the 180-day period beginning on the date of the enactment of this Act unless the Secretary of Health and Human Services submits to the Congress, not later than such date of expiration, a report providing, to the extent that the information is available to the Secretary, the following information for the most recent fiscal year for which the information is available:

(1) The number of individuals who receive family planning services through voluntary family planning projects under such section 1001, and the demographic characteristics of the individuals.

(2) The types of family planning services chosen by recipients of services from such projects.

(3) The number of individuals served by such projects who are—

(A) at risk of unintended pregnancy; and

(B) from a family with a total annual income not exceeding 250 percent.

(4) The extent to which the availability of family planning services from such projects has, among individuals served by the projects, reduced the number of unintended pregnancies, reduced the number of abortions, and reduced the number of cases of sexually transmitted diseases.

(5) The extent to which the availability of family planning services from such projects has reduced Federal and State expenditures for—

(A) the program under title XIX of the Social Security Act (commonly known as the Medicaid program); and

(B) the programs under title IV of such Act (commonly referred to as welfare programs).

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1997".

The CHAIRMAN. Are there amendments to the balance of title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentlewoman from California [Ms. PELOSI], and amendment No. 4 offered by the gentlewoman from New York [Mrs. LOWEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

Mr. CLAY. Mr. Chairman, I move to strike the last word.

I rise in support of the Pelosi amendment, to strike the ergonomics rider from this legislation.

I had thought the radical House Republicans had learned their lesson last year, when their extremist agenda of adding legislative riders to appropriations bills led to two Government shutdowns. Unfortunately, as this bill shows, it is hard to teach old dogs new tricks.

The ergonomics rider is a clear demonstration of the Republican Party's utter disregard for both worker safety and science. The bill forbids the Department of Labor from issuing any rules, or even proposed rules, or even voluntary guidelines, to protect workers from ergonomics injuries. This despite the fact that ergonomic injuries represent the fastest growing workplace health problem, resulting in estimated annual workers compensation costs of $20 billion annually. But the bill goes even further.

Despite the pious claims of Republicans that they merely want regulators to use good data when they regulate, this provision adopts a "hear no evil, see no evil, speak no evil" attitude toward workplace safety. This bill actually forbids the Department of Labor from even collecting data about ergonomic injuries.

The Republican view is that what OSHA does not know OSHA does not have to regulate. Unfortunately, with respect to workplace safety, what you don't know can cripple you.

Make no mistake, this rider is not about ensuring that the Department of Labor regulates in a rational manner. This rider is about suppressing data, suppressing science and suppressing the truth. And American workers will suffer.

Let's strike this extreme rider from the bill. Let's help prevent another Government shutdown. Support the Pelosi amendment.

AMENDMENT OFFERED BY MS. PELOSI

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. PELOSI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI: Page 19, strike lines 8 through 15.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 205, not voting 12, as follows:

[Roll No. 301]

AYES—216

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—205

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Zeliff
Zimmer

NOT VOTING—12

Becerra
Clayton
Dunn
Fattah
Gibbons
Hall (OH)
Lincoln
Longley
McDade
Oberstar
Vento
Young (FL)

☐ 1501

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mr. Longley against.

Mr. BILIRAKIS changed his vote from "aye" to "no."

Ms. McKINNEY, Ms. McCARTHY, and Mr. KLUG changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, on rollcall 301 I inadvertently voted "yea." I intended to vote "nay."

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, on rollcall No. 301, I inadvertently voted "aye" and intended to vote "no."

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 263, not voting 12, as follows:

[Roll No. 302]

AYES—158

Ackerman
Andrews
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Blumenauer
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Harman
Hastings (FL)
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kleczka
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Pryce
Quinn
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Schroeder
Schumer
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Wolf
Woolsey
Wynn
Yates
Zimmer

NOES—263

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Young (AK)
Zeliff

NOT VOTING—12

Becerra
Dunn
Fattah
Gibbons
Hall (OH)
Hancock
Lincoln
Longley
McDade
Oberstar
Vento
Young (FL)

□ 1510

Mr. EDWARDS and Mr. FOLEY changed their vote from "aye" to "no."

Mrs. CLAYTON and Mr. WYNN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HEINEMAN. Mr. Chairman, on July 11, 1996, due to an error, I was incorrectly recorded on the Lowey amendment to H.R. 3755, the fiscal year 1997 Labor-HHS-Education appropriations bill. The record reflects a "no" vote on rollcall vote No. 302. I request the record reflect I intended to vote "yes" and emphasize my support for the Lowey amendment.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, earlier today

Labor/HHS/Education appropriations bill for fiscal year 1997, I missed two votes on amendments to this legislation. At the time those votes were ordered, I was giving important testimony to the Senate Subcommittee on Forests and Public Land Management concerning legislation regarding the Boundary Waters Canoe Area Wilderness.

Had I been present, I would have voted "aye" on the Pelosi amendment, rollcall vote No. 301; and I would have voted "no" on the Lowey amendment, rollcall vote No. 302.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION REFORM

For carrying out activities authorized by the School-to-Work Opportunities Act, $175,000,000, which shall become available on July 1, 1997, and remain available through September 30, 1998.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, $7,204,130,000, of which $5,895,244,000 shall become available on July 1, 1997, and shall remain available through September 30, 1998, and of which $1,298,386,000 shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–1998: *Provided*, That $6,042,766,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1996, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $684,082,000 shall be available for concentration grants under section 1124(A) and $7,000,000 shall be available for evaluations under section 1501.

□ 1515

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 57, line 24, after the dollar amount, insert "(increased by $20,000,000)".

Page 57, line 25, after the dollar amount, insert "(increased by $20,000,000)".

Page 58, line 9, after the dollar amount, insert "(increased by $20,000,000)".

Page 66, line 9, after the dollar amount, insert "(decreased by $20,000,000)".

Mr. MICA. Mr. Chairman, I present this amendment today. It is slightly different than what was printed. I had hoped to increase this amount by $40 million; however, I have changed the amendment to $20 million.

Let me tell my colleagues what my amendment does today, and it is probably one of the most important amendments on this bill and dealing with education in particular. What this does is it, in fact, transfers from Washington bureaucracy to the local classroom education dollars.

What we in the Congress do and what we are doing through this appropriations procedure is, in fact, deciding how the resources of our Nation and the Congress get allocated to different programs.

This is an important amendment because it is part of the fundamental debate about what we have been talking about in Congress during this entire session. It is a fundamental question. It is not just how much money we throw at various problems and how much money we expend, but how we expend the money. That is the fundamen-

Let me tell my colleagues, I chair the House Subcommittee on Civil Service, and I know where the bureaucrats and the bodies are buried throughout our nearly 2 million employee Federal work force. There are 5,000 employees in the Department of Education, 5,000, and then thousands of other contract employees. Of the 5,000 full-time employees in the Department of Education, 68 percent are in Washington, DC.

What this amendment does is it does not cut any money from any programs, it does not cut any money for education, but what it does is it transfers some of that money that we as a Congress are appropriating and it transfers it from the bureaucracy and administrative account in Washington, DC, to the classroom. That is what this debate is all about.

This is not a debate on exactly how we can spend all the money and the regulations that come out of the Department of Education, and I cannot change that because this is an appropriations bill, and I would like to change some of the way we authorize the money. But what this does is it addresses a fundamental question. Do we spend the money up here on a big Federal education bureaucracy or do we send the money to the classrooms, when we have instances where some of our classrooms do not have the resources, they do not have the materials, they do not have the teachers?

We have a clear responsibility in this Congress to make these important choices, and that is the choice this amendment gives us today. Do we spend it here in Washington on the 68 percent of the employees of the 5,000 who are located in Washington, DC or does that money go back into our local classrooms?

This is a very, very fundamental debate. I want to take a minute and talk a little bit more about what we are doing with education. I hear from parents all the time. I talk to my community college presidents. When we have students who cannot read their diplomas, when we have 71 percent of the students in one of my local community colleges entering that require remedial education, when we have a situation in education that I consider a crisis, when we have to put police and others in our classroom and fire other teachers and do not have the money for the resources that we need in our classroom, we, as a Congress, have an important responsibility to make these choices of where that money is spent.

So this is a simple amendment. it is a clear choice. Do we spend the money in Washington on bureaucrats and a large Department of Education?

I am not cutting the Department of Education. We will still have a Department of Education. But what we are doing is taking $20 million and we are putting it into title I programs, the programs that are really in our classrooms, that affect our children and their education.

So we are going to decide by my amendment whether we put those resources again in Washington or in the local classroom where our students and our teachers are really at the bottom end of the feeding chain, because we have built a huge bureaucracy, not just the 5,000 in Washington, DC, but we have exploded that bureaucracy to regional offices and then to State offices.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. MICA. Mr. Chairman, I remember serving in the legislature and I saw that bureaucracy. I saw the huge bureaucracy that we created and that we force, and I cannot solve those problems today with this bill, but what I can do is to help this House as it makes those important choices, and we will, by this amendment and by the agreement that we have reached, restore title I to its level of funding for last year.

So this is an important amendment. Again, it is a clear choice. Do we spend the money on bureaucrats in Washington, or do we spend it in local classrooms on students and teachers?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me. I am interested, does the gentleman have any idea of what percentage of discretionary education the Department of Education, the bureaucracy, or bureaucrats of which he speaks, is?

Mr. MICA. Mr. Chairman, reclaiming my time, the total amount of money that comes from Washington, DC, towards local education, I believe, is about 5 percent of all education funding.

Mr. HOYER. No, no, no, that is not what I asked. Does the gentleman know what percentage——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I asked a question; let me answer the question. Of the money, discretionary money, that we spend on education—which is, as the gentleman points out, a relatively small percentage of the total amount spent on education in this country, 2 percent—2 percent, is administrative cost. Two percent is administrative cost, I tell my friend.

Mr. Chairman, I rise in opposition to this amendment. Of course, one could say we will put $20 million more in title I. We ought to put $20 million more in title I. We ought to put $100 million more in title I, I tell my friend from Florida, but we are not doing it because the 602(b)s have been squeezed very badly. Why? Because the Republican tax cut was deemed to be essential in a time when we are trying to balance the budget and serve our children.

I tell my friend, that 2 percent—2 percent—is administrative cost for the administration of the 98 percent of discretionary funds which is sent either to students or to schools and local school districts. Two percent.

All the gentleman wants to do is, as he frankly likes to do on a regular basis, attack the bureaucrats. These are real people doing important things, trying to make programs that this Congress adopts work. I frankly am fed up, I tell my friend, fed up with people rising on this floor and using "bureaucrat" as an epithet, as a slur, as an effort to dehumanize people that we have employed to try to carry out the policies and programs that we adopt.

Good people have to spend time every day trying to make sure that these policies and programs will work for Americans, for children, for families. "Bureaucrat"—it is said with a snide smile sometimes, demagoguing for the people back home. I am fed up with it.

Yes, I represent a lot of Federal employees, and I am proud of it. They work hard and they do a good job, and I dare every one of you to ask the people who come from the private sector, from corporations, from businesses, large and small, ask them what they think of the quality of the morale and of the product of those people who work in Washington and around the country.

By the way, Mr. Chairman, only 20 percent work in Washington. The rest work in Florida, in California, in New York, in Texas, in Iowa, in Illinois, in every State in the Nation, trying to deliver the services that this Congress and the President—in previous administrations and in this one—decided were appropriate for the American public.

□ 1530

Two percent, I tell my friend from Florida, 2 percent overhead in education and 92 percent to the recipients, either students or local school districts or States, to deliver education to the students of this country to make us more competitive.

I am tired of this demagoguery. You can disagree with the programs, but we ought to stop demeaning the people that we have hired, because there are some demented souls in America who hear that debate and decide that they can go to the office building in Oklahoma City, angry at their government, angry at the policies of their government, and in a demented, deranged, sick manifestation of that sentiment, attack the people, persons, the individuals that we ask to carry out the responsibilities given to them by the

Congress and the President of the United States.

I hope, Mr. Chairman, that this amendment is defeated. If the gentleman wants to put $20 million additional in title I, I will support it because it needs $20 million more. But to cut Federal employees further in the process when we are already reducing 272,000 plus probably another 50,000 or 100,000, I say to my friend, is wrong.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the gentleman from Florida [Mr. MICA] has put his finger on the right place to put more money, because title I concentration grants go to the schools that need the money most. I have been saying for quite some time now, and I want to say again, that one of the major problems with title I is that it comes out of that era of our Government where we felt that in order to get something passed here in the House for people who need it, we had to spread it around to every single congressional district, every school district in America. And title I money goes to school districts all over this country who have plenty of resources and no need for the additional money, and we ought to stop that practice.

The authorizing committee ought to address targeting this money where we have real serious problems with poor kids that have no opportunity, and stop sending it to school districts like some in my district; New Tria high school get title I money and the administrators and the parents will tell us that it should not be sent to them at all.

Mr. Chairman, we ought to start deciding where our problems are and putting our money to solve those problems, instead of thinking that we have to buy votes in here by spreading it all across America, and so I would commend the gentleman to the extent that that is the place to put the money.

I would say to the gentleman from Maryland [Mr. HOYER] that I do not understand how anyone can stand up and say that the problem is with title I or any other spending that we have cut taxes. To my knowledge we have not cut taxes. It has been proposed but it has never been enacted.

No, the reason that we do not have enough money is that we have not had enough courage, the President has not had enough courage to sign a bill that would slow the rate of growth in entitlement programs that he could have signed last year but did not, that would take the pressure off the discretionary spending where we cannot solve our budget problems entirely.

We can make a contribution, sure. But we will never get the budget into balance if we don't address the growth in entitlement programs. This Congress has had the courage to propose good programs to do that. The President of the United States chose to veto that, I think in great error.

I am very reluctant to take money out of S&E accounts. It seems like an easy place; salaries and expenses, we will just take it out of that. The gentleman from Maryland is right. Federal employees are just like all the rest of us, they have families, they have kids, they have kids in school, they have mortgage payments to meet. Making a cut sounds easy, but it does affect real human beings who do an excellent job for our country for the most part.

And yet, I think the amendment does aim in the correct direction on providing greater money for concentration grants. I am not going to fight it for that reason. I am not enthusiastic about the place from where the gentleman takes the money.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in support of the Mica cut-the-bureaucracy, not-education amendment. I believe that it is the right thing to do. I do sympathize with the gentleman from Maryland that we are talking about real people, but I do want to point out that while we are downsizing the Federal Government, for some reason the Department of Education has almost skirted all the downsizing.

In 1992, the number of full-time equivalent employees was 4,876, and today it is 4,816. That is a decline of less 1 percent. Compare that to the Department of Defense and it has declined over 13 percent.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if the gentleman would bother to look at the size of DOE going back to 1980, he would discover that Department has declined in size already by 20 percent.

Mr. KINGSTON. Mr. Chairman, this is from the full-time equivalents as the gentleman knows.

Mr. OBEY. Mr. Chairman, that is exactly what I am talking about. The gentleman is talking about a 1-year bridge. What he is forgetting is that from 1980 up to until 2 years ago, the Department of Education had major, major, major reductions. If the gentleman is going to compare apples to oranges, let us do it over the decade not over the nanoseconds.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, I think that the point is that the declination in the size of the bureaucracy is the will of the American people, and it is necessitated by the fact that we have a deficit and a national debt of almost $5 trillion.

The deficit on an annual basis we pay nearly $20 billion a month in interest on. It is time to bring this thing under control. What the Mica amendment simply does is say let us take the money out of bureaucracy and put it in the classroom. I have been in one of the title I program classes in my district, and it is a very effective, hands-on program teaching kids how to read, how to improve their education skills, and so, forth. And this is not an education cut. It will help counties where there is over 15 percent of the kids below the poverty level.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I just want to clear up a couple of points. First, the gentleman from Maryland who launched into the debate, first of all, I oversee the Federal work force as chairman, at least from the House side, as chairman of the Civil Service Subcommittee, and I greatly respect the efforts of our Federal employees throughout our Federal work force. But we have the neighborhood of 350,000 Federal employees within my speaking voice here in the Washington, DC area. And they do too have to experience some downsizing.

The Department of Education in the past year has had a 1-percent decrease. I heard the ranking member talk about the actual number of decreases in full-time employees and he is correct, but we have examined this in the Civil Service Subcommittee and seen where thousands and thousands of employees have been contracted out. And that is one of the problems that we have.

But the question here is now a cut of probably about 300 positions in the Department of Education, which would be between an 8- and 10-percent cut of the Washington work force in Washington, DC. I tell my colleagues that through normal attrition we lose between 6 and 7 percent, people who die or retire or go on to other positions. So I think this can be managed.

Mr. Chairman, I appreciate the ranking member's agreement to accept this amendment and support this amendment. And I also thank the chairman for his support of this amendment, also the gentleman from Georgia [Mr. KINGSTON], the gentleman from Wisconsin [Mr. NEUMANN], and other Members, the gentleman from Florida [Mr. SCARBOROUGH], and the 20 or 30 Members who are prepared to come out here and talk in favor of it.

Mr. KINGSTON. Mr. Chairman, reclaiming the time one of the things I hear over and over again from teachers in the classroom, and I visit lots of schools, is that they have too much of their day-to-day routine dictated out of Washington. This type of amendment reduces the influence of Washington command and control bureaucracy and allows teachers to teach children in their home counties as they see fit. I think it is a very good amendment, and urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to understand, if this amendment has been accepted, why are we palavering on it? Why do not we just move on?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Mica].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Deal of Georgia: Page 57, line 24, after the dollar amount, insert "(increased by $1,000,000)".

Page 57, line 25, after the dollar amount, insert "(increased by $1,000,000)".

Page 58, line 4, after the dollar amount, insert "(increased by $1,000,000)".

Page 66, line 9, after the dollar amount, insert "(decreased by $1,000,000)".

Mr. DEAL. Mr. Chairman, my amendment likewise deals with the area of title I basic education funding. It would simply transfer $1 million out of the management administration account and even though there have been transfers pursuant to the previous amendment, I would point out that in this one Office of the Secretary, half of the 100 employees there perform press-related activities. I believe that an additional million dollar transfer would certainly be appropriate into the classroom to deal with title I basic education, Mr. Chairman, that this is a minimal thing that we can do to help those in the classroom level of education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. Deal].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $728,000,000, of which $615,500,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $17,500,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles IV–A–1, V–A, VI, IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,235,383,000 of which $1,071,495,000 shall become available on July 1, 1997, and remain available through September 30, 1998: *Provided*, That of the amount appropriated, $606,517,000 shall be for innovative education program strategies State grants under title VI–A: *Provided further*, That the percentage of the funds appropriated under this heading for innovative education program strategies State grants that are allocated to any State or territory shall not be less than the percentage allocated to such State or territory from the total of the funds appropriated in appropriation laws for fiscal year 1996 for the combined totals of such grants plus Eisenhower professional development State grants, foreign language assistance grants, and the star schools program.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by parts A and C of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $167,190,000, of which $50,000,000 shall be for immigrant education programs authorized by part C: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (except part I), $3,246,315,000, of which $3,000,000,000 shall become available for obligation on July 1, 1997, and shall remain available through September 30, 1998.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,509,447,000.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,041,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $79,182,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, $1,329,669,000, of which $1,326,750,000 shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided*, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $6,630,407,000, which shall remain available through September 30, 1998.

The maximum Pell Grant for which a student shall be eligible during award year 1997–1998 shall be $2,500: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1996 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $29,977,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $829,497,000, of which $15,673,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: *Provided*, That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1997–1998 for fellowships awarded originally under parts B and C of title IX of said Act, under the terms and conditions of parts B and C, respectively.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $187,348,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $698,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994; the National Education Statistics Act of 1994; section 2102(c)(11), sections 3136 and 3141, parts A, B, and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $319,264,000: *Provided*, That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, III, and IV of the Library Services and Construction Act, and title II–B of the Higher Education Act, $108,000,000, of which $2,500,000 shall be for section 222 and $1,000,000 shall be for section 223 of the Higher Education Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $320,152,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $54,171,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $27,143,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $420,000,000 for fiscal year 1997. The Department of Education shall use at least $134,000,000 for payment of administrative cost allowances owed to guaranty agencies for fiscal years 1996 and 1997. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1997, except after consultation with both the Chairmen and ranking members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 305. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 306. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 1997".

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 69, after line 23, insert the following:

SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)(A)(i)) is amended—

(1) in the matter preceding subclause (I), by striking "The Secretary" and all that follows through "greater of—" and inserting the following: "The Secretary, in conjunction with the local educational agency, shall first determine each of the following:";

(2) in each of subclauses (I) through (III), by striking "the average" each place it appears the first time in each such subclause and inserting "The average";

(3) in subclause (I), by striking the semicolon and inserting a period;

(4) in subclause (II), by striking "; or" and inserting a period; and

(5) by adding at the end the following: "The local educational agency shall select one of the amounts determined under subclause (I), (II), or (III) for purposes of the remaining computations under this subparagraph.".

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1995.

Mr. PORTER. Mr. Chairman, this is a noncontroversial amendment. I understand that both sides on the authorization committee have agreed to it, as well as the gentleman from Wisconsin [Mr. OBEY] on our subcommittee. It has been scored by CBO as having no cost.

The amendment is a technical amendment to the impact aid law regarding payments for heavily impacted districts. Payments to these school districts have been made in the past on the basis of one of three formulas.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, to save time, let me simply say we accept the amendment on this side of the aisle.

□ 1545

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: After title III of the bill, insert the following new title:

"TITLE III–A—EDUCATION AND TRAINING PROGRAM INCREASES

"ADDITIONAL AMOUNTS FOR EDUCATION AND TRAINING PROGRAMS

The amount provided in title I for "Employment and Training Administration-

Training and employment services" is increased, the portion of such amount for "Employment and Training Administration-Training and employment services" that is specified under such heading to be available for the period July 1, 1997 through June 30, 1998 is increased, the amount provided in title II for "Administration for Children and Families—Children and families services programs" is increased, the amount provided in title III for "Education reform" (including for activities authorized by titles III and IV of the Goals 2000: Educate America Act) is increased, the amount provided in title III for "Education for the disadvantaged" is increased, the portion of such amount for "Education for the disadvantaged" that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is reduced, the portion of such amount for "Education for the disadvantaged" that is specified under such heading to be available for the period October 1, 1997 through September 30, 1998 is increased, the amount provided in Title III for "School improvement programs" (including for school improvement activities authorized by titles II–B and IV–A–2 of the Elementary and Secondary Education Act of 1965) is increased, the portion of such amount for "School improvement programs" that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is increased, the amount provided in title III for "Student financial assistance" is increased, by $125,000,000, $125,000,000, $70,000,000, $250,000,000, $450,000,000, $1,000,000,000, $1,450,000,000, $258,000,000, $233,000,000, and $93,000,000, respectively.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, last year this committee funded the coming school year by providing funding for a combination of both fiscal years 1996 and 1997 by moving a portion of the funding for title I from 1996 into fiscal year 1997.

This year the committee has done the same thing for the following school year, which means the school districts will get one check in July and another in October. We in this amendment simply propose to do the same thing. We propose to increase the portion of that funding that goes out with the October check, which enables us to increase education funding for a number of programs.

The new result is that this amendment would increase funding for education and training programs by $1,246,000,000 over the same period of time, which is being considered in this bill.

Title I, overall, would be increased by $450 million; dislocated workers would be increased by $100 million. That would enable us to provide one-half of the President's request for an increase so that 50,000 additional workers who lose their jobs because of the impact of foreign imports can get help to be retrained.

For Head Start, it enables us to add $70 million to maintain the same number of kids who were funded last year. For Goals 2000, which was begun by President Bush, and President Clinton was then Governor, and which was strongly supported by Governor Clinton, representing all of the Nation's governors at that time, Goals 2000 has been zeroed out by the committee. We would restore $250 million of that funding. That still leaves us $240 million short of the President's request.

For safe and drug-free schools, we would add $25 million. That would bring us back up to the 1996 funding level. For Eisenhower teacher training, we add $233 million. The committee has zeroed this money out. That still leaves us $42 million or 15 percent below 1996, even if you accept the added numbers in our bill. That would enable 286,000 math and science teachers to receive upgraded training under this proposal.

On handicapped education, we just had the gentleman from Pennsylvania [Mr. GOODLING] come to the floor and ask us to add $300 million for handicapped education by taking it out of NIH. The House rejected that amendment.

We would have asked that $100 million of that $300 million increase be provided. This is one-third of the increase asked for by the President, only we would not cut the National Institutes of Health in order to do it. We would do it by following the same procedure that this committee provided by way of title I funding.

This would enable us to begin to respond to the fact that the Federal Government has reneged on its responsibilities to local school districts for a long time to pay more fair share for the education of handicapped children.

For Perkins loans, we add $93 million, which would bring it back up to the 1996 level. The committee had limited Perkins loans. For summer youth, we add $25 million. Under the committee bill, 79,000 fewer children will be provided with summer jobs. With this addition, we would be able to meet the needs of approximately one-fourth of those children, still, a very small addition but one which we think is amply justified.

This, in my view, is the primary amendment to this bill. This amendment more than any other defines the differences between the two parties in terms of our priorities. We believe that a Congress which can afford to add $11 billion above the President's budget for Pentagon spending, a Congress which has tried to provide twice as many B–2 bombers as the Pentagon asked for, we believe that, if a Congress decides it is OK to do that, it certainly ought to be OK to try to restore some of the reductions that have been made in real dollar terms and in nominal dollar terms in the committee bill.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, without this amendment, this committee bill is the first step in a 6-year process that will reduce the investment that we make in our kids by 20 percent in real dollar terms. I do not think, and I do not think that the country thinks, that this is the way to prepare for the 21st century.

The children we are sending into the world of work today are going to have to be better prepared, better educated, better trained than any kids in the history of this country, if they want to get decent-paying jobs and provide a decent standard of living for their families. They do not do that, they are not going to be in a position to do that if we short-sheet this bill, if we short-sheet our ability to help the kids who are most difficult to educate in this country to get ahead.

This amendment, I apologize for the fact that it is so small because, even after this amendment, it still leaves us some $5 billion below the funding level for education and training that was contained in the bipartisan coalition bill on the budget just a couple of months ago. It is the very, very, very least that we should do to provide adequate education for our young people. It is far less than we can afford to do, but it is at least a nominal step forward from the committee bill.

I strongly urge passage of the amendment.

The CHAIRMAN. Does the gentleman from Illinois [Mr. PORTER] insist on his point of order?

Mr. PORTER. Mr. Chairman, I do not press my point of order, no.

The CHAIRMAN. The gentleman withdraws his reservation of a point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Wisconsin if he could explain to the House how much total money would be added under his amendment and from where he would derive the funding.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as I said earlier, we are adding $1.246 billion to the bill.

Mr. PORTER. And where is the gentleman deriving that from?

Mr. OBEY. Mr. Chairman, we are adding that by moving, just as the committee bill did on title I, we are moving a significant amount of money from title I expended in this year, moving it to the October payment, must as the committee has provided for an October payment, and that gives us ample room to provide the additions that I described.

Mr. PORTER. Mr. Chairman, first of all, let me say that we have been working with the minority all last night and all today, and we have never seen this gentleman's amendment. We knew nothing about the fact that it was going to be offered until it was offered. We did not have a copy, if I could have the attention of the gentleman from Wisconsin, we did not have a copy of the amendment prior to its being offered.

The gentleman and I both exchanged concern about not being informed of other Members' amendments just a moment ago, and this suddenly comes out without any prior notice to the majority that it was going to be offered.

I have to say, I am incredibly surprised by that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I am, too.

I must say two things. First of all, this is not the only thing that has come out with considerable surprise to Members of this House today, as Members will find out in days to come. And I would certainly say that I apologize for the fact that we did not make the gentleman aware of this amendment. We have been perfecting it up until the very moment, literally, that we offered it. And as the gentleman knows, because of the great difficulty in making certain that it was in order parliamentarily, we had to keep making adjustments until we could get it in shape to offer it.

Mr. PORTER. May I ask the gentleman if I can expect anymore surprises this evening or tomorrow?

Mr. OBEY. Mr. Chairman, none that I know of. Again, I would apologize to the gentleman for not getting it to him. I literally had still been working with the staff on this into the hours this afternoon trying to perfect it so we could, in fact, offer it and have it be made in order.

Mr. PORTER. Mr. Chairman, reclaiming my time, I will simply address the substance of the amendment.

Would we like to put in more money in Head Start or in special ed or in dislocated workers? Of course. What this amendment does is simply borrow from next year's 602(b) allocation $1.3 billion and make the same mistake that we were forced to make in the 1996 fiscal year final product, when the President absolutely insisted before he would sign the bill on additional spending that was not within our allocation. And it is a gimmick that no Congress should ever have engaged in and we should not have engaged in last year but had to in order to get the bill signed. I would oppose it on that ground alone.

It is simply a budgetary gimmick to take from next year and spend this year. It is going to have to be paid for sometime.

If I can say to the gentleman, once again, and say it as emphatically as I possibly can, while I realize that we are never going to be able to balance the budget by cutting discretionary spending and that we must address the rise in entitlement programs and we should not cut taxes, I would add to that as well, and I am not always happy with the allocations in function, but let me say to the gentleman, we have a job to do here and that is to get spending under control. And simply to try and squeeze it out of next year is adding more to the deficit ultimately, asking our children and grandchildren to pay the bills for spending that occurs right now.

I do not want to be any part of that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, let me say that this may be a gimmick but this is a gimmick which the gentleman's own bill has engaged in to the tune of $1,298,000,000.

Mr. PORTER. Mr. Chairman, reclaiming my time from the gentleman, that gimmick was forced by the White House in order to get a signable bill and was not something that we engaged in. They wanted to put in more spending than we could possibly afford.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey amendment. Unless we adopt the Obey amendment, this bill reduces our commitment to education by an additional $400 million below last year's cut of over $1 billion. Mr. Chairman, there are a host of reasons for supporting the Obey amendment. Let me mention just a few.

First, education cuts will hinder our efforts to improve the overall productivity of our economy. The National Center on Education and Quality of the Work Force estimates that each 10 percent increase in education results in an 8.6 percent increase in productivity and that increasing education improves productivity more than increasing capital or increasing hours. In other words, making investments in education benefits the entire Nation.

□ 1600

As my colleagues know, one can transfer capital around the world, fluid capital, instantaneously; machinery in a matter of days. One can transfer capital anywhere. What gives us the cutting edge in competition in the global economy is education and training.

Second, we expect, Mr. Chairman, significant new enrollments in schools across the country in the next few years. In my own State of Michigan alone there will be 29,000 new enrollments by next year. Schools in my State will need to hire an additional 1,700 teachers. We should not be turning our back on local communities when their needs are increasing, and that is exactly what we will be doing if we do not adopt the Obey amendment.

Do not forget that in the last appropriations bill we cut education funding by over $1 billion.

Now my colleagues will hear today that this budget merely freezes last year's funding levels. That is not true. It cuts $400 million below last year's levels, but even so, freezing a billion-dollar cut is not something to be proud of.

I think it is very unfortunate that in this bill once again the Republican leadership, bowing to pressure from outside, has endorsed the elimination of Goals 2000. I would like to quote one of our witnesses before our committee this year commenting on Goals 2000. That was James Burge, vice president of Motorola. He said "The business community has been supportive of bipartisan legislation to encourage education reform in the States, beginning with Presidents Bush's America 2000 proposal through President Clinton's Goals 2000 proposal." This was a bipartisan concept, Goals 2000. There is only one reason for eliminating this proposal: political posturing and pressure from certain extreme groups in the outside.

Goals 2000 is the most voluntary program we have. It is the simplest program, a 1-page application. Forty-eight States are participating in it. The Governor of Texas, the son of President Bush who started this concept, has endorsed and embraced Goals 2000, and why again are we insisting that those 48 States who have embraced Goals 2000, that they are wrong and we are going to pull the rug out from under them?

States are beginning to see some real improvements in their achievement levels under Goals 2000. Real, sustainable progress is being made because of Goals 2000. Goals 2000 had its roots with the Governors, was picked up by President Bush. Lamar Alexander frequently visited my office for several months pushing Goals 2000, although he denounced it during his primary election for President.

This is no time to pull that rug out. To my colleagues on the other side of the aisle who through the years have been supporters of education, I am convinced that the Obey amendment is the most important education vote we can cast. This will assure that the Federal Government will keep its support of education. Education is a local function. We want it to be a local function. It is a State responsibility, a very important State responsibility, but it is a very, very important Federal concern, and to help these States with voluntary programs to improve their educational standards, their delivery system, is something that reflects that Federal concern.

I urge support for the Obey amendment.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 80 minutes divided, 40 minutes to the gentleman form Wisconsin [Mr. OBEY] and 40 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in very strong support of this amendment.

Earlier in this debate today I quoted from "A Nation at Risk," issued in 1983 by the Reagan Department of Education. In that report they said this:

> History is not kind to idlers. The time is long past when America's destiny was assured simply by an abundance of natural resources and inexhaustible human enthusiasm. We live among determined, well-educated and strongly motivated competitors. America's position in the world may once have been reasonably secure with only a few exceptionally well-trained men and women. It is no longer.

That is what this amendment is about.

I voted for a budget which balanced the budget by 2002. It cut $137 billion more from the debt that will be incurred over the next 6 years, and it provided for $45 billion more for education than the Republican alternative.

My colleagues, this amendment adds $1 billion to education in 1997 far short of the additional $6 billion in the Coalition budget.

The gentleman from Wisconsin [Mr. OBEY] mentioned a little earlier that there will be, over these years for which we budget, 3,410,000 additional students in our schools. Next year, there will be more students in America's schools than at any time before in history.

The gentleman from Florida [Mr. MICA] and I had a debate about adding $20 million to title I. He said that was important, to put money on the ground in schools for kids that needed help. The gentleman from Florida ought to be very enthusiastic about this amendment, and I presume he will vote for it.

The gentleman from Georgia [Mr. DEAL] offered an amendment to cut management and add $1 million to title I. That would not be noticed, of course, by the State of Georgia or any other State when we spread that among the school districts of this country. This amendment gives the gentleman from Georgia the opportunity to add $450 million to title I. Now, that is an important thing to do because what the chairman's bill does without this amendment is to take down the number of students that will be served in 1997 from the 6.8 million who receive them today to 6.6 million next year. That is 200,000 students that will not be served.

This amendment will add next year an additional 150,000 students over those provided for in the bill. Why is that important? Because under title I today, my colleagues, we serve only 53 percent of those students who are eligible. What does title I try to do? It tries to take those students who are educationally and economically and culturally deprived and tries to make sure that they will be able to be participants in growing our economy and increasing the quality of our society.

This is not a esoteric or intellectual interest. This is a real interest for my children and the children of families across America.

This is a families first, children first amendment. That is why this amendment should be improved. If we do not pass this amendment, and we support the chairman's bill—and I might say the chairman was constrained by the 602(b), that is to say, the money he had available—we will cut from 53 percent of the young people served to 42 percent. That is 11-percent fewer children served in America in programs that the Reagan administration supported, the Bush administration supported, and the Clinton administration supported, to lift kids up, to educate them and make them full participants in our society.

Furthermore, this amendment adds $70 million to Head Start to serve 15,000 additional children, 15,000 additional children. We talk a lot about being concerned about one life, the ability to make one life better, more able to understand and to participate in and be advantaged by education. One life. This is 15,000 additional children and additional families, additional moms who want to see their children have a seat in Head Start, not to hear, "No, there is no more room."

This amendment also adds $250 million, as the gentleman from Michigan indicated, to Goals 2000 to provide for better quality education in America.

My colleagues, this was called a gimmick by the chairman of our committee. Let me point out that the Committee on the Budget has interposed no objection to this process.

Let me repeat to my colleagues, the Committee on the Budget has interposed no objection to this policy. As a result, my colleagues in this House, we are giving an opportunity to raise an additional billion dollars for educating kids to help families in America, which is what we all say we want to do. And we do that consistent with what the Committee on the Budget has approved within the framework of our numbers.

Mr. Chairman, I hope when the role is called on this amendment, my colleagues will vote "yes" for children, "yes" for families, "yes" for America.

Mr. PORTER. Mr. Chairman, I yield myself 2 minutes.

Let me further comment for a moment on the procedure here.

First of all, it was our understanding before the Committee on Rules that the reason the gentleman from Wisconsin asked for additional time for general debate, and there was 2 hours allotted, was that we would not be seeing this generic type of Democrat priority amendment again. We had seen it in our subcommittee, and we had seen it in the full committee, in part, and it was our understanding it would not be offered.

Beyond that, it is being offered without any notice, without any chance for us to analyze whether it is different than previously offered or not, and I would say to the Members of the House that this is the Democrat wish list for funding for education that is not supported by anything except additional borrowing of money. It is part of the problem and not part of the solution, and I believe very strongly it is irresponsible in the extreme and in further forwarding funding where we have forward funded in the past in response to the President's demands that we spend more money than we have. And I would simply say the Members ought to reject this kind of approach out of hand. It is exactly what the problem is in Washington and the kind of problem that we are trying to solve by getting our budget into balance and not pull these kinds of gimmicks in funding in order to say that we are for this group or that spending or the like. I think it is the height of irresponsibility.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman from Ilinois [Mr. PORTER] yielding me as much time as I might consume, but I ask the Chair to advise me when I have consumed 4 minutes.

Mr. Chairman, this is a cute way to avoid the Budget Act and appear as if we are throwing money at education and saying the children need education dollars. The fact is, if we look at President Clinton's own budget, we see that in 1996 the total amount of funding that there is available for education, training, and employment and social services is about $39 billion, and it goes up in his budget substantially over the years to almost where it peaks at about $46 billion, and then by his own figures it starts to go down substantially in his plan to balance the budget.

Now, the President has said of course he wants to balance the budget. Ironically, his cuts do not really ever get anywhere until after the next term of office. I would not have any idea why that is, but we would assume that again it is typical liberal mentality and that we will worry about the real problems mañana; not this term, or even the next term of course, but the term after.

□ 1615

That shows though that even he talks about the need to cut back. That is not in keeping with the sentiment of this particular amendment, which throws money that we do not have at education.

Where does it really go? Does it go to the child? No, of course it does not go to the child. The current Washington bureaucracy in the Department of Education involves the Office of the General Counsel, Inspector General, Secretary of Education, the Deputy Secretary, Under Secretary of Education, Office of Public Affairs, Executive Management Committee, Reinvention Coordinating Council, Budget Services, Planning Evaluation Services, Office of Legislation and Congressional Affairs, Intergovernmental Agencies, Interagency Affairs, Secretary of Education, Office of Elementary, Secondary, and Post-secondary Education, et cetera, et cetera, et cetera.

The money goes to the Washington bureaucracy. Even if this amendment were adopted, the money go to the bureaucracy, which the gentleman from Wisconsin [Mr. OBEY] who has just preceded me in the well would hope to perpetuate because these are his constituents anyway.

Mr. Chairman, the point I want to make is under this bill, money for education goes up, money for student loans goes up. This is the projection from 1995 to the year 2000. Every year the estimated annual student loan volume and the cost goes up. The average student loan amount increases from $3,600 in 1995 to $4,300 in the year 2000. The maximum Pell grant, the overall student aid, the TRIO Program, the work study programs, all go up between fiscal year 1996 and fiscal year 1997.

Head Start, which has gone up 132 percent since 1990, is held even in fiscal year 1997. Title I, where in the last 7 years alone there has been an increase of 40-percent in title I grants to the States, it is being held even; again, a 40-percent increase over just what was spent in 1990. It goes on and on and on.

Look, there is never any end to the pleas for more money to help the children who need to be educated. The Federal Government only handles 5 percent of the total education dollars, and most of the money, 95 percent of the money spent on education for elementary and post-secondary education or secondary education, comes directly from the States and local governments. But, they never have enough money to spend.

The fact is, even if they took the money and spent it, it would go to the bureaucracy and not to the children. Where does the money come from? It comes from the American taxpayer, and increasingly, since World War II, the average American taxpaying family has contributed back then 5 percent of its annual income to Washington, DC and the Federal Government, and today, 25 percent of its annual income to Washington, DC, so the people who take their money can go back and get reelected every 2 years by saying, look what we have done for you with your cash. Even then, they have taken more and more and more over the last 50 years, and that is still not enough, because they have spent even more and even more and even more.

In 1980 they were spending $100 billion more than they were receiving in revenues. By 1990 they were spending $300 billion more than they received. This year, even though we are spending $1.6 trillion in the Federal budget, it is still not enough, and we are spending $150 billion more than we collect.

As a result, all those accumulated deficits mean that we now have a national debt of $5.1 trillion, $20,000 for every man, woman, and child in America, and we are paying interest on that debt, the interest of which is soon to exceed what we spend on the defense of this Nation in a single year.

The first dollar that we spend in the Federal payroll goes to interest, not to defend America, but to interest on the debt. And yet they say spending is not enough. They want to drive this country into bankruptcy in order to get reelected. It is time we stopped it. Reject this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, whatever amendments Democrats offer to try to help people, we get the same response from the Republican side of the aisle: "It is all going to the bureaucracy." Let me tell the Members where the money is going. We are trying to provide help for 15,000 more kids for Head Start, so we do not have to reduce the number by 15,000 this year from last year. The last time I looked, first-graders were not bureaucrats, they were kids who needed help.

We provide help for 450,000 kids under title I. Those are not bureaucrats, those are first- and second- and third-graders. We provide $250 million for school improvement. That goes to schools. It goes to neighborhood schools. We provide $233 million to restore the teacher training that they wiped out in the bill. That is 186,000 math and science teachers that will get the training they otherwise would not get. We restore $25 million for safe- and drug-free schools, not bureaucrats. I wish it could be $125 million. We restore $25 million to help 17,000 kids, not bureaucrats, get summer jobs. We restore $93 million in order to help 96,000 students, not bureaucrats.

We provide $150 million so 50,000 American workers who have lost their jobs because of trade can get help to get retrained. So do not give me this baloney about money going to bureaucrats. This money goes to workers, it goes to kids, it goes to neighborhood schools, it goes to working families. This is the bill above all others that is supposed to help kids and working families get ahead. Give me a break. Quit giving us that same old song.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member of the subcommittee for yielding time to me.

Mr. Chairman, I rise in strong support of the education and training amendment offered by Mr. OBEY of Wisconsin, The amendment overturns this bill's devastating funding shortfall in worker assistance and summer jobs, Head Start, support to local schools, and student aid. The $100 million increase in dislocated worker training means that 50 thousand additional, for a total over 600 thousand, workers would receive the critical training and related services they need to successfully re-enter the workforce. One might ask, just who are these people? Well, let me give you a basic snapshot: 54 percent are male; 73 percent are in the prime of their working career aged 30 to 54; 79 percent are white; 21 percent are minorities; over 40 percent have post high school education; and 17 percent are veterans. These are people, who in good times, have carried the weight of this country on their backs, and will resume doing so when they return to the work force. However, for now, as a result of some form of downsizing, they have been forced out of their jobs. These hard working people do not want a hand out, they just need a temporary helping hand. They deserve that much from their country.

The $25 million increase for summer jobs means that over 15,000 additional summer jobs can be supported. While this is an improvement to the bill, the number of summer jobs supported is still 65,000 fewer than the number currently supported, which is 521,000. The Summer Jobs Program is absolutely critical to furthering the development of the Nation's disadvantaged youth. As I am sure each of us knows, disadvantaged children from all backgrounds whether they are African-American, Hispanic, Native-American, or White—just do not have access to the critical linkages to the work force that they need. The Summer Jobs Program provides that "critical link" and marks disadvantaged youth's first step toward learning work ethics and gaining real work experience.

In fact, the unemployment rate among all teens almost triples that of the overall unemployment rate. For African-American teens, the rate of unemployment is more than five times that of the overall rate. The potential costs to society from not adequately developing and nurturing its disadvantaged youth is too costly to ignore. It is for these reasons that the President's fiscal year 1997 budget request includes $871 million to support 574,000 summer jobs. This Nation's investment in summer jobs pays for itself.

With respect to education, the Obey amendment provides for children's safety and academic achievement. By adding $25 million for safe and drug-free schools, children's safety in the classroom is much improved. These funds are absolutely critical in providing the over 40 million children served by the program a crime and violence-free classroom in which to learn. Schools use these funds to support conflict mediation, latchkey programs, substance abuse prevention, and violence prevention initiatives including counseling and support groups for at-risk students. The availability of resources to improve classroom safety have encouraged students, parents, and teachers to get involved in managing their schools. And, equally important, it has encouraged parents to get involved in managing their children's education. As a result, some of the schools are experiencing improvements in academic achievement and attendance. Also, dropout rates and suspensions are going down.

The $70 million increase for Head Start will make available 15,000 additional slots. Less than half of the estimated 2 million children who are currently eligible for Head Start are being served.

The restoration of funding, $250 million, for the Goals 2000 Program which was eliminated by the bill, means 6,800 schools will have access to the resources they need to raise academic standards and to continue to help students meet them. In my own State, Ohio, Goals 2000 funds are being used to advance local school improvements designed to enhance student achievement in math and other subject areas where students are lacking in proficiency, to increase and strengthen parental, business and community involvement in education, and to support partnerships with other school districts, colleges, and universities.

The $450 million increase for title I means that 450,000 additional children, as compared to H.R. 3755, will now have access to the critical assistance they need in basic reading and math. Title I funds have made a positive difference in communities across the country allowing schools to focus on early intervention strategies to help prevent academic failure, to help close the gap between the lowest achieving children and other children, between high- and low-poverty schools, and to involve parents more centrally in the education of their children.

The amendment's restoration of $233 million in funding to the Eisenhower Professional Development Program, which was eliminated by the bill—means that an estimated 286,000 teachers and other educators would receive the training and development they need to teach core academic subjects.

The restoration of $93 million in funding to the Perkins loan program means that approximately 96,000 students will be provided the additional financial aid they desperately need at a time when the cost of college is up. Providing a maximum award of $4,000, the Perkins student aid program is critical to helping make college affordable for low-income and middle class families alike.

Mr. Chairman, I stand here on behalf of the Nation's children. Let's not abandon them and their families. Let's fix this bill. I urge you to vote "yes" on the Obey education and training amendment.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to try to put all this in perspective for people. The total spending on primary and secondary education in this country is somewhere in the neighborhood of $280 billion. The Federal Government spends about $14 billion of that sum. That means about roughly 5 percent of the total. The cuts made last year between fiscal 1995, enacted in fiscal 1996, here in the Congress in education funding would amount to approximately three-quarters of 1 percent of the money spent on education.

So let me say, Mr. Chairman, to the gentleman on the other side of the aisle once again, he is saying the sky is falling, that we are doing terrible things to education, that we are short-changing the kids. Believe me, the gentleman is so, so far from the truth.

Let me say one other thing. If we follow the approach of this amendment, no appropriations subcommittee will ever be able to enforce the discipline of the Budget Act, or to live within their 602(b) allocations.

We will set ourselves on the course of borrowing from the next year ahead on and on in the most irresponsible way, and I would tell the Members that the gentleman from Maryland who just made his presentation, I believe I heard the same presentation four times now, and that may be very good propaganda, but I know it word for word. I think he would tell us if he were here that this is an irresponsible way to proceed, because I have heard him say it myself many, many times.

This is not serious legislation, Mr. Chairman, this is a propaganda game to see who can say they are spending the most and caring the most. It is irresponsible in the extreme.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate the chairman of the subcommittee yielding so I can make this simple point. As the gentleman knows, I am a member of the Subcommittee on Labor, Health and Human Services, and Education, and I, too, have sat through this very informative presentation by the gentleman from Maryland [Mr. HOYER] and the gentleman from Wisconsin [Mr. OBEY] during the course of both the subcommittee and full committee markups.

As the chairman will recall, on both occasions we asked the minority to tell us how much per pupil funding, per pupil expenditures for public education by State and local education agencies has increased over that same corresponding time period. We have yet to get an answer to that particular question.

Since everyone participating in this debate acknowledges that public education is chiefly the responsibility of State and local education agencies, I think that is a rather important piece of information that is currently lacking from the debate. I call again on the minority to tell us and the American people how much per pupil funding has increased for public education over the same time period, as used by their charts.

□ 1630

Mr. PORTER. I thank the gentleman from California.

Mr. Chairman, I inquire of the Chair how much time is remaining on each side.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 28 minutes remaining, and the gentleman from Illinois [Mr. PORTER] has 29 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi [Mr. WICKER], a member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of my subcommittee for yielding me this time.

Mr. Chairman, this amendment is a budget-busting amendment, make no mistake about it. During general debate last night, I attempted to point out what an important and integral part of the balanced budget question this entire legislation is. We need to ask ourselves with regard to this amendment, are we going to be able to make the tough decisions to actually reduce the deficit and stay on a glide path toward a balanced budget by 2002?

To adopt the amendment that is before us would be to add another $1.3 million in spending that we cannot afford and that we cannot expend and stay on that path.

A second question that is a legitimate concern for Members of this body is, can we adequately fund education in the context of the bill that has been reported by the Committee on Appropriations? I would simply point out to my colleagues, the chart that I have before me, student aid increases under this bill.

As my colleagues can see, Mr. Chairman, the maximum Pell grant will go up from $2,470 to $2,500 under this bill. Overall student aid will be increased under this bill between 1996 and 1997. An increase for the TRIO Program. An increase for the work study program.

With regard to Head Start funding, as my colleagues can see, this legislation in the context of a balanced budget provides a modest increase for Head Start. According to this chart in the last 7 years, Head Start funding has increased by 132 percent. That is a substantial commitment that this Congress has correctly made to this important program. As a matter of fact, since fiscal year 1989, the appropriation for Head Start has grown by 200 percent, reflecting the commitment of this Congress to Head Start funding. That amount will increase by some $31 million under the bill that we have before us.

Another point that my colleagues have made, particularly my friend from Maryland, is that we are trying to balance the budget and give tax relief to middle-class Americans at the same time. My colleague from Maryland says we cannot do that. As a matter of fact, Mr. Chairman, we can do that. In the budget plan that we have adopted that a majority of this body has voted for, we can do that. I want to provide tax relief for that middle-class family. I want to provide an opportunity for that family making $25,000 to $30,000 a year to have an extra $1,000 or $1,500 in their take-home pay. If we can do that and still provide an increase for Head Start and for the other programs that I have already outlined, then I think that is a bargain that we ought to take. That is an opportunity we ought to grab. I think the American people support that.

One last chart, and the chairman of the full committee has already alluded to this, this is a chart of President Clinton's budget for education, training, employment and social services out through 2002. As my colleagues can see, the President and his party have proposed dramatic increases in spending in these areas until 2000. That would be the end of the text presidential term. And then the President of the United States says, "After 2000, we will make dramatic cuts in these programs." How are we going to do it? It has not quite been explained. I say that if we were to take this approach and adopt this sort of dramatic upswing and then hope for a cut in the out years that we will never balance that budget and I think every Member of this body on either side of the aisle knows that. It is the same with this amendment. This amendment says,

> Let's spend in fiscal year 1997 another $1.3 billion, and we're not going to get it out of another program, we're not going to take it out of some other line item, we're just going to borrow it from next year. Next year. We'll worry about it then."

Is that not the problem that we have had that has led to the deficit that we are currently faced with? Is that not the problem that has led to a $5 trillion debt or has contributed at least to a $5 trillion debt in this country?

I urge my colleagues to say no to robbing from people tomorrow so that we can spend more money today. I urge my colleagues to vote against this budget-busting amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY], the distinguished ranking member of the Education Authorizing Committee.

Mr. CLAY. Mr. Chairman, I rise in support of the Obey education and training amendment and in opposition to H.R. 3755, the fiscal year 1997 Labor-Education-HHS appropriations bill.

Mr. Chairman, Republican appropriators boast that their budget preserves meaningful Federal support for education. Unfortunately, their behavior does not coincide with their rhetorical bragging.

The appropriations bill before us today does not preserve our commitment to the children of this country. It shortchanges basic education and assistance to the most vulnerable student populations, withdraws support for State and local education reform, sabotages school improvement efforts, and denies opportunities for low-income students to pursue higher education as a reasonable goal.

Republicans attempt to package their fiscal year 1997 education budget as a freeze. But characterizing this atrocity as a budgetary freeze is like calling a termite an interior decorator. In reality, the bill represents a continued erosion of Federal support for education. The simple fact is this bill cuts education funding, and these cuts come on top of last year's $1.1 billion reduction in education dollars. Unfortunately, the Republican 6-year balanced budget calls for a continued downward slide in Federal education support.

I fail to see the logic of curtailing support for education, particularly in light of the increasing demands on our education system. School enrollments are rising to record-high levels. In the next 6 years, the period covered by the Republican budget plan, public elementary and secondary school enrollments are projected to increase by 7 percent, and college enrollment by 12 percent. Given these soaring increases in the student population, ever-increasing service costs, and shrinking local education budgets, these cuts will have disastrous results for our children.

It makes no sense to balance the budget by sacrificing investments in the young people who will assume awesome responsibility of leading the world. Investing in education yields extraordinary benefits in terms of increased productivity and economic growth. Equal access to education and educational excellence for all of our children require vigorous and responsible leadership. The bill before us today takes this country in the wrong direction.

Mr. Chairman, on the other hand, I support the amendment offered by my colleague, Mr. OBEY. His amendment would restore funds to assist 8,500 schools in improving the academic achievement of their students, provide basic education assistance for an additional 450,000 children from low-income communities, preserve professional development opportunities for 750,000 teachers and educators, and restore opportunities for 96,000 low-income students to receive Perkins grants to pursue higher education.

Finally, the bill's funding of training programs is woefully inadequate. In this era of increased global competition, we must rely more than ever on our Nation's most valuable resource: The skills and productivity of our workers. A strong training system is critical to our future. Regrettably, the Republican Congress continues to ignore this reality.

The Republican Congress cut over $3 billion from education and training in the 1995 rescission bill and the 1996 omnibus appropriations bill. Today we consider a bill that cuts further at training programs. The Republican bill would deny training opportunities to thousands of dislocated workers who seek retraining to improve their skills, and remain productive citizens. Job losses are inevitable in today's fast-paced economy, as corporate downsizing continues at an alarming rate. The faster dislocated workers can move into new jobs, the better it is for them, their families, and for the American economy. We cannot turn our backs on workers in need of retraining.

I urge my colleagues to reject the Republican approach to education and training. I urge Members to honor our commitment to students and workers by voting for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding me the time.

Mr. Chairman, the charts and graphs and the square root of last year's budget are all interesting, but I think they miss an essential point. That is, that traditionally and without exception, appropriate funding and aggressive support for education has been a bipartisan effort in this Congress. It was, after all, a Democratic President that proposed the GI bill and a Republican Congress that said yes. It was a Republican President that supported the great National Defense Education Act and a Democratic Congress that said yes. Together we have supported such things as drug-free schools and Head Start. The list is glorious and it was bipartisan until this Gingrich Congress. Until this Congress, for 50 years, both Democrats and Republicans joined hands as the American people wanted us to in appropriately funding education and now it has changed. Our Republican colleagues cut $1.1 billion out of the schools and the children of this country in the last Congress and now they propose to cut almost a half a billion more. The Obey amendment attempts to restore bipartisanship to education, to what it has traditionally been.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. RIGGS], a member of our subcommittee.

Mr. RIGGS. I thank the subcommittee chairman for yielding me this time.

Mr. Chairman, to hear all this compassionate discussion about public education makes me harken back to last year and our efforts to offer educational choice to the poor people of the District of Columbia. If we have a direct responsibility for any education system in this country, it certainly is the District of Columbia public schools and we were unable, because of Democratic opposition, to offer educational choice to the poor children of the District of Columbia and their families. These are children that are trapped in failing schools and trapped in circumstances that as far as I am concerned very seriously cloud their future and deny them educational opportunity, which is the cornerstone of American democratic society.

But the point I want to make during this debate is that simply throwing more money, more taxpayer dollars at our failing educational system has not helped the problem and it is not the answer. I think I can come down to floor here with pretty clean hands because I parted company with some of my California Republican colleagues, I certainly parted company with some of my colleagues on the Committee on Appropriations and voted against the defense spending bill last year because I thought it was excessive, only to later witness the President, who had opposed the bill and threatened to veto it, turn around and sign that bill into law because he claimed that he needed the $8 billion additional spending in that defense bill, which he had earlier called excessive, to help pay for our Bosnian mission which I think is in the long term doomed to catastrophic failure in that part of the world.

But I want to point out, here is what is missing from the charts and the statistics and the figures that are thrown around on the other side during this debate. Since 1970 per-pupil spending in this country, this was the point I tried to make earlier, per-pupil spending in this country has increased from $4,000 per pupil to almost $7,000, and that is adjusted for inflation, a $3,000 per-pupil increase after adjusting for inflation. Yet SAT test scores have dropped from a total average of 937 in 1972 to 902 in 1994.

There are a couple of other figures that I want to share with Members as well. We all recognize that education is suffering in this country. According to the 1994 National Assessment of Educational Progress, when testing for U.S. history achievement, 36 percent of fourth graders, 39 percent of eighth graders, and 57 percent of 12th graders failed to attain even a basic skill level. For reading achievement, the same National Assessment of Educational Progress test reports that 40 percent of fourth graders, 30 percent of eighth graders, and 25 percent of 12th graders failed to attain again basic skill sufficiency levels.

So where is all this money going? Because it is obviously not going into the classroom, it is obviously not producing the kind of educational results, the kind of educational improvement that we would like to see in this country.

Mr. Chairman, we really have to take this into account when we hear the other side talk about spending more and more money and growing our Federal education bureaucracy back here in Washington. When we took over last January and became the new Republican majority in this House of Representatives for the first time in 40 years, we started an inventory of all Federal education programs. That count today stands at 760 separate categorical Federal education programs and increasing. Seven hundred and sixty education programs, administered by a bureaucratic, redtape, absolutely a maze of bureaucratic agencies. Thirty-nine separate Federal departments, agencies, boards and commissions to administer these 760 Federal education programs. These programs cost Federal taxpayers $120 billion in 1995. But only 51 of these programs are determined to be for the purposes of science, reading, or math. That is how far we have gotten away from the 3 R's in this country. Remember reading, writing, and arithmetic? I would add two others, respect and responsibility, which I think we all need to teach through our public schools. Only 3.6 percent of these 760 Washington Federal education programs are science related, only 1.8 percent are reading related, and only 1.1 percent of these programs are math related.

Mr. Chairman, it is very clear. We are not getting the bang for the buck, we are not getting the kind of results and the kind of accountability we should expect and demand in our public education schools in this country today.

I urge my colleagues, reject this argument and remember that the best thing we can do for our children is to balance the budget. The Democrats say that this bill hurts children but the fact is that we are balancing the budget for our children, for the first time in decades. If we do not get runaway Federal spending under control, we simply will not have money for college loans, we will not have money for Head Start, and we will not have money for children's health programs.

□ 1645

So we again are prioritizing spending. Remember, more money, based on the experience of the last few years, the last few decades in this country, does not necessarily mean better education.

Mr. Chairman, I urge my colleagues to reject the argument that throwing money at the problem is the solution. Qualitative educational reform and improvement is the answer.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the Obey amendment and in opposition to this bill and specifically in opposition to the bill's shortsighted allocations for education funding.

Mr. Chairman, if this country is truly going to meet the challenges of the 21st century, its children will meet the best education we can provide. I think we all agree on that point. However, this bill does not reflect that need.

We know that over the next several years, enrollment in public schools will rise to levels we have never seen before. In fact, the Department of Education estimates that America will need 50,000 additional teachers for the upcoming school year, just to keep class sizes the same as they were last year. This is not a 1-year anomaly—we expect these numbers to continue to increase over the next several years.

At the same time, we are facing a collapse of the current cohort of teachers. The baby-boomers are reaching retirement age. This will mean not only fewer teachers, but fewer role models and mentors for all of the new teachers we hope to acquire. All of this is happening during a time of extreme change in our society. For example the body of scientific knowledge changes daily. We simply can't expect teachers who were trained in this subject 20 years ago, or even 5 years ago, to be able to teach science effectively without the resources and the training they need to stay current. Constant retraining and strengthening of skills is essential—especially as we ask teachers to incorporate new technology into their classrooms.

However, this bill responds to this by doing exactly the opposite of what is needed. It eliminates the Eisenhower Professional Development Program—

the one program that has provided national leadership in strengthening the skills of our Nation's teachers. The Department of Education estimates that the President's request for this program would have given 750,000 teachers hands-on training. Even keeping the level of funding equal to last year would have given 338,000 teachers the professional development necessary to teach the next generation the lessons they will need to survive in today's changing world. This does not even take into account the millions of teachers who access the Eisenhower clearinghouse on-line every year to share information about lesson plans and innovations, in order to make their classrooms better learning environments.

With this bill, none of that will take place.

And this is only one cut. I have not even spoken of the detrimental effects of eliminating Goals 2000 or rejecting the President's technology initiative. If we expect our schools to improve, we cannot take away the tools—and yes, the money—they need to do so. With enrollment increasing, with our current teacher cohort shrinking and becoming, on average, less experienced, and with technology developing faster than ever before, we must begin to invest more in education—not to cut, or simply maintain the efforts of previous years. I have always maintained that education is a local function, a State responsibility, but now more than ever, it must be an overarching national concern. I hope that before Members vote on this bill, they understand both the gravity of that decision and its implications for this country's education system.

Mr. PORTER. Mr. Chairman, could I inquire of the Chair how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 25 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Obey amendment to restore vital funds for public education.

The amendment rejects the bill's slashing cuts in public education that hit children and working families at every level of their academic development. This bill will deny working American families the great equalizer of our time, the opportunity of a quality public education. It cuts safe and drug-free schools. It kicks 15,000 children out of Head Start, denies help in reading and mathematics to 150,000 kids, and it limits the ability of colleges and universities to grant student loans to middle-class families.

The Obey amendment honors the priorities values of working American families by making desperately needed educational investments. Education is vital to the productivity and the competitiveness of our Nation, both today and in the 21st century. Some of my opponents say that the Republicans have changed their tune from 4 months ago and have a newfound faith in the merits of public education. This is simply not true. Put families first. Put out kids first. Vote for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN, because he talks slow.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for an extra 30 seconds. Those of us from Texas, we talk a little slower.

I am just shocked that the Republican majority would be opposing this amendment that does not increase the deficit and yet it puts money where 80 percent of the American people want it, in education funding. Education is hard, it's difficult and it is not cheap, and we know it is not free. We cannot cut spending, as my colleague from California thinks, in education and expect it to improve. Education is tough when we spend the money. It is impossible when we do not spend the money. That is why the Obey amendment is so important. It increases title I funding, increases summer youth training programs, dislocated workers, Head Start it increases $70 million, title I funding for disadvantaged children, $450 million.

At a time when we see an increase in the student enrollment, as the chart in the front talks about, 7 percent increase, this bill cuts it. That is why the Obey amendment is so important.

If we do not restore the funding with the Obey amendment, then a number of us are going to have to vote against this bill because it is not preparing for the future of our country. It is cutting the future of our country. Using the gentleman from California's argument that education is failing and it is because we are not seeing the improvement, the Pentagon might be zeroed out this year if we know what the GAO study said on the gulf war. We have to do better, not only with the Pentagon but also with education funding.

That is why the Obey amendment is so important for us to adopt and to pass.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in serious opposition to some remarks that the gentleman from California [Mr. RIGGS] made. In fact, walking on the floor, I thought I was back in the Mississippi legislature when they were debating not whether or not to increase but whether or not there would even be mandatory education in the schools.

Mr. Chairman, Mississippi tried that. We went for almost 30 years without mandatory education, I say to the gentleman from California [Mr. RIGGS]. That is probably why our State ranks last in so many categories. It does not work. It costs to educate kids, and it costs more to educate kids with disabilities. There was a time when they were given a couple pots and pans and told to play in the backyard. Now we try to educate them and, yes; we spend a disproportionately high amount of money trying to educate those kids. But it is for the purpose of making them self-sufficient so that we do not have to pay welfare for them.

It costs money to educate children. My State tried the alternative. My State tried going without education and it is suffering for it. So I rise in complete argument with everything that the gentleman said and also want to remind you that the Republican Congress is increasing the annual operating deficit, not reducing it.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I rise in very strong support of the Obey amendment to maintain our commitment to our Nation's children, workers, and our schools.

Mr. Chairman, the spending bill we are debating today provides insufficient funding for title I math and English instruction, Safe and Drug-Free Schools, and Head Start. When we consider that school enrollment will increase by 44,000 in New York State alone and that even modest inflation will mean higher costs everywhere, level funding is simply not good enough.

This bill also completely eliminates funding for Goals 2000, provides no new funds for the Perkins Loan program that helps families send their kids to college, and that is just not acceptable.

Mr. Chairman, what will this bill mean? New York City will need an additional $4.5 million in title I funds to provide remedial math and English instruction to their students. Under this bill, they just will not get it. More than 6,000 students and 260 teachers will be cut from the program under this bill next year alone. What is worse, if we follow the Republican budget resolution through the year 2002, 41,000 fewer students will receive title I instruction and 1,600 fewer teachers will be funded in New York City. Overall, the Republican budget resolution cuts funding for education and training by several hundred million dollars by 2002.

The Obey amendment would add $450 million to title I and bring funding up to the level requested by the President in his 6-year balanced budget plan. Under the amendment, over 100,000 students who would have lost remedial help can continue to receive it. An additional 250,000 to 300,000 disadvantaged students would receive the help they so desperately need.

Mr. Chairman, we are all concerned that American students have fallen behind their peers in other countries in math and science. To help push our students to the head of the world's class, the Obey amendment provides an additional $230 million for math and science professional development. This funding is crucial to help train teachers to prepare our students for the technical demands of the 21st century.

Mr. Chairman, I remember when I was in college and there was a great rush to catch up with Sputnik and there was a big move to invest in math and science, and we did so. There was a tremendous effort to invest in math and science at the time, and we made a real difference in our schools. Well, we need to do that again. This amendment restores funding to the Goals 2000 program to ensure that our schools are prepared for the 21st century.

In 1996, New York State received $25 million in Goals 2000 funds to help establish and meet challenging academic standards. Some in this Chamber may argue that schools do not see Goals 2000 money. However, 90 percent of Goals 2000 money that went to new York this year will reach local schools, 90 percent. So make no mistake about it, eliminating Goals 2000 will mean $22 million less to local schools in New York State, and that would be wrong.

In addition, this amendment adds $70 million for Head Start. That means 15,000 more slots in a program that ensures that young children will be ready to learn when they enter school. As written, this bill will deny Perkins loans to thousands of needy college students. This amendment restores $93 million for the Perkins Loan Program, enough to restore Perkins loans to 96,000 needy students who want desperately to achieve the American dream.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I find it interesting that 1 short week after cost of government day that says that all the income that American families and individuals make up until July 3 of any given year goes to support various aspects and various taxes, but basically it goes to fund the cost of government. The Republican vision for education is to return decisionmaking back to the local level. When we are already collecting taxes for more than half the year, perhaps we ought to reassess how those tax dollars are being spent, and more importantly, perhaps what kind of impact are they having.

When we take a look at putting more money back into the educational system in Washington, perhaps it is important to take a look at how Washington defines education. So often we say education in Washington is the Education Department, right? It is this agency, this Department that funnels education dollars back to States and local school districts. They are the ones that drive for excellence in education at the local level. They maybe have a few programs that do this targeting at different kinds of needs and specific requirements at the local level. It is a little bit more complex than that.

It is really a myth here in Washington, because in education, we really have embraced the myth that Washington can solve every problem in education at the local level.

What has this myth evolved to? The result of us in this Chamber believing that we can solve every problem means that we have developed 760 different education programs in this town; 760 different programs that people at the local level have to filter through. It is a good thing that these all go through the Department of Education, so at least the people at the local level can go to one agency and one bureaucracy in Washington and say: These are my requirements. How can you help me and where should I go to look for assistance?

□ 1700

Wrong. If you are at the local level and you have a problem and you think that maybe the Federal Government can help you, and you say which one of these 760 programs is targeted to help my specific requirements, I think I will go to the Department of Education and get a catalog of these. No, sorry, go to the Department of Education and then go to the 38 other agencies in Washington that have responsibility for education.

I am at the local level. I can go to 39 agencies and say, can you please help me find out which of these 760 programs can help me to solve my problem, 760 programs, 39 agencies. But they spend a lot of money. Yes, they spend about $120 billion per year.

It is time to take a look at the agencies, not the money.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member for yielding me this time and also thank him for his leadership. This is a very important amendment because if there were nothing else wrong with this Labor-HHS bill there would still be three reasons, as I said yesterday, to vote against it: Education cuts, education cuts, education cuts.

The needs of our children and our schools are increasing rapidly and that this House is willing to shortchange them is shortsighted. Our children deserve better.

Mr. Chairman, as you know, the Committee on Appropriations voted to cut the President's request for funding for education by $2.8 billion. The Obey amendment would restore funding for some of the education and training programs that have been frozen, cut, or eliminated in this bill.

I am also pleased that the Obey amendment contains $100 million for dislocated worker training. This is a particularly difficult time for Congress to be freezing or cutting funds for dislocated worker training when workers are dislocated by virtue of trade and downsizing. I should not say virtue, but because of trade, downsizing, or technology. It is just exactly the wrong time for us to be cutting funding for their relocation and their training.

I am pleased also that there are funds for summer youth training. Some of those positions are restored, 16,000, even though the committee cut 79,000 summer job training positions. Of course, I am pleased with the increased funding that the Obey amendment provides for Head Start, Goals 2000, and title I.

Much has been said on the floor today about the Federal role in education, and over and over in the course of the debate in the committee, full committee, and here, about the fact that the Federal role is 5 percent of education funding in our country. Indeed, it is only 5 percent, but it is an important 5 percent, and under this legislation, as has been presented here today, we, this Congress of the United States, would not even be able to sustain that small responsibility as important as it is to our Nation's children.

Our children deserve to learn in a safe and drug free environment, to arrive at school ready to learn, to fully develop basic skills like reading and math, to have expanded access to new technologies, to be taught by well prepared teachers, to support higher education and to learn the appropriate skills to succeed in the 21st century workplace.

Sometimes it is difficult for some of us to understand when we have helped to teach our children to read and write that some children do not have that assistance at home. Title I helps provide that for children, and I am so pleased that the gentleman from Wisconsin [Mr. OBEY] has found a way to increase the funding for title I.

We are beholden as public servants, I believe, to provide these opportunities for our children. If we do not display this commitment, we are destined to slam head first into a crisis in education and a down turn in our Nation's productivity.

By this fall, 52 million students will be enrolled in elementary and secondary education schools. Local education budgets are stretched to the limits.

Ask any local educator. Education is not just a local responsibility, however, and I addressed earlier the 5 percent that we provide that is very essential. It is the responsibility of all of us, and if we do not live up to it, our children will suffer great consequences.

The education of our children is at great risk. In my view, our Federal commitment to education is a measure of our sincerity about economic success, social progress, and our children's future. I hope our colleagues agree and that they will support this amendment.

So many times in the course of the appropriations bill we have to refer to the budget allocation that our chairman receives. He deserves credit on making the best of our allocation. Even so, I think we should keep our priorities in line with children first and support the Obey amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the debate here is not who supports education more. Everybody supports education; the Democrats, Republicans. I have two children, one still in graduate school working on her master's in social work. We support education; that is not the debate. The debate is who is fiscally responsible in addressing the problem.

Do we go back to the irresponsibility and use smoke and mirrors and just build up debt and put debt on our children? We are talking about the future of our kids, and the future of the kids is dependent upon the debt we are putting on them. We have a debt of over $19,000 to every man, woman, and child in this country today. If we just build that up and build that up and spend, spend, spend, that is nice for today, but what are we doing for our children and grandchildren? That is what this debate is about.

We have to have fiscal responsibility. We have to have common sense when we get into spending, and we are talking about the future of our kids. That is what it is about. If we just throw more money, that does not necessarily solve the problem. We have increased spending for elementary and secondary education in this country from $4,000 per child in 1970 to $7,000 today.

The District of Columbia spends over $9,000 per child. Now, there is sending, lots more money, and what do we have to show for it? I doubt if there is a Member sitting in the room today that will put their kids in the public school in the District of Columbia, and that is throwing more money at it.

So I think the rhetoric is scare tactics and that is unfortunate. It has been tried on Medicare: Oh, the sky is falling. We are going to destroy Medicare. Hey, we all support Medicare. They support Medicare. We want to preserve Medicare. Education, the same thing. Everybody feels strongly about education. We need to educate our kids. It is the future of our country. But let us educate them in a fiscally responsible way and not burden them with more debt.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, this amendment is about $1.3 billion extra in Federal spending. No matter where we say the money is going to go, where is it going to come from? We asked the proponents, and they say we will take it out of the money that we were planning to spend next year. Where do we get the money next year? Well, from the year after that and the year after that.

Kind of reminds me of the husband who wanted the boat. He says to his wife, "I am going to get a boat." "Where are you going to get the money?" "I will take it out of the mortgage." "How will you pay the mortgage?" "I will take it out of the electric bill." "How are you going to pay the electric bill?" "I will take it out of the clothing budget." "How are you going to buy clothing?" "I will take it out of the grocery budget." "How are you going to buy groceries?" "I guess we will have to borrow."

That is what this is about. This is about increasing the amount that we are going to borrow. From where do we intend to borrow this $1.3 billion? Well, there are many different ways. We could write a check, if we had one. We could put it on a MasterCard or an American Express or a Visa. But ultimately it means we are talking about borrowing that money from our children.

I have five of them. I do not want them to be buried in debt before they are even grown. I keep a chart in my office. It is on the wall. People come in and they can see every day what is the national debt: $5.1 trillion, $5,154,104,500,603 as of today, the share of each of my children, $19,329, and going up.

Where is the money going to come from? They want to borrow, borrow, borrow, borrow and put our kids in hock for it. This is not for the kids. This amendment is for the bureaucrats, to preserve 760 Federal programs in the name of education, and 95 percent of the education budget in this country comes from the communities and the States. It is not dependent upon the Federal Government.

What depends on the Federal Government is bureaucrats, 760 Federal agencies spread out among 39 departments. Department of Defense. I do not even know the names of some of these. Department of Energy. I do not know what ATBCB is or AG. I know what EPA is and HHS and HUD. But 760 Federal programs? How many bureaucrats are we trying to support on the backs of our children? That is what this is about.

If we believe in responsibility, if we believe that our children come first, then we should not pretend we are helping them by borrowing more money and putting more debt on their backs. Oppose the amendment. Let us keep some sanity. Let us get away from the notion that has dominated this body for so long that the American people are sick of it. Quit borrowing, let us keep the budget solid and keep on the path towards getting in it balance.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations and the Committee on the Budget.

Mr. KOLBE. Mr. Chairman, we have already heard that this really is not about education. We are all committed to education. There are philosophical differences as to whether or not the education can best be paid for at the Federal level or at the State and local level. I think most of us on our side of the aisle believe this is a local responsibility.

We can have programs that are better, more efficient, better funded, better for children if they are run locally and funded locally. But that is not really the issue that is involved here because we have increased spending. If we put all the spending of State, Federal and local spending together, we have increased dramatically.

Over the last 40 years, even when we take inflation into account, we have more than doubled the per capita spending. Can anybody in this body look at the statistics and say we are getting more for the dollars that we are spending on education? I doubt it.

So the issue really is whether or not we are going to spend more to provide for Federal bureaucracies. That is really what we are talking about, keeping the bureaucracies in place who run these Federal programs that amount to only 5 percent of the total education dollars.

Now, I know this is a little bit inside baseball, but the gimmick that is being used here is very clever, and I think my colleagues need to know about it. It is really a very clever device, because what they are doing is, rather than take the money out of any other account, reduce spending in any other place, because that might mean some pain in some other areas, in health care, or in higher education or in job training or something else, so rather than do that, we are going to forward fund. That is, we are going to take the money out of certain accounts and we are going to put it into the accounts in fiscal year 1998.

This is another year, not the year for which we are appropriating, but we will make it available on October 1 during the school year, October 1, 1997.

Now, the people on the other side have claimed, well, this has really already been done by the Committee on the Budget, and it is true. In the case of title I we did some of this forward funding. Why did we end up having to do that? Because the President last year on this bill said he would veto it if all the money he wanted for title I was not in the bill, and we could not take it out of any other place, so we had no choice but to forward fund that.

It is certainly not a practice that anybody should want to continue. It is certainly not a practice that anybody thinks we ought to replicate and make widespread in the Federal budget, because as the gentleman who spoke before me suggested, when we start doing this with one part of the budget, we can do it with all the parts of the budget. Why not forward fund defense or the Commerce Department and law enforcement, and so forth? And we will just keep borrowing it and putting it all into the next year's budget. We will take this year's and put it into the next year's budget.

□ 1715

Obviously, each year the problem becomes bigger as we try to deal with this problem. This is a bad process. We should not follow this process. We should not do this any further. We should reject this idea. We should stick to the budget resolution that we have adopted. We should not play these kinds of games and use these gimmicks. This amendment should be soundly rejected.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, where in the world were the bleeding hearts an hour and a half ago when I stood down in this well and pleaded with my colleagues on the other side of the aisle to face up to the mandate that they gave 21 years ago which is destroying every school district in this country? Not one of them was here.

Mr. Chairman, for 20 years they have refused to step up to the plate and put the 40 percent they promised into special education, and for 2 years my side of the aisle has done exactly the same. And now they want to exacerbate the problem.

Mr. Chairman, I will not have a snowball's chance in Hades of getting any money to step up to the plate to do something about the 40 percent unfunded mandate in special education because they are now taking the 1998 money away from me.

Where were they an hour and a half ago when they should have been here? Dislocated worker training is not an unfunded mandate. The summer youth training is not an unfunded mandate. Head Start is not an unfunded mandate. The Goals 2000 is not an unfunded mandate. Title 1 is not an unfunded mandate. Eisenhower Teacher Training, unfunded mandate, and it is not zeroed out either. It is moved into what we call chapter 2, which is where it should be, which gives the kinds of flexibility we need.

But to think my Democrat colleagues would then have the gall not to step up to the plate and do what they should do for local school districts, which is deal with the IDEA problem. Why are they falling behind in education in this country on the local level? Simply because of unfunded mandates from the Federal Government. They have to take their money that they would spend to upgrade education for the masses of students to spend on what we mandated for the few that are out there.

Mr. Chairman, I say to my colleagues on the other side, do not turn around and play games before an election like this and take away the possibility that at least next year, if I cannot do anything about it this year, at least next year being able to step up to the plate and help those local districts and do something about the unfunded mandate so that they can improve the education system. They know how to do it. We do not. But we mandate and they pay. Let us reverse that. Please reject this amendment above all.

Mr. PORTER. Mr. Chairman, I would inquire as to the time remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 4 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 13½ minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], the chairman of the Subcommittee on Postsecondary Education, Training and Lifelong Learning of the Committee on Economic and Educational Opportunities.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I was sitting in my office following the debate, and I heard the same old untrue tirade of how we are cutting student lending and how students will not be able to get help to go to college. I do not know how many young people we have scared into not even trying to get into school because of saying this untrue thing.

It seems to me that there is enough difference philosophically and politically between us on both sides of the aisle that we can make our points while still telling the truth, and I would implore that we do that. That we not scare people needlessly with untruths.

Let me just give a new facts about student loans. This bill that we are working on right now, the Labor-HHS-Education appropriation bill for Federal student aid, this year increases Federal student aid $2.4 billion to $40.7 billion from the $38.7 last year. We continue to make student aid one of our priorities, and we increase funding for all of the major student aid programs.

Just a few examples: Pell grants we increase to $5.3 billion. That is a $428 million increase. The Pell grant maximum we raise to $2,500 from the $2,470. This is the highest maximum ever provided over the maximum that we increased last year. The work-study program we increase to $685 million. That is over $68 million increase from last year, higher than the President's request.

The TRIO Program we increase to $500 million. That is a $37 million increase.

The bill appropriately makes limited reductions in duplicative and outdated student aid assistance programs, but no student will have his or her aid decreased as a result of the bill.

Student aid funding in combination with Federal entitlements like student loans will increase aid available to students, as I said, this year by $2.4 billion. So please ignore the false rhetoric and misleading statements regarding student aid in this bill. This is a good bill.

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes. I had thought there would be other speakers here, but there are not, so I will try to limit my remarks.

Mr. Chairman, we have heard a lot of rhetoric today and we have heard a lot of talk about bureaucrats. We have heard a lot of talk about mandates. The gentleman from Pennsylvania just asked where on earth were we when he offered his amendment just a few minutes ago. I will tell my colleagues where I was. I was right here, and I was voting against his amendment because I do not believe that we ought to reduce the funding in the committee bill for cancer research. I do not believe we ought to reduce the funding in the bill for Alzheimer's research. I do not believe we ought to reduce funding in the bill for the new clinical center at National Institutes of Health to replace a 50-year-old hospital. I make no apology for not wanting to cut those items.

As I indicated earlier, I think that where the gentleman wanted to put the money was fine. Where he got the money from was atrocious. And so if the gentleman wants me to be blunt about it, I voted against his amendment because it took care of one problem and it creates numerous others. And given all of the people who die from heart disease and cancer and Alzheimer's and Lou Gehrig's disease and all the rest, I am not going to go home and try to explain to people why I have voted to cut medical research. I do not believe in cutting medical research.

Having said that, let me repeat again what we are trying to do. I believe, and I think most people in this country believe, and I certainly think most people on our side of the aisle believe, that we are most clearly defined, both economically and morally, by where we rank the importance of helping our children, and where we rank the importance of helping people who struggle every day to make ends meet, to stay one paycheck ahead of the bill collector, and hopefully to find some way to help their kids get ahead in the process. And I also think we are judged by how we deal with the most unfortunate members of our society.

This bill makes quite clear that our top priority is education. Now, it has been said: "Oh, my goodness, if we move this money out of this fiscal year into the next fiscal year in order to provide more head room to meet education needs in the country, that we are adding to the deficit next year." Absolutely not so. All we are suggesting is that next year we ought to be spending more money than we otherwise will be spending on education, and maybe, just maybe, that means that the majority in this House will not make the same decision next year that it made this year when it decided that new Pentagon toys were more important than better education for our kids.

Mr. Chairman, I simply do not believe that next year we ought to add $11 billion to the Pentagon budget above what the President has asked for and what the Pentagon itself has asked for. After all, we already spend 2½ times as much as all of our military opponents put together. Add up any list one wants to name. We spend 2½ times as much as they do.

I do not think we are nearly as much at risk from a Soviet or from a Russian soldier or a Russian tank as we are from cancer, Alzheimer's, bad education, bad discipline in schools, and weak worker training for workers who are expected to compete in a world economy.

So what we are trying to do is not give more money to bureaucrats. I repeat where this money goes. We are trying to see to it that my Republican colleagues do not knock an additional 15,000 kids out of Head Start, which this subcommittee bill will, and we are trying to see to it that they help 450,000 American kids who otherwise will not be helped to learn math and science and how to read. We are asking that they restore 70 percent of what we cut out of the Goals 2000. That money goes to schools to improve school quality.

We ask that they restore 85 percent of the money that was cut in Eisenhower teacher training so that we can provide 186,000 math and science teachers with upgraded training.

We ask that the restore Safe and Drug-Free School funding to the 1996 level. We ask that they provide $25 million more for summer jobs than the committee bill does so that rather than stripping 79,000 kids out of that program next year, that we can at least help 17,000 of the 79,000 kids that they are dumping out of that program next year.

On Perkins loans, we are asking that 96,000 young people in this country get Perkins loans that otherwise would not get them because they zeroed out the program.

We are asking, last, that we provide $100 million more than the committee provides so that 50,000 American workers, not welfare recipients but workers who have been dumped out of their jobs because of the consequences of trade and imports, so that they can get some training to get a second start in providing a decent income for their families.

Mr. Chairman, let me point out, this does not violate the Budget Act. This does not exceed the budget. This comes in, in fact, $5 billion below the bipartisan Coalition budget which was provided for education and training. I would suggest, Mr. Chairman, that, if anything, this is too modest.

I would simply add one point in closing. When my colleagues look at this bill, this above all others is the bill that the Congress produces each year which is supposed to be focused on creating greater opportunity for working people and creating greater opportunity for people just starting out in life. That is what this bill is supposed to do. It is, as Bill Natcher used to say, the "people's bill." We are trying to provide greater educational opportunity. We are trying to provide greater training opportunity for workers, and that is all this amendment does.

It can be attacked for being socialistic, which is a joke. It can be attacked for spending too much money. It seems to me that we are far better off spending money here than we are in spending additional money to buy additional B-2 bombers that we do not need. And I would also say, Mr. Chairman, that in the end, I think this more than any other amendment on any appropriation bill this year defines the differences in priorities between the two parties.

So, Mr. Chairman, I would respectfully suggest that if Members vote for this amendment, what they will be doing is trying to pull us away in some small measure from the determination demonstrated in this bill to take the first step which, over a 6-year period, will lead to a 20-percent real reduction in the amount of deliverable education support for our youngsters in this country.

□ 1730

That is where this committee bill wants to take us. This committee bill wants to say: "OK, we are going to stealthily begin the process under which at the end of the 6 years, under the budget resolution—which you have adopted on your side of the aisle—that we will be spending 20 percent less than in real dollar terms to support the education of our children and the training of our workers." We simply do not believe that is the best way to prepare America for the 21st century.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

First of all, I have heard the other side say several times in the course of the debate that we were zeroing out the Perkins loan program. That is simply, plainly not true. There is $6 billion in circulation under the program. We are simply not adding additional capital this year to the $6 billion.

Mr. Chairman, this is not a serious amendment. I have heard the gentleman from Maryland [Mr. HOYER] for years now, because he and I would always agree on this in subcommittee markup, oppose forward funding of exactly this type and denounce it as fiscally irresponsible in the extreme. And yet he got up and debated in favor of the amendment, knowing very well that that is exactly the kind of funding that he himself opposes. No, it is not a serious amendment.

It is, however, a very serious propaganda effort by the other side to say somehow Democrats are more concerned than Republicans are about educating kids and yet they know that is something that could not be further from the truth and is not true.

No, we can never seem to outbid the other side in terms of saying how much we are going to spend and that, therefore, makes us more concerned because the other side takes not responsibility for the bottom line. They simply say, "we would spend and add to the deficit. We do not care what level of debt we put upon our children and grandchildren. We are willing to do anything to say that we are more concerned about education than you are." That is total nonsense.

What is true, Mr. Chairman, is that we are going to do the job of education better for the kids than has been done by the Democrats over the last 40 years.

The gentleman from California [Mr. RIGGS] pointed out very forcefully, we have spent far more money on education and have gotten worse results. What we are going to do is work for programs that work better for the kids and get results.

Ms. WOOLSEY. Mr. Chairman, when it comes to investing in our children's education, the new majority needs to take a refresher course in basic arithmetic because their numbers just don't add up.

Just take a look at this bill: At the same time school enrollment is expected to increase by 7 percent by 2002, the new majority is proposing to cut funds for education by 7 percent.

This means our schools will have larger classes, fewer teachers, and fewer learning resources, like textbooks and computers. While enrollment increases.

I would recommend that my friends on the other side of the aisle study the history of the Goals 2000 Program, which they are proposing to eliminate.

They would learn that it was a Republican President, President Bush, who first championed the need for education reform. It was the Bush administration which crafted the Goals 2000 Program to meet that need and enlisted the help of Democratic Governors, such as then-Governor Clinton, to get goals 2000 passed by Congress.

Eliminating funds for Goals 2000 means ending support to almost every State in this country, as they work to establish high national learning standards and to ensure that all their students can meet those standards. My State of California will lose approximately $42 million.

I wonder how many of the Members who support this bill have taken a field trip recently to a local school, and talked to the students and their families? Are they telling these kids and their parents that they want to cut the funds that help kids learn basic reading and math, cut the funds for special education and cut funds for safe and drug-free schools?

In addition, this bill completely ignores the President's technology initiative, which joins public and private resources to get computers in all our classrooms and to give teachers the training they need so that every American student will know how to use modern technology in school and on the job.

And what about the teachers? Do they know that this bill eliminates the valued Eisenhower Professional Development Program? We need, and expect, so much from our teachers these days. They need to be a combination of Mother Theresa, Mr. Chips, and Bill Gates—yet, the new majority wants to end funding for professional development?

Maybe the supporters of this bill should audit a college course, and get to know some of the more than 200,000 college students who will be affected by the bill's provision to eliminate new funding for the Perkins Loan Program. They would learn, firsthand, what those of us who support this amendment to increase funding for education already know—the cost of college is increasing too rapidly for many students to afford, and they need our help to continue their education and get the skills they'll need for the high-tech, high-wage jobs of tomorrow.

Americans want a good education for their kids, and they expect responsible national leadership to help them get it. I hope my colleagues will "get it" too, and support the Obey amendment and support American students and schools.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY: At the end of title III of the bill, insert the following new title:

"TITLE III V–B—WOMEN'S EDUCATIONAL EQUITY INCREASE

"The amount provided in title III for 'school improvement programs' (including for activities authorized by title V–B of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for 'education research, statistics, and improvement' is reduced; by $2,000,000, and $2,000,000, respectively."

Mrs. LOWEY (during the reading.) Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be divided, 10 minutes to the gentlewoman from New York [Mrs. LOWEY], and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] will be recognized for 10 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Along with my distinguished colleague from Maryland, Mrs. MORELLA, I am very pleased to offer an amendment to the bill that will provide $2 million in funding to the Women's Educational Equity Act programs. Currently, the bill eliminates funding for these important educational programs.

Abolishing the critical WEEA program is simply unfair to girls and women throughout this Nation. These programs successfully opened previously closed doors for girls in school and in the workplace.

The WEEA programs cost $2 million, and that money pays off in a big way. As my colleagues all know, women still earn only 72 cents for every dollar earned by men. The glass ceiling has kept women from achieving success in upper management. The best way for women to break through these economic barriers is by becoming better educated, particularly in nontraditional jobs which are generally higher paying.

The Women's Educational Act programs will give today's girls the ability to become tomorrow's high-wage earners. These programs help girls to succeed in math, the sciences and other nontraditional classes. In addition, WEEA supports programs that keep girls from dropping out, in keeping with the national goal of increasing graduation rates to at least 90 percent by the year 2000. Other programs are designed to eliminate discrimination against girls in the classroom and to develop programs, materials, and curricula free of gender bias.

Let me tell my colleagues about a few of the successful projects funded by WEEA.

In Massachusetts, the Preengineering Program helps girls to enhance their performance and their participation in math and science, classes and encourages them to pursue careers in engineering, science and technology. In Chairman LIVINGSTON's State of Louisiana, the Women's Leadership Development Program works with high school girls, teen mothers, and female educators to keep girls in school and, by graduating, to increase their independence and self-sufficiency.

In Florida, Project Can provides young women with training and information about high-skilled, high-wage careers that can provide them with economic self-sufficiency.

My amendment will be offset by reducing funding for research at the Department of Education by $2 million. In this bill, research is increased by $16 million over fiscal year 1996 and over $15 million more than the administration requested. While I certainly support the research efforts of the Education Department, I believe that we must save the successful Women's Educational Equity Act programs. Cutting these programs is incredibly shortsighted. We may save some money this year, but we are sacrificing the future of today's young women.

With the WEEA programs, these girls can learn the skills they need to become independent and economically successful. Let us not let them down. Our amendment is supported by the American Council on Education, the PTA, the American Association of University Women, the Association of Women in Science, the National Organization of Women, the Older Women's League, and many other organizations.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is nothing wrong with the program that the gentlewoman wants to fund. In fact, for years I was a very strong supporter of that program. The question, however, is where it is to be funded.

We have made a very strong effort, and this is some of what we are talking about in making government work better for people. We have made a very, very strong effort in approaching our bill over the last two cycles, this being the second cycle, to take small programs that are very expensive to administer and put them into larger programs where they can be administered much more effectively and efficiently and this is one that we did that to.

This is a program that is presently not funded. Why not? Because the money is put into education research and improvement, and the program can be carried out there very easily.

Now the gentlewoman would want to take the money out of education research and improvement and put it back into a separate line item for women's educational equity. I suggest that that is wonderful symbolism, and we all are concerned about women's educational equity. I am and I have supported it for a long, long time. But I do not see the point of doing that.

I think we have to go back to the core programs, the larger ones that can be more effectively administered instead of having a favorite line item for every single Member of the House and every single Member of the Senate and make a very inefficiently run department.

The Department of Education has 240 separate programs to administer. Sit down with anybody in the Department under any administration, Republican or Democrat alike, and they will tell you this is crazy. It is nonsense to administer all these separate programs.

We have made a very, very conscious effort to try to move smaller programs into larger ones so that they can be funded and have some discretion over in the Department as to where the funds ought to go. This is one of them.

I would simply urge the Members to reject the amendment, not because women's educational equity is not important. It is very important. But allow the Department to pursue it through the educational research and improvement account where they have been pursuing it. It is perfectly well done there. It saves administrative expense, and I believe that it is equally well served there as having its own separate line item.

I would oppose the amendment for that reason.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds, just to respond to our distinguished chairman, although I agree with the gentleman that consolidation of programs when it makes sense is a good idea. Whenever we can save money in administration, I think it is a good idea. But this happens to be a jewel of a program, if we can target money to specific programs that are known to work effectively.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA], my distinguished cochair of the Congressional Caucus on Women's Issues.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me. As she mentioned, the gentlewoman from New York, Mrs. LOWEY, and I chair the Congressional Caucus for Women's Issues. This is a high priority for us. I think for all of the women in the United States, as well as the men in terms of wives, daughters, nieces, et cetera.

I want to respond also to the chairman of the subcommittee, and I have mentioned earlier that I think he has done a yeoman job on this bill. I think he has really tried to treat very sensitively all of the programs. I would submit to the gentleman that this is a small program that focuses on what its primary objective is. It is like bringing Government closer to the people and closer to the people who are administering it.

Mr. Chairman, I rise to urge my colleagues to vote in favor of the Lowey-Morella amendment. This amendment would restore $2 million for women's educational equity programs. The funding would come from educational research, a program which would receive, in this bill, an increase of $16 million over the fiscal year 1996 amount and more than $15 million over the budget request.

I believe that in order to achieve educational excellence in our schools, we must eliminate gender bias. In 1974, the Women's Educational Equity Act [WEEA] was established to promote title IX, which barred sex-discrimination in federally funded programs. Over the years, WEEA has funded research, training programs, and other projects to promote educational equity for girls and women. More than 20 years after the enactment of WEEA, a pattern of gender equity still persists in our Nation's schools.

Research by the American Association of University Women [AAUW] shows that during the school years, girls receive less teacher attention then boys and less constructive criticism. Girls' self-esteem drops dramatically as they move through adolescence, and they continue to drop-out of high level math and science courses. Although girls score as well as boys on math tests, by the time they are 17, they have fallen behind. High school girls still earn more credits then boys in English, history and foreign languages, but fewer in math and science. Women earn more than half of all bachelor's degrees, but their degrees are clustered in traditional fields for women such as nursing and teaching.

WEEA provides schools with the materials and tools needed to comply with title IX. WEEA promotes projects that help girls to become confident and self-sufficient women. These projects help to prevent teen pregnancy, keep girls in school until graduation, and steer them toward careers in math and science. A current project of WEEA is designed to clarify for schools a definition of sexual harassment and what the law requires them to do. WEEA funds also initiated the observance of Women's History Month, which has alerted students across the country of the important contributions of women.

Mr. Chairman, we must not allow WEEA programs to fall by the wayside. Girls and women have made great strides through the programs funded under WEEA. I urge my colleagues to support the Lowey-Morella amendment to continue funding for WEEA. Our efforts to reform and improve education will not be complete unless we address the needs of all of America's school children.

□ 1745

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE], the distinguished ranking member from the authorizing committee.

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, as former chairman of the elementary and secondary vocational subcommittee and as a teacher and as a father of a daughter, I stand here to support this amendment very strongly. I support it as a separate program also, not to be buried in another program, because we need to build sensitivity to the rights and abilities of all women, all students.

I recall a few years ago when my daughter and my two sons and I were flying, the cabin attendant came by and gave my two sons pilot wings and gave my daughter stewardess badges, and I told the cabin attendant at that time, I am sure my daughter would rather have the pilot wings.

That situation exists in our schools yet today, too, where they steer people in a certain direction because of their gender. We have to break down this gender bias, and this program as a separate program is important, because that gender bias still exists in society, and that includes our schools. So it is very, very important that we keep this program as a separate program, not buried in another very good program.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Lowey amendment to restore funding to the Women's Educational Equity Act.

We have talked much in this Congress about preparing our children for the future and teaching personal responsibility. The programs administered under the Women's Educational Equity Act, in place for the last 20 years, have made great strides to accomplish these goals for girls.

Girls and young women face a number of real and serious obstacles that often keep them from reaching their full potential, such as lack of skills or self-confidence, teen pregnancy, sexual harassment, violence in the classroom, and intentional and unintentional sex discrimination.

Through projects and outreach programs, girls learn job skills for traditional and for nontraditional, high-paying careers. They learn to reject the notion of traditional employment for women and embrace education in a variety of fields. It is sad but true that girls and women still need to be told in our society that they are capable of anything. These programs helps girls become confident, educated and self-sufficient. They remind and encourage girls that they can become self-sufficient adults who make a great contribution—our scientists, world leaders, working mothers, Members of Congress.

Mr. Chairman, I ask my colleagues, for the sake of the future of your daughters and granddaughters, to vote for the Lowey amendment to restore funding to this important program.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York, and in great support of women and girls in our education system.

I support this amendment because often the barriers to girls' participation in the classroom or on the playing field are unintentional. Often these barriers are subtle and go unnoticed. But the fact remains that girls in our country, and the consequences are profound.

Mr. Chairman, as we move toward the 21st century, there is no question that girls and boys need top-notch math and science skills. Women earn more than half of all bachelor's degrees, yet, their degrees are clustered in traditional fields for women, which often means lower paying jobs.

Unless we combat this problem, women will have fewer economic opportunities, women will continue to a lower quality of life than men, and these inequalities will persist into the next century.

We must make sure this does not happen. As a member of the Economic and Educational Opportunities Committee, I am working hard to improve education for girls and boys, for women and men.

Programs funded through the Women's Educational Equity Act is a way to achieve this goal.

When you vote on this amendment, I urge you to think of your sister; your wife; your granddaughter. Vote for the Lowey amendment, and vote for equality in education.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the amendment of the cochairman of the Women's Caucus to emphasize the importance of girls' education with respect to science. This is an important amendment.

Mr. PORTER. Mr. Chairman, I yield myself 30 seconds, simply to say that I understand that the gentlewoman in her remarks had said the American Council on Education endorses this amendment. We have received a call just now. The American Council on Education does not endorse the amendment. We just received the call.

Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, I am speaking in opposition to this amendment. This amendment, some of the language in it says:

> Gender equality policies and practices. The program provides teacher training to encourage gender equity.

First of all, Mr. Chairman, I think it is important, and I am speaking here today on behalf of our children, this program was zeroed out in fiscal year 1996, as we know, The fact remains that if we do not reach a balanced budget, if we do not make the appropriate steps to balance the budget, then none of our children, boys and girls, will have a future, will be able to preserve the American dream.

We know a child born today owes $187,000 only in interest on the national debt. If I had started a business the day Jesus Christ was born and spent $1 million a day every day from then through today, I would still not have lost my first $1 trillion, and we are $5 trillion in debt.

Mr. Chairman, this is not a legacy that we can send onto our children, whether they are male or female. I very much resent the opportunity not to be able to compete with anyone, man or woman, on a level playing field. I do not think that women feel that they are in a position where they cannot compete. I think so much of this discussion is a generational problem. The young women that I know believe that they can compete, and that they can do equally as well in this society.

Yes, I freely admit in the years that I was in college and the years when I was younger, I agree there was discrimination, and it was harder for women to make their way in the professional world. But I believe times have changed, and I also believe that we need to cut programs that are not as effective as they should be, because we have to spend our money in wise use in this budget. We need to do that for the sake of our children.

I am very determined. I will not be a party to leaving a country to my children or other people's children that is not in as good a condition as the country that I received from my parents. We need to save the American dream for them, and we cannot do that if we continue to spend money on irresponsible programs. I ask on behalf of the children and families in America that we defeat this amendment and get on with our business.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply say to the gentlewoman, I was prepared to yield some of my time to speakers on the gentlewoman's side, with the understanding that she was not going to ask for a recorded vote on this. Since I now understand the gentlewoman is going to ask for a recorded vote, I find it difficult to do that. Therefore, I will simply close after the gentlewoman proceeds with her final speakers.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I am sure that the remaining speakers who are going to speak on the gentleman's generous time would clarify the issues, so that I have confidence that he would want to continue to yield the time to them.

I know that our distinguished Member, the gentlewoman from Connecticut [Mrs. JOHNSON], would like to speak, and we have a few speakers here to share my 1 additional minute.

Mr. PORTER. Maybe I should not have opened this subject, Mr. Chairman. I wanted to explain why I was unable to yield the time.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, it is my pleasure to yield 40 seconds to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment. This small program has made an enormous difference in creating among girls in America the belief that they have a wide range of opportunities in our society.

One of our biggest problems right now is teen pregnancy, and the teen-to-teen pregnancy prevention is enabling girls to see that math and science open worlds of opportunity, that staying in school matters, that self-esteen is there for them to get. This program funds projects that do exactly that for girls. We must not pull back on a single dollar that can help our girls understand that life is full of opportunity.

Mrs. LOWEY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [PATSY MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. PORTER. Reserving the right to object, Mr. Chairman, I was about to yield my remaining time, except for 1 minute, to the side of the gentlewoman from New York [Mrs. LOWEY], if that would help. Could we do it that way?

Mrs. MINK of Hawaii. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. PORTER. Mr. Chairman, I yield the remainder of my time, except 1 minute, to the gentlewoman from New York [Mrs. LOWEY].

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] yields 2½ minutes to the gentlewoman from New York [Mrs. LOWEY], and he retains 1 minute for himself.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding time to me, and I thank my colleague, the gentleman from Illinois [Mr. PORTER], the distinguished chairman of this committee, for the time that is so precious to defend this amendment, to urge its adoption. It is only $2 million, and it is basically a research program. It is moneys that are coming out from a research program in the department, and we are using this method to earmark the money for an area that might otherwise be ignored.

It is so important that we fund the research and training and impetus to the classrooms and to the schools to keep encouraging them to emphasize the importance of equity in education. Our girls are not being encouraged properly into the fields of math and high-tech and science, and they need this special way of dealing with this issue, especially in the elementary ages. They need programs that enhance role models. The whole thing of history, women's history month, is to find all of the people in the country, women, who have excelled in these programs, and to encourage our young people to follow that route.

□ 1800

If we just support research in general in the department, and the committee has been very generous, and I commend them for it by adding $16 million, but if we leave this area into this general, nebulous research and not carve out a special program of only $2 million for the girls, for the sake of equity in education, we are going to really love the tremendous ground that we have achieved thus far. I happen to be the author of this program, and I applaud the gentlewoman for raising this issue once again.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, as generous and knowledgeable as our chairman the gentleman from Illinois, Mr. PORTER, is, and of course he has the strong support of the ranking member, the gentleman from Wisconsin, DAVE OBEY, I do not think they realize how important this is. This is a very important amendment which the gentlewoman from New York, Mrs. NITA LOWEY, has put in. She asked for merely $2 million. This $2 million will being recognition to the women in this country. It was a very hard fight to get this recognition for women. Please, I beg the gentleman from Illinois [Mr. PORTER] and the Members who are not supporting this amendment to turn around and think what an important time this is. Women fought hard to get here. We need your support to be sure that this $2 million will focus this similar block grant, because I know and most Members know, when this money is allocated, women's equity will not be at the top of the list and when the money is allocated, we will be at the end. Please support the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 20 seconds.

Mrs. LOWEY. Mr. Chairman, to close this debate, I would like to thank my colleagues with whom I have worked so closely on this issue over the years. Having seen the results of these programs, having seen the educational programs that have encouraged women to get into fields of math and science and engineering, I would again like to appeal to all my colleagues to support this very important amendment. We can work to cut out a lot of programs, but this is one in which we should invest.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 1 minute.

Mr. PORTER. Mr. Chairman, let me say again, I have supported this program in the past, I think it is important, but line items are not meant for recognition. If so, we have too many already. This program can be and is presently administered under the education research and improvement line item. That is where it is right now. There is not a separate line item for it. That is where it ought to remain. To put it simply back into existence either as recognition or symbolism to me is simply not the way we ought to proceed. There are too many separate programs. They are all worthy, of course. They all have defenders. But we have managed to cut down on the number of single programs with high cost to administer, put them under larger accounts like educational research and improvement. We have done it here. I would ask the Congress to keep that exactly as it is and allow us to reduce the number of programs and do a much more efficient job.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: After title III of the bill, insert the following new title:

"Title IIIC—Bilingual Education Increase

Of the amount made available under the heading "IMPACT AID" for Federal property payments under section 8002 of title VIII of the Elementary and Secondary Education Act of 1965, $10,000,000 is transferred and made available as an additional amount under the heading "BILINGUAL AND IMMIGRANT EDUCATION", of which $6,800,000 shall be for carrying out subpart 2 of part A of title VII of such Act."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect very much the process of the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY] and also the question of the importance of education that has been debated on this floor today. I supported the Obey amendment and will support it once it comes to the floor again for a vote, because I believe the priorities of education says to the American people that we would invest in the front end and not the back end, the back end meaning incarceration, imprisonment, hopelessness and joblessness for Americans. Interestingly enough a recent report cited that the lack of promise of our recent immigrants comes mostly from their lack of understanding of English and their inability to have the appropriate job skills to move into mainstream America.

Coming from the State of Texas, I can say to you that I applaud local officials and the Governor of the State of Texas that have not tried to create a wedge issue on immigration. We have in fact included our new immigrants and have worked very hard to provide them with the resources that they need to integrate into our society. Bilingual education is the key to providing people the opportunity to open the door that gives them an even playing field, and particularly it is important to provide the dollars added professional development training of teachers so that they can educate those who come into our school system. Although the committee has worked hard in this area, I think it is important that we recognize that more dollars are needed to support bilingual education. This particular amendment would have offered an extra $10 million to ensure that bilingual education is both respected and enhanced in the professional and development training and to provide the access to those teachers who would teach our children. Recognizing that the source that I have taken such moneys from deal with Impact education, and might I say that I recognize all those who worked so hard in the Impact education area, I would note that it was only 235 school districts that are impacted on this out of 14,000, but nevertheless it is an important issue.

But I raise this amendment because I think it is important again to focus on the question of bilingual education. I would simply ask my colleague from California [Mr. BECERRA], who is on the floor, if he would accept me engaging him in a colloquy on bilingual education.

This amendment is one that I have offered, though I am going to ask for unanimous consent to withdraw it. But the reason, of course, is to comment, I think both of us have been in the Committee on the Judiciary and we have heard that studies offered by the Rand Commission that have talked about the front end investment versus the back end. So I am hoping that we can all join together and work on increasing the dollars for bilingual education to ensure that direct dollars to the school systems but as well to training bilingual teachers and enhancing their professional development. I query Mr. BECERRA for his input on the importance of this kind of training and expanding bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentlewoman for yielding, and would say that I agree with everything she has said. All the information we have, the data and any studies you look at show that we are absolutely in need of teachers who can help transition a lot of our young students who are not yet proficient in English so that they can become fully proficient. What we have found is that the best way to do that is to not let them fall behind in math, in geography and science while they are trying to learn English but let them learn all those subjects so that within 3, 4, or 5 years they are actually in fully mainstream course work.

I would agree with the gentlewoman completely we do need to see more funding, we do need to see some money allocated to the professional development component of bilingual education so we can have the teachers that we need to teach. We are drastically by tens of thousands of teachers understaffed in our schools for bilingual education and hopefully we will see something remedied as we go through the process of trying to pass a bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I may make an inquiry to the chairman of the Appropriations Subcommittee, I had wanted to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] but I do want to allow the gentlewoman from California [Ms. Millender-McDonald] to comment on this.

Would the gentleman yield me time to enter into a question of him so that I can yield to the gentlewoman?

Mr. PORTER. Mr. Chairman, if the gentlewoman will yield, we expected that she was going to offer the amendment and then withdraw it. We see that there are other speakers on both sides. Perhaps we could simply agree to a 10-minute time limit on this amendment and all amendments thereto and divide it between yourself and myself and finish it in the next 10 minutes.

Ms. JACKSON-LEE of Texas. I would appreciate that.

Mr. PORTER. I ask unanimous consent to do that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] and the gentleman from Illinois [Mr. PORTER] will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. I thank the gentlewoman from Texas for yielding me this time.

Mr. Chairman, I would like to just speak on behalf of the increase in funding for bilingual education. We do recognize that there are numerous students now coming into the public school systems that are non-English-speaking students. There is a critical need for teachers to teach these students English. I am appealing to those who are on the Committee on Appropriations and my colleagues to increase bilingual education, thereby providing these young people a qualified teacher who can help them to learn English. It is important, it is critical for the future of our country to have these young folks who are thousands, increasing thousands, in the public schools, to have a teacher who can teach English to them.

I am urging that we support the increase in bilingual education that will afford us the opportunity to train teachers to teach these students.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Texas.

The amendment seeks to cut funding from the Federal Impact Aid Program and transfer the moneys to bilingual education.

Without debating the merits of bilingual education, let me emphasize that cutting impact aid, especially section 8002 of the program, will be devastating to schools around the country that depend upon this assistance.

Local governments cannot collect property tax revenue from federally-owned property, which affects their ability to provide sufficient revenue to the local school system. Section 8002 of impact aid reimburses local governments for the lost tax revenue.

Funding for impact aid represents the Federal Government's commitment to reimburse local governments impacted by a Federal presence. By cutting these funds, regardless of the reason, we are essentially turning our back on this commitment.

I represent the Highland Falls-Fort Montgomery School District, which sits adjacent to the U.S. Military Academy at West Point, and is very dependent on the moneys it receives from the Impact Aid Program to survive. I fear the gentlewoman's amendment, if passed, could seriously jeopardize the school district's ability to remain open or adequately serve its students.

The Federal Government must live up to the commitment it has made to the communities in my district and across the country who depend on the Impact Aid Program. The bill contains a modest amount of funding to reimburse land-impacted school districts like the one I represent. I urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I mentioned and stated earlier for the record that I offered the amendment and asked unanimous consent to withdraw it in order to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] if he would on the question of the importance of bilingual education.

□ 1815

We realize that there are so many interests involved in this bill dealing with Education and Health and Human Services. Certainly, I believe that we could have enhanced this legislation by additional funding for bilingual education. However, in the spirit of cooperation, I would simply say to the gentleman who has worked hard, along with the gentleman from Wisconsin [Mr. OBEY], that I would like to join with others to make sure that we have the number of bilingual teachers and the proper training for those teachers to ensure that we invest in the front end and not the back end, to make our new immigrants have access to English and to ensure that the children who are in our schools are fully educated in some of our States.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say that I support transitional bilingual education that moves young people from their native language as quickly as possible into English and teaching them then in English. But I do not support bilingual education as has been practiced in many of our larger cities where kids are kept in their native language for year after year instead of moving them to English. So, to the extent that we transition and actually use the bilingual program as it was originally intended to move children as quickly as possible into the English language and being taught in the English language, I support it.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and simply forwarding or completing my remarks, let me say that we probably have a slight disagreement on that. It is my concern that we continue to teach children as long as they need to be taught in order that they can move into the mainstream. However, I will seek to work with those who will work with me to ensure that we do provide the right kind of resources for bilingual education, a fair assessment of resources for bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I am actually quite encouraged to hear the chairman's remarks because I think, if he were to go to some of the large cities like mine in Los Angeles, what he would find is that transition is actually occurring rapidly. But when you have a situation where, like in Los Angeles, you have so many new kids coming in who are in a situation where they must learn anew—in fact, you have some kinds who have never seen a computer so they do not even know how to say computer even in their native language—it takes some time for a school to be able to show the success. But if you look at the individual children, the average time of stay in a bilingual education program is 3 years. So they are transitioned to a fully mainstreamed program of English-only instruction in about 3 years.

So I am very encouraged to hear the chairman's remarks and I hope that we are able to do something because over the last decade, bilingual education has taken about a 60-percent cut in funding. So these are kids who are trying to learn who have seen their funding at the Federal level cut by 60 percent.

I have a figure here that says that the Department of Education recently estimated that we are short approximately 175,000 bilingual education teachers to help these kids transition quickly into mainstream instruction.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I think Texas will work with California and many other States that are impacted by this need for additional funds. I would simply encourage all of my colleagues that we work to make sure that we invest in the front end and not the back end.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. PORTER. Mr. Chairman, I would inquire of the Chair at this point, we have 3 minutes of our time remaining, whether we are not entitled to use that before the amendment is withdrawn.

Mrs. JACKSON-LEE of Texas. Reclaiming my time, then, Mr. Chairman, if the gentleman is going to have another speaker.

Mr. PORTER. Why does the gentlewoman not reserve the balance of her time?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman reserves the balance of her time and withdraws her unanimous-consent request.

The gentleman from Illinois will have the right to close.

Mr. PORTER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend from Illinois for yielding.

This is an issue in bilingual education that I have done a good deal of study on, and I think it is important for us to have a balanced view of what is taking place in bilingual education. Thirty percent of the Hispanic students in America drop out of school. The lowest pay rates in America today come to Hispanic youngsters because they do not have training in the English language. Kids in bilingual education are not in their for 3 years. They are in there for as long as 9 years, and they get 30 minutes a day at the most in English language.

This comes from U.S. News & World Report, that did an in-depth study on bilingual education. They concluded that, along with the crumbling classrooms, along with the crumbling classrooms, violence in the hallways, bilingual education has emerged as one of the dark spots in the grim tableau of American public education.

Today I wish that the person who is introducing this amendment would talk to some of her constituents in Texas, for example, Ernesto Ortiz, who said: They teach my kids in school in Spanish so they can become busboys and bellhops. I am trying to teach them English at home so they can become doctors and lawyers.

That is what I am saying today. Let us give these new Americans the same chance to have part of the American dream that we have historically given our new Americans. There is a 30-percent dropout. This is not an issue between the kids in school. This is an issue of the bureaucracy. The only people who are for this are the bureaucrats. In New York City, kids are put in bilingual education. Why? Because of their surname, and then the parents cannot get them out of these educational classes.

In New York City, the parents had to take the school board to court to get their kids out of bilingual education so their kids could have an equal chance. If my colleagues want to establish linguistic ghettos in America, vote for this type of amendment. But if my colleagues want this country to be equal and have everyone have an equal chance, then vote against amendments like this. Americans, all Americans should have the same chance to be part of, get part of the American dream that all of us have had.

English is a language of opportunity in the United States. The way people are kept down is if you keep them in bilingual education. You have to immerse young Americans in the English language so that they can compete. We want all Americans to have an equal chance, and we have to begin with giving all Americans an equal chance with the English language. Otherwise we are going to keep these kids in linguistic ghettos, and we are opposed to that in any form.

Mr. FAWELL. Mr. Chairman, I rise in strong opposition to the Jackson-Lee amendment, which would transfer $10 million from section 8002 impact aid funds to bilingual education.

As we all know, States and localities provide approximately 95 percent of education funding in the United States. The largest source of this funding is local property taxes. When a school district loses 10 percent of its taxable property to the Federal Government, the local schools are severely impacted. In 1950, Congress responded to this problem by creating the Impact Aid Program. I have always been a strong supporter of this program.

Mr. Chairman, Burr Ridge School District 180 in my congressional district is 1 of 8 districts in Illinois that qualifies for section 8002 impact aid funds. In the case of Burr Ridge school district, three-fourths of the assessed value of the school district is federally owned land at Department of Energy's Argonne National Laboratory. When the Federal Government does not pay its share for the Federal property taken off the tax rolls, the burden falls to local homeowners.

Mr. Chairman, as you may know, the entire section 8002 impact aid program costs about $17.5 million. This funds federally impacted school districts at about 40 to 50 percent of funds they are qualified to receive. In the case of Burr Ridge school district, these funds go directly to teaching positions, reading programs, and special education. Unlike most Federal aid programs, such as title 1 and drug-free schools, impact aid directly funds schools which are adversely impacted by the presence of Federal lands.

Mr. Chairman, I urge the House to strongly oppose the Jackson-Lee amendment, and support our responsibility to serve federally impacted schools.

The CHAIRMAN. All time has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute, please.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. SOLOMON. Mr. Chairman, I would just have to object. We have to expedite these bills. We cannot carry them on any longer.

Ms. JACKSON-LEE of Texas. Will the gentleman from Illinois [Mr. PORTER] allow me time to ask unanimous consent to withdraw the amendment?

Mr. PORTER. Mr. Chairman, I would inquire of the Chair, is there any necessity for yielding time to the gentlewoman from Texas to ask unanimous consent to withdraw the amendment?

The CHAIRMAN. The gentlewoman can ask unanimous consent to withdraw her amendment without additional time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to avoid any more ugly talk about bilingual education, I ask unanimous consent to withdraw the amendment so that those of us of good will can work together to ensure that the children are educated and we are investing in America.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania. Page 66, line 9, after the dollar amount, insert the following: "(reduced by $1,923,000)".

Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,923,000)".

Mr. FOX of Pennsylvania. Mr. Chairman, I understand there is an agreement agreed to by both sides, by the ranking member, the gentleman from Wisconsin [Mr. OBEY], and also by the chairman, the gentleman from Illinois [Mr. PORTER]. I would just make brief remarks, if I may, in support of the amendment.

The Foster Grandparents Program pairs low-income adults with special needs children. The foster grandparents themselves are active, healthy older Americans who have a desire to stay active in their communities but do have limited incomes. The children that are served in the Foster Grandparents Program have special needs and are considered at risk.

Some of the children included in this program are: children with HIV/AIDS; children with severe physical, mental or emotional disabilities; children suffering from serious or terminal illnesses; children who were abused or neglected; and pregnant teens.

The foster grandparents spend 40 hours in training and orientation. Then they are matched with approximately four children. The grandparents are then required to work 4 hours a day for 5 days a week participating in activities with the children.

The benefits of the program include enabling seniors to increase their own standard of living by offering them a small stipend for their work.

The Foster Grandparent Program has also done an outstanding job at providing matching funds from the State and local level and from the private sector. As a matter of fact, the Foster Grandparent Program is currently averaging a 46 percent matching level. In my hometown of Montgomery County, the Preschool Intervention Program, a program for children ages 3 to 5, lost their grandma and are in desperate need of help. After placing a call to the local Foster Grandparent Program, they were told that there was simply not enough money to provide a new grandparent for them.

In a similar situation, Mr. Chairman, a drug treatment center that rehabilitiates drug-addicted mothers and their children recently lost two grandparents. But this can be avoided, Mr. Chairman, with the passage of my amendment and the adoption by both sides of the aisle because it will restore the funding for the Foster Grandparents Program to the fiscal 1995 level, an increase of only $1.9 million, which would equal 550,000 volunteer hours from Federal dollars, an additional 550,000 in non-Federal match, about 1,000 additional volunteers, and 4,000 additional children that can be served.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time. I will be ever so brief.

This is an important amendment. I hope Members on both sides of the aisle will join us in supporting this amendment. Really what we are talking about is prioritizing the Foster Grandparent Program. As Mr. FOX indicated, this really is the ultimate public-private partnership and the return on our investment is really very, very excellent. It taps into one of the most underutilized resources in this country, our senior citizens. Most importantly, it is revenue neutral.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I simply would say to the gentleman from Pennsylvania that this is a very good amendment. The gentleman has shown great leadership and support for the Foster Grandparent Program, and we would accept the amendment.

Mr. LAZIO of New York. I rise today to support the amendment offered by Mr. FOX. I have had the pleasure over the past few years to work with the Foster Grandparents Program as well as the other programs within the National Senior Service Corps. Last year I was successful in offering an amendment adding $13.8 million to the National Senior Service Corps and have worked with Mr. PORTER this year to secure a $4.5 million increase. I commend Mr. PORTER for the commitment he has made to these programs.

For over 30 years the National Senior Service Corps programs, which include Foster Grandparents, have brought needed services to communities across America and have provided hundreds of thousands of service opportunities to older Americans.

America's seniors have a wealth of experience and knowledge which must be engaged. As we look at today's social problems, it is essential that as a nation we look toward those who have faced adversity before, and now stand as examples of that which makes America great. Currently, America's seniors are greatly underutilized in solving today's problems.

Foster Grandparents help to fulfill community needs which may otherwise go unmet. Activities conducted by Nation Senior Service Corps and Foster Grandparents volunteers include: serving the homeless, providing hospital volunteer services, training, tutoring, serving emotionally disturbed children, serving the terminally ill, caring for children who are born with drug addictions and HIV, as well as many, many others.

The money spent on these programs goes a long way to aid both the seniors who volunteer and, more importantly, those who receive their valuable services. We should support America's senior citizens in utilizing their talents and experiences to better themselves and their communities.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

Mr. ORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so for the purpose of entering into a colloquy with the chairman. I want to compliment the chairman for his leadership in developing a very good bill in difficult circumstances. In order to stay within the restrictive subcommittee 602(b) allocations, difficult decisions are required.

I am particularly pleased to see the increase in funding provided to the National Institutes of Health given these funding restrictions. As the chairman knows, there are many worthy medical research projects underway at NIH and throughout the country. In time, I believe that this research will alleviate the suffering of a great many people throughout our country. I am particularly concerned that adequate research regarding hyperemesis, or severe morning sickness, including nausea and vomiting, a condition that by one estimate affects over 50,000 pregnant women a year, is not being adequately conducted.

In addition to decreasing pregnant women's productivity in their jobs and private lives, this condition can lead to hospitalization due to severe dehydration.

□ 1830

In fact, in 1993, 43,000 women that we know of were hospitalized for severe morning sickness. Severe hyperemesis can lead to a decision to terminate a pregnancy or even lead to death in extreme cases.

I know of only one NIH study, "Nausea, Vomiting Nutrition and Pregnancy," that is, in part, looking at this problem, yet the majority of women in this country have been or will be pregnant at some time during their life and a majority of them will experience morning sickness.

Does the chairman agree with me that a problem this pervasive is a serious health problem to which the National Institutes of Health should give priority, including devotion of resources for basic clinical research?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would agree with the gentleman, and would encourage NIH to use all mechanisms at its disposal to support basic applied and clinical research that addresses the problem of hyperemesis in pregnant women.

Mr. ORTON. Mr. Chairman, reclaiming my time, I thank the gentleman for his support and for his response.

Mr. Chairman, I include for the RECORD the following material:

Brigham and Women's Hospital,
Harvard Medical School, Obstetrics and Gynecology Epidemiology Center,
Boston, MA, July 10, 1996.

Hon. William Orton,
Washington, DC.

Dear Congressman Orton: I've been informed of your interest in Hyperemesis Gravidarum and would like to share my concern regarding the need for further research in this area and some very interesting preliminary findings from a pilot study conducted at our institution.

Although there have been no reliable studies that have documented the incidence of severe hyperemesis, estimates suggest that as many as 2% of all pregnancies require hospitalization for this condition. It is clear that this represents a substantial public health problem considering that most women who suffer from this condition do not seek appropriate medical care.

We have recently reported (and are in the process of preparing for publication) results from a pilot study suggesting that factors that contribute to high prenatal estrogen levels may be important in the etiology of this condition. As you can see from the attached abstract presented at the recent Society for Epidemiologic Research Meetings, we have observed that the risk of hyperemesis requiring hospitalization increases 3-4 times with each 15 gram increase in consumption of saturated fat (equivalent to one 4oz cheeseburger). Although we do not know the mechanism by which this dietary association may influence the risk of hyperemesis, we do know that a diet high in saturated fat will increase estrogen production.

To better study the influence of diet and hormones on the risk of severe hyperemesis, we would like to identify women as close to the time of their conception as possible and then measure their hormonal profile to see which profiles are more predictive of the subsequent onset of severe nausea and vomiting. We have proposed such a study to NIH which was not funded during this most recent cycle. However, we will review the evaluation when it becomes available and consider a resubmission.

If you would like any additional information concerning our research in this area please don't hesitate to contact me directly. Thank you for your interest in this area which certainly deserves much more high quality research.

Sincerely yours,

Bernard L. Harlow.

Saturated Fat Intake and the Risk of Severe Hyperemesis Gravidarum

(By L.B. Signorello, B.L. Harlow, S.P. Wang, and M.A. Erick, Harvard School of Public Health and the Obstetrics and Gynecology Epidemiology Center, Brigham and Women's Hospital)

Hospitalization for hyperemesis gravidarum (nausea and vomiting during pregnancy) occurs in up to 2 percent of all pregnancies. Women suffering from this condition can experience malnutrition and severe weight loss, resulting in adverse health effects for both themselves and their babies. The authors conducted a case-control study to examine the potential association between dietary factors and the risk of severe hyperemesis gravidarum (HG). With previous research suggesting an association between estrogen levels and risk of nausea and vomiting, the aim of this study was to investigate the role of modifiable dietary factors that may influence prenatal estrogen production and/or metabolism. Cases were 50 women who were hospitalized for HG and who delivered livebirths at Brigham and Women's Hospital (BWH) between 1/1/92 and 12/31/95. Controls were 100 women who delivered livebirths at BWH during the same time period and who experienced less than 10 hours of nausea and less than 3 episodes of vomiting over the duration of their pregnancies. Data were collected via self-administered food-frequency questionnaires, with reference to the average diet during the year just prior to the pregnancy. Summary measures for the average daily intake of macro- and micro-nutrients were calculated from this data. Preliminary results using a multivariate logistic regression model indicate that high intake of total fat increases the risk of HG (odds ratio (OR)=2.2 for each 25 gram increase, 95% CI 1.1–4.2). Further investigation revealed that this association was driven primarily by saturated fat intake, with an OR of 3.5 (95% CI 1.4–8.5) for each 15 gram increase in daily saturated fat intake (equivalent to 1 four ounce cheeseburger or 3 cups of whole milk) after adjusting for age, body mass index, total energy intake, and vitamin C consumption. This finding suggests that saturated fat intake may be a strong risk factor for HG and that modifying the intake of this type of fat could prevent the onset or lessen the severity of HG. The extend to which saturated fat serves as a market for prenatal hormone levels warrants further investigation.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, America's children could once again become the innocent victims of shortsighted proposals to cut education programs.

The American people remember last year, when the majority unleashed an all-out assault on title I, Head Start, Goals 2000, bilingual and immigrant education, student loans, and a host of other valuable programs.

Well, here we go again. We have an education budget for 1997 that looks a lot like last year's proposal. Many of the cuts that appeared in their 1996 budget proposal have been given starring roles in 1997.

The plan for 1997 falls more than $2.8 billion short of President Clinton's request. Proponents of the plan claim that they are merely freezing education funding at last year's levels, yet their proposal would cut the Federal education budget by $644 million from last year.

At the same time, 1 million additional children who rely on these programs will be enrolled in America's schools by the fall of 1997. California's K–12 enrollment is expected to be 350,000 higher in 1997 than it was 2 years previously.

Considering this growth, the majority's plan grossly underfunds education programs. The level of underfunding in my home State of California is staggering:

Total funding for education in California falls $328 million short of what is needed.

Goals 2000 is underfunded by nearly $55 million.

Title I—more than $66 million below what is needed.

Safe and Drug-Free Schools Programs—underfunded by nearly $8 million.

Immigrant education programs—more than $14 million below what is needed.

Special education—underfunded by more than $33 million.

Job training and education—more than $3 million below what is needed.

Adult education—underfunded by nearly $5 million.

Even the smaller but equally as important programs that help children in California will suffer under the majority's plan. For example, homeless children and youth—more than $750,000 below what is needed; Indian education—underfunded by more than $800,000.

The majority needs to learn that the American people don't want to see cuts in education. Americans overwhelmingly rejected the cuts that were proposed last year. Perhaps the advocates of these cuts should listen to their colleagues on the other side of the aisle who have put forth a families first agenda, which would balance the budget without draconian cuts in education.

Mr. Chairman, I would hope that we would pass the Obey amendment that is on the floor or that we would reject the bill before us because it shortchanges America's children.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak in response to some of the comments that the gentleman from Wisconsin had made during the debate on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE], on which all time being used, there could be no response.

There seems to be in this country a complete mistaken belief that bilingual education programs and the use of languages other than English in the classroom or anywhere else in this society somehow weakens the ability of a country and a society to move forward.

One of the problems that we have in this country right now, I believe, is that some people have taken certain very emotional issues and put them forth in a way that scares the American public. And why not? If we tell the American people that bilingual education or any other program in the Nation threatens the use of English as the official language in this country or the language of this society, then certainly good-hearted, well-intentioned, and good patriotic Americans respond to that by saying, oh, my God, there is a problem here that we have to attack.

But there is no problem. All we have to do is ask any parent of any child in this country where the family speaks a language other than English or a second language what they see, what they envision for their children, and every single one of their parents, unless they are not in their right state of mind, would tell you that they want the child to learn to speak English, to function within the society, to grow within the society.

However, what we have done in this country in the last few years, and, unfortunately, it has been going on for much too long, is to suggest to people that there are a couple of things that are going to wreck this society and one of them is the existence of languages other than English in the society.

Now, whenever I speak on this subject I use myself as an example. I speak Spanish, I speak English. I read Spanish, I read English. I write in Spanish, I write in English. I can listen to music in either language, I can read literature in either language, I can function in either language. I do not think that my existence in this House shows in any way, shape, or form that my knowledge of another language has caused a problem. I think in Spanish at times and speak in English, and it has not confused me. I understand the issues well and in no way am I handicapped.

We are handicapped as a nation, however, when we send messages throughout the world that if you want to deal with us you must deal with us in English or we shall not speak to you. If you want to trade with us you should trade with us in English or we shall not speak to you. And if you want to play baseball on the ballfield we will only speak English, otherwise I will never speak to you.

I suggest that that is a very narrow-minded approach, and all I would ask is people who support this movement of making English the official language, and therefore attack all other languages, to simply understand that the growth of a nation as great as ours is not just an economic growth, it is not just a military growth, it is not just a growth of a democracy; it is also the ability to work with other people throughout the world and to say to them we are not afraid of your language, in fact, we want to learn your language. We want to learn your culture.

Let me make one last point. During the 1970's, as I have said on a couple of occasions on this floor, there were the famous spaghetti westerns that Sergio Leone put out. These were western movies made in Italy and the actors spoke in Italian and in French and Spanish and in English. It is sad to note that even then, and nothing has changed, it was only the American actors who had to have their voices dubbed in other languages while the European actors dubbed their own voice in various languages.

What is the fear? Let us be honest about bilingual education. It is simply a program that takes you as a child speaking another language and teaches you information in your language until you learn to speak English, with the intent being that by the third grade or the fourth grade we will move you over to English, and then if in the process you maintain a second language, in my opinion, that only strengthens the society. That does not weaken the society.

Mr. Chairman, let me just say that when I learned that "Jorge Washington es el Padre de la Nacion", I learned in Spanish that George Washington was the father of the Nation. It was the same information. I just learned it in another language first.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I would like very much to thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman, and add that I am just returned from the European Parliament, the Organization of Security and Cooperation in Europe, where 53 member nations were represented. English was the second language of most of the persons there. They all spoke either two or three languages.

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(By unanimous consent, Mr. SERRANO was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Florida. Mr. Chairman, if the gentleman will continue to yield, in Sweden, where this meeting was held, children are mandated at age 7 to learn English. In Australia, where I visited last year, it is mandatory that their children learn two Asian languages.

I am finding it abhorrent that we continue this debate, and I just wish to associate myself with the remarks and the leadership of the gentleman.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments, and I would hope that people in this country would understand that to speak more than one language actually strengthens you; it does not weaken you in any way.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the gentleman that just spoke about English as a common language, but it is also very, very important to have multilingual, especially in the trade and economic issues that we have.

I do disagree with my colleague, the gentleman from California [Mr. FILNER]. He quite often states his own opinion as fact, and he is factually challenged and I would like to tell my colleagues how.

First of all, the Federal Government only provides about 5 percent of the total revenue for education; 95 percent of education funding comes from State and local funds. Now, it is legitimate for those that want the Federal Government to handle more of that burden to say we can spend more money out of the Federal Government. My point comes from the waste, the fraud and the abuse that happens at the Federal level. It is better to handle it at the State level.

Let me give you a couple of examples.

☐ 1845

Of that 5 percent that the Federal programs give for education, the committee identified over 760 education programs; 760 programs. Everybody wants a good program and, in fact, back in my own district I went back and everybody was coming and saying, Duke, we have all these programs and these are great programs. And you can fall into that pit. But what it does is that it spreads that 5 percent out so much that we get very little back to the classroom. In some areas, we get as little as 23 cents on the dollar and in other areas about 32 cents on the dollar. That is not good business.

We have taken, for example, Goals 2000 with 45 instances in the bill that says "States will." we have taken that and saved the money from that. The President's direct lending program, I wish we could totally cut it out and do it privately. Why? Because to administer the direct lending Government program cost $1 billion more to administer just capped at 10 percent. GAO did a study and said it would take $3 billion to $5 billion just to collect those dollars.

We took those savings and capped the administrative fees and we increased, I would say to the gentleman from California [Mr. FILNER], we increased Pell grants. We increased student loans by $3 billion. We increased access to student loans by 50 percent. We did not cut. We added it.

We took Federal programs which my colleagues on the other side would rather spend money on the Federal level, and we are returning that money to the States and getting a bigger bang for the dollar. The vision.

If my colleagues want to work on something in education, we have less than 12 percent of our classrooms that have a single phone jack. Before Republicans and Democrats, the testimony has been that over 50 percent of the jobs in the near future are going to require high-technology skills and we do not have the tools.

Mr. Chairman, one thing I disagree with in the bill, we ought to have more money for Eisenhower grants, not less. Why? Because if we are going to expect our teachers to learn how to turn on a computer and teach the children in the future, these high-technology skills to meet their efforts in the 21st century, then we have got to train our teachers to do that. It is a disagreement I have with the bill, but overall we have added dollars for education. We have taken the Federal Government out of it and turned it back to the American people, and we have given it to the people that need it: students, not the bureaucracy.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 conclude at 11 p.m. this evening and; the bill be considered as having been read; and, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment numbered 3, by Mr. HEFLEY, for 5 minutes;

Amendment numbered 5, by Mrs. LOWEY, for 30 minutes;

Amendment numbered 23, by Mr. GUTKNECHT, for 10 minutes;

Unnumbered amendment by Mr. CAMPBELL, for 10 minutes;

Unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes;

Amendment numbered 1, by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes;

Either amendment numbered 12 or 13, by Mr. SANDERS, for 10 minutes;

Amendment numbered 14, by Mr. SANDERS, for 10 minutes;

Amendment numbered 15, by Mr. SOLOMON, for 5 minutes.

Amendment numbered 16, by Mr. SOLOMON, for 5 minutes;

Amendment numbered 18, by Mr. CAMPBELL, for 20 minutes;

Unnumbered amendment by Mr. ROEMER, for 10 minutes;

Unnumbered amendment by Mr. TRAFICANT, for 5 minutes;

Amendment numbered 28, by Mr. MCINTOSH, for 10 minutes; and

Either amendment numbered 7 or 29, by Mr. MICA, for 5 minutes.

Mr. FORBES. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3756 TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–671) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. FORBES). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1851

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 69, line 25. Pursuant to the order of the House of today, further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 will conclude at 11 o'clock this evening and the bill will be considered as having been read.

The text of the remainder of the bill is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $53,184,000, of which $432,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $202,046,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1999, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,579,000 including $1,500,000, to remain available through September 30, 1998, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $812,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,757,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $974,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $144,692,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,656,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,753,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,920,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,923,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $460,070,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1998, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $19,422,115,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $25,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1998, $9,690,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,899,797,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1998: *Provided further*, That not less than $1,500,000 shall be for the Social Security Advisory Board.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $160,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $250,073,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,335,000, together with not to exceed $21,089,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $223,000,000, which shall include amounts becoming available in fiscal year 1997 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $223,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1998, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,898,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,268,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in this Act may be transferred to the Office from the Department of Health and Human Services, or used to carry out any such transfer: *Provided further*, That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 513. None of the funds made available in this Act may be used by the National Labor Relations Board to assert jurisdiction over any labor dispute when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the labor dispute does not involve any class or category of employer over which the Board would assert jurisdiction under the standards prevailing on August 1, 1959, with each financial threshold amount adjusted for inflation by—

(A) using changes in the Consumer Price Index for all urban consumers published by the Department of Labor;

(B) using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established; or (ii) the calendar quarter ending June 30, 1959; and

(C) rounding the adjusted financial threshold amount to the nearest $10,000; and

(2) the effect of the labor dispute on interstate commerce is not otherwise sufficiently substantial to warrant the exercise of the Board's jurisdiction.

SEC. 514. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than emergency medical assistance or a benefit mandated by the federal courts to be provided by the State.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997".

The CHAIRMAN. No amendment shall be in order except for the following amendments which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 3 by Mr. HEFLEY for 5 minutes; amendment No. 5 by Mrs. LOWEY for 30 minutes; amendment No. 23 by Mr. GUTKNECHT for 10 minutes; unnumbered amendment by Mr. CAMPBELL for 10 minutes; unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes; amendment No. 1 by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes; either amendment No. 12 or 13 by Mr. SANDERS for 10 minutes; amendment No. 14 by Mr. SANDERS for 10 minutes; amendment No. 15 by Mr. SOLOMON for 5 minutes; amendment No. 16 by Mr. SOLOMON for 5 minutes; amendment No. 18 by Mr. CAMPBELL for 20 minutes; unnumbered amendment by Mr. ROEMER for 10 minutes; unnumbered amendment by Mr. TRAFICANT for 5 minutes; amendment No. 28 by Mr. MCINTOSH for 10 minutes; and either amendment No. 7 or 29 by Mr. MICA for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], as chairman of the committee I wanted to ask you a few questions, if I can, regarding a subject very close to both of us, and that is the domestic violence programs under the Violence Against Woman Act. I understand that the current bill now calls for $63.4 million in the new bill.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman, yes, that is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, this represents a 15 percent increase in the programs in a bipartisan bill, including the Chrysler amendment for $2.4 million.

Mr. PORTER. Again, Mr. Chairman, the gentleman is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, I further understand that this legislation is forward thinking and consistent with all the goals of this Congress in helping women avoiding domestic violence problems to children and families and includes also additional funding for battered women shelters.

Mr. PORTER. Yes.

Mr. FOX of Pennsylvania. And the rape prevention and services and the domestic violence hotline; is that correct?

Mr. PORTER. Mr. Chairman, it is.

Mr. FOX of Pennsylvania. Mr. Chairman, I would say to the gentleman, thanks to him and the rest of the committee, and especially for his leadership as being someone who in a bipartisan way helped us forge, I think for the next generation of families, decrease in domestic violence and increase in family unity because of his leadership in these programs. And I thank him for his efforts in this regard.

Mr. PORTER. Mr. Chairman, I thank the gentleman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. OBEY]; and the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 303]

AYES—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis

Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—8

Dunn
Gibbons
Hayes
Lincoln
Longley
McDade
Schumer
Young (FL)

□ 1912

Mrs. KENNELLY changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 129, not voting 10, as follows:

[Roll No. 304]

AYES—294

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NOES—129

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bilbray
Bliley
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
DeLay
Dickey
Doolittle
Dornan
Everett
Fields (TX)
Funderburk
Gallegly
Gekas
Gilchrest
Graham
Greene (UT)
Gutknecht
Hancock
Hansen
Hastings (WA)
Hefley
Herger
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Moorhead
Myers
Nethercutt
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Regula
Rogers
Rohrabacher
Roth
Sanford
Saxton
Scarborough
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stockman
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Vucanovich
Walker
Watts (OK)
White
Wicker
Williams
Wolf
Zeliff

NOT VOTING—10

Boehner
Dunn
Edwards
Gibbons
Hayes
Lincoln
Longley
McDade
Schumer
Young (FL)

□ 1021

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 83, after line 8, insert the following:

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is straightforward. Anyone who would place a fraudulent "Made in America" label on an import would be ineligible to compete on any contract or subcontract under this bill, and be subject to debarment and suspension under laws already established.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side we have no objection to the amendment, and accept it.

Mr. TRAFICANT. Mr. Chairman, I also want to thank the gentleman from Wisconsin for all the help over the years on appropriation bills with these measures.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, we have no objection to the amendment on this side, and we accept it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HEFLEY: Page 71, line 6, after the dollar amount, insert the following "(reduced by $1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. HEFLEY] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I many consume.

Mr. Chairman, both sides have agreed to the amendment. This is the amendment to strike $1 million from the Corporation for Public Broadcasting, the $1 million that goes to the Pacifica Radio Network. For several years we have offered this amendment. We have passed it in the House. This year we hope it would get through the entire process.

Mr. Chairman, in the past, I have offered amendments to the Labor/HHS/Education appropriations bills to decrease Federal funding for the Corporation for Public Broadcasting by $1 million. I now ask again for a $1 million reduction in CPB appropriations because this is roughly the amount of money that the Pacifica Radio Network receives each year from the CPB.

Based in Berkeley, CA, Pacifica is a network of 5 radio stations with at least 57 affiliates that carry its news service and talk shows. I believe the Federal Government should stop pumping dollars into Pacifica—via the CPB—and stop footing the bill for the outrageous hate programming Pacifica has distributed.

Let me list a few examples of the racist, anti-Semitic programming that has spewed out of Pacifica's networks for at least 30 years.

In 1969 Pacifica's New York station broadcast an anti-Semitic poem written by a young black girl with lines like, "Hey, Jew Boy with the yarmulke on your head/You pale-faced Jew Boy, I wish you were dead."

In 1983 Pacifica's Washington, DC station permitted its announcer to "tell potential presidential assassins to use more powerful guns than John Hinckley used" when he tried to kill President Reagan.

During Pacifica's "Afrikan Mental Liberation Weekend" in 1993, the network allowed its guest, Nation of Islam leader Louis Farrakhan, to state that Jews are a "pale horse with death as its rider and hell close behind." A caller to the show then suggested, "The Jews haven't seen anything yet * * *. What is going to happen to them is going to make what Hitler did seem like a party."

And just this year, the Pacifica network in Berkeley aired a show in which a guest claimed that "the U.S. Congress and the White House are Israel occupied territory."

Now I don't have anything against free speech—nor do I want to monitor Pacifica's programming schedule. However, I do not want to force the American taxpayer to subsidize this kind of programming at Pacifica. Let the network produce such shows on their own dollar—that is what they claim to be doing anyway! Pacifica states that it is the "nation's first listener-supported, community-based radio network." And private donations to this network have increased over the years. So I would think that Pacifica could get along fine without Federal funding to support their broadcasts.

The government should not be in the business of promoting radio shows that fan the flames of racism and hatred. Therefore, Mr. Speaker, I submit my amendment to reduce the funding for the Corporation for Public Broadcasting by $1 million. Let's put a halt to the Federal funds flowing into the Pacifica Radio Network.

Mr. Chairman, if I am correct that both sides have agreed to accept it, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I rise today to express my vigorous support for continued Federal funding for the Corporation for Public Broadcasting and my opposition to the Hefley amendment. The CPB provides countless hours of joy, education and entertainment to over one hundred million Americans each week. Through stations and projects that range from public television, to radio programming, to the World Wide Web, the CPB reaches virtually every household in America with a television, radio, or computer.

The average American child will watch more than 4,000 hours of television by kindergarten. The CPB helps parents to use the television as an educational tool. Few American children have not explored the depth of their imagination as they watched the Land of Make Believe with Mr. Rogers. And as Americans continue the life-long learning process, the CPB provides such classics as Masterpiece Theater, Great Performances and a plethora of documentaries exploring diverse subjects in a depth rarely found elsewhere. In short, CPB programs have become an integral part of American life.

CPB programs extend to the Internet as well. In 15 projects across the country, students consult experts online, publishing their writings and receiving educational assistance on the World Wide Web.

In areas of our Nation where the local newspaper is published just once a week, public radio is one of the few sources of daily local news and live events, functioning as a lifeline for many. In addition, CPB radio service provides radio reading service for the blind.

For a mere one dollar and nine cents per American, we can offer Americans a chance to learn, explore and expose themselves to ideas they would not otherwise have free access to. Federal funding of CPB must be kept at the highest level possible.

At a time when many in Congress are concerned about the violent and offensive content on commercial television, it is especially surprising to find so much hostility directed at the CPB which produces some of the best educational and family entertainment available.

All of the programs and services I have just mentioned would be put at risk by the Hefley amendment. This amendment seeks to stop Federal funding for Pacifica-Radio because of what Mr. HEFLEY claims to be antisemitic and racist programming. I have been informed by the Corporation for Public Broadcasting that the comments Mr. HEFLEY is concerned with were made by callers to shows, not by the hosts of the program. In fact, it is included in Pacifica-Radio's own charter that antisemitic or bigoted remarks about any group are grounds for a programs removal from the air.

In addition, this amendment would not accomplish its purported goal. Congress set up specific guidelines as to how CPB awards its radio grants. CPB does not have the discretion to deny a grant because they do not like a program and/or its content. If a grant applicant meets the criteria set forth by Congress, CPB is obligated to award the grant. Cutting an arbitrary $1 million will not end broadcasts by Pacifica, but it will hinder all the worthwhile work done by the CPB.

We may well strongly disagree with or dislike comments made in many broadcast arenas. When such comments are made, it is our responsibility to condemn those comments, not to make an across-the-board cut from the budget which funds the very worthwhile programming provided by the CPB. I urge my colleagues to vote no on the Hefley amendment.

The CHAIRMAN. Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the the ayes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for "DEPARTMENT OF EDUCATION—Student financial assistance" is increased; and each of the amounts provided in this Act for "DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses", "DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities", "DEPARTMENT OF EDUCATION—Departmental Management—Program administration", "Federal Mediation and Conciliation Service—Salaries and expenses", "Federal Mine Safety and Health Review Commission—Salaries and expenses", "National Council on Disability—Salaries and expenses", "National Labor Relations Board—Salaries and expenses", "National Mediation Board—Salaries and expenses", "Occupational Safety and Health Review Commission—Salaries and expenses", "Prospective Payment Assessment Commission—Salaries and expenses", and "United States Institute of Peace—Operating expenses", are reduced; by $340,000,000 and 15 percent, respectively.

Mr. ROEMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

□ 1930

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the front page of the USA Today, the article right here says, "College Dropout Rate Hits All-time High." College dropout rate hits all-time high.

One of the reasons that the college dropout rate is hitting an all-time high, according to this article and according to a score of students that I have talked to in the third district of Indiana, is because the cost of college continues to escalate higher and higher and we are unable to provide enough sufficient aid through Pell grants and Stafford loans and student assistance programs to adequately keep many of these students, especially moderate and low-income students, in the school.

Let me give further evidence, Mr. Chairman. The AP story again, leading off the wire today, quote, "A combination of rising tuitions, increased job opportunity, a growing economy and concerns about student aid can lead to more students not returning to school," unquote.

I give a certain amount of credit to the Republican Party for increasing the Pell grant this year by $25. $25, Mr. Chairman, maybe will buy a textbook for the student to go to Indiana University.

If we were keeping up with inflation-adjusted Pell grants to make sure that we make the best investment possible for our students, Pell grant maximums would be at $4,300 today. In this bill today they are at $2,500. My amendment would simply take the $2,500 level up to $2,600 and have an offset to pay for it by taking it out of salaries and expenses in the Department of Labor and the Department of Education. So there are offsets for this. It is revenue neutral.

Let me further say, Mr. Chairman, that when the Pell grant was in effect several years ago, it covered about 50 percent of the costs of college. So if your tuition at Indiana University was $3,000, it would roughly cover about $1,500 of that. Today the Pell grant barely covers 20 percent of the cost of students going to college.

Mr. Chairman, there are many reasons that we need to do something about bringing this Pell grant up.

I intended to offer this amendment today before having discussions with the Secretary of Education today and members of the Republican party, both on the House side and the Senate side, and I understand that Senator HATFIELD and others are going to try to increase the 602(b) allocations and put about $1.3 billion more into the education account.

In a conversation today with Secretary Riley, he said that he would be willing to work with Members of Congress to see that a great deal of this $1.3 billion be put into the Pell grant program so that we can make this the best investment possible, and, that is, making sure that our students are able to go to college.

We have a larger and larger gap, Mr. Chairman, between the haves and the have-nots in our society. The haves generally have a college education or generally have the ability to get to a two-year college. The have-nots are increasingly cut out of education opportunities and their future. My amendment puts a great deal of emphasis on what has been the foundation, the cornerstone of helping our young people get to college and that is the Pell grant.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana [Mr. ROEMER] has 1 minute remaining, and a Member opposed would have 5 minutes. Is there a Member opposed to the amendment?

Mr. MILLER of Florida. Mr. Chairman, my understanding is that the gentleman is going to withdraw the amendment.

Mr. ROEMER. That was my intention. I was hopeful that the gentleman from Illinois [Mr. PORTER] would be on the floor, and I had hoped that he might say a couple of things about how important the Pell grant is in terms of helping us get our young people in college. But he obviously is not on the floor at this time.

Mr. MILLER of Florida. Mr. Chairman, I claim the time.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MILLER] is recognized in opposition for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply suggest, I know the gentleman from Illinois [Mr. PORTER] is probably trying to get a bite to eat just like I am going to be trying to get a bite to eat. I am sure that both of us would like to see additional funding for Pell grants. I think we have considerable concern about making the kind of reductions we would have to make in some of the worker protection agencies, for instance, in order to fund this.

Let me simply say it is my hope that the Senate is going to be adding some money to Pell grants, and if they do, I certainly will want to see funding added in conference. I thank the gentleman for raising the issue and thank him for being willing to withdraw the amendment and work with us to try to produce a better number in conference.

Mr. PORTER. Mr. Chairman, I would inquire who has the time.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] has the time at the moment in opposition to the amendment, and the gentleman from Indiana has 1 minute remaining.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to respond to the gentleman and say that we have put Pell grants at a very high priority. We raised them to the highest level in history with the largest increase in history last year and are raising them again this year. I very much share the gentleman's concern about

Pell grants, and we will work with him to see what we can work out in the final conference report and negotiations with the White House.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from Illinois. I certainly applaud President Clinton and Secretary Riley for what they are tying to do for higher education and higher education costs. I thank the gentleman from Illinois for his comments and certainly the gentleman from Wisconsin [Mr. OBEY] for his work on this amendment.

College tuition costs, Mr. Chairman, have doubled in the last 10 years. So we need to do more than increase this to $2,500, even though it is the highest level ever. It should be at $4,300, not $2,500. So I would encourage the members of this Committee on Appropriations in the conference committee to put as much of that $1.3 billion as possible back into the Pell grant program so that we do not see the dropout rate that we are seeing noted in the AP stories and on the front page of the USA Today.

Mr. Chairman, I think there is bipartisan agreement that Pell grants do need help, and I would hope that we would work together with the Secretary of Education, Mr. Riley, and Republicans and Democrats together to see this increased in the conference committee.

With that, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES. None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to substitute a modified amendment which has been approved by the manager of the bill.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment as modified, offered by Mr. SOLOMON:

Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed, each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what my amendment would do would be to say that none of the funds available under this bill could be used to promote the legalization of currently listed illegal drugs in this country.

Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992, marijuana use jumped 137 percent among 12- and 13-year-olds, and even worse, 200 percent among 14- and 15-year-olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illegal drugs, and we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

Mr. Chairman, I would hope that my amendment would be accepted. It is terribly important for the young people of this Nation.

Mr. Chairman, President Clinton recently asserted that drug use has dropped over the past 3 years. This is simply not true.

The truth is that during the Reagan-Bush years, drug use dropped from 24 million in 1979 to 11 million in 1992. Unfortunately, those hard fought gains have been wasted. Under president Clinton's watch this trend has been reversed and drug use is again on the rise.

I think Americans need to ask themselves during this Presidential election year, "Is my child better off today than he was 4 years ago?"

In fact, Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992 marijuana use jumped 137 percent among 12–13 year olds and 200 percent among 14–15 year olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illicit drugs. And we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

It is for these troubling reasons that I am offering this amendment today. My amendment is simple—none of the funds available under this bill can be used to promote the legalization of drugs.

However, my amendment would still allow the study and research of substances in Schedule I for medical purposes. If it was discovered that there was significant medical evidence that the drug is an effective and safe medical treatment then nothing in this amendment would preclude anyone from bringing the drug to market.

In a speech last year entitled "Why the U.S. Will Never Legalize Drugs," our Nation's drug czar, Lee Brown called drug legalization the moral equivalent of genocide.

Legalizing addictive, mind altering drugs is an invitation to disaster for communities that are already under siege. Making drugs more readily available would only propel more individuals into a life of crime and violence.

In fact, current statistics show that nearly half of all men arrested for homicide and assault test positive for illegal drugs at the time of arrest.

According to the Partnership for a Drug Free America, 1 out of every 10 babies in the United States is born addicted to drugs. Infants and children living with drug-addicted parents are at the highest risk of abandonment or abuse. A study in Boston found that substance abuse was a factor in 89 percent of all abuse cases involving infants.

Listen to the words of Joseph Califano, former Secretary of Health, Education and Welfare and the current president of the National Center on Addiction and Substance Abuse at Columbia University. "Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber."

This amendment simply reaffirms our government's policy that Schedule I drugs should not be legalized.

Those members who support the legalization of drugs should not support this amendment. But those members that want to show the people of this country that we are committed to providing a better future for our children and grandchildren—please vote "yes."

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we think it is a good amendment and accept it.

Mr. SOLOMON. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I claim the 2½ minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 2½ minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take the time to simply make the statement that I do not intend to oppose the gentleman's amendment, but I am still concerned. I do not want to put any impediment in the way of persons who are dying of painful diseases and who can find some relief from pain from the use of marijuana in a medically prescribed way.

I reserve the right in conference to make certain that we are not, from the floor of the House where everybody is healthy and comfortable, causing problems for people who are sick or are in pain.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would tell the gentleman that I have done extensive research on this matter. The American Medical Association supports this amendment because they feel it in no way would hinder the treatment of patients with cancer, which I have had a lot of that in my own personal life and family. So I assure the gentleman we do not intend to do that.

Mr. OBEY. Mr. Chairman, with that understanding, I withdraw my objection and would accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new sections:

SEC. 515. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice. (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 516. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience; and the most recent previous educational institutions enrolled in by the students

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 517. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering with the gentleman from California [Mr. POMBO] has passed the House several times, most recently on the VA-HUD appropriation bill.

Mr. Chairman, in many places across the country, military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces to our young people. Likewise, ROTC units have been kicked off several campuses around the country.

What my amendment would intend to do would be to prohibit any of these funds from going to contractors or colleges or universities that do not allow military recruiters on campus to offer these honorable careers in our military or where they have a policy of banning Reserve Officer Training Corps organizations on their campus I would hope that the Members would once again unanimously approve this amendment.

Mr. Chairman, this amendment today would simply prevent any funds appropriated in this act from going to institutions of higher learning which prevent military recruiting on their campus or have an anti-ROTC policy.

Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their back on the young people who defend this country.

It is really a matter of simple fairness, and that is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

Mr. Chairman, recruiting is the key to our all-volunteer military forces, which have been such a spectacular success.

Recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools and colleges and informing young people of the increased opportunities that a military tour or career can provide.

That is why we need this amendment.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the law that they submit an annual report on veterans hiring practices to the Department of Labor.

In the same vein, this is simple common sense and fairness to the people who defend our country, Mr. Chairman.

All we are doing here is asking for compliance with existing law.

I urge a "yes" vote on the amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe this is also a good amendment and would accept it.

Mr. SOLOMON. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) Limitation on Use of Funds for Agreements for Department of Drugs.—None of the funds made available in this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the Department of Health and Human Services on a drug, including an agreement under which such information is provided by the Department of Health and Human Services to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as many Members know, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending $33 billion in 1994 alone for biomedical and related health research. Unfortunately, our taxpayers are unwittingly being forced to pay twice for drugs because this Congress is deeply beholden to the very profitable giant drug companies.

Members heard it right, our constituents are not getting a fair return on the investment of their hard-earned money, paying twice for pharmaceutical breakthroughs, first as taxpayers and second as consumers. This harms consumers, and it is a form of corporate welfare to many of the world's largest corporations.

The bottom line of this amendment is that when taxpayers spend billions and billions of dollars in developing a new drug, the taxpayer as a consumer should get a break and we should not be giving all of this research over to the private industry who then sells the product to our consumers at outrageous profits.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side of the aisle I will be willing to accept the gentleman's amendment. I think it is a good public interest amendment.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman is repeating his amendment that was defeated last year on a 141–284 vote. It relates to the reasonable pricing clause that was in effect for NIH cooperative research and development agreements, CRADA's, and license agreements until April 1995.

This provision was originally put in place in response to public concern about the pricing of the AIDS drug AZT, even though AZT had not been developed through a CRADA or exclusive license. It was controversial from the start, and NIH decided to conduct an extensive review of the policy. They held public hearings, consulted with scientists, patient and consumer advocates, and representatives of academia and industry.

The director of NIH, Dr. Varmus, concluded after this review that, and I quote. "The pricing clause has driven industry away from potentially beneficial scientific collaborations with Public Health Service scientists without providing an offsetting benefit to the public."

The review also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. No other Federal agency has a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision. No comparable provision exists for NIH extramural grantees like universities to impose price controls on the licensees of products they develop with NIH funds.

Contrary to the impression some may have, the principal function of NIH research is not to develop drugs. NIH supports the basic research that is the foundation for the applied research that the drug companies do. NIH focuses on research that is critical for eventual application, but which is not specific enough to meet the profitability test that private industry requires.

The drug companies focus their research on bringing products to market and their investment is considerable. In 1994, the industry supported almost $14 billion in health research and development, which is more than half the entire U.S. public and private investment.

While it is appealing to think that reimposing the reasonable pricing clause may lower health care costs and benefits to consumers, we must face the possibility that it will drive drug companies out of their collaborative ventures with NIH and ultimately deny patients access to important lifesaving drugs.

I doubt that anyone in this Chamber has a detailed understanding of the impact of this complex issue. I would like to rely on Dr. Varmus' judgment in this matter and the decision of the Clinton administration. I might add, I would hope that Congress does not try to intervene, and for these reasons I must strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I rise in support of the Sanders amendment. Consider the case of levamisole. Eleven million dollars in N.I.H. research lead to the discovery that this drug to prevent worms in sheep could also prevent some 7,000 cancer deaths each year. No pharmaceutical company paid for this research, the American taxpayer did. But, what happened when a pharmaceutical company entered the picture? A drug that costs 6 cents a dose for sheep skyrocketed to $6 a dose for colon cancer patients.

A few years ago, the television program "Primetime Live" highlighted the problem of levamisole costs in the State of Florida. In Florida, some people were so desperate for levamisole they turned to the black market, where sheep pills are ground up into human-sized doses.

Asked about that price differential between the sheep and human products, the pharmaceutical executives simply said, "A sheep farmer probably would not pay $6 a pill," but, "someone dying of cancer that pays $1,200 for a treatment regimen, whose life is saved, is getting one of the most cost-effective treatments they can ever get."

Well, I resent paying for the development of a drug and then paying 100 times what a sheep farmer pays for it.

This is an outrageous abuse of public funds. Let's make sure we get our money's worth on our investment. Support the Sanders amendment.

Mr. PORTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 2 minutes remaining, and the gentleman from Vermont [Mr. SANDERS] has 2½ minutes remaining.

Mr. PORTER. I have the right to close, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment to restore a reasonable pricing clause for drugs that are developed at taxpayer expense. Let me make it clear, this affects, this amendment only affects those drugs that are developed at taxpayers' expense. It does not affect any drugs that are developed solely by the private sector and by the pharmaceutical companies themselves.

Mr. Chairman, I am a strong supporter of taxpayer accountability. Taxpayers who fund this biomedical research to the tune of billions of dollars should not be forced to pay excessive prices for the drugs that they themselves have helped develop, but that is exactly what is happening.

Mr. Chairman, the drug companies are now free, after getting taxpayers' money to develop their product, to gouge those very same people 10, 20 times the cost of their own product. They charge that to the American people who are paying for their research. The American people end up paying twice.

Now, is that not nice? This is a corporate form of welfare, and it has got to stop. Drug companies are making fortunes off the backs of working people. If they developed the product themselves at their own expense, the Government should not step in. But we have continually said in this Congress that we want to cut down the expenses of Government, cut down welfare. This is welfare for the rich, for the corporations. The American people should not be insulted by being forced to pay for the research of a company who then turns around and gouges them for the price of the product that has been developed.

Mr. Chairman, I support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Vermont for yielding me the time.

Mr. Chairman, this amendment is about simply fairness. It says that when taxpayers foot the bill for research, they should not have to pay again for it at the drug counter. We invest millions of dollars in pharmaceutical research. More than 40 percent of all U.S. health care research and development comes from the U.S. taxpayer.

This amendment, the Sanders amendment, says that drugs developed with taxpayer dollars cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay to develop the drug, only to get their pockets picked when they go to the pharmacy.

In the 1990's, the drug industry was the Nation's most profitable, with an annual profit of 13.6 percent, more than triple the average of the Fortune 500 companies. So while the argument goes that they invest a great deal in R&D, there is plenty left over for them to give back to the taxpayer, and that is what this amendment calls for.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I just want to repeat that we have already voted on this. It lost by a margin of better than two-to-one the last time it was voted on.

There are times when we simply have to trust the officials that we have chosen. The Clinton administration has chosen Dr. Varmus to head the NIH. He has looked into this extensively. He believes very strongly that this amendment is ill-advised. He believes that it is counterproductive to achieving the purpose for which it is intended, and I would simply urge Members to listen to his professional and scientific judgment and to reject the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL: Page 87, line 12, strike "or" and insert a semicolon.

Page 87, line 14, insert before the period the following:

; or public health assistance for immunizations with respect to immunizable diseases, testing and treatment for communicable diseases whether or not such symptoms are actually caused by a communicable disease

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my hope that this will not be a controversial amendment at all.

A bit of background. An amendment was added to the original bill by my colleague and friend from California [Mr. RIGGS] putting a restriction on the funding of any benefits where the Federal official in charge of distributing those benefits was aware that the recipient was an illegal alien, not legally present in the United States. To his own amendment, the gentleman from California [Mr. RIGGS] added an exception, the exception being where the kind of service was appropriate to a medical emergency.

But this language was not parallel with the language that is presently in conference in the immigration bill. That language covers not only medical emergencies but communicable diseases. I, therefore, went to the gentleman from California [Mr. RIGGS] and asked whether he would have any objection to making his language conform to the language in the immigration bill by the addition of the language in my amendment. He informed me it was agreeable, and it is my hope that the minority will also find it agreeable, and at the appropriate time I will yield to my colleague from Colorado who might have another request on this point.

This amendment would add an additional exception, to guarantee that medical service is provided for communicable diseases and those symptoms of conditions that may reflect communicable diseases, even if they do not actually reflect communicable diseases, because obviously the sick person, the individual who is ill would not know if the symptoms of which he or she complains were caused by a communicable condition or not.

So the entirety of the amendment adds to the exceptions such public health assistance for immunications with respect to immunizable diseases, and treatment for symptoms of communicable disease, whether or not such symptoms are actually caused by a communicable disease.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield.

Mr. CAMPBELL. I yield to the gentleman from Colorado.

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MODIFICATION TO AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified by language that has been filed at the desk.

The CHAIRMAN. Does the gentleman from California [Mr. CAMPBELL] yield for the purpose of that request?

Mr. CAMPBELL. Mr. Chairman, I was attempting to accommodate the gentleman. If the Chair would instruct me as to the proper way to proceed, I would do so.

The CHAIRMAN. The Chair is trying to ascertain whether or not the gentleman has yielded to the gentleman from Colorado for the purpose of allowing a modification.

Mr. CAMPBELL. I did indeed. That is a correct statement, Mr. Chairman.

The CHAIRMAN. The clerk will report the modification.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so for the simple reason that I have not had a chance to confer with the gentleman from Colorado or see his language.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Further reserving the right to object, I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I would be pleased to explain it to the gentleman. Through understandable and good faith inadvertence, this particular item was not dealt with in the catalog of pending items. It has, I think, agreement on the part of both sides, having to do with really requiring a report on an MSHA matter. I do not believe there is any controversy. I appreciate the gentleman's forbearance.

Mr. RIGGS. Mr. Chairman, further reserving the right to object, I am reliably informed that the gentleman's unanimous-consent request is not really germane to the issue which concerns me, which is the language that I inserted in the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of gentleman from Colorado [Mr. SKAGGS] to dispense with the reading of the modification?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Colorado [Mr. SKAGGS]?

There was no objection.

The CHAIRMAN. The modification is agreed to.

The text of the amendment, as modified, is as follows:

> Amendment, as modified, offered by Mr. SKAGGS; At the end of the amendment, add the following:
>
> SEC. . The Mine Safety and Health Administration shall not close or relocate any safety and health technology center until after submitting to the Committee on Appropriations of the House of Representatives a detailed analysis of the cost savings anticipated from such action and the effects of such action on the provision of services, including timely on-site assistance during mine emergencies.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I believe that the amendment offered by my good friend, the gentleman from California [Mr. CAMPBELL], is an important amendment. It does have the effect of perfecting or refining the language that I incorporated into the committee bill during the full committee markup.

My amendment in the full committee was intended, as the gentleman knows, to codify and strengthen current law by prohibiting the use of any funds provided under this legislation to provide any illegal alien with any direct benefit under the jurisdiction of the Departments of Labor, Health and Human Services, and Education, with the exception of emergency medical services or those services and benefits mandated by the Federal courts that the States provide to illegal aliens.

Mr. Chairman, I want to mention that my amendment was intended to mirror language in California's Proposition 187, which was a statewide ballot initiative, and it ultimately became a referendum in our State.

Mr. CAMPBELL. Mr. Chairman, I have no time left to reserve; is that correct?

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has expired.

Does any Member claim the time in opposition to the amendment?

Mr. TORRES. Mr. Chairman, I am opposed to the Campbell amendment.

The CHAIRMAN. The gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant support of the amendment offered by my esteemed colleague from California.

While he is trying to temper the language Mr. RIGGS included in the bill to restrict Federal benefits to undocumented individuals, we need more than tempering, we need to defer to the committees with jurisdiction.

Let me reiterate what I said in committee—

We ought to let these difficult and complex issues be sorted out by the committees in charge of immigration law, rather than as part of the appropriations process.

The amendment offered by Mr. CAMPBELL provides an exception for only one of many programs that are provided under this bill. It does not provide for an exception for compensatory education for the disadvantaged, special education, worker safety programs, substance abuse and mental health services, child welfare services, family support and preservation programs and many others.

In committee, I tried to strike the restrictive language that Mr. RIGGS offered in subcommittee—in this effort I was seeking to permit the authorizers to do their work. To my dismay, my amendment lost by a close vote, 23 to 24.

Mr. Chairman, we have an immigration bill awaiting conference that addresses these very concerns. Both the House and Senate bills would eliminate the eligibility of unlawful immigrants to all Federal programs funded in whole or in part by Federal, State, or local government funds, with certain exceptions.

I am extremely wary of the application of the language in section 514. It is not known how it would affect the expenditure of funds by State and local entities nor how it would affect the ability of non-profits and churches to use their own funds to assist ineligible immigrants in affected programs.

I am also wary of the likely increase in discrimination against Hispanics and Asians. The unfortunate result may be that some eligibility workers act out their prejudices by denying services to those they think are here unlawfully, because of appearance, accent or other characteristics.

By applying willy-nilly the restriction of Federal funds to children, to the elderly and to the poor, the results are much more complex than saving a few dollars.

Let me tell you why:

No. 1, in most cases it is already illegal to provide Federal benefits to undocumented individuals.

No. 2, in the case where the courts mandate the provision of Federal benefits, will we restrict benefits that may be associated with that program? Take the case of education, will this bill restrict the provision of Head Start or assistance in raising math and science education levels or vocational education?

The bill, in effect, would permit these children to go to school, but not enjoy any of the tools to get an education.

Let me conclude my remarks regarding this provision by reading from a letter sent to members of the Appropriations Committee from Education Secretary Riley:

> I am writing you concerning Section 514 of the 1997 Labor-HHS-Education Appropriations bill. This provision, which was added during subcommittee consideration, is extremely vague and its intent and likely impact are both highly unclear. As you know, the Administration is strongly opposed to any provision that might be read to jeopardize any child's right to full participation in public elementary and secondary education, including preschool programs.

I ask my colleagues to remember that we have a bill that addresses this very issue. Ultimately, the Riggs language is pure political folly—for the purpose of playing to the chorus of immigrant bashers.

Mr. Chairman, I urge my colleagues take into consideration the underlying intent of this Riggs language which Mr. CAMPBELL has tried to modify, when they vote on the Campbell amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding.

I believe that the amendment that I offered to the language of the gentleman from California [Mr. RIGGS] improves the bill language and that I am expanding the exceptions.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, number 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications (other than trade secrets or knowing misrepresentations) to—

(1) a current, former, or prospective patient, or a guardian or legal representative of such patient;

(2) any employee or representative of any Federal or State authority with responsibility for regulating the health plan; or

(3) any employee or representative of the insurer offering the health plan.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to withdraw this amendment, and I believe I will be entering into a colloquy with the majority leader in a moment, but before I do that I want to talk about what this amendment is about and why we offered it.

This amendment touches on an issue that is of growing consequence to tens of millions of Americans as this country moves from traditional health care to HMO's and to managed care. What this amendment deals with is the need to break the gag rules that are being imposed by insurance companies and HMO's on our physicians and how they relate to their patients.

It seems to me pretty clear that if a doctor-patient relationship means anything, that when we walk into the doctor's office we want to know that our physician is being honest with us, is telling us all of the options that are available to us. We do not want to see that our physicians cannot tell us an option because an HMO or an insurance company might think that that option is too expensive and that that insurance company has told the doctor not to convey that option to us. That is not what the doctor-patient relationship is supposed to be about.

That is what my amendment deals with, specifically with Medicare and Medicaid. The fact of the matter is there is a bill moving past the House, gaining widespread support, offered by the gentleman from Iowa [Mr. GANSKE] and the gentleman from Massachusetts [Mr. MARKEY], which addresses this issue and makes it broader. It goes beyond Medicare and Medicaid, dealing with all health care providers, and I strongly support that bill.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment that would free Medicaid and Medicare patients from the gag rules imposed on many health care professionals and their patients.

As a cosponsor of the Ganske-Markey-Nadler legislation and the author of the Health Care Consumer Protection Act that would place many more restrictions on HMO's, I am keenly aware of the dangerous effect that can result from efforts to cut costs by HMO's at the expense of patient care.

In many cases health care professionals are told they may not give patients a full assessment of their health care needs; they may not tell the patient the full truth about available treatment options because it could cut the profit margin for the HMO if the patient actually gets the treatment he or she needs. Under these gag rules doctors are often compelled to lie to their patients. Patients are prevented from receiving a true assessment of their medical needs. This is nothing short of immoral.

Health care providers should not be barred from providing health care. Patients seeking medical treatment have a right to an honest assessment of their needs and of available treatment options. Patients seeking medical treatment have a right to an honest assessment of their needs.

Mr. Chairman, I urge my colleagues to join me in supporting this amendment that would lift the gag rule at least for Medicare and Medicaid recipients.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I understand the gentleman from Vermont [Mr. SANDERS] intends to withdraw the amendment after he and I discuss a few points.

I wonder if I might, Mr. Chairman, address the gentleman by pointing out that a majority leader will seek to bring a similar bill, H.R. 2976, before the House under suspension of the rules pending minority approval.

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I understand the gentleman's concern that the bill be moved quickly enough to allow action by both Houses before the end of the session, and the majority leader will seek to accomplish that.

Let me just add, I know we have talked about this statement before, but if the gentleman would bear with me, let me just add, as we have discussed, of course, the majority leader will act in all good faith and intention to accomplish precisely what I have said. But as the gentleman understands, that will be done in full consideration of the rights of any committee of jurisdiction to which jurisdiction has been assigned. And I pledge to the gentleman my cooperation and my support and my encouragement in this effort at each juncture along the line.

Mr. SANDERS. Mr. Chairman, I thank the majority leader very much for his comments, and I ask unanimous consent to withdraw my amendment.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY: Page 85, line 14, strike "(a)".

Page 85, line 15, strike the dash and all that follows through "(1)" on line 16.

Page 85, line 17, strike "; or" and all that follows through page 86, line 4, and insert a period.

Mr. CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment with the gentlewoman from Connecticut [Mrs. JOHNSON] to strike the ban on early-stage embryo research contained in this bill. The ban will bar the Federal Government from pursuing lifesaving research.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today in strong support of the Lowey amendment to lift the current ban on Federal funding for human embryo research. Lifting this ban would not allow the creation of human embryos solely for research purposes. Embryos would be donated by patients undergoing in vitro fertilization treatment, who would offer them after their treatment was successful.

These are pre-implantation embryos. We must keep in mind that this kind of research does not involve human embryos or fetuses developed in utero or aborted human fetal tissue.

Much like our current organ donor efforts, the donation of embryos can improve the health and well-being of millions of Americans—and even save lives. Human embryo research can enable hospitals to create tissue banks which would store tissue that could be used for bone marrow transplants, spinal cord injuries, and skin replacement for burn victims.

Medical research on human embryos also shows promise for the treatment and prevention of some forms of infertility, cancers, and genetic disorders. This research may also lead to a reduction in miscarriages and better contraceptive methods.

The National Institutes of Health and their human embryo research panel has recommended how to address the important moral and ethical issues raised by the use of human embryos in research. The panel developed guidelines to govern this kind of federally funded research. Their strict standards ensure that the promise of human benefit from embryo research in compelling enough to justify the research project.

Most importantly, whether or not we allow Federal funding and regulation of pre-implantation embryo research, this research will continue to be done in the private sector, but without the consistent ethical and scientific scrutiny that the Federal Government and NIH can provide.

I know that our differences on this issue come from deeply held religious and philosophical views. And those views, everyone's views, need to be respected. But the potential therapeutic and scientific benefit this research holds must be taken into account and the value of Federal protocols governing this research is also important as we move forward. Please support the Lowey amendment to allow this vital research to continue.

The CHAIRMAN. Is there a Member who claims the time in opposition?

Mr. DICKEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 15 minutes.

Mr. DICKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is not a bill about research or science; it is an attack on the sanctity of life. It is an attack on the moral conscience of our Nation. The current law, as signed by the President, passed in this House and the Senate, provides that there shall be no Federal money given for the creation or the experimentation of a human embryo. That law has been the law since President Carter signed an executive order when he was President, and every President has done that since then.

This is distinguished from fetal tissues, which is a legitimate, though I have objections to it, a legitimate scientific effort. In that particular matter, fetal tissue research comes after an abortion, and we were told at that time that Parkinson's disease and diabetes was in the scope of what we were trying to do. Here we have no direct promise, no testimony, no science at all telling us that we might have anything to come from this.

Mr. Chairman, this is what Nazi Germany did during that time. No results. After 17 years of private research, there have been no results. There is still no prohibition against the private research, and it can still go on.

We might hear in this discussion that there is a spare-embryo circumstance. There are no spare embryos when these are lives. We cannot allow Federal funds to be used to terminate lives, for the creation or the experimentation which is a lethal experimentation because it is eliminating lives is not acceptable.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, just to respond to my dear friend, the gentleman from Arkansas [Mr. DICKEY], I find it very offensive to compare this debate to the activity in Nazi Germany. In fact, perhaps the gentleman compares all the research that is being done at the National Institutes of Health to Nazi Germany.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, this is a very, very sensitive subject obviously; one that NIH has looked into very, very extensively.

Mr. Chairman, I listened to the testimony of Dr. Eric Wieschaus, who won the Nobel Prize last fall for his work with embryo development, and he testified in response to my question that he felt NIH should support human embryo research.

Dr. Varmus, the head of NIH, has made compelling arguments to support this research because of the potential advances it could generate in knowledge about fertility, miscarriage, and contraception. It could also lead to breakthroughs in the use of embryonic stem cells, which have great promise in transplantation for treatment of diseases such as leukemia, spinal cord injury, immune deficiencies, and blood disorders.

Mr. Chairman, the creation of spare embryos is a necessary and inevitable part of in vitro fertilization and it seems to me, at the very bottom line, that given the potentials for addressing and overcoming and preventing human disease, their use in research gives meaning to their existence which would otherwise simply not exist. They would be discarded in the normal course of events.

Mr. Chairman, this would give meaning to their existence; would help in biomedical breakthroughs; and I think the amendment of the gentlewoman from New York for that reason deserves support, and I urge Members to support it.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], cosponsor of this bill.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Arkansas for yielding time, and I rise in opposition to the Lowey amendment and in support of the language adopted by the Committee on Appropriations and reported to this floor by a bipartisan vote.

The language that is in the legislation right now, Mr. Chairman, is current law. It was adopted last year by the House of Representatives. It was passed by the Senate. It was signed by President Clinton. We have no threat of a veto if we keep this current language in the bill.

Let me try to frame this issue further by saying what this issue is not about. This issue has nothing to do with the so-called woman's right to choose. It has nothing to do with that aspect of the abortion debate. It has nothing to do with fetal tissue research. That is a separate issue entirely.

This issue also has nothing to do with making anything illegal. The language that is in the committee bill would not make anything illegal. It would permit private research which is ongoing to continue. Private embryo research is legal now, and it would continue to be legal.

Further, the language that is in the bill now would not do anything to the present status of in vitro fertilization or the private research that is going on in that regard.

What the Lowey amendment would do, however, is cause our Government to embark into an area of research which we have never, never before been willing to do as a government. As the chairman of the subcommittee stated, this is a very sensitive issue. It is also a very important issue for millions of Americans. As a matter of fact, 76 percent of Americans oppose funding for the type of research that the Lowey amendment would sanction. This goes to the very profound questions of human life and to very sensitive questions of bioethics.

Proponents of the Lowey amendment say there is a distinction between spare embryos and embryos created for research purposes. But the leading experts say there is no distinction. Let me quote Dr. Robert Jansen of the National Health and Medical Research Council. He says,

> It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research. The reason I say this is that any intelligent administrator of an in vitro program can, by minor changes in his ordinary clinical way of doing things, change the number of embryos that are fertilized.

Mr. Chairman, this amendment would begin this Government down a very slippery slope. The Federal Government has never funded this research. Let us leave it to the private sector, and let us respond to the 76 percent of Americans who say do not use tax dollars to fund embryo research.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I rise in support of the Lowey amendment which would strike the bans on this research that could lead to lifesaving results. Early-stage embryo research is vital as it has the potential to address treatment and prevention of infertility, people who want children, want to bring in life into this world.

It could lead to cures for childhood cancer and genetic disorders such as cystic fibrosis, muscular dystrophy, mental retardation and Tay-Sachs. It could lead to the reduction, if not the elimination, of miscarriages.

Why should the Government not conduct this research? The reason the Government should conduct the research is that they have these embryos that are otherwise going to be discarded.

Mr. Chairman, I think it is important to understand this is very important research. The National Institutes of Health, through the universities and other research centers throughout the country, is the leading premier research activity in this Nation. We should not stop the research that could lead to these important breakthroughs.

What this amendment does not involve: It does not involve genetic engineering. It does not involve the sale or creation of embryos.

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It does not involve the examination or use of human embryos developing inside the woman. Rather, the embryos to be used in this research are to be donated by couples who have undergone various medical treatments, including in vitro fertilization that helped them conceive.

After the medical procedures are complete, these embryos are otherwise just going to be discarded. In other words, the embryos used in this type of research would be less than 14 days old. The amendment would not permit the creation of embryos solely for research purposes.

I support the amendment.

I rise today in support of Congresswoman LOWEY's amendment, which would strike the ban on early-stage-embryo research. Essentially, this amendment would permit life saving research on embryos, which would otherwise be discarded.

Early-stage-embryo research is vital, as it has the potential to address the treatment and prevention of infertility, childhood cancer, and genetic disorders, such as cystic fibrosis, muscular dystrophy, mental retardation, and Tay-Sachs disease. It may help lead to the reduction and prevention of miscarriages. Furthermore, early-stage-embryo research could help us learn more about what causes birth defects and ultimately teach us how to prevent them. And, it could also improve the success of bone marrow transplants, repair spinal cord injuries, and help develop improved methods of contraception.

However, also important, is what this amendment does not involve. It does not involve genetic engineering; it does not involve the sale or creation of embryos; and it does not involve the examination or use of human embryos developing inside the woman.

Rather, the embryos to be used in this research would be donated by couples, who have undergone various medical treatments, including in vitro fertilization, that help them conceive. After the medical procedures are complete, these embryos are usually discarded.

In other words, the embryos used in this type of research would be less than fourteen days old. They would consist only of a few cells with no developed organs and no sense of feeling. This amendment would not permit the creation of embryos solely for the purposes of medical research. Instead, it would allow this crucial research to be performed on already existing embryos that would ultimately be discarded.

For all of these reasons, prohibiting early-stage embryo research will hold the health of millions of Americans hostage to anti-choice politics, and as a result would severely restrict the quality of our scientific and medical research. This amendment would greatly benefit people with cancer and leukemia, people who are unable to have children, children with birth defects, people who suffer from or carry genetic diseases, and people with spinal cord injuries and nervous system disorders, and I urge my colleagues to vote in support of it.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes and 30 second to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Lowey amendment which would appropriate taxpayer funds for harmful experimentation on and then the destruction of so-called test tube babies. The Lowey amendment reverses current law and guts the pro-life Dickey-Wicker amendment which the Committee on Appropriations wisely adopted and seeks to extend into fiscal year 1997.

I believe the gentleman from Arkansas [Mr. DICKEY] and the gentleman from Mississippi [Mr. WICKER] deserve high praise for their deep reverence for and sensitivity to human life. Their amendment to the Labor-HHS bill last year has prevented Federal funds from being used to turn test tube babies into human guinea pigs who are wanted and desired only for their research utility.

The Lowey amendment is yet another manifestation of an extremist pro-abortion mindset that regards human life at its most vulnerable stages as innately worthless, expendable and cheap. The Lowey amendment dehumanizes and trivializes the miracle of human life.

Mr. Chairman, like so many other ethical problems that Congress has been called upon to unravel in the last few years, this issue gained currency with the Clinton administration. The problem was this: There is no question that interesting information could be obtained by cutting up living human embryos to see what makes them tick. This is also true of unborn children at all stages of gestation, newborn babies, 3-year-olds and adults. Many things can also be learned from experiments on cadavers or on animals, but for some purposes there is just no substitute for cutting up living human beings.

If researchers could only be allowed to set aside certain individuals for these purposes, the rest of us might deserve some benefit, or so the argument goes. Yet somehow deep down all of us know that this is wrong. Even some supporters of abortion on demand generally recognize that an unborn child still has some value, some real value and this dehumanizes those children.

The illogic of the Lowey amendment is its tacit admission on the one hand that it is unethical and immoral to federally fund the creation of human embryos in a petri dish for the purposes of scientific experiments while at the same time declaring it ethical and worthy of Federal outlays to perform harmful experiments on and again then to destroy what is euphemistically called spare embryos.

If the private sector makes them, the Feds will take them, keep them alive. Let them develop, perform all kinds of harmful experiments on them and then destroy them. If federally funded researchers need more embryos on whom to perform ghastly experiments, no problem. The network of IVF clinics will produce them, and this commodity of human life will then be poured down the drain.

Mr. Chairman, I ask Members to vote against the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, in a few hours, we will be asked to vote on a bill which increases funding for the National Institutes of Health by 6.9 percent. That funding increase is certainly a step in the right direction.

But at the same time that this Congress is increasing funding of medical research, we are trying the hands of medical researchers.

Early stage human embryo research, Mr. Chairman, is one of the most promising methods of medical research currently at our disposal. It is ridiculous that Members of Congress, most of whom are not scientists, I might add, want to tie the hands of researchers at the National Institutes of Health. Who knows how best to do this job? They do. This is like telling the people at NASA, Mr. Chairman, to build the space station but forget about using computer technology in doing so.

The Lowey amendment simply will reverse the ban on human embryo research.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Lowey amendment. I speak up not so much as a scientist who had done basic science research or a physician who has actually studied embryology but mainly as a concerned citizen. This is clearly a very controversial issue.

I think it is inappropriate to use taxpayers funds for this kind of a purpose, and it is a very dubious scientific benefit, contrary to some of the claims that have been made by the gentleman from California as well as others. I can even quote from people who were involved in studying this issue. Dr. Brigid Hogan, a scientific expert on the NIH Human Embryo Research Advisory Panel, said: "We are not going to be curing anybody of these tumors by doing research. On the other hand, the basic biology is extremely interesting."

That is what we are talking about funding here, a very controversial, ghastly subject according to many Americans, including myself, and it is just going to be very, very interesting. Furthermore, we have a quote from Daniel Callahan, president of the Hastings Center, which is an IVF institute. He said: The NIH advisory panel "report notes that four countries already allow embryo research and that it has been going on for some years in private laboratories in this country. Yet not a single actual benefit derived so far from that research is cited to back the claims of great potential benefits from having even more of it."

We are not outlawing this research. We are saying we are not going to use Federal dollars for that purpose.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, one of the miracles of our generation is in vitro fertilization. A husband and wife unable to have a child through this discovery are able to join together the sperm and the egg in a glass dish and create an embryo that is implanted in the would-be mother that leads to a beautiful child. Can there be anything more wondrous than this in the time that we live in?

What the gentlewoman from New York [Mrs. LOWEY] is suggesting is that during this process in this same dish more than one embryo is created. There they are as small as a period, the little dot pinhead. What the gentleman from Arkansas wants to do is to prohibit the doctors from even looking at these embryos, these spare embryos created to see if there is some problem that might lead to a miscarriage. For them, that is an exploitation of life. For me, it is ridiculous to reach these extremes. These are wanted children, husbands and wives trying their best to bring loving children into this world. To prohibit all research on this embryo is going way beyond what is necessary. I support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to the Lowey amendment, which would require taxpayers' money to be used for research on live human embryos. I ask all Members to vote against it. This language does not, the language in the bill does not stop research on human life embryos. It does stop taxpayers' money from using it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], a member of the committee.

Mr. FAZIO of California. Mr. Chairman, I rise in support of this amendment to strike the Dickey-Wicker amendment from this bill.

It is clear that the Members who have offered it and have placed it in the bill are not opposed to in vitro fertilization or at least that has been their statement. They seem to be not opposed to research when it is done at Sloan Kettering or private research facilities, only when the National Institutes of Health, the primary research institution in this country is involved. I find this very hard to understand.

These embryos come from those who would want to have a child. It for them is a pro-life effort. They want, through in vitro fertilization, to create life. And as part of that process, they willingly volunteer to allow embryos that would otherwise be discarded or deteriorate to be used in research to help solve some of the most fundamental health care crises that impact American lives, families, individuals, people we all know and love.

These are people who simply want to be part of a solution to these health care crises. We ought to allow them to be part of it. We ought not to ban the NIH from involvement.

Mr. Chairman, I rise in strong support for the amendment offered by the gentlewoman from New York [Mrs. LOWEY]. The Lowey amendment would strike the ban on early-stage embryo research that is currently in the underlying bill.

If this ban remains in place, the Labor-HHS appropriations bill will bar the Federal Government from pursuing life saving research.

The research currently banned by this bill could lead to important medical advancements in the fight against miscarriages, birth defects, infertility, cancer and genetic disease, leukemia, spinal cord injuries, immune deficiencies, and blood disorders.

Such life-giving research is supported by the American Medical Association, the American Academy of Pediatrics, the American Association of Cancer Research, and the Association of American Medical Colleges, to name but a few.

The Lowey amendment simply allows research on embryos that would otherwise be discarded or allowed to naturally deteriorate. The embryos used for research are originally created by couples attempting to have a child through in vitro fertilization and other medical procedures.

These embryos are generally discarded once the procedures are completed, however, the couple can give its permission for the embryos to be used in research.

These embryos are less than 14 days old. They consist of just a few cells, and have not yet developed internal organs or a spinal cord.

It should be also noted that early-stage embryo research does not include cloning, genetic engineering, or the use of aborted fetal tissue.

Earlier this year, the President announced that use of Federal funds to create embryos solely for research purposes would be prohibited. In light of this Executive order and stringent NIH guidelines, we can be assured that this research will be conducted with appropriate safeguards and the highest levels of integrity.

This ban shuts the door on important biomedical research which has benefited millions of Americans who suffer from painful and costly diseases.

I urge my colleagues to support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong opposition to the Lowey amendment. This amendment was rejected when it was offered in the full Appropriations Committee and I want to urge my colleagues to reject it today.

The supporters of this amendment claim that this funding will be used only to do experiments on "spare" embryos that would be discarded anyway.

We, as a Congress, have already addressed this question. In 1985, Congress was made aware of abuses in some NIH research programs. These programs were conducting risky experiments on unborn children who were scheduled for abortions. At that time we wisely enacted a law insisting that federally funded research should treat these children the same as children intended for live birth. This law protects human embryos in the womb at every stage and is still in effect today. There is no reason that it should not be extended to protect human embryonic children outside the womb.

Where will these spare embryos come from? The majority will come from women involved in infertility programs.

What about the personal health risk for women who are involved in fertility programs? Women are given drugs to help them superovulate. This allows the doctors to harvest multiple eggs for fertilizing, freezing, and then implantation in the woman.

The drugs used for this process have many serious side effects for a woman, including a heightened risk of malignant ovarian cancer. How would the government be able to know whether or not a clinic was deliberately risking a womans health in order to produce additional embryos for research?

Supporters of this amendment will also argue that we need this research in order to find cures for cancer and other deadly diseases. It is interesting to note that over 17 years of privately funded research of this type have produced no significant results, only the suggestion that if there were Government funds available could there possibly be a breakthrough.

Even a member of NIH's Human Embryo Research Panel admitted that "we're not going to be curing anybody of these tumors by doing research. But on the other hand, the basic biology is extremely interesting." I hardly think that Federal funds should be used for highly controversial research just so that some scientist without a conscience can be kept interested.

I was recently made aware of a letter from Dr. Robert White, who is a professor and director of neurological surgery at Case Western Reserve University which happens to be one of the premier medical schools in this country. He was given the opportunity to appear before the Human Embryo Research Panel that is responsible for making recommendations about research in this area. Dr. White noted that all of the research recommended by this panel could be just as easily conducted on embryos of lower animal species such as monkeys and chimpanzees. Dr. White also expressed his deep concern that there were only one or two individuals with any real scientific training or experience in the area of human embryo research on this panel. Only two people on a panel that is going to decide the moral appropriateness of this research?

Research that will affect the lives of millions of Americans.

How do Americans feel about this type of research? A poll taken by the Tarrance Group revealed that 74 percent of Americans were opposed and that men and women were equally opposed to this type of research.

If we pass this amendment we will be saying as a Congress that we are not interested in funding programs that help create, protect, or enhance human life but we'll give you money to experiment on young life and then destroy it. I urge my colleagues to vote "no" on this amendment. It is the right and morally responsible vote.

Mrs. LOWEY. Mr. Chairman, I yield myself 20 seconds to read the list of groups that support this amendment: The American Medical Association, the American Medical Women's Association, the American Pediatric Society, the American Psychological Society, the American Society of Human Genetics, the American Society for Reproductive Medicine, the Association of Academic Level Centers, the Association of American Medical Colleges, the Association of American Universities, and on and on and on.

Mr. Chairman, I am very honored to yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from New York for yielding me time, and I proudly rise in support of her amendment.

Let us talk a little bit about this. When you do in vitro fertilization, let us face it, you are not going to have any embryos unless the people are willing to consent to give up the egg and the sperm. There is no way a doctor can capture those from someone and steal them from them and they walk down the street. So you have two willing people involved here.

Second, you have a dish of embryos and you cannot implant all of them in the uterus because the threat of multiple birth would crowd out each other. So then what you have is some embryos that are going to be discarded or might be used for research, if and only if the consenting adults agree.

I cannot imagine what is controversial about that. I think that is the most pro-life position of all, pro-quality of life. I think it is very, very important we stand firm and not yield to the flat Earth caucus on this issue.

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Mr. DICKEY. Mr. Chairman, I yield a minute and a half to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment. I understand this is a complex issue, but after 17 years of research not one person in this body can stand up and tell me one positive medical outcome that has come from this research. There is none in the scientific literature, there is none projected. We hear: could, might, may. The fact is there is no proof, there is no scientific study at this time of any quantifiable benefit.

It was mentioned earlier that some people just oppose the Government. I oppose all people researching this effort. And I would take just a moment for us to look at what happened on AIDS testing of newborn babies and the very group of ethicists that our Government used to say it is fine to test a newborn baby, identify that it has HIV, and then never tell the mother or the child that it is infected. Those are the kind of ethicists that are telling us that it is OK.

Mr. Chairman, this is not OK. This is destroying and disrupting various great precious quality of life. I am opposed to it, the Government being involved in it; I am opposed to it, private sector being involved in it. We dare not tread. We have had 17 years to prove that we have no benefit.

It is extremely interesting, I agree, Mr. Chairman, but it is also extremely wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank my colleague for yielding me the time and again for her leadership in bringing this amendment to the floor.

Please let us not have this body turn into the Flat Earth Society. Just when science sees a new horizon in research, a new era of discovery, this amendment wants us to stop and turn back.

Let me say that I agree with our colleagues who say that we should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score. But when embryos are created for in vitro fertilization and there is an opportunity to do research on the excess created there for that purpose, to produce a child, then we must, I think, take advantage of the opportunity presented to us.

Early-stage embryos research can lead to important medical advances and prevention of loss of pregnancy, of infertility and diagnosis and treatment of genetic disease and prevention of birth defects and in treatment of childhood and other cancers as we study how cells multiply.

I urge our colleagues to support the Lowey amendment and to support the advances in science as we approach a new century.

Mr. DICKEY. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Arkansas has 3 minutes remaining.

Mr. DICKEY. Mr. Chairman, I think this is going to be for 30 seconds.

The names of the people who are in opposition to this amendment or the names of the organizations:

The Family Research Council, the Christian Coalition, the National Right to Life, the Eagle Forum, the American Life League, the National Conference of Catholic Bishops. Mrs. LOWEY's amendment, if adopted, would have taxpayers funding for legal experimentation, abortions and bizarre experiments.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes and 55 seconds.

Mrs. LOWEY. Mr. Chairman, many of us have lost friends and family members to breast cancer, muscular dystrophy, leukemia, and so many other diseases. We have shared their pain, we have shared their heartache.

I want to make it very clear: We are not talking about creating embryos.

Many of us have friends and families who have been through a procedure of in vitro fertilization with the hopes of having a beautiful child. We are talking about embryos, cells, four live cells no larger than a pin. These cells have been created as part of the process of couples wanting to have a child. These couples then have to make a decision as to whether they discard these embryos or whether they want to give some other family the hope of life.

That is what this is all about, allowing these embryos, these cells to be used to save another life.

I just received a call today from a family hoping that perhaps this will be the answer. I heard from my colleagues, my distinguished colleagues, that there has been no research that has been successful. I have lost many family members to breast cancer. Mr. Chairman, we have spent millions and billions on trying to solve that problem.

Do we say, well, we have not solved the problem, so we just give up?

Yes, we have made important advances, and I am hoping that perhaps there will be a great breakthrough in other illness because of this research.

When we look at the list, almost every medical association; I just received a letter today from 15 medical and educational organizations that support this amendment. I am not a physician. But when 15 medical and educational organizations support this amendment, this Congress is going to tell these physicians, the National Institutes of Health, that they cannot use this procedure to perhaps bring life to people who have no hope?

What this Lowey-Johnson amendment does is simply allow research on embryos that would otherwise be discarded or allowed to naturally deteriorate. And remember, the embryos used in this research are less than 14 days old. Embryos at this stage consist of a few cells, have not developed organs or a spinal cord. The cells are the size of a dot, as I mentioned.

President Clinton again has made it very clear that early-stage embryo research may be permitted but that the use of Federal funds to create embryos solely for research purposes would be prohibited.

We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes, and I ask my colleagues to support this amendment to support life.

Mr. DICKEY. Mr. Chairman, I would like to inquire as to how much time we have to close.

The CHAIRMAN. The gentleman from Arkansas has 2½ minutes remaining.

Mr. DICKEY. Mr. Chairman, I yield that time to the most distinguished gentleman from Illinois [Mr. HYDE], the most credible voice on this subject that we have in the House of Representatives.

Mr. HYDE. Mr. Chairman, I thank my dear friend from Arkansas, Mr. DICKEY, for those extravagant words.

The gentlewoman, my good friend from California, Ms. PELOSI, talks about the Flat Earth Society. That is interesting because the science is on our side. As I recall, there are two medical doctors, M.D.'s, on our side. I have not seen any M.D.'s or even Ph.D.'s, although there may be a hidden Ph.D. over there in English literature or something, but the science is from our side.

Now, we are not talking about creating the embryos. We understand that. It is the using of the embryos. It is treating living human entities as things. That is the big distinction. The abortion culture, the in vitro experimentation culture, the embryo research, all of these things have one thing in common, and, colleagues, strangely, and this may sound wierd, in common with Marxism, and do my colleagues know what it is? Denying instrinsic worth or value to a human being. That is the common thread between the abortion culture which denies intrinsic value to somebody, and they, because of the size, because it is tiny, it is microscopic, it is created in a petri dish, it is therefore something to be used for experimentation.

I mean I am not denying the good motives and the need to push back the borders of research, although strangely enough in 20 years very little has been accomplished in this sort of research. But the problem is our colleagues are talking about living human beings, albeit tiny and microscopic, but size surely does not make a difference, and whether my colleagues respect the dignity in the innate, inherent, intrinsic dignity or whether it is a thing to be used, that is what we are talking about, and that is the common thread through all of this.

Mr. Chairman, we assert there is value, intrinsic value, in that tiny little premicroscopic embryo that has been fertilized, and our colleagues are saying, yes, but let us use it and experiment for a greater cause.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would be anxious to know if the distinguished gentleman does support in vitro fertilization.

Mr. HYDE. Not really, not really. No, I do not.

The CHAIRMAN. All time for debate on this amendment has expired.

Mrs. LOWEY. Mr. Chairman, may I ask unanimous consent for an additional 2 minutes?

The CHAIRMAN. The request would have to be even-handed on both sides of the question.

Ms. PELOSI. It is so we could yield to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The time has been established and equally divided by the full House for these amendments, and while time can be extended by unanimous consent, it has to be allocated to both sides of the argument.

All time has expired, and the Chair is prepared to put the question.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading "Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management" for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading "Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses" for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

My amendment is a very simple and straightforward amendment. It restricts the use of Social Security and Medicare trust fund money to pay for union activity at the Social Security Administration. I am offering this amendment because I chair the Social Security Subcommittee and I take my oversight duties of the Social Security Administration and the trust funds very seriously.

Social Security affects almost every man, woman and child in this country, and its integrity cannot be compromised. A year ago I requested a GAO audit of the use of trust fund moneys for union activity, and while we knew that the trust funds were helping pay for these activities, the GAO audit revealed the extent to which the costs were dramatically increasing. Currently about $8.1 million of trust fund moneys are used to pay people who work at SSA, not serving the taxpayer and beneficiaries, but doing full-time union work.

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That might not sound like a great deal of money to some, but taxpayer-financed spending for union activity at SSA has doubled in the last 3 years. Let me say that again. Trust fund spending on union activity at SSA has jumped from $4 million in 1993 to $8 million in 1995, a 100 percent increase.

In addition to this huge jump in spending, the number of SSA employees who work full time on union activities increased 83 percent in 3 short years. In 1993, 80 SSA employees worked full time on union activities. By 1995, this number had escalated to 146 SSA employees working full time on union activities.

These employee salaries, health benefits, and pensions come from money set aside for the Social Security benefits of our elderly and disabled citizens. These 146 SSA employees devote 100 percent of their time to union work. This means that Americans are paying their Social Security taxes for meetings on such issues as office furniture, office space allocation, and who gets a bonus at the end of the year. This is not how Social Security trust funds should be used. I am certain seniors and taxpayers around this country would agree.

I ask my colleagues to join me in supporting this amendment, and assuring our citizens that the Social Security trust funds are used for their intended purposes: the retirement and the well-being of our disabled and senior citizens in this country.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who wishes to be recognized in opposition to the amendment?

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment Offered by Mr. HOYER as a substitute for the Amendment Offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading "Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management" for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading "Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses" for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(c) PROTECTION OF EMPLOYEE REPRESENTATIVE.—Nothing in this section shall be construed to—

(1) deny the right of Federal employees to organize or be fully represented by their unions, or

(2) prohibit the Commissioner of Social Security or the Secretary of Health and Human Services from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide for the smooth functioning of such Administration or Department.

The CHAIRMAN. The amendment offered as a substitute for the amendment is not separately debatable. The time to debate the substitute will come out of the allocation of time on either side, so the gentleman may discuss the substitute under his time in opposition to the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

Mr. HOYER. Mr. Chairman, I would ask, that means that we have 10 minutes on both the substitute and on the amendment?

The CHAIRMAN. The gentleman is correct. The gentleman from Maryland [Mr. HOYER] has 10 minutes on both the Bunning amendment and the amendment offered as a substitute, and the gentleman from Kentucky [Mr. BUNNING] has 10 minutes remaining on both.

Mr. HOYER. He has such time remaining as he did not consume?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. I thank the chairman for the clarification.

Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, I rise to offer this substitute. I want to say that this substitute does not derogate the comments in any way that the gentleman from Kentucky made. His point was that we ought not to be spending trust fund money on organizing activities or representational activities. In this substitute, we adopt the very same language offered by the gentleman from Kentucky in our sections A and B.

When I say "we," I offer this amendment on behalf of the gentleman from Indiana, Mr. JACOBS, ranking member of the Subcommittee on Social Security of the Committee on Ways and Means, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlemen from Virginia, Mr. MORAN, and Mr. DAVIS.

In the third paragraph of our substitute, Mr. Chairman, all we do is clarify that the preclusion of expending money for representational purposes out of the trust fund does not mean that we are precluding representation. That is the key of our substitute. I would hope there would be no Member opposed, frankly, to our substitute, because the purpose of the amendment is simply to say that Social Security trust funds or Medicare trust funds will not be used.

We are adopting that premise, and we include the gentleman's language.

Under the Civil Service Reform Act of 1978, Federal employees can be granted official time to perform activities that are in the joint interest of the union and the agency.

I ask my colleagues, particularly on the Republican side of the aisle, to understand what I just said. The Federal law in 1978 provides, because, I would suggest, it is consistent with the gentleman's premise under the TEAM Act passed by this House, passed by the Senate, ready to go to the President, and therefore I think our substitute does not undermine it, not only undermine it, does not touch the intention of the gentleman from Kentucky to say no trust funds, but also does not undermine the ability of employees to be represented and to negotiate with their agencies.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, most Americans are familiar with May 7, tax liberation day. We labor all the year up until May 7 to pay our income taxes. A date they may not be familiar with is July 3, government freedom day. We labor the rest of May and all of June to pay for Government regulations and interest on the national debt, so it was just July 3 that Americans began working for themselves, instead of Government.

Last night on NBC News, most Americans, I am sure, were startled to find out that those taxpayers' dollars were going to pay for people who do no Government work whatsoever; that in fact, full-time, paid for by taxpayers' dollars, they do union work and union organizing.

To add injury to insult, we found out on the program that they are paid out of trust fund moneys, not just Social Security trust fund money, but Medicare trust fund money, that same trust fund President Clinton's trustees said is now going bankrupt in the year 2000 instead of 2001. While Clinton's trustees were painting more red ink, out of that trust fund were people being paid who did no work for the taxpayers, full-time for the unions.

I would tell the gentleman that his amendment is still unacceptable because, as I read his amendment, after it says that none of the funds can be used, he says nothing in this section shall be construed to deny the right or prohibit the commissioner from carrying out those self-same activities. He believes he has found a safe harbor by saying the trust fund money perhaps will not be touched. But it is the taxpayers' money not being spent for its intended purposes that I think is the fundamental problem.

Last night, Lisa Myers held up a fax that had been sent to one of these union workers from the gentleman from Missouri, DICK GEPHARDT, and the House Democratic leadership, and said, "I thought you said politics was supposed to stay out of this. Is this right?" Ruth Pierce, the Social Security Administrator, looked Lisa Myers in the eye and said, "I will yield to Congress what is a right law and what is a wrong law, but it's the law."

I will tell the Members, it is the wrong law. This is the chance to change it. Reject the substitute, go with the amendment offered by the gentleman from Kentucky [Mr. BUNNING]. No trust fund moneys, indeed no taxpayer moneys, ought to go for this kind of private sector inurement at the expense of that hard-working taxpayer who spends half the year paying for a program and for a government, and he does not even get to have any employees work for him at all.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. JACOBS], ranking member of the subcommittee on Social Security.

Mr. JACOBS. Mr. Chairman, I listened with interest to the comments of the gentleman from California [Mr. THOMAS]. I direct his attention to the exact language of the substitute. In my opinion, it does not say anyplace that any taxpayers' money can be used, whether it is trust fund money or whether it is general revenues, either. All it says is that the Commissioner shall not be prohibited "from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide smooth functioning of such Administration or Department."

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, if we look at No. 1, it says "deny the right of Federal employees to organize or be fully represented * * *." Can the gentleman assure me that fully represented does not mean a full-time person paid for by taxpayers?

Mr. JACOBS. I give the gentleman my solemn assurance it does not mean that.

Mr. THOMAS. But in fact, it can be interpreted that way. I know and understand and love the gentleman from Indiana, but his assurance does not guarantee that it is not taxpayers' dollars.

Mr. JACOBS. Mr. Chairman, I think it does if we all agree in legislative history. It does not say they can use any taxpayers' money. It simply says that the gentleman from Kentucky is not proposing that the unions be outlawed if they collect their own dues and pay for their own representation. That is the only intent of it. That is what it says.

Mr. THOMAS. If the gentleman will continue to yield, very briefly, it is not the intent of this gentleman from California to deny legitimate union activities. Our concern is, paid for by taxpayers's dollars. These phrases do not preclude it. That is the problem.

Mr. JACOBS. That is my concern, too. If we want to do a little comity here, if we want to do what all of us say we want to do, namely, prohibit the use of public funds to pay the union people to do union work, if that is our purpose, and that is my purpose, to prohibit the use of any taxpayers' money, trust fund or otherwise, to pay union representatives or union officials to do work on the taxpayers' money, then that is what the substitute intends to do, accepts that fully. It simply wants to clarify that nothing in this should be interpreted to mean that the union itself must disband and not represent the people with their own money.

Mr. THOMAS. If the gentleman will continue to yield, would the author of the substitute agree with the gentleman that no taxpayer funds are intended to be used for union activity on the job site?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would say in answer that I do not believe that any money that is inconsistent with the law will be spent. I do not know the answer that the gentleman from Indiana [Mr. JACOBS] gave. But he knows more about it than I do.

Mr. THOMAS. If the gentleman will yield further. The gentleman does his profession well with that response, because I do not know what that means. It means it may or may not.

Mr. JACOBS. Nothing shall deny the right of Federal employees to organize or be fully represented by their unions, I repeat. That is all. That is all it deals with here. It does not say they can get a nickel from the taxpayers to do that. That is not the intent of it.

But on these task force things like the Japanese method, which Mr. Demming gave to our people and our people turned down and he went over and gave to them, where the workers come in and say they could probably save a little money if you tilt those Venetian blinds and not blind the people all afternoon, that kind of thing, that is the whole purpose of this. We accept the proposal of the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in support of the budget amendment and in opposition to the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON, a member of the subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am glad the gentleman approves of the budget amendment, because that is what is good. When the GAO discovered this breach of faith, I was outraged. It was my understanding all trust fund monies were dedicated for seniors and future recipients who worked their entire lives paying for the system.

It was President Clinton who, as a payoff to the unions for political support, made union employees equal partners with association managers, and stated that Social Security Administration managers could not correct or question the actions of union employees.

What is worse is that while unions take money from the trust fund, they also continue to collect $4.3 million for themselves in union dues, and we have no idea where that money is spent. One more time. The unions collect millions in dues, and still continue to take money away from the trust fund to do work that has nothing to do with providing benefits to our seniors.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, this amendment offered by Chairman BUNNING is nothing more than a classic example of traditional Republican union bashing, and a backdoor assault on President Clinton's executive order to improve labor/management relations through the use of Partnerships.

Every Member of this Congress is concerned about preserving and strengthening the Social Security Trust Fund. We all want to ensure that monies in the Trust Fund are being used to provide benefits and services to seniors in the most efficient and cost effective means possible.

And efficiency and cost effectiveness is exactly what the "union activities" at Social Security are set out to achieve.

Efficiency at the Social Security Administration goes to the heart of the way in which individual cases are handled. As the Social Security Administration is being downsized, and as systems are being redesigned, the input of the Social Security employees—the caseworkers—is, and should be, an invaluable contribution to management decision making.

Management alone can not be expected to know everything about how work is done, or how it can best be done. Consultations with Social Security workers are key to creating the best systems possible. And these consultations are what we are talking about today when we discuss union activities.

The union activities at the Social Security Administration are far less mysterious than the Republicans want to make them appear. In fact, union activities at Social Security are very similar to those at many private companies, including General Motors, Ford, and Chrysler—companies where it is common practice for workers to be paid for official union time.

As a former mayor, I've been involved in many negotiations with unions over the years. I've learned that unions are rarely 100 percent accurate in their positions, and management alone seldom has all of the right answers.

The best solutions to common workplace problems are those that are crafted with input from both labor and management.

Union activities at Social Security, which make up—mind you—only three one-hundredths of 1 percent of the total administrative costs for the Social Security Administration, are geared at improving the way in which benefits are delivered to senior citizens and the disabled.

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue funds and the trust funds.

Mr. Chairman, in a time when we are all trying to make government smaller and more efficient—less bureaucratic and more like the private sector—it seems to me that we should encourage government agencies to use the same innovative management techniques and partnerships that have been embraced by successful companies like Saturn, Corning Glass, and Harley Davidson. It seems as if everyone except the Republicans in this House knows that old fashioned top-down management is a thing of the past.

We owe America's senior citizens the most efficient Social Security Administration possible. This amendment is nothing more than a politically motivated attempt to scare America's senior citizens, and I urge my colleagues to oppose it.

□ 2115

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue and trust funds, and we are correcting that in our substitute.

I have been involved in union negotiations time and again, and unions are never 100 percent correct. And, something else, management is never 100 percent correct.

Social Security is in the midst of downsizing. Their systems are being redesigned. There is anxiety in the workplace. That is not unlike what is happening across the rest of America tonight.

The result of a healthy workplace where people have high morale is consultation. What we have here is a frontal assault on union activities, which we attempt to address in a reasonable substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, with all due respect to the gentleman from Massachusetts, my good friend and classmate, he misses the point. This is not about union activity. This is about Social Security trust fund money paid by hardworking men and women who have paid tax money on their hardworking wages into the trust fund for their senior years.

As a member of the subcommittee, I sat through all the hearings, and not one time did I hear justification for using Social Security trust fund money for any of the activities that are being addressed here.

I sent out a letter last week informing my constituents that trust fund money was being used for union activity. In 3 days, I have gotten over 400 responses and not one response said, GREGG. I want you to keep allowing the money to be used for union activity.

Every contact was angry. They said, "I'm appalled, I'm shocked that the money I paid into the trust fund is not going for my retirement or for disability. I'm appalled that it is going to union activity."

Mr. Chairman, I urge support of the chairman's amendment.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland is recognized for 2¼ minutes.

Mr. HOYER. Mr. Chairman, my good friend the gentleman from Texas has just spoken very actively, strongly. Our substitute does exactly what he wants done. It precludes, as does the gentleman's amendment from Kentucky, the expenditure of any funds from either the Social Security trust fund or the Medicare fund. What it does not do is say Employees, tough luck, get out of town. We're not going to let you organize, we're not going to let you follow the Federal law, which precludes, by the way, any official time being used to conduct internal union matters, organizing workers, soliciting members for conducting union elections or for any partisan political activities. That is precluded by Federal law right now.

What is not precluded is activity that is funded in the private sector, as the gentleman from Massachusetts indicated, but allows employees to represent their fellow employees and to work with management on official time to make their jobs better, more efficient and more productive.

The concern that has been raised, that is, of spending money out of the trust fund, is agreed to on this side by our substitute. What is not agreed to is the obvious underlying intent, and that is to undermine the workers' ability to have effective representation, period.

For that reason, I would ask Members on both sides of the aisle, particularly those who voted for the TEAM Act on the theory that management could include employees for the purpose of sitting down, discussing and negotiating working conditions and objectives and ways and means. That was the issue in the TEAM Act.

If you believed that, if it was not just a subterfuge to undermine the ability of workers to organize, then you ought to support this substitute, and I urge all the Members of the House to do so.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

(Mr. COLLINS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky.

Mr. Chairman, American workers are mandated to pay into the Social Security trust fund throughout their working lives. They do so with the understanding the Federal Government will responsibly manage those assets on providing Social Security benefits to retired and disabled Americans.

Mr. Chairman, under the new authority given to government unions by the current administration, the Social Security Administration spent 12.6 million taxpayer-dollars on union-related activities in 1995.

That's right Mr. Chairman, the Clinton administration spent $12.6 million, on expenses that had absolutely nothing to do with ensuring our Nation's retirees and disabled receive the benefits they have earned.

In addition, $12.6 million in 1995 represents a 100 percent increase over the $6 million the Social Security Administration spent on union activities in 1993.

Recently, the Commissioner of the Social Security Administration testified about the increases in trust fund assets that are spent on union activities.

Commissioner Chater could not provide the members of the subcommittee with any specifics about how the $12.6 million spent on union activities improved the processing or administration of Social Security benefit claims. Most alarmingly, she was unable to provide the committee with any detailed assurances that union-related expenditures will not continue to double in the next 2 years.

This amendment will bring a halt to the wasteful expenditure of Social Security funds and ensure that we are managing these vital assets responsibly.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise in strong opposition to the Hoyer substitute and in strong support of the Bunning limitation amendment to prohibit the Social Security Administration from using payroll taxes to pay the salaries of full-time union representatives.

Mr. Chairman, I seek this time to bring to the attention of the chairman I perceive to be a very serious problem in the Social Security Administration. Reading the Washington Post the other day I happened across an article by James Glassman.

I was shocked and dismayed to discover that the Social Security Administration, responding to a 1993 Presidential Executive Order, which has increased the number of union representatives that work in Social Security offices around the country to 146. That is an increase of 66 employees. Calculate the 66 full time salaries, benefits and pensions, and you have a total extra cost of $12.6 million that American taxpayers are going to have to shoulder.

This blatant waste of Social Security Funds in inexcusable, given that the Social Security Trust Fund is approaching insolvency. It flies in the face of all of our efforts to downsize and reinvent government. Within the Social Security Administration, for example we have been successful eliminating direct cash benefits for drug addicts and alcoholics.

There is simply no excuse to significantly increase administrative costs in this manner. In fact, I question the motives of an Executive Order directing the additional employment of union representatives. It has always been my understanding that it is the responsibility of the unions themselves to ensure fair representation in the workplace. It is not the responsibility of the federal government. In fact, given the recent actions on the part of the unions, this smacks of campaign politics.

We as Appropriators and Members of Congress have a obligation to spend taxpayer dollars wisely and responsibly. I am very concerned that this action by the Social Security Administration is not altogether altruistic and completely contrary to our efforts to make our federal government less wasteful and more responsive to average Americans.

Mr. Chairman, I include for the RECORD the news item, I mentioned.

[From the Washington Post, June 25, 1996]

What Can Government Do?

(By James K. Glassman)

In a modern republic such as ours, politics frequently produces good policy—that is, it's a system that finds out people's desires and acts on them. But politics rarely produces good government—that is, it's a system that puts policies into place in a messy, inefficient, often counterproductive way.

"Look," says Peter Drucker, the great management guru, in a recent interview with the editor of Inc. magazine, "no government in any major developed country really works anymore. The United States, the United Kingdom, Germany, France, Japan—none has a government the citizens respect or trust."

The big problem, Drucker says, is that "no one, as far as I can see, is yet asking the right question: What can government do?" Not what should it do, but what can it do.

I've always been a "should" kind of guy—questioning whether government has the right to involve itself in the arts, agriculture, railroading, etc. But Drucker's "can" perspective is a brilliant way to look at the problem.

Consider Social Security. Yes, government should help poor people retire with dignity. But can it run an efficient retirement system for the entire nation? It's doubtful, given political pressures—for example, the need to please labor unions, which spend millions to help elect Democrats.

Here's a typical horror story: Using the payroll taxes of Americans, the Social Security Administration is paying the salaries of 146 full-time union representatives who work in Social Security offices around the country. The average annual salary of these taxpayer-paid union officials is $41,970. Ninety-four of them make at least $40,000, and one makes $81,000.

The General Accounting Office reported on this union activity recently, at the request of Rep. Jim Bunning (R-Ky.), a Ways and Means subcommittee chairman. Jane Ross of GAO said her office "found that over 1,800 designated union representatives in SSA are authorized to spend time on union activities." Total time: more than 400,000 hours. Total costs to the taxpayers: $12.6 million.

What makes this episode so outrageous is that it's perfectly legal. After an executive order by President Clinton in 1993, full-time union reps at SSA jumped from 80 to 146, according to GAO. Total costs to the taxpayer doubled. Meanwhile, the Social Security trust fund is approaching insolvency.

The truth is that effectively running a retirement scheme for a nation of 260 million may not be something that a government is able to do.

By contrast, the private sector has learned, through trial and error and the pressures of the marketplace, to handle complex financial transactions—and give good service. For example, Fidelity Investments, with 20,000 employees, handles 20 million mutual-fund customers—marketing, buying and selling stocks, sending out regular statements. Fidelity's managers don't stand for election, so they don't have to pander to labor, or any other interest group, for votes. They're free, subject to market forces, to run their business.

It's no accident, either, that costs of government-run health care systems—Medicare and Medicaid—are rising so fast. The federal government—under political pressure from doctors, hospitals, seniors, governors and insurers—simply can't cut expenses and deliver good service the way that companies subject mainly to the pressures of the marketplace can. (For an even more horrifying example, look at the Veterans' Administration, with its own 58-health-care institutions, providing jobs for constituents of nearly every member of Congress.)

The point is that politics can, with validity, produce a national health policy. But it should not be the force that shapes the management of that policy.

One solution to the problems of both Social Security and public health care is to get the government out of management entirely. Let it issue vouchers with which Americans themselves can purchase retirement plans or medical services from private firms. There should be oversight, but not a 65,000-employee bureaucracy.

On management issues, the Clinton administration gets credit for interest, but not for action. The president brags about eliminating government jobs. Yes, but of the 192,000 cut, 145,000 were in the Defense Department—a "peace dividend" brought about by the end of the Cold War. We can't really cut government jobs unless we cut government functions.

Drucker says that the United States doesn't have a government that "citizens respect or trust," But as we've seen over the past year, citizens not only distrust government, they distrust politicians who say they will dismantle it. That's the paradox for Republicans.

But what citizens do know is that government today is out of control. So here's my suggestion to Bob Dole (or Bill Clinton): Announce right now that, if elected, you will freeze government in place. No more new programs, no additional spending on current programs, no increases in tax revenues.

A hard freeze of this sort would leave the deficit at about $140 billion, a safe number. Then, over the next four to eight years, we can debate what government should—and, more important, can—do.

For doubters, Dole can issue an "Outrage of the Week" report on excesses like the 146 union officials at Social Security or the $5 billion in fraud, which, according to a new study by Citizens Against Government Waste, afflicts the Food Stamp program.

But we can't bring government back under control with a single contract or a single election. As Drucker says, "Government, rather than business . . . is going to be the most important area of entrepreneurship and innovation for the next 20 to 25 years." So let's freeze now, and get those entrepreneurs to work on solutions.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Bunning amendment and ask Members to reject the Hoyer amendment.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to thank the people in my district who work for the Social Security Administration who brought this to light, some very brave people who bucked the system, who bucked the union to say that seniors' money, Social Security trust fund money, should not pay for union representation on the job.

The fact is, union Members pay $4.3 million a year. Let us let the union use that to pay for people to represent them in the workplace. It is about balancing the budget, it is about being good stewards with our seniors' money. It is about doing the right thing. Please support the amendment. Please do not support the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1¼ minutes.

Mr. BUNNING of Kentucky. Mr. Chairman, first of all, let me assure my good friend from Massachusetts and my good friend from Maryland that I was a union negotiator for 12 years, so I know something about unions. But they were in the private sector, and they were not supported with Social Security and Medicare trust fund money.

We know what our amendment does. We know that it requires the Social Security Administration to use Medicare and trust fund money only for the purpose for which it was collected from hard-working, tax-paying Americans. They pay FICA tax to the Treasury so it can be used for retirement and disability payments under Social Security.

About the Hoyer amendment, we are not sure. But I will tell the gentleman from Maryland, if he would like to sponsor appropriation bill to use taxpayer funding from general revenues for union activities at the Social Security Administration, an any other agency of the Federal Government, because I believe employees are entitled to be represented, I suggest that he do that as part of the appropriations process.

I urge support of the Bunning amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] will be postponed.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISTOOK: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) any portion of such funds is knowingly being used by such entity to provide services after March 31, 1997, to a minor, other than a minor who—

(A) is emancipated under applicable State law;

(B) has the written consent of a custodial parent or legal guardian to receive such services; or

(C) has an order of a court of competent jurisdiction to receive such services, based on—

(i) the court's assumption of custody over the minor; or

(ii) actions of a custodial parent or legal guardian that present a continuing threat to the health and safety of the minor and precludes the obtaining of consent under subparagraph (B); and

(2) The State in which such services are provided has not, after the date of the enactment of this section, enacted a statute that excludes the minor seeking a title X service from the parental consent requirements as to that particular service.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma [Mr. ISTOOK] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this amendment concerns how we are spending $200 million a year of our Federal tax money, one-third of which goes to provide contraceptives, condoms, birth control pills, and related services to teenagers, to minors, with neither the knowledge nor the consent of their parents.

As a parent of 5 children, 3 of them teenage girls, Mr. Chairman, and public school students, I am well aware of the different times that parental consent is necessary for so many things. For example, this is a form from the Fairfax County, VA, public schools.

To go on a field trip, they have to have written consent from their parents. To get authorization for medication, even aspirin, to be administered to a minor in public school, in most cases you have to have a signed permission slip from the parent or the guardian. This is from the school that my children attend, again echoing that to have medication, even something as simple as aspirin given to a student, you cannot do it without the consent of their parents.

But, Mr. Chairman, under Federal law, it is something different. Under Federal law, Mr. Chairman, and this is from the Federal regulations, if they want to obtain services under the so-called title X, Family Planning Services, then if they want to, and they do, all the information is kept confidential only to that minor child. Their child is sexually active, may have a sexually transmitted disease, is at risk of pregnancy and all the complications that come from it with a child involved in that activity, and 1.3 million of them a year in this country are receiving federally funded assistance in bypassing their parents, isolating them from the love, the counsel, the nurture, and the moral guidance of their parents under Federal law.

Mr. Chairman, I submit that is wrong. I submit that this country in caring about its children says we want them to have the guidance of their parents, and yet this is another part of the Federal law that specifies that regardless of their family income, this is supposed to be a low-income family program, if they want this confidentiality, then you disregard what mom and dad and anyone else in the household is making and so this child, by themselves, qualifies for this Federal program.

One-third of its services, one-third of the $200 million a year, is going to minors with neither the knowledge nor the consent of the parents.

Mr. Chairman, since this program has been underway, since 1970 when it began, we were told this is going to reduce teenage pregnancy, this is going to reduce out-of-wedlock births with teenagers, and they still try to manufacture some statistics trying to claim it. But, Mr. Chairman, their projections do not hold up.

There is only one set of statistics that is really kept on this. It is kept through the Centers for Disease Control, the U.S. Health and Human Services Department, and is shown on this graph from it, since this program went into effect. The number of out-of-wedlock births with teenage mothers in the United States has doubled, the rate of teenage out-of-wedlock births has doubled because the Federal Government is inviting them to go around the moral guidance of their parents on these most intimate and personal issues.

This amendment simply states we are not going to do it. We are going to require parental consent if this is to go on. Normally it is a matter of the States to decide. Fine. If the States decide otherwise, they can do it in their State, but they would have the say-so. I ask Members' support of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] claim the time in opposition to the amendment?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. ISTOOK: In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made know to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services."

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Mr. OBEY. Mr. Chairman, I ask unanimous consent that 8 minutes of my 15 minutes be given to the gentleman from Pennsylvania [Mr. GREENWOOD].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREENWOOD] will control 8 minutes, and the gentleman from Wisconsin [Mr. OBEY] will control 7 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is very simple. The Istook amendment would prohibit title X services to minors unless they have written parental consent or a court order acting as parental consent. The Obey-Greenwood-Lowey substitute would prohibit funds unless the entity encourages consultation with family members.

Mr. Chairman, I want to be very clear. I do not believe teenagers should engage in sex until they are married. That may make me old-fashioned but that is what I happen to believe. But I also recognize the world in which we all live. The United States has the highest rate of teen pregnancy of any industrialized country in the world.

This committee had an opportunity to fund the President's teen pregnancy prevention plan in this bill. It chose not to do so. Now, unless we are careful, we will make what services there are remaining to prevent teenage pregnancies even more difficult to obtain. When minors delay diagnosis and treatment, especially in cases of sexually transmitted diseases or HIV, their health, their future fertility and life can be put at risk. Kids ought to be encouraged to talk with their parents, but we also ought to be careful that, in the process of trying to encourage that, we do not increase health risk to the general public and that we do not in the process invite more abortions that are performed because of careless pregnancies.

That is what this amendment tries to do. It tries to establish a careful bipartisan balance between two justifiably strong moral concerns in this society.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would simply note that the amendment offered by the gentleman from Wisconsin [Mr. OBEY] only echoes existing law. It is already in section 1001 of the Public Health Service Act that there is supposed to be this very encouragement for family participation, which is totally undercut by the existing Federal law saying it is not required.

Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the substitute amendment. This amendment, title X, already requires that providers encourage family participation in reproductive health decisions, and this amendment strengthens that mandate.

I agree that parental involvement should be encouraged, encouraged, not mandated. In fact, in order to encourage teens to seek necessary reproductive health services, virtually every State in the country has enacted legislation to permit minors to receive care for sexually transmitted diseases without parental consent. Many States have already put statutes on their books that allow minors to obtain birth control information governed carefully by State law. We should not override those statutes. States are closer to this problem than we are. Teenagers denied contraceptive services do indulge less responsibly.

Mr. ISTOOK. Mr. Chairman I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I only asked for 1 minute because I am pleased there are so many Members on our side that want to speak out on this.

I would like to begin the way the gentleman from Oklahoma [Mr. ISTOOK] did, talking proudly about his daughters. As a father and a grandfather of eight young ladies, I take this parental rights thing very seriously. But here is what we are neglecting on those who oppose the Istook amendment. With parents' rights, as with most rights, there are also responsibilities, and young people will sometimes follow peer pressure and the lines of least resistance.

What they are doing by going against the Istook amendment is taking away parental responsibilities, the responsibility of playing a role in the counseling and guidance of young people. We are talking about one-third of the people that have access to title X funds. That is about 1,300,000 teenagers that are covered here

States can opt out and keep in mind that the Istook amendment is reinforcing standing Federal Law. Parents' rights and parents' responsibilities, it is a winner with Americans across this country. Do not take away those responsibilities.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, last year an attempt was made to zero out the title X family planning program. That attempt failed here on the floor of the House. This year the gentleman from Oklahoma [Mr. ISTOOK] is offering an amendment to limit access to these important services. This is not an issue of abortion. Let me emphasize that once again. And we are talking here about services for poor, young women. We are talking about a successful program that prevents 500,000 abortions from occurring in our country every year.

A study published by the Journal of Pediatrics found that 85 percent of teens would not seek care for sexually transmitted infections if parental consent or notice were required. I have a letter from the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists opposing parental consent. They confirm that mandating parental consent will prevent teens from seeking contraceptive services, placing them at increased risk for sexually transmitted diseases and unintended pregnancies. It is a very, very poorly advised amendment.

AMERICAN ACADEMY OF FAMILY PHYSICIANS; AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,

JUNE 11, 1996.

Hon. JOHN EDWARD PORTER,
Chairman, House Appropriations Subcommittee, Labor, Health and Human Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PORTER: As national organizations representing over 170,000 physicians dedicated to improving the health care of adolescents, we write to urge you to oppose any amendment offered to the FY97 Labor, Health and Human Services and Education Appropriations Act that would require parental notification or parental consent for services received by adolescents in clinics funded by Title X, the national family planning program. As physicians who care for adolescents, we always encourage family involvement in their health care. Our organizations have adopted principles stating that health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients. This obligation includes every reasonable effort to encourage the adolescent to involve parents, whose support can increase the potential for dealing with the adolescent's problem on a continual basis.

Most teens seeking services at Title X clinics are already sexually active. Mandating parental consent may prevent these teens from seeking contraceptive services, placing them at an increased risk for sexually transmitted diseases and unintended pregnancies. Studies indicate that one of the major causes of delay by adolescents in seeking contraception is fear of parental discovery. Parental consent or notification provisions would be counterproductive to the ongoing efforts of physicians and the Congress to prevent such cases among the nation's young people.

Under our federal system, the states determine whether or not parental consent is needed for the treatment of minors. While states require consent before a minor receives medical treatment, 23 states have recognized the special issues surrounding family planning services and have instituted exceptions explicitly allowing young women to obtain contraceptive services without parental consent. Congress should not override these states' authority in this area by adopting an amendment to require parental notification or consent in order for family planning clinics to receive Title X funding.

While we applaud the efforts of the Committee to ensure that parents are involved in minor's health care decisions, we believe that such involvement is best achieved by the efforts of physicians and their patients in a manner which respects the adolescent's right to confidential health care. Forced parental involvement, in our view, will have a negative impact on the physician-patient relationship, as well as have the unintended consequence of deterring adolescents from seeking important health care services. Accordingly, we urge you to oppose any amendments mandating parental notification or consent for Title X services in the FY97 Labor, Health and Human Services, and Education Appropriations Act.

Sincerely,

KENNETH L. EVANS, MD,
Chairman, Board of Directors, American Academy of Family Physicians.

MAURICE E. KEENAN, MD,
President, American Academy of Pediatrics.

RALPH W. HALE, MD,
Executive Director, American College of Obstetricians and Gynecologists.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in support of the Istook amendment. As a grandmother of six young children, it amazes me that, while parents are called to give permission for everything, they could have their children go to school and come back with an intrauterine device implanted that could cause sterilization, infection and even in some cases loss of life.

The parent has been told when the child goes into emergency. The basic question is whether or not parents should be informed about very basic and fundamental questions concerning their son or daughter's well-being. In an age when kids are bombarded with sex and stimuli from the media and in the world that we would remove the parents from the equation until the issue is a crisis is not acceptable. We need parents to be parents, not government to be parents and until there is a crisis.

I think my colleagues need to start thinking about the statistics that we have faced. When we that were pro-abortion and pro-contraceptive started in the early 1970's with the title X's to decrease parental involvement and increase government involvement by giving kids help outside of the family, we started a trend that now has doubled out-of-wedlock births. It has not been successful. We know when you remove parents, it does not work. So what do we risk on allowing the States to put parents back into the equation? That is what we are asking here today, States rights. Put the parents back into the equation with the guidance of the States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to one of the coauthors of the amendment, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Istook amendment that will require consent for minors receiving title X services and in strong support to the Obey-Greenwood-Lowey amendment to the amendment.

Let us make it very clear, when a teenager comes to a family planning clinic, the family planning clinic is not making them sexually active. I am the mother of three beautiful grown children, and I want to make it very, very clear that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services

Let us debunk the myth, these kids are not coming to that clinic and suddenly becoming sexually active. In fact, what we are trying to do is provide these services for these youngsters who come to the clinic so that they can avoid spreading sexually transmitted diseases. I think it is important to note that the bill as it is now encourages family participation. That is exactly what we want to do, encourage family participation, not mandate it.

Mr. Chairman, I rise in opposition to the Istook amendment that will require parental consent for minors receiving title X services. In addition, I am proud to join Mr. OBEY and Mr. GREENWOOD as a sponsor of the amendment to the amendment. The Istook amendment will just lead to an increase in teen pregnancies and abortion, and in teens with STD's and HIV.

Last year, as you all remember, opponents of family planning attempted to eliminate the title X family planning program. Their efforts, thankfully, were rejected by this House and by the American public. However, they clearly did not learn anything from their defeat. This amendment is just one of several assaults against the title X program this year. Two earlier attempts to limit the program were defeated in committee 2 weeks ago.

Why would anyone try to limit a program that successfully prevents teen pregnancies and abortions? They do it because the Christian Coalition tells them to. A recent Christian Coalition legislative alert called this amendment one of "the first steps to end the infamous Title X program!"

The Istook amendment will place the health of young American women at great risk. Approximately 1 million teens currently receive some medical services from title X clinics. This requirement will create a real barrier to these services for hundreds of thousands of teens.

Studies show that many teens—especially those who are abused or who fear an extreme reaction from their parents—will stop seeking medical services for STD's if forced to get their parent's consent. In addition, most teens will continue to have sex but just forgo contraceptives rather than seek parental consent. I do not believe that any of us think that those are acceptable results.

The title X statute already requires providers to encourage family participation in reproductive health services. The Obey amendment reflects the spirit of the current statute. In fact, the majority of young people already involve a parent or other responsible adult when they seek family planning services. The Istook amendment will ultimately only cause those teens who do not want to tell their parents to forgo needed services.

I think that we need to debunk one myth right now. Parental consent laws do not keep teens from having sex. I support abstinence-based programs for teenagers, but the fact is that most teens are already sexually active when they first come to a title X clinic seeking family planning services. The Istook amendment will just keep those young people from getting the family planning services they need.

In addition, I would like to note that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services. The American Academy of Family Physicians, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists all oppose this amendment.

In conclusion, my colleagues, I urge you to defeat the Istook amendment. Barring teens from family planning services will only lead to horrible results—more teen pregnancy, more kids having kids, and more abortions. This amendment will just create thousands of unnecessary tragedies.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank my good friend and colleague for yielding me the time.

States rights have been mentioned during this debate. I want to point out back in 1982, early in the Reagan administration, the Department of Health and Human Services proposed a regulation to require parental notification, not consent, notification for contraception and 39 States opposed that proposed regulation.

I have a lot of respect for the gentleman from Oklahoma and my other colleagues who have spoken on this, but my concern is that the Istook amendment would have a chilling effect, in fact, could be counterproductive to our main goal here, which is to reduce the number of unwanted abortions in American society by reducing the number of unwanted pregnancies.

So I have to urge support of the Obey-Greenwood amendment and urge the defeat of the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise tonight in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Service Health Act.

The fact is, Mr. Chairman, that this is a Federal program. We have heard a lot about States' rights tonight from some pretty unique sources with regard to States' rights. But the fact is, this is a Federal program. There are Federal taxpayer dollars used in order that teenagers can go around their parents and, under the cloak of secrecy, not allow information to be passed to their parents. The fact is that government should not be standing in the way of the parent-child relationship. The parent is the one that the child should be going to with regard to advice when it comes to these troubling times in their life, and I ask for strong support of the Istook amendment so that we can rebond the parent-child relationship.

Mr. Chairman, I rise in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Health Service Act. I am appalled that a teenager girl can walk into any clinic that receives funding under title X and receive contraceptives, treatment for a sexually transmitted disease, or counseling on how to avoid pregnancy without her parent's permission. Teenagers are children themselves—and as a father of three young children, with the fourth one on the way, I cannot begin to comprehend how I would feel if one of my children were receiving such services without my knowledge or consent.

By failing to require that parents give our consent to our children when they receive sexual advice, we are doing a huge disservice to parents and our children. Many people have voiced concern that if we require parental consent, teenagers may not get the necessary services to protect their health. Let me make this perfectly clear: this is not about health care. If this were really a health care issue, parental consent would be required before any of these services would be rendered to a minor. A teenager cannot receive a aspirin at school, have a physical exam, or even get their ears pierced without the consent of a parent or legal guardian. Yet we are willing to ignore these very appropriate requirements at the Federal level and write a muiltimillion dollar check for birth control and sexual advice for teenage boys and girls. This is simply and patently absurd. If we believe that teenagers are more and more estranged from their parents, this is clearly not the solution to bridging the generation gap. It is inappropriate for the Federal Government to do anything to infringe upon a parent's tie to their children. I urge you to support this amendment. The relationship between a child and the Federal Government should never take the place of a relationship between a parent and a child.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, if teenagers are denied confidential and affordable access to family planning services, they will be at a greater risk for sexually transmitted diseases, for unintended pregnancies and more likely to get an abortion. Many teenagers are not able to speak to their parents about these issues, and many parents do not act responsibly and will not give their consent. These factors should not be a barrier to an adolescent coming in and getting needed counseling and contraceptive information and contraceptive services and other health care services that are provided in these title X clinic.

I urge opposition to the Istook amendment.

□ 2145

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Istook amendment and in favor of the Obey substitute. This amendment would do great harm to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS, in our young people, and to our efforts to lower the number of unintended pregnancies and abortions.

On the face of it, it may seem reasonable to require parental consent for family planning services. But, this amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active and have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease. Minors who go to clinics are strongly encouraged to involve their parents, and many do bring a parent with them on subsequent visits.

A recent study in the Journal of Pediatrics determined that 85 percent of adolescents would not seek treatment for sexually transmitted diseases, including HIV/AIDS, if parental consent and notification requirements were imposed.

Mr. Chairman, we are talking about consent and not notification.

Let us vote for the Obey substitute and protect teen health.

Delay will only endanger the health of these teens, not help them. And, delay will only lead to unintended pregnancies and more abortions.

This amendment is also troubling because it undermines State laws. Don't be misled by the State opt-out provision. Only State laws passed after the date of enactment would be valid. Thus, the laws of 49 States that already allow minors to receive STD services without parental consent would be nullified. Each of the 49 States would then have to pass new laws reinstituting their current laws. This is an affront to States' rights, and should be rejected.

The medical community is also overwhelmingly opposed to parental consent requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association, all agree that contraceptive services, prenatal care, and STD/HIV diagnosis and treatment should be available to adolescents without their parents' consent or knowledge.

Mr. Chairman, I urge my colleagues to vote to uphold States' rights and to protect teen health. Vote "no" on the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I believe many people are missing the point of this. In the last 26 years we have found this program, using $200 million a year of Federal taxpayers' money to help teenagers sneak around behind the backs of their parents, does not work. It has doubled the out-of-wedlock birthrate among teenagers. We need to get parental responsibility back involved if we expect to improve the standards and return accountability in this country.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is not a debate about whether to fund family planning or title X. The only question is whether we believe that parents should raise our children or whether we think that government officials should raise our sons and daughters.

Parents must consent before their children attend field trips, if their children are absent from school, for their children to receive treatment for a twisted ankle, and parents must consent for their children to participate in sports after school. Should this same parent not also have to consent before their children receives contraceptives or treatment for a sexually transmitted illness? That is the only issue raised by the Istook amendment.

Without this amendment, when it comes to sexually transmitted diseases, contraceptives and planning families, parents need not apply. The Istook amendment puts parents first again. It says that what is common sense for movies, fields trips and football should also apply to serious medical treatment.

Mr. OBEY. Mr. Chairman, may I inquire how much time each party has remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 3 minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 4 minutes remaining; and the gentleman from Oklahoma [Mr. ISTOOK] has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in support of the Obey substitute. My friend, the gentleman from Oklahoma [Mr. ISTOOK], and I share parenthood. I have four children. I understand the impulse to want to make sure that parents are involved. Ideally we want our young people to abstain from sexual behavior. We all want that, we all hope that, and we do our best for that. And if they do become involved, if they make mistakes, ideally they can come and talk to mom and dad. That is the ideal. That is what we spend our whole lives as parents trying to achieve. But we do not all succeed.

Some parents cannot talk about sex to their children, and some children cannot talk sex to their parents. That is the real world. So what happens? How do we strike a balance when we have a young lady who is afraid that she is pregnant? Kids do not go to family planning clinics because they are thinking about having sex; they go because they have been having sex; they go because they are afraid that they are pregnant; they go because they fear that they have a sexually transmitted disease.

What happens to those kids who cannot get parental consent? They do not get treated for disease. They do not get treated for sexually transmitted diseases. We have more teenage pregnancies. We have more teenage abortions.

The Obey amendment strikes the right balance. It requires these agencies to encourage the involvement of their families, and that is what we all should be about. A child untreated for HIV becomes a child, a teenager, with AIDS. When kids cannot get the diagnosis or treatment for that disease, they die. That is how important this is.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I stand here very strongly supporting the Istook amendment for parental consent. I have to say there is life after teenagehood. My two children are now in their 20's, but as a mom and as a former teacher, I wholeheartedly support the idea and the main issue of this amendment, which is to give back parental consent, that moms and dads can have the right to talk with their children about this and not feel that it has been handed over to the Federal Government.

I might say that I have spent a couple of times in my office as a State legislator with moms crying in the office because they found out that their children were able to go to a clinic and get much information and the parents who really wanted to speak to their children about this were left out of the loop.

Now, I want to remind people, yes, the State legislatures across America, if they so choose, can waive the parental consent requirement, and that is very important with me. But I wanted to point out that since title X has been in existence, since 1970, we are talking about a program that wanted very sincerely, when it started, to decrease out-of-wedlock and teenage pregnancies, and there has been a lot of times that it has been successful.

But, Mr. Chairman, we just have to look at our own local programs and talk to families and know the statistics are saying that it is skyrocketing. The teenage out-of-wedlock births are skyrocketing and children need to have moms and dads involved in their life.

What we have done at the Federal level is just say sex is OK because we help to avoid the consequences.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, in the ideal world, if there were an ideal world, perhaps the amendment offered by the gentleman from Oklahoma would make sense. I am the father of a teenager. I wish we had that ideal world where communication was as we wish it would be. In the real world this proposal, sadly, is a dangerous one. It will inevitably mean more unintended pregnancies, more abortions, more sexually transmitted diseases.

That is why the Obey substitute is the sound way to go here. It has nothing to do, as allegations have been raised, about Government bureaucrats getting involved in sexual activities of our children. That is a total red herring. What it does have to do with is recognizing the realities of teenage sexual behavior in the last part of the 20th century in this country, and how we are going to deal with that reality not in a wishful way, not in a mythical Ozzie and Harriet way, but in a way that works, making sure that our kids get the health services that they need.

Mr. Chairman, I oppose this amendment which would make it more difficult for young people to obtain family planning assistance.

This amendment would require, unemancipated, minors to get written consent from a parent or to get a court order to be eligible for any services through title X family planning programs unless the State passes a new law excluding minors from the requirement. For the record, Mr. Chairman, title X programs do not provide abortion services.

Mr. Chairman, I understand the desire of the gentleman from Oklahoma to promote communication between teenagers and their parents—and in an ideal world all young people would get their parents consent in all important decisions. But, in the real world, many teenagers don't always seek their parents' consent for the actions, including engaging in sexual activity.

Many teenagers simply will not use contraceptives or get screening or treatment for sexually transmitted diseases if they must first get a parent's written consent—and surely not if they must get a court order.

If this amendment becomes law, fewer teenagers will have access to contraceptives and the other services offered by title X family planning programs, including breast and cervical cancer screening, routine gynecological exams, HIV screening and treatment for sexually transmitted diseases. Again, for the record, title X programs do not provide abortion services.

If this amendment becomes law there will be more teenage pregnancies. If this amendment becomes law, more teenagers will fall victim to sexually transmitted diseases. If this amendment becomes law, the resulting increase in teenage pregnancies will lead to more abortions. That's why the American Medical Association, the American Academy of Family Physicians, and the American Academy of Pediatrics oppose this amendment.

Teenage pregnancy is a national problem that exacts a high societal and fiscal price. There are about 1 million teenage pregnancies each year in this country. However, there has been progress in the fight to reduce teenage pregnancies over the past 2 or 3 years and title X programs play an important part in that fight. According to Planned Parenthood, publicly funded family planning services prevent 256,000 unintended teenage pregnancies each year, an estimated 100,000 of which would have ended in abortion. In addition, each dollar spent on family planning services saves over $4.00 in medical, welfare, and other social services costs.

Mr. Chairman, title X programs serve lower income Americans. While lower income teenagers and their families will suffer the most in the form of unwanted pregnancies and health problems if this amendment becomes law, the Nation as a whole will be the worse for the additional unplanned pregnancies, abortions, and disrupted young lives.

I urge a "no" vote.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time. This is about Washington bureaucrats, it is about a faceless

Washington bureaucrat making decisions for the relationships between parents and kids. Washington bureaucrats in their infinite wisdom have decided that school officials cannot give their child as aspirin, but can provide condoms without parental consent.

It assumes that a Washington bureaucrat is better able to teach your child sex education than the child's parents. The myth is that Washington cares more about the well-being of a child than his or his parents. President Clinton actually said it best: Governments do not raise children, but parents do.

Let us remove this faceless bureaucrat from being involved in these types of decisions, let us not encourage bureaucrats to counsel children to have a dialog with your parents, let us get the bureaucrat out and recognize we need to be working on establishing relationships between parents and children and it is best done there without a Washington bureaucrat in the middle.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, what I want to do, very quickly, is to draw attention to this painting again, this faceless bureaucrat, and put a name and a face to it, and it would be me as a schoolteacher, Mr. GILCHREST, who realizes that parents should be involved in every stage of their children's lives, no matter what it is.

I encourage Members to vote for the Obey substitute because he reemphasizes the fact that we should involve parents in the situation. As a schoolteacher, I often talked to parents that were very concerned about their children. I also talked to parents where the mother had a live-in boyfriend and she did not care about anything that her child did. I also talked to parents where the father was a drug addict and the mother was an alcoholic and they did not care about their children. I also talked to parents where the father sexually molested his children and abused and beat their mother.

There are times, Mr. Chairman, when the school official, which was me in many instances, for years came to the child's aid and counseled them as a substitute parent. So we need all of this. We need parental guidance, love, compassion, discipline, all of that. I encourage the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, every year Planned Parenthood counsels, refers or performs over 230,000 abortions, an absolutely staggering number of children who die. Taxpayers subsidize the counseling and the referring as part of title X.

Every year tens of thousands of teenage moms, many of them frightened and extremely impressionable, walk into Planned Parenthood and other title X clinics carrying perfectly healthy babies only to leave that clinic having had their babies shredded and ripped apart by powerful suction machines or killed by chemical poison. In many of these cases the parents have no idea this is happening.

The bottom line in this legislation and the amendment, which is really a sense of the Congress offered by the gentleman from Wisconsin [Mr. OBEY], is that our current policy trusts strangers more than they do the parents. There is a bypass in the legislation offered by the gentleman from Oklahoma [Mr. ISTOOK], that if there is a dysfunctional family, there is a way of getting around it. But I think we need to put our trust, invest our hopes more into the parents and stop looking for the government bureaucrats and so-called counselors, strangers, to take care of our daughters.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I do not think any Member of the Congress needs to sit here and take lectures from any Member of Congress about how we deal with our own children. I think every Member of this House trusts their children before they trust another Member of Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Istook amendment, and I oppose the amendment because it will limit access to family planning services. This changes the law in 23 States and the District of Columbia. And I believe limited access to these services will lead to more abortions.

Let's be clear on this amendment. This is not parental notification. This is parental consent, and there's a big difference.

For the past 25 years, family planning services have been made available to low-income women and men through the Title X Program. In many cases, this program is their only source of health care. We're talking about basic primary health services, not abortion services. By law, title X funds cannot be used to pay for abortions. Through family planning services, unintended pregnancies have been reduce. Low-cost contraception can prevent the tragic personal and social impact of unwanted pregnancies and can save our health care system up to $14,000 per woman, over 5 years of use, compared to the cost of childbirth or pregnancy termination.

The bottom line is that this amendment will limit access to family planning services. And I believe limiting access to these services will lead to more abortions. This is a health care issue, not an abortion issue.

I urge my colleagues to oppose the amendment.

□ 2200

I believe these services will actually lead to more abortions. Let us be clear on this amendment. It is not parental notification. This is parental consent, and there is a big difference. For the past 25 years, family planning services has been made available to low-income women throughout the title X program. In many cases this is the only health care source that these people have. This is a basic health care issue; it is not one of abortion because, by law, title X funds cannot be used for that.

Mr. Chairman, I believe that we should oppose the Istook amendment and pass the Obey substitute.

Mr. ISTOOK. Mr. Chairman, how much time remains on either side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2½ minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 30 seconds remaining and the gentleman from Wisconsin [Mr. OBEY] has 1 minute and 50 seconds remaining. The gentleman from Wisconsin has the right to close.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this vote is going to show whether we believe in families and family responsibility or in Government taking over the major aspects of what we teach our children.

President Clinton says: Government does not raise children; families do. I say to my colleagues, Then show you mean it. I know a friend who came to me. He has a 16-year-old daughter. He found out that she had been going to a title X clinic for a couple of years. He did not know anything about it until she ended up pregnant and had had an abortion. He said, "Can the Government do this to our family? I could have helped, but I could not because I did not know."

As parents, my wife and I know our approval was necessary if our girls wanted to get their ears pierced, when one of our five children went on school field trips, if they simply needed aspirin at school, or even to handle many medical emergencies. Yet Federal law say kid don't need anyone's okay to get birth control, family planning counseling, or even medical treatment, so long as it relates to sex.

Title X—Title Ten—of the Federal Public Health Service Act provides birth control, treatment of sexually transmitted diseases, and family-planning counseling to adults and minors alike. Created in 1970, the intent was to serve poor families, but that has changed. Federal regulations now let a minor child, or a woman, be considered as a family of their own, so they're eligible regardless of how high their household's income may be. It all costs taxpayers almost $200 million a year.

Today one-third of title X's clients are teenagers. This means 1.3 million youngsters each year get special support directly and fully from

Federal tax dollars, just for their sexual activity. Current law not only lets teens escape parental consent; it also lets them prevent even a simple notice to their parents of what is going on. Even for those with no stable home life, the law likewise evades their guardians and other family members. Supporters of title X claim it reduces out-of-wedlock and teen pregnancies. But Federal statistics prove that the out-of-wedlock birthrate for American teenagers has doubled since title X began in 1970. Our Federal safety net has induced teens to believe that premarital sex is safe and that its consequences are avoidable, until they later learn otherwise.

But forget statistics. Is it right for Government to help teens evade their parents regarding teenage sex and its consequences? This hits the heart of America's values. This most intimate moral issue is the crucial link leading to welfare dependency, single-parent homes, school drop-outs, juvenile crime, and a vast array of social problems. Why has our Government spent 26 years helping teens to avoid their most loving and helpful counselors—their parents?

It's been far too many years since Congress has addressed this issue. But I'm offering a crucial amendment to the Labor, Health and Human Services, and Education and spending bill—under which title X is funded—to reinstate the principle of parents' role and responsibility regarding their children. The amendment simply requires minors to obtain consent from a parent or legal guardian, as governed by each State's own law on such issues, before they can receive federally financed contraceptives, treatment of sexually transmitted diseases, or related counseling. Each State legislature can then define the scope of when parental consent is needed or not—just as States do on other parent-child issues.

President Clinton has said "governments don't raise children, but parents do." Yet he and too many others have not supported parental consent regarding title X. If he and others really believe in and trust families, it's time for Government to quite separating our children from their parent's love and guidance, especially on key moral issues such as teenage sex.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this vote will show whether this House lives in a dream world or in the real world. In the real world, not every child can talk to his parents or her parents. In the real world, there are child abusers as parents; there are absentee parents; there are ignorant parents; there are children who as teenagers who are sexually active.

Mr. Chairman, the vote on this amendment will determine whether they get contraception or AIDS; whether they get contraception or have an abortion; whether they get contraception or the back of our hands.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma that would require teens to obtain written parental consent before receiving any services at family planning clinics that receive title X funding. These clinics serve as critical entry points into the health care system for young people where they can obtain the full range of services including general checkups, routine gynecological exams, breast and cervical cancer screening, screening and treatment for sexually transmitted diseases, screening for HIV, and family planning services. Adolescents already tend to underutilize existing health care services. Setting up more barriers to their access to services will only exacerbate this problem.

These clinics strongly encourage their patients to discuss their concerns and cases with their parents. Most minors do bring a parent or responsible elder with them when they seek these vital health care services. Many adolescents feel comfortable and safe speaking with their parents normally and will communicate with them in times of crisis. However, due to a myriad of circumstances, there are many teenagers who feel they cannot discuss such issues with their parents. Eighty-six percent of the teenagers who used title X-funded services for the first time were sexually active long before they entered the clinic. I know there are some who believe that teenagers, faced with reduced access to birth control, would reduce sexual activity. Unfortunately, that's not how the world works. Preventing them from gaining access to vital resources for preventing unwanted pregnancies and the spread of AIDS and other STDs will not change that. There will be more cases of AIDS and more teen pregnancies.

One in every five American youngsters is infected with some form of sexually transmitted disease before the age of 21. The fastest growing population of Americans who have AIDS is among 18–24 years olds. This amendment will increase the number of teenage pregnancies, abortions, and of youth who contract diseases.

This amendment also seriously encroaches on States' rights. It will nullify current laws that exist in 50 of the States that do not require teens to have parental consent for screening and treatment of STD's. It would also nullify laws in 28 States that permit minors to receive pregnancy testing services without consent, and in 24 States that explicitly allow teens to receive family planning services including the distribution of contraceptives. The amendment includes a provision that would allow States to enact new laws after passage of this bill, which would override the Federal requirement. This process is a costly waste of taxpayers' money and States' time when most of these services are time sensitive. These States have already decided this issue yet this amendment would nullify those laws. The majority has consistently fought to minimize large government and return power to the States, yet here it is attempting to overrule long standing State laws.

Enforced parental consent will also disproportionately impact low-income teens who can not afford needed services in private medical offices. The Labor, Health and Human Services, Education bill mandates that priority for family planning services be given to individuals from low-income families, as it should be. This amendment creates a double standard in availability of these services to adolescents. Confidentiality and access to vital services are already protected for those who can afford private health care. However, this amendment would restrict access to these services for those who can not afford private health care.

I encourage my colleagues to vote "no" on this amendment.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding to me.

Under the Istook amendment, teenagers who are too afraid to consult their parents for advice will not get any advice at all. That could cost them their health, their future fertility, even their lives. We need a policy for the real world, not an ideal world.

Oppose the Istook amendment.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, imagine three children. The first child is the child we would all like to raise. The child abstains from sexual behavior long beyond their minority status. The second child makes a mistake and becomes involved sexually and that child has a great relationship with mom and dad, and the world works again as the gentleman from Oklahoma would like it to.

But, Mr. Chairman, there is a third child in the world and that is a lonely child with very poor parents, no communication skills, and the terror of being pregnant or suffering from AIDS. That is the child we need to think of in this vote.

Support the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield the remaining 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I think everybody here wants the same thing for our children. The fact is that we do not know how well this system that we have works. And for the young third child that the gentleman from Pennsylvania [Mr. GREENWOOD] described, we have a problem, there is no question. We have a problem today with the system that we have.

Mr. Chairman, there are some things that we do know about title X. That where less money is spent, there is less pregnancy, there is less sexual activity, there is less sexually transmitted disease, there is less abortion. Where there is more money spent, there is more of each of those.

Mr. Chairman, I do not know what causes that. I do not know whether the cart is before the horse or after the horse. I honestly do not know. We do not know. We are all going based on what we think.

The one thing I do know as a practicing physician is that if a child comes into my clinic, a parent has to sign this permission slip to get a shot, to get a wound closed if the parent is not there, to get any service from me as a physician. I have to have had the parent's permission to do that, with the exception of giving that child sexual activity protection.

Mr. Chairman, the point being we have to work through what the gentleman from Maryland [Mr. GILCHREST] says. If we fail in our responsibility as a parent, should the Government bypass that failure or should we work to reemphasize and replace the responsibility, hard as it may be, on that dysfunctional parent, on that failing family, on that failing parent?

What I say, and what I believe, is that we should work hard to move the responsibility back. Where we fail, let us correct where we are failing. Let us work to solve those problems, but let us not disinvolve the parent in this process.

Mr. Chairman, we cannot do both. Nobody questions the motivations of my colleagues when they think we should do it the other way. I think that they are just as well-intentioned as I am. I do not want the first child to get pregnant out of wedlock.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California, [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, as a mother of four, including a young adult daughter and a preteen daughter, I want my children to seek my advice if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me and their father is based on trust and respect and cannot be mandated by requiring parental consent.

The Istook amendment nullifies the statutes in the 49 States that allow teens to consent for screening and treatment for sexually transmitted diseases. It also nullifies the law in 23 States which explicitly allows teens to consent for family planning services.

This amendment undercuts any pretense of this body in assuring the primacy of States' rights. Mr. Chairman, the Istook amendment jeopardizes health, does nothing to bring parent and child together, and imposes Washington one-size-fits-all views on policies and procedures already decided by a majority of the States.

This is a tough vote, but it is clear to this mother that the right vote is in opposition to the Istook amendment and in support of the Obey substitute, which goes farther in encouraging parental involvement in important health and reproductive questions of our children.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook amendment to the 1997 Labor-HHS Appropriations Act.

Ladies and gentlemen, the proposal which we are discussing right now is one of the most cruel and irresponsible measures taken up by this Congress.

That is saying a lot, since this Congress should get the Olympic gold medal for cruel and irresponsible measures.

The Istook amendment will require teenagers to obtain parental consent for any title 10 services, including treatment for sexually transmitted diseases, pregnancy testing, or basic gynecological health care.

At first glance, that may seem benign. I'm a parent, most of our fellow colleagues are parents. Of course we want to be involved in our adolescent children's lives. Let's just say we're all for family unity, and get that argument over with now.

But the Istook amendment isn't benign, it is not about family unity. Indeed, the Istook amendment is a killer.

If passed, this proposal would prevent many young adults from receiving reproductive health care—care that could save their lives, care that could prevent abortions, care that could stop the spread of sexually transmitted diseases.

If passed, the Istook amendment would result in an enormous amount of misery for young women and young men. Young people who are just starting out and who may not have a sympathetic adult to turn to.

To me, that is unconscionable. But, I'm pleased to let you know that I'm not alone in my sentiment. I'm in good company. Listen to what the American Medical Association has to say about this proposal:

> The A.M.A. opposes regulations that require parental notification . . . since it would create a breach of confidentiality in the physician-patient relationship.

And this is what the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists have to say about the Istook amendment:

> Parental consent or notification provisions would be counter productive to the ongoing efforts of physicians and the Congress to prevent [unintended pregnancies and sexually transmitted diseases] among the Nation's young people.

These are the experts, folks. These are doctors, and they know what they are talking about.

I would also like to say, if one of your goals is to reduce the number of abortions, and if one of your goals is to cut the welfare rolls, you must vote against the Istook amendment.

Please remember, you will be asked to vote for a welfare bill in a few weeks which would drastically cut benefits to welfare recipients and their children.

Title 10 family planning programs prevent women from dropping out of the work force due to unwanted pregnancies. Title 10 family planning programs prevent welfare dependency.

I urge everyone in this Chamber to defeat the amendment. Prevent unwanted pregnancies which cause welfare dependency.

Do the right thing. Vote "no" on the Istook amendment. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

Mr. CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, is it correct that no vote is taken at this time on the underlying amendment because first the substitute must be disposed of then, after a recorded vote and after the disposition of the substitute, there will be the disposition of the underlying amendment on which we have been debating?

The CHAIRMAN. The gentleman states the situation correctly.

Mr. ISTOOK. I thank the Chairman.

AMENDMENT NO. 28 OFFERED BY MR. MCINTOSH

Mr. McINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Mr. Clark will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 28 offered by Mr. MCINTOSH: Page 87, after line 14, insert the following new section:
>
> SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expand such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. MCINTOSH] and a Member opposed will each control 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Indiana [Mr. MCINTOSH].

Mr. McINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, next to me here I have got a blowup of the weather map for today. The yellow spots indicate the 70 degrees, the orange is the 80 degrees, and the red is the 90-degree temperatures. This is a relatively mild day this summer, but as we can see, much of our country is covered in 80- and 90-degree heat.

But I am not here to give a weather report, Mr. Chairman. I am here to talk about an important issue that I would like to raise in this bill which we have tried to resolve with OSHA, the Occupational Safety and Health Agency, and it has to do with their requirement that inadvertently, I believe, but nonetheless has the effect of requiring our paving crews, men and women who are working to build roads throughout America in this mid-summer heat, to wear long pants and long shirts.

Mr. Chairman, I want to read a quote from one of those men who works in a road project in my district, Roger Overby, who said, "Personally, I don't like the government telling me how to dress."

Every day this summer he and the other members of his road crew have been working hard on various projects in my district, and as it gets hot they have been asking whether they could wear shorts to work when they show up on these very hot days in the road crew. Unfortunately, this OSHA regulation has been interpreted in an inflexible manner rather than a commonsense manner to say that they must wear long pants and long sleeve shirts. The bureaucrats back in Washington, where it is air conditioned, may not worry about the effects of having to work outside in 100-degree heat, but I think it is time we listened to the workers who tell us they think they can handle this job safely in shorts and short sleeved shirts.

It is the intent of my amendment to allow the workers to notify their employers and OSHA of conditions where they feel the risk of heat exhaustion is greater than any risk they may have from handling the asphalt, and in that case the rules and regulations under OSHA's current standards, section 1926.28, would not require them to wear those long pants and those long-sleeved shirts.

Let me give a little background. Mr. Chairman. Last summer a company in my district, E&B Paving, was fined for allowing their workers to wear shorts on the job when temperatures exceeded 100 degrees. As a result the company now has a rule that they must always wear long pants and long-sleeved shirts.

Mr. Chairman, I want to read a couple of quotes from the workers. "I've laid asphalt for 20 years and I can tell you this is common sense. The temperatures are so hot, we would be able to decide for ourselves what we want to wear. Personally, I don't like the government telling me how to dress." Roger Overby.

"It is just overbearing. We need ventilation or we might have heat stroke. All we're asking for is a choice." Dennis Benefiel, E&B Paving Crew foreman.

"Sometimes the heat is well over 100 degrees and we actually had guys so hot because they are wearing long pants, they had to stop working and sit down in the shade in recover." That is from Ron Richmond who is a grade foreman.

My amendment, Mr. Chairman, is one that is very simple. It simply says that we are going to give the workers a choice that they can wear shorts this summer and in the future when they are working in the 90- and 100-degree heat to make our roads the best roads in the world.

The long and the short of it, Mr. Chairman, is let us give the road workers a break.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we accept the amendment.

Mr. McINTOSH. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order and seek the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. Let me simply say I am of a mixed mind on this amendment. The gentleman and I had a conversation earlier today, as he knows, and I indicated at that time that because he had described his amendment to me as being one which made clear that this was a matter of choice for workers, I told him I thought I would have no objection. The language is somewhat different than I had expected. I would have no problem accepting the amendment, provided that we understand that in conference I want to make sure of two things.

No. 1, that the language is sufficiently clear so that we know that it is a worker choice being exercised here. And second, I would simply note that when asphalt is being used on road surfaces, I am told that its temperature can exceed 300 degrees, and it can cause severe burns when it sticks to skin. So I reserve the right in conference to make certain that if workers are making a choice, it will be an informed one.

But having said that, I would withdraw my objection and accept the amendment.

□ 2215

Mr. McINTOSH. Mr. Chairman, I welcome the opportunity to work with the ranking member to address those concerns and conform the language to reflect exactly those concerns, because I think they are exactly what we are intending to do with this amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the McIntosh amendment. This is a classic case of regulations gone haywire. Since when does the Federal Government get into the business of prescribing a dress code for a private company? How can an agency enforce such a regulation with a straight face.

We should give workers enough credit to let them decide what is appropriate dress to conduct their jobs. Contrary to what some bureaucrats may believe, the Federal Government does not always know best. As Roger Overbey, an equipment operator for a paving company in Indiana stated, "They don't think we have common sense. Personally, I don't like the government telling me how to dress."

I don't like it either. Federal bureaucrats in Washington, sitting in air conditioned rooms, should not be allowed to fine companies that try to keep their employees from getting heat stroke by giving them discretion to decide what they feel most safe and comfortable wearing to do their jobs.

The Federal Government may be Uncle Sam, but in this case it is the Wicked Stepmother. I urge a yes vote on the McIntosh amendment.

Mr. CLAY. Mr. Chairman, I must oppose the McIntosh amendment.

This amendment is a ridiculous exercise in micromanagement. The amendment supposedly attempts to prevent a Federal agency, the Occupational Safety and Health Administration, from enforcing a requirement that doesn't really exist, all because a State agency, in the sponsor's home State, levied a fine against a construction firm.

The paving contractor involved had allowed an employee to be exposed to hot paving material with no protective equipment for the employee's legs and feet. As a result, the contractor was fined by the State of Indiana OSHA.

In response, this silly amendment tries to prevent Federal OSHA from enforcing a regulation that supposedly requires workers to wear long pants in very hot weather.

But let's look at the relevant OSHA regulation. It doesn't require workers to wear long pants. Rather, all the regulation says is that the "employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where * * * [there is] the need for using such equipment to reduce the hazards to the employees."

Obviously, there are times when long pants are appropriate for safety purposes. For example, the National Institute for Occupational Safety and Health says that, because of the large risk of severe burns, workers who pour hot asphalt should wear long pants.

This amendment is a waste of the House's time. Since the State of Indiana OSHA fined the paving contractor, the gentleman should propose this amendment in the Indiana legislature, not here in the Congress.

This amendment should be defeated.

Mr. McINTOSH. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. McINTOSH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed, will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

The amendment that I propose at this point should not be necessary. It deals with something that is so obviously commonsensical that it is surprising that we need to address it but we do.

Here is the example. There are many others, but this is the illustration I would like to use. Illegal aliens come to the United States, violating our immigration laws, are hired by an employer. After several months, some of those illegal alien employees who are here in violation of our law engage in union activity. The employer fires them because they were engaging in union activity. That employer violates the National Labor Relations Act.

A few months pass, and the National Labor Relations Board holds that it was indeed a violation of the National Labor Relations Act to fire those employees whether they were legal or illegally in the United States because they were engaged in union activity.

So far, the story is common and not particularly surprising. But now it turns so. The National Labor Relations Board, as an example of what is done in other agencies as well but in this particular example, orders the employer to pay the salaries for these people who should not have been here in the first place from the time that they were fired to the time that they are ordered reinstated.

The Board has got a problem. It cannot order illegal aliens to be reinstated because they are not legally here. Nevertheless, it orders that a paycheck go from the employer to these employees who should not have been here for the period of time they were not working from the time they were fired to the time of the finding by the National Labor Relations Board.

Can we imagine anything sending a more mixed signal about America's immigration policy than a letter coming from a Federal Government agency, enclosing a check from an employer to a citizen of another country addressed to that citizen of that other country in that other country with a paycheck for the time that they were not actually even working in the United States when they should not even have been in the United States?

That is the situation I am dealing with in this amendment. Let me be clear what I am not dealing with. I am not dealing with an unscrupulous employer although in this instance there are two kinds of being unscrupulous, unscrupulous employer who did not pay at all for the hours worked. That would be subject to State law, not subject to Federal law.

What we are dealing with here is only when the employee is fired by the employer for a reason that violates Federal law and the remedy normally is reinstatement plus backpay during the period of time you are out of work, but it simply should not include backpay when the person had no right to be here in the first place. That is the situation before us.

This issue came to the U.S. Supreme Court in 1984. Justice O'Connor writing for the majority in the Sure-Tan opinion said as follows:

> In computing backpay, the employees must be deemed "unavailable" for work, and the accrual of backpay therefore tolled, during any period when they were not lawfully entitled to be present and employed in the United States.

That is very clear statement of the law by the Supreme Court of the United States. We would think that would have settled it. It did not. Circuit courts have split in interpreting exactly that phrase, even though to me it is really quite clear.

So today we must clarify what is the intent of Congress. Should an employer who violates the labor law be cited by the National Labor Relations Board? Yes, of course. Should that employer be subject to a finding of illegality? The entry of an order and contempt citations for violating that order? Yes, of course.

But should that employer be forced to give backpay, to give pay to persons who did not work during the time calculated for this backpay when they should not even have been in the United States? Well, some say yes. What is their point of view. Why do they reach that conclusion?

The answer is in order to vindicate the purposes of the Federal statute, to punish the employer. I understand. But it seems to me that you must balance the other interests, namely in the immigration laws of the United States. Because to order an employer to pay somebody who is not working but had been discharged from work at a time when that person was not even legally in the country is to ask the employer to violate the immigration laws of the United States, to pay them when they should not have been here, when it would have been an illegal act for that employer to have hired them.

It is an absurdity which should be corrected. So how do we punish the employer? Well, other Federal statutes carry with them their own fines and penalties. The reason why this became an issue is that the National Labor Relations Act does not carry with it a fine unless an employer is ordered not to engage in particular conduct and then violates that order and then contempt citation is available. That still is a remedy available under the act.

In giving weight only to the vindication of the Labor Act, the decision in this particular case and others like it ignore the equally important, and in this area obviously ignored position is of immigration, that we are giving people an incentive, a welcome, a point of view that is inconsistent with their being here illegally.

The other argument raised in favor of this policy is, well, employers will be tempted to exploit illegal aliens. But let me go through exactly how fallacious that argument is. Nothing in this amendment takes away the obligation under State law for an employer to pay an employee for the time that that employee works. That is settled. That is not an issue in Federal law.

It is hard to believe that an illegal employee coming to the United States is drawn to do so by the prospect of receiving backpay for a period of time when they had been fired from their job in violation of the Federal Labor Relations Act. Surely, no illegal immigrant to this country is coming anticipating such backpay.

Is it a possibility that an employer will exploit an employee who is here illegally? Yes, of course that is. So we need to sanction the illegal employment of persons who have no right to be in this country. We do that directly under IRCA and under Simpson-Mazzoli, and we do that under other Federal statutes as well. That is the way to deter the hiring of the illegal.

Think of the attraction given to an illegal immigrant to our country. Think of the undermining of the policy of protecting our border by a message from the Federal government including in it a paycheck received during a time that employee had no right to be here.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I do not want to see illegal aliens in this country. I want our laws enforced. I do not want illegals to undercut the pay of U.S. workers. There is enough of that going on already. But I frankly am not at all sure that I like the idea of their getting backpay or any other pay. But it would seem to me that unless a provision is created by this amendment that would require such pay instead of going to illegal aliens to go into the Treasury of the United States, then the amendment is deficient and would create an incentive for employers to fire or threaten to fire immigrants and to encourage immigrants to illegally work lest they be exposed by their employers.

It is bad enough for employers to hire workers who they know are illegals. But for them to take advantage of illegal aliens, pay them wages which are either substandard or denied at all in the end is to turn substandard wage workers into slaves. That would be even worse.

So I would simply suggest that, while the amendment may have a good intention, I do believe that it would have the effect of enabling some unscrupulous importers of illegal aliens to be able to avoid their legal responsibilities and to undercut American wages of American workers in the process.

I suspect this amendment is going to be accepted by the committee on the majority side, and there is not much I can do about that. But I will certainly, I want the gentleman to know, work in conference to try to correct the deficiencies that I see in this amendment because right now I honestly do believe that, despite the gentleman's best intentions, it does create loopholes for unscrupulous employers.

I do not believe by any means that scrupulous employers would take advantage of that loophole. But laws are not made for people for whom we have great expectation of compliance. Laws are made because we recognize that there are persons who are always looking to avoid compliance. So I express great caution to the House and reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I want to thank my friend and colleague from California for his very thoughtful approach to this. I must say that I disagree with his interpretation of that Supreme Court decision in the Sure-Tan case, which he cites, and say that the NLRB, the National Labor Relations Board, in its decision, I believe, was eminently correct in saying that backpay for anyone who is employed is appropriate because in this particular instance what the NLRB was trying to say is we must protect the provisions of the NLRA, National Labor Relations Act, which are trying to preserve rights for employees.

I would say to my friend that what we are really talking about is the fact that in this particular case at issue which caused the gentleman some concern and the case of Sure-Tan, what we have is a case where employees would have been paid for work which would have been performed but for the illegal, the unlawful firing by the employers of these particular individuals. That is why the NLRB decided that it was absolutely appropriate for backpay to be issued because, but for the unlawful activity of the employers, there would have been pay provided to these employees.

Now, we get to the next issue of, well, these individuals as employees were here without documentation and may not have been authorized to work. What the court has said, and I believe if we look to the case in the 9th circuit, I think it was the Filbro case, and I will try to get the specific citation in a second. What the 9th circuit said was that in fact the Supreme Court in the Sure-Tan case cited by the gentleman from California, the Supreme Court did not say that you should not award any type of backpay to someone who is undocumented.

□ 2230

But what you should do is make sure it is based on the status of the employee had it not been for the unlawful conduct of the employer. So had that employee been working but for the unlawful firing by the employer, then in that case if would be under the NLRA entitled to back pay as that particular employee.

What my colleagues would have, if they allow the gentleman's amendment to pass, is a case where they punish the employee for the employer's unlawful firing, and they do nothing to the employer. They let the employer escape all punishment for having committed an illegal act.

Sure-Tan, I would submit, is prospective; it is not retrospective as the gentleman from California, I would allege, is trying to make it. And for those reasons I would urge people to vote against this particular amendment.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 4 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

I agree that we should not allow people who are here illegally, want to be here illegally, and I voted for even tougher enforcement, but I am concerned about unjust enrichment of unscrupulous employers, and it does seem to have disincentive to have the incentive—many of these people employing people are here illegally know that they were here illegally, and they will have the incentive, it seems to me, to disregard, when they knew they had some illegal employees, the Labor Relations Act. And the problem is, the gentleman has made clear, the gentleman from California, the Labor Relations Act was decided to be one where the sanction included back pay. There is no fine in cases in part because it is back pay.

Therefore, I would be opposed to removing the current sanction without imposing another one. And I understand we have got some legislative difficulties, but the gentleman's party controls the agenda; why not bring a bill out that addresses this? Because what we are doing here is, by penalizing the illegal alien, which ought to be done, they are unjustly enriching an unscrupulous employer, indeed in some cases a twice unscrupulous employer, because they are talking now by definition about providing some monetary benefit to an employer who has, one, employed people who are here illegally, maybe knowingly, and, two, violated the labor laws.

So I would ask the gentleman, why not at the same time try to substitute some alternative sanction?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I think the gentleman's analysis and that of our colleague from Wisconsin is correct. I think that the optimal way to solve this problem is to have a fine upon the employer equal to the amount of the back pay that would otherwise be due to the employees but as to which the employees are not eligible because they have no right to be in the country. That way we would achieve both the deterrent effect regarding the employers' violation of law and yet not give enrichment to the employee.

Mr. FRANK of Massachusetts. I agree. Why do we not do that?

Mr. CAMPBELL. If the gentleman continues to yield, I cannot do that under this appropriation bill. What I can do, what I am doing and what I have offered publicly and repeat in a conversation I have had earlier tonight——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. Will the gentleman give us 30 more seconds of his time to continue this?

Mr. CAMPBELL. Might I inquire how much time I have?

The CHAIRMAN. The gentleman from California has 2 minutes remaining and the gentleman from Wisconsin has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield 15 seconds to me?

Mr. CAMPBELL. I yield 15 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, as the gentleman knows, we can do a lot. I mean we could have gone to the Committee on Rules. I have seen broader gaps created by the Committee on Rules to allow legislation than this one.

So I know the gentleman is sincere, but I would hope, and my colleague knows that the conference committees can do a lot, so I would hope out of a sense of decency the gentleman would follow through and that we would, in fact, substitute a sanction before this bill is through.

Mr. CAMPBELL. Mr. Chairman, is it correct that I do not close; the other side closes?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, we would accept the amendment with the understanding that we would work this out in conference.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time to close.

I think the correct answer is the one we have discussed tonight. I would like to move toward that.

My guess is it ought to be done through authorizing legislation, but by passing this appropriation provision I have the opportunity to bargain for that correct outcome.

I conclude simply by reading first of all a word of compliment.

Mr. FRANK of Massachusetts. Bargain collectively?

Mr. CAMPBELL. I believe in everyone's right to bargain collectively and their right to choose not to be represented by a union as well. And I would conclude with a word of compliment to my colleague from California who has graduated from a superb law school and whose excellence in legal training is demonstrated by his debating me tonight. My colleague from Massachusetts regrettably did not attend as well the law school. He attended the same law school I did, indeed 2 years behind me. But enough on that.

Let me close with a quotation with which I began. The Supreme Court Justice O'Connor, I believe, stated it correctly when she said in computing back pay the employees must be deemed unavailable for work and the accrual of back pay therefore told during any period when they were not lawfully entitled to be present and employed in the United States, end quote.

It seems to me so simple, so obvious, that to rule otherwise is to send a very confused message and to undermine the Immigration and Naturalization Act.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 2 minutes remaining. The Chair would hope that the gentleman uses his full 2 minutes because the Chair has enjoyed this introduction to law school.

Mr. OBEY. Mr. Chairman, I must confess that I am not a lawyer, and that is the first time in the week I have had any applause from that side of the aisle. Keep it coming.

I yield myself the balance of the time.

Let me simply say, Mr. Chairman, that I do believe that the way to deal with this is in the authorization process. I think that if this amendment were adopted into law in its present form, it would in fact create perverse incentives which would have the effect of encouraging illegal immigration, and that is why I do not personally want to accept it at this moment.

However, I understand that the majority is going to accept it. I will not press the point. I will simply say that we must work this out so that we can avoid a situation in which employers will wind up benefiting from their ability to break the law, and with that I would yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, having listened to the debate, I wonder if the chairman would summarize the difference between the Sure-Tan case and the Felbro case.

The CHAIRMAN. The Chair believes the gentleman has not stated an appropriate parliamentary inquiry.

The Chair will put the question, however, on the amendment from the gentleman from California.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 15, insert the following:

TITLE IV—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TILE.

This title may be cited as the "Head Start Choice Demonstration Act of 1996".

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(A) such children receiving preschool certificates under this title: and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title.

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term "eligible child" means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term "eligible entity' means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term "evaluating agency" means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term "Head Start Choice Preschool" means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term "Head Start demonstration project" means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(8) the term "preschool" means an entity that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term "Secretary" means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida [Mr. MICA] and a Member opposed will each control 2½ minutes.

Mr. PORTER. Mr. Chairman, I would reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, likewise I would also reserve a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. It does, however, create some problems because it creates a new title in the bill and actually some new authorization and will be called out of order, but I think it is important that we offer this amendment.

I am a strong supporter of Head Start, and Head Start should give our least advantaged children a head start in their education. The way I got involved in this is in a simple manner. One of the Head Start programs in central Florida, one of the parents who was involved in it came to me and said the Head Start program is not running well, it is disorganized, and they are spending a lot of money.

So I started looking into it to answer some of the constituents' complaints and concerns about how a child was faring in this program, and I really was startled to find that in a Head Start program in central Florida that serves two counties, that in fact we spend a total of $7,325 per student; that is local cost, that when one thinks the children had a head start with a certified teacher, that in fact there are 25 teachers in the program and 25 aides, not one certified teacher, and yet the program has almost 25 administrators for the program.

Now, the administrators in this program earn from about $20,000 to $50,000. The uncertified teachers make from $12,000 to about $16,000. And I thought it was time that we brought some of this administrative overhead to a halt and started concentrating on the quality of education in these programs so indeed we give our children a head start.

So that is the purpose of my amendment. It would create a demonstration program that would allow us to in fact have a Head Start program without all of this overhead, without all of this administrative cost, without all of this bureaucracy.

So it is a simple amendment. It takes Head Start. It allows Head Start, on a demonstration project basis, to proceed without the high administrative costs and overhead, and hopefully it can meet the intent of Head Start, which is to give our children a quality education.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. PORTER. If the gentleman is going to withdraw his amendment, I would not insist on it, no.

Mr. MICA. Mr. Chairman, in fairness to the gentleman and thankful for his cooperation earlier on another amendment, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. MICA] is withdrawn.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. COBURN] control the 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask for the opposition time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] will control 5 minutes in opposition.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would first of all like to thank the committee Chair and the subcommittee chairman for their hard work to reduce spending. I do appreciate the hard work that they have put into this. This is a difficult challenge.

Just to restate what this is all about, this once again is the amendment to take 1.9 percent across the board from all of the discretionary spending in the remaining bills, and the reason of course is when we passed our budget conference committee report a few weeks ago, people on the other side of the aisle and frankly some of the people on our side of the aisle criticized us because we were allowing spending to go up. And in fact the deficit is going to go up this year contrary to what we were told last year.

So some of us got together, some of us freshmen, and decided that we were going to offer a 1.9 percent reduction on every bill that was remaining in terms of the appropriation bills to recover the $4.1 billion.

This is about keeping the faith, this is about keeping our promises, this is about restoring the American dream for our children, and if we are not willing, Mr. Chairman, to reduce this small amount of expenditure, this 1.9 percent, how is it that we can look at our constituents and particularly the children in our districts and say that we are going to be able to make $47 billion worth of cuts in just a couple of years?

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I think a journey of a thousand leagues begins with a single step. This is a very small step. It is a very small price to pay, but I think if we are willing to make these small sacrifices along the way, then ultimately we can balance the budget, we can secure a good future for our children. This is one small step.

I might add, Mr. Chairman, this 1.9 percent across-the-board reduction will reduce only $1.2 billion of the $66 billion in discretionary spending. This is only one-half of the increase over last year.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment may sound reasonable. I have to say to the gentleman from Minnesota and the gentleman from Oklahoma that I was actively supporting such amendments when the now minority party was in the majority. The difference, of course, was that their budgets were always going up. Ours have been going down. This bill, last year, cut $9 billion and carried 40 percent of the discretionary spending cuts that were enacted in the House.

And yes, the Senate and the President of the United States insisted on putting about half of that back in, so the final cut was only about $4.5 billion, but that is a very substantial contribution to deficit reduction.

This year we cut the salary and expense account by 2% on virtually every program and department and agency in the bill. The gentleman is proposing to cut roughly the same amount. The Committee bill essentially provides level funding. The gentleman's amendment would cut some of the real priorities in this bill that our side very strongly supports.

Job Corps, an excellent program; it would cut it by $21 million. The total JTPA, it would be cut by $75 million; health centers, $15 million; health professions, about $7 million; Ryan White, $15 million; the maternal and child health block grant, $12 million; Centers for Disease Control and Prevention, a very high priority, $41 million.

NIH would be cut by over $240 million. This institution is one of the highest priorities for Federal spending. The gentleman's amendment would cut cancer research in the National Cancer Institute $45 million; refugee and entrance assistance, by about $8 million; the social services block grant, that we just raised by $100 million, would be cut by $47 million; education for the disadvantaged, (title I) $127 million; special education, that the chairman of our committee came and said was such a high priority, and I agree with him, by almost $62 million.

I cannot accept the amendment because we have already made the cuts. We have already done what the gentleman is attempting to achieve. Once again, we would emphasize as appropriators, we cannot balance the budget by cutting just discretionary spending. What we must aim at is cutting the rate of increase in the entitlement programs, if we are ever going to get this budget into balance.

Mr. Chairman, I reserve the balance of my time.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to the Labor-HHS-Education appropriations bill.

Mr. Chairman, the message was clear when I ran for the House of Representatives, the message was clear when we considered last year's appropriations bills, the message was clear when we passed this year's budget resolution, and the message is still clear as we consider the amendment before us: Washington spends too much of someone else's money.

Many of those someone elses are the hardworking men and women in southwest Indiana who sent me here to stand up and say no. They sent me here to say no to overtaxing families. They sent me here to say no to burdensome regulations that extinguish any spark of entrepreneurial spirit. They sent me here to say no to runaway government spending, which is why I stand before this body today.

It is a simple fact of life that someone is going to have to pay for our failure to act responsibly. Do not be misled. This 1.9 percent solution is nowhere near the answer to our budget woes. This simply will get us back to where we were a few short weeks ago. I ask for support of the amendment.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue here is not whether or not our appropriations committees have done a good job. We think they have. The issue is that the national debt is rising by $600 million every day. What this amendment is talking about is saving two pennies, two pennies for our children, two pennies for our grandchildren, three days' worth of the rise in the debt. That is all we are talking about saving.

If we were going to go into a crisis situation where we were forced economically to make the decisions that are necessary to put our budget in balance, we would all agree that there would be efficiencies that could be gleaned that we are not gleaning at this time. There would be things we could accomplish that we are not.

The chairman of the committee said we essentially had a flat budget for Labor-HHS. I would respectfully disagree. Mr. Chairman, the point I would make is that a $2.5 billion increase in this appropriation bill is not seen as a flat budget by most of the people in the United States. What we are asking is that 1.9 percent, two pennies in savings, be accomplished. We can accomplish it through efficiency. It can be accomplished through flexibility and efficiency. The fact that we do not attempt to do that speaks poorly of us as a body.

Mr. Chairman, I would say this bill appropriates $65.7 billion in discretionary spending. The spending for the bill, including all the entitlements, is $285 billion. That portion of entitlements this does not affect. It does not change. I agree with the chairman that they have done a good job and that we need to control entitlement spending.

The fact is this House, this body, this administration, has not controlled entitlement spending. So what else are we to do to protect our children, to preserve the opportunity for the future? Two percent, 2 pennies in efficiency, our children are worth that, our seniors are worth that, the entire country is worth that. I would ask the body to consider saving two pennies for our children and grandchildren.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin [Mr. OBEY.]

Mr. OBEY. Mr. Chairman, I would simply say that the subcommittee chairman has already indicated why we should oppose this amendment. I do not know many of my constituents who are asking that we cut this bill, this bill's Cancer Institute funding, by $45 million; or that we cut our efforts to combat heart disease by $27 million; or that we cut our child care efforts by $18 million, especially in the midst of efforts to provide welfare reform; or that we cut Head Start by $68 million; or that we cut vocational education by $20 million; or that we cut the Federal work-study program, where students work for the assistance they get to go to college, by $13 million.

The preventive health services block grant, there is not a politician in this House who does not go home and repeat the mantra, "We must engage in preventative health care." This amendment would cut the preventive health service block grant by $3 million. I think the chairman has already adequately summarized why this amendment is ill-advised. I do not think the country wants us to provide billions of dollars in the purchase of new fighter aircraft that we do not need to buy until 7 years from now at the same time that we are even further reducing the efforts to help our children get a good education and our workers get the best training in the world.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

PRIVILEGED MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moves that the Committee do now rise with a recommendation that the enacting clause be stricken from the bill.

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin, Mr. OBEY, the ranking member on the committee, to ask him a question, a very simple question.

In looking at the amendment that he offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the parental involvement and makes it essentially a sense of the Congress, in looking at the language that has been given to us, at the top of it it has, from Planned Parenthood, their ID number, and it is a faxed copy of the language, apparently, and this is what I hope the gentleman will clarify, right from Planned Parenthood.

In title V, section 503, the legislation reads: "No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress."

Mr. Chairman, this may be in error, but we have from the gentleman's staff a copy of the language of the bill, and it has, from Planned Parenthood, their ID number, which suggests to this Member, and I hope the gentleman will clarify this, that this language was written and then tendered and offered to this Congress, written by Planned Parenthood. Is that the case?

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin [Mr. OBEY], the ranking member on the committee.

I am holding in my hand the amendment that Mr. OBEY offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the real and tangible parental involvement provisions of Istook and makes it essentially a sense of the Congress. In looking at the actual page of text that was given to staff the amendment offered at the top of the page one immediately notices that it is a fax from Planned Parenthood. The question arises as to what role Planned Parenthood had in drafting the language. I hope the gentleman will shed light on this. Again, the top of the page reads as follows: From Planned Parenthood ID 202–293-4349. The Obey language then follows. Title V, section 503 of the labor HHS bill: "No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress." Mr. Chairman Planned Parenthood gets tens of million of dollars from title X—so its a fair question as to whether or not they are drafting amendments for themselves.

Mr. Chairman, there may be a satisfactory explanation for this but we have from the gentleman's staff a copy of the language of the bill, and it has "From Planned Parenthood," and their ID number, which suggests to this Member, and I hope the gentleman will clarify whether or not this language was written and offered to this Congress, by and for Planned Parenthood. Is that the case?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, that is absolute, total nonsense and baloney. I absolutely totally resent the implication. Anyone who knows me knows I have been around here long enough to write my own amendments. I wrote this amendment in the full committee. I discussed it then. If the gentleman has a copy of something from Planned Parenthood, it is because they got a copy of the amendment and faxed it to somebody else, and the gentleman ought to know better than to even ask that question.

Mr. SMITH of New Jersey. Mr. Chairman, I am asking the question, they had no influence in writing this legislation?

Mr. SMITH of New Jersey. Mr. Chairman let the RECORD show that this page of text with "From Planned Parenthood" came from your staff. It is clearly a fair question as to who wrote this amendment? Did Planned Parenthood influence the text?

Mr. OBEY. You are asking what?

Mr. SMITH of New Jersey. I ask the gentleman, did they write the amendment?

Mr. OBEY. I wrote the legislation, every word of that.

Mr. SMITH of New Jersey. I appreciate that clarification, Mr. Chairman. We know they lobby and they do write legislation that ends up on this floor.

Mr. SMITH of New Jersey. I appreciate that explanation, Mr. OBEY. It's still a mystery as to how the language disseminated by your staff to ours ended up as a fax from Planned Parenthood.

Mr. OBEY. I do not write legislation for any lobbyist.

The CHAIRMAN. Does any Member seek time in opposition to the motion?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in opposition.

Mr. OBEY. Mr. Chairman, I find the comment ironic, because for the last 2 weeks Planned Parenthood has been lobbying against my amendment, and only after they reached the rational conclusion that they could not win by following their own whim did they finally reluctantly come in behind my amendment and support it.

I have spent many an hour trying to persuade people that my amendment should be offered in order to demonstrate respect for the idea that we ought to support consultation with parents any time you have teenagers involved. The gentleman very well knows that for the first 10 days, Planned Parenthood was opposing my amendment, and only in the last day and a half did they agree to support it.

I would say that is about 10 days late, but I would rather have their support late than not have it at all, because I deeply believe that there is an obligation on the part of all of us, no matter what side of the issue we stand on, to try to work together to find common ground, rather than to always try to find ways to exploit differences. That is why I offered the amendment in the first place. That is why we had bipartisan support for it, because we were trying to demonstrate strong and sincere respect for the idea that parents ought to be consulted whenever possible.

I have worked with the gentleman time and time again trying to work out language on these touchy amendments, and the gentleman knows better than to even raise that kind of a question.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH].

The motion was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on these amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentleman from Colorado [Mr. HEFLEY]; amendment No. 12 offered by the gentleman from Vermont [Mr. SANDERS]; amendment No. 5 offered by the gentlewoman from New York [Mrs. LOWEY]; the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; and amendment No. 23 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

□ 2300

The Chair will reduce to 5 minutes the time from any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 9, as follows:

[Roll No. 305]

AYES—205

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich
English
Everett
Ewing
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff
Zimmer

NOES—219

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 2322

Messrs. MILLER of California, GEJDENSON, KENNEDY of Rhode Island, BERMAN, and KLECZKA changed their vote from "aye" to "no."

Messrs. EVERETT, THOMAS, HOEKSTRA, CALLAHAN, and HILLEARY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 11, as follows:

[Roll No. 306]

AYES—180

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
Deal
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frost
Furse
Gephardt
Gordon
Green (TX)
Gutierrez
Gutknecht
Hamilton
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hoke
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCrery
McDermott
McHale
McKinney
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—242

Allard
Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
Martini
McCarthy
McCollum
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Dunn
Gibbons
Gilman
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

□ 2381

Mr. DE LA GARZA changed his vote from "no" to "aye."

Messrs. EHRLICH, MEEHAN, and PETE GEREN of Texas changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offerd by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 307]

AYES—167

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Zimmer

NOES—256

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

□ 2338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on rollcall vote 307 I was unavoidably detained. had I been present, I would have voted "aye." I would have voted "aye" on the Pelosi amendment.

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 13, as follows:

[Roll No. 308]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bateman
Blute
Collins (IL)
Dunn
Gibbons
Greenwood
Hall (OH)
Hayes
Lincoln
McDade
Torkildsen
Yates
Young (FL)

□ 2346

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, I inadvertantly missed rollcall vote 308 on July 11, 1996. I would like to note for the record that I would have voted "nay."

AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 3, not voting 9, as follows:

[Roll No. 309]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)

Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOES—3

Beilenson
Houghton
Johnston

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

☐ 2353

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 193, not voting 9, as follows:

[Roll No. 310]

AYES—232

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cubin
Cummings
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gingrich
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Zeliff
Zimmer

NOES—193

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Ortiz
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0000

Mr. BONO changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The majority paging system is inoperative. Members should not rely on them for announcing votes.

This is a 5-minute vote.

This vote was taken by electronic device, and there were—ayes 421, noes 0, answered "present" 2, not voting 10, as follows:

[Roll No. 311]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Forbes
Souder

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Smith (NJ)
Yates
Young (FL)

□ 0007

Mr. MORAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 313, not voting 9, as follows:

[Roll No. 312]

AYES—111

Allard
Archer
Bachus
Baker (CA)
Barr
Barton
Bilbray
Brownback
Bunning
Burton
Campbell
Chabot
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Doolittle
Dornan
Dreier
Duncan
Ewing
Fields (TX)
Funderburk
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefley
Herger
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
LaHood
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Manzullo
McInnis
McIntosh
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Parker
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Solomon
Souder
Spence
Stockman
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)

NOES—313

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)

Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
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Quinn
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Richardson
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Rogers
Ros-Lehtinen
Rose
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Sanders
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Saxton
Schiff
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Scott
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Smith (NJ)
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Towns
Traficant
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Walsh
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Watt (NC)
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Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0014

Mr. BARCIA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment offered by Mr. KENNEDY of Massachusetts. The measure would strike the provision in the bill that prohibits the National Institutes of Health from awarding grants under the Small Business Innovation Research Program unless the median grant score of the pool of these grants is equal to or better than that of investigator-initiated research project grants.

The provision as contained in the bill is unfair to small businesses. The small business segment of the U.S. economy produces the largest number of jobs and carries the country through good times and bad.

The variance in scores among these two very different types of grants should be expected as they have a different type of focus and purpose. Research project grants are intended to perform basic research in order to expand, enhance, and gain new knowledge. Small business innovation grants are for the purpose of developing products and for the commercialization of these products.

These two types of grants are very different. We must realize that in its current form the bill is mixing of apples and oranges. I understand from the small business community who competes for these grants, that at present, SBIR grant reviewers who are more experienced in basic research than in product development. If this is the case, SBIR grantees are being treated unfairly. To quote one of the small businesses in my district, "by requiring that the SBIR's have an equivalent or better median score to RO1's is like failing all oranges as fruit because they are not red enough or crispy enough for the apple inspectors."

Mr. Chairman, while the bill has brought critical attention to this important situation, pointing to the need to fix the program, we do not need to break it, to fix it as the bill would do in its current form. I urge my colleagues to be fair to small businesses. Vote "yes" on the Kennedy amendment.

Mr. HORN. Mr. Chairman, I rise today in support of H.R. 3755, particularly the provision in title I, section 105 which requires that no funds of the Department of Labor shall be disbursed "without the approval of the Department's Chief Financial Officer or his delegatee." The purpose of the provision is to ensure that the Chief Financial Officer has the authority necessary to oversee the finances of the Department in order to ensure fiscal accountability.

The Chief Financial Officer Act of 1990 is one of the most important pieces of legislation we have to ensure that the Federal Government adheres to effective financial management practices. The CFO Act demands that agencies get their financial affairs in order, that they prepare financial statements that can be independently audited, and that these financial statements receive a clean bill of health, that is, an unqualified opinion, from the auditors.

The CFO Act has been instrumental in changing the ethos in agencies from one of complete indifference about accountability to sober realization that fiscal accountability matters. A success story that appeared in the Washington Post on June 6, 1996, entitled "Cleaner Paper Trail Leads Out of the Woods," highlighted the National Park Service, an entity within the Department of the Interior. Stung by criticism in the House of error filled data and math errors that resulted in a $150 vacuum cleaner to be listed as worth more than $800.000 and a $350 dishwasher as a $700,000 asset, the Park Service overhauled its accounting practices and changed from being an agency with poor financial management to one that obtained a clean opinion on its fiscal year 1995 financial statements. Without the CFO Act, the poor state of financial management would have remained unrecognized and, therefore, uncorrected.

Section 105 of H.R. 3755 will provide the Chief Financial Officer of the Department of Labor with the authority he needs to ensure that Labor sees similar improvement in financial management during the years to come. As chairman of the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight, which oversees the Chief Financial Officer Act, I commend Chairman PORTER and strongly support that effort.

[From the Washington Post, June 6, 1996]

CLEANER PAPER TRAIL LEADS OUT OF WOODS

(By Stephen Barr)

The National Park Service has received, in the parlance of the government's accountants, a clean opinion. Now the Park Service can prove its numbers add up, that its annual financial statements are accurate.

That did not seem to be the case last year. Bad data and math errors had led the Park Service to list a $150 vacuum cleaner as worth more than $800,000 and a $350 dishwasher as a $700,000 asset, according to testimony at a House hearing.

The Park Service, stung by the portrayal and the criticism by House Republicans, began an intensive effort to meet new accounting standards and prove that it knew where and how every dollar was being spent.

"We needed to restore that confidence," said Park Service Comptroller C. Bruce Sheaffer. In less than a year, the agency has overhauled its accounting practices and recently produced financial statements for fiscal 1995 that met with approval from the Interior Department's inspector general.

"The Park Service took aggressive action," Interior Assistant Inspector General Judy R. Harrison wrote, noting that the agency "has made significant improvements in the internal control structure."

The Park Service turnabout is but one of several underway in the executive branch. Until Congress wrote the Chief Financial Officers (CFOs) Act of 1990, the government did not have a comprehensive set of accounting standards. Since then, agencies and Office of Management and Budget (OMB) have been working to improve federal financial management so that essentially the same standards applied to corporate America are applied to the government.

It has been a tough climb. Twenty-four departments and agencies are covered by the CFO Act, but only four have achieved across-the-board clean opinions: the Nuclear Regulatory Commission, the General Services Administration, NASA and the Social Security Administration.

But parts of Cabinet departments, like the Park Service, are meeting the new standards. More than half of the "entities" audited were judged clean last year, up from 33 percent in 1990.

One of the biggest tests will come next March, when the law will require the 24 agencies to submit audited financial statements to OMB. The next major step comes in fiscal 1997, when the law calls for a governmentwide financial statement to be prepared and audited.

Members of Congress—Republicans and Democrats—have consistently pressured agencies to comply with the CFO Act. Senate Governmental Affairs Committee Chairman Ted Stevens (R-Alaska), for example, will look at the Internal Revenue Service's financial management practices at a hearing scheduled for today.

By most accounts, the move to clean financial statements should give agencies a new way to demonstrate their integrity and enhance their chances of preventing financial scandals. Still, it has been a shock to several agencies that they are being held to technical standards they never were subject to before.

The Park Service, for example, was faulted by the Interior Department inspector general's office because the agency could not vouch for the accuracy of its debts or the money it was owed. All those concerns can now be set aside, Sheaffer said.

"We argued from the outset that nothing the IG found in any way supported the notion that we were wasting money," he said. "We believed then and now that we can account for every dollar spent . . . and now we've proved it."

The Park Service financial statement for fiscal 1995 recounts that the agency received about $1.4 billion in congressional appropriations and another $200 million from other revenue sources, such as fees and trusts. The agency employed about 19,000 full-time workers, but also relied on more than 77,000 volunteers.

The financial statement also includes "customer satisfaction survey results" for 1993–94. At 15 parks, for instance, 68 percent of the 2,533 survey respondents rated the quality of park personnel as "very good," the top category.

The statement shows the Park Service is cutting down on delays in repaying travel advances and now pays its suppliers and vendors more promptly. It also shows where the agency is spending its money, such as $37.9 million last year for "fire and emergency operations."

There's also eight pages of tables summarizing acreage within park boundaries. The grand total: 369 park areas containing 83 million acres. The government can claim "absolute ownership" of about 77.6 million acres of that land.

The cascade of numbers in the financial statement provides only a one-time snapshot of Park Service operations. The annual reports will assume more significance five and 10 years from now, Sheaffer said. "The measure of change has some importance to us, and over time, these numbers will take new meaning as they show change," he said.

While trend analysis may prove useful in the next century, Sheaffer noted there are some things financial statement can never measure or answer, starting with the mountains, lakes or historic buildings held in trust for the American people by the park system.

"How do you set a value on these assets," he asked. "How could you put a value on the Washington Monument?"

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California [Ms. PELOSI] to strike a rider in the Labor, Health and Human Services and Education Appropriations bill for fiscal year 1997, that would prohibit the Occupational Safety and Health Administration from using funds in the bill to develop standards on ergonomic protection for workers, or to record or report ergonomic-related injuries or illnesses.

This language is another attempt by the majority to shred and halt the progress of crucial worker health and safety protections. By prohibiting key protections, this language will place thousands of Americans, unnecessarily, at a great health and safety risk.

Ergonomic related injuries result from poorly designed work stations and repetitious work. Workers develop such debilitating ailments as carpal-tunnel syndrome, tendinitis, and back strain. These injuries account for one-third of all lost-time work injuries in the United States and represent the most significant safety and health problem facing American workers today. These injuries can have such painful, serious effects, that they are disabling and disruptive to the lives of those who suffer from them. Furthermore, the continual growth of ergonomic-workplace hazards places strain on the American economy, in lost work days, and increased health care costs.

Ergonomic workplace injuries and illnesses in this nation have skyrocketed in recent years. The reports of symptoms of carpal tunnel syndrome have increased for many workers. For example, 81 percent of telephone operators responding to a 1995 survey conducted by the Communications Workers of America reported hand or wrist pain.

This country is in dire need of stronger health and safety regulations. It is unacceptable that millions of Americans suffer from disabling work-related injuries each year when these injuries could be prevented by requiring OSHA to develop studies and standards that would ensure healthier workplaces.

Worse still, the authors of this provision don't even want OSHA to gather information on ergonomic injuries in the workplace. Apparently, when it comes to protecting workers' health, the majority believes that ignorance is bliss.

It is the role of this Government to work fervently, and responsibly to ensure a safe and healthful workplace for American workers, and for a productive economy.

I urge the Congress to support this amendment to strike the rider, and to support workplace protections.

Ms. DELAURO. Mr. Chairman, I rise to strike the last word. I rise in strong support of the Lowey/Castle amendment to restore $2.4 billion in funding for the National Center for Injury Prevention and Control at the Centers for Disease Control.

The National Center for Injury Prevention is the only government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society.

In the United States, 140,000 people die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence, and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

What is tragic about the debate—and the attack on the Injury Prevention Program this morning—is that it is not based on the merits or quality of work of the projects funded by the Injury Prevention Program. It is a sell out to the gun lobby because of research that the Injury Prevention Program has compiled on firearm injury. These studies have found that guns in the home are actually dangerous to their owners.

Stripping the funds for the Injury Prevention Program will not make the tragic facts about gun violence disappear. Nor will it squelch public outrage and concern for our children that face the threats and fears of guns in their homes, in their schools or their playgrounds.

The Gingrich Congress, by voting to repeal the assault weapons ban showed its flagrant disregard for the will of the American people on this issue—all for the campaign money and political paybacks that come from the gun lobby.

I urge my colleagues to support dedicated doctors and scientists—like Dr. Linda Degutis in New Haven—and vote to restore the $2.4 billion for the Injury Prevention Program. The safety of children in this country should be the No. 1 priority of the people's House—not political paybacks to the gun lobby. Vote for the Lowey/Castle amendment.

Mr. LEVIN. Mr. Chairman, I rise today in strong opposition to the bill. At a time when studies are showing an increase in drug abuse among young people, we can ill afford to freeze funding for drug prevention programs on the local level at an already grossly inadequate level.

Unfortunately that is exactly what this bill does by maintaining funding for the Center for Substance Abuse Prevention at essentially the FY 96 level.

The Center for Substance Abuse Prevention provides grants to local community-based organizations to develop strategies to prevent drug and substance abuse problems on the mainstreets of America. This agency is the only one on the federal level whose sole purpose and mandate is drug abuse prevention.

In 1996, the Center took a 62 percent cut in funding. This caused the Center to provide only partial funding to many projects and send out notices to 76 grant programs stating that funding was going to be cut off at the end of fiscal year. This will result in the loss of many vital ongoing projects covering pregnant women, children of alcoholics, children of drug abusers, and children who live in areas of high crime—totaling over 6 million people nationwide. Years of valuable research will be lost and already expended federal resources will be wasted.

By doing this, we will be undermining an important weapon to fight drug abuse—community involvement. This is not only foolish, it's poor policy.

By funding the Center at over $80 million below the Administration's request, Congress will undermine the new anti-drug strategy developed by General Barry McCaffrey, the nation's new Drug Czar, which focuses not only on eliminating the supply of drugs at the source but on reducing the demand for drugs at the local level.This too is unwise and counterproductive to our nation's interests.

In the war to prevent drug abuse, talk is cheap and knowledge is power. Sadly this bill has too little of the latter and too much of the former.

I urge my colleagues to defeat this bill so that we can send it back to Committee and get back one that helps local communities fight the drug war where it matters most—in our schools, in our homes, at our places of work, and on the mainstreams of America.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the amendment offered by my colleague from New York.

Tragically, many of those who are exploited under sweatshop conditions are children. And fortunately we have always made sure there were adequate funds for enforcement of child labor laws. I would remind my colleagues that this has historically received bipartisan support.

Let me remind you all that in 1990, then-Secretary of Labor Elizabeth Dole testified about the Department's need to crack down on child labor violators in the United States. The Secretary outlined a five point strategy which involved, in brief, vigorous enforcement, increased penalties, litigation, new steps to ensure safe and healthy jobs for youth, and a new task force combining the resources of several offices of the Labor Department.

The Department's enforcement effort, known as Operation Child Watch, utilized nationwide sweeps to find violators and take remedial action. That effort revealed violations in 2,800 instances.

As a result, Secretary Dole proposed legislation to significantly increase monetary and criminal penalties. Why? Because without vigilance and without sufficient funds for enforcement the situation would get worse. Knowing that, Secretary Dole said, and I quote:

> I am determined to fulfill another fundamental responsibility of the Department of Labor: Upholding the laws which protect children from exploitation and danger.

Mr. Chairman, both sides of the aisle have a responsibility to protect our children. Together we must continue this commitment to our Nation's youth by providing the resources for the department to investigate and penalize those sweatshops that exploit children.

If you don't believe there is a need, let me quote former Secretary Dole one more time. You know, if one child dies or there's a very severe injury, that's one too many. Right now, as you look at the totals, we had 22,500 children illegally employed in fiscal year 1989. For the first eight months of this fiscal year the number is 31,000. We are projecting that it may be as high as 40,000 by the end of this fiscal year.

That was six years ago, and unless we pass the Velazquez amendment that will restore much-needed funding to the Wage and Hour Division and the Bureau of International Labor Affairs, the situation will get even worse, both here and abroad.

I urge my colleagues to support the Velazquez amendment.

Mr. UNDERWOOD. Mr. Chairman, after enduring a 35% cut last year, this Labor, HHS, Education Appropriations bill slashes an additional $11 million from bilingual education. This cut is nothing but the latest in a series of backhanded attempts to wipe out this proven educational tool. It's a case of death by a thousand paper cuts. This bill also attempts to eliminate the professional cadre of bilingual teachers and support staff by killing professional development. This would be tantamount to having an Army without a West Point.

Because bilingual education opponents can't prove it doesn't work, I guess they figure they can ensure its failure by keeping our teachers from receiving necessary training. Teacher training funds are not specifically eliminated for any other education program. This bill doesn't ask Head Start teachers or special education teachers to do without additional training. Only bilingual education teachers are singled out.

Some Members of this House consistently argue against bilingual education because, as they say, "we need to teach our children English!" This is typical of the inaccurate stereotype of bilingual education as anti-English and is being anecdoted to death. I agree that we must teach our children English and any local bilingual education program that does not teach English is flawed. But a flawed program doesn't mean we do away with the educational tool. We don't threaten to take computers out of our Nation's classrooms when we hear about a poor computer literacy course.

Bilingual education works! I know because before I came to Congress I was a bilingual educator. I have seen first hand the positive impact of teaching in a language students can understand. And that is all bilingual education is—comprehensible instruction so that they don't fall behind in math, science, and history while they are learning English. It is not about ethnic politics its about educating our children.

Mrs. COLLINS of Illinois. Mr. Chairman, this bill, H.R. 3755, to make appropriations for the Labor, Health and Human Services (HHS), and Education Departments and various independent agencies, is a clear demonstration that the Gingrich Republicans care little about the people, little about community-based programs for prevention and early intervention, little about education, little about substance abuse prevention and treatment, and they care little about the workers of this country. Pure and simple.

The Gingrich Republicans have turned their cold shoulders to the children and elderly of this country by freezing funding for valuable Title I education programs for nearly 7 million disadvantaged children; freezing funding for employment training, school-to-work and summer jobs for youth; freezing resources for training and services for education equity designed for minorities and women—funding which has been the only source available to the local school corporations around the country; and freezing funding for special and vocational education.

This Labor-HHS-Education Appropriations Bill slashes funding for the Healthy Start program that has proven to be successful in preventing both high infant mortality and child abuse and neglect; it slashes funding for substance abuse and mental health services; and, it slashes funding for Education Goals 2000.

President Clinton has said he will veto this bill if it is sent to him as it currently reads. The Republicans know this. So why continue these games? I do not understand the sense of passing a bill we know will only be successful in shutting down the government, only be successful at hurting people, by denying education to those who need it, and by withdrawing services to the elderly.

I have been appalled at the tactics used by the Gingrich Republican majority in this 104th Congress to hold the Federal government and the American people hostage with their extreme ideological agenda. This bill continues that trend by using as weapons the programs of the Labor, HHS, Education Departments. It is yet another measure of the lack of respect shown by the Republican majority of this Congress for the Constitutional rights to which every citizen is entitled.

At every opportunity in budget negotiations from FY 96 and now for FY 97, the Republican extremists have simply refused to carry out their Constitutional responsibilities to govern. It is inconceivable that they could find a way to go from bad to worse, but they have with this bill. It is time for them to end the dangerous game of chicken that they have been playing with the lives of American's children, seniors, disabled, and poor.

Mr. UNDERWOOD. Mr. Chairman, I rise to voice my concern over the dramatic cuts in education included in the FY97 Labor, Health and Human Services, Education Appropriations bill. After $1.1 Billion in education cuts already imposed by the 104th, this Congress continues to wage war on our schools by proposing $400 million in additional cuts for Fiscal Year 1997.

Under this bill my district of Guam would lose $1.7 million designed to keep our school environments safe and drug free, $200,000 in school improvement funds under Goals 2000, and $44,000 in Byrd Scholarships, just to list a few. In addition, special education will only receive level-funding which is totally inadequate given increases in enrollment and inflation. We can argue about what is or isn't a true cut but less money for more students at increased costs hurts any way you slice it.

If this bill passes, a host of worthwhile programs including Title 1 and bilingual education will become this Congress's latest road kill. The elimination and reduction of these programs have real impact in the lives of our students. The ability of the Guam Public School System to meet the needs of our students would be seriously impaired by these cuts. We all agree that schools need to prepare our children for the 21st century but we refuse to give schools the tools necessary to fulfill their basic responsibilities. How can we continue to ask our schools to do more with less?

Mr. ROGERS. Mr. Chairman, I rise today in support of the Black Lung Clinics Program and the Ney amendment to the Labor, Health and Human Services, and Education Appropriations for FY 1997.

This is not a program that receives much attention in the national media. Most Americans may not know it even exists. But to many in my part of the country, this is an essential program which provides relief and comfort for those afflicted with a painful disease.

Upon realizing that specialized medical services were needed for those working in our nation's coalmines, Congress in 1969 passed the Black Lung Benefits Act.

The main goal of the Black Lung Clinics is to keep respiratory patients out of the hospital by using preventative medicine and improving the quality of life of the men and women afflicted with lung disease.

The physicians and other health care professionals in a clinic in my district have developed health management techniques for patients with chronic lung disease, improving those patients' quality of life while reducing annual hospitalizations among the affected patient group by 70%.

The amendment from the gentleman from Ohio would restore $2 million for the program in FY 1997. It would enable the dedicated professionals to continue their work with their patients. The figures below indicate the Black Lung Clinics Program funding:

FY 1995: $4,142,000

FY 1996: $3,811,000

House FY 1997: $1,900,000

With Ney Amendment: $3,900,000

The Ney amendment would raise the funding level in FY 1997 by only slightly more than 2% above the FY 1996 level.

Many of us can never fully understand the sacrifices of the men and women who every day toiled in the depths of the earth. They are among the oft unappreciated laborers who provided this nation with the resources necessary to fuel our nation's industrial engine.

As we once needed them, they now need us. I hope my colleagues will join me in continued support for the Black Lung Clinics program. Please support the Ney amendment.

Ms. WATTS of Oklahoma. Mr. Chairman, I am very pleased to stand in support of H.R. 3755, appropriations for the Departments of Labor, HHS, and Education, and I am particularly pleased with the strong support this appropriations gives to education, especially Impact Aid assistance and student financial assistance.

Impact Aid is a necessary and justified program of federal financial assistance for school districts that are affected by a federal presence. I have been privileged to work closely with my colleagues to encourage full funding for Impact Aid. This legislation appropriates $728 million which is an 18% increase over the President's proposal and a clear demonstration of our commitment to these schools and their students.

Student financial aid also receives strong support in this legislation. The maximum Pell Grant award has been significantly increased, as has funding for the Federal Work-Study program. Federal Supplemental Education Opportunity Grants have been maintained at $583 million, and the TRIO program has been increased to $500 million.

I congratulate the Chairman and the Committee on bringing us a strong bill for education and I am proud to cast my vote in strong support of this legislation.

Mr. CASTLE. Mr. Chairman, I want to express my appreciation to the Appropriations Committee on its fair FY97 Labor-HHS-Education Appropriations bill. Crafting an appropriations bill while balancing the priorities of 435 Members of Congress is no easy task, and I recognize the constraints the Appropriations Committee faces. I believe that the Committee made a good faith effort to address labor, education, and health needs of our nation.

For example, in the area of higher education, the bill increases the maximum Pell Grant award to $2,500. For our elementary and secondary schools, it continues funding for Safe and Drug Free Schools and Title 1, and increases funding for Head Start and Impact Aid. In the area of health and human services, the bill increases funding for medical research and preventive services, as well as the Violence Against Women Act. The bill also continues funding for Title X and the Low Income Home Energy Assistance program.

Let me reiterate that the bill does not reflect all of my priorities as strongly as I would like, and I will support improvements in the level of education funding as the bill moves through the legislative process.

Last year, I opposed this Appropriations bill because I felt that the cuts in education were too severe, and I worked to increase funding for education programs. This year, the Committee has made a sincere effort to provide adequate funding for important programs that benefit our young people, the elderly, and those with limited incomes. This was accomplished within the limits necessary to continue on the course to a Balanced Budget which is critical to our children's future and the economic health of our nation.

Mr. SKAGGS. Mr. Chairman, I cannot support the drastic cuts to education contained in this year's Labor-HHS-Education Appropriations bill, and I urge a no vote on the bill.

The 104th Congress has already slashed education funding by over $1 billion. This bill would continue the dangerous trend toward disinvestment in education by cutting an additional $400 million.

We must reverse this dangerous course. A good education is no luxury—it is a necessity. Our economic growth and quality of life in the 21st Century depend on providing the best possible education for all of America's children.

Right now, teachers and schools are facing enormous challenges. Enrollments are increasing. Next year, we will have more students in school than at any time in history—51.7 million students—breaking the record set in 1971 when the baby boomers came of age. America's teachers also have to deal with larger numbers of students with inadequate English language skills, developmental problems, and disabilities.

This bill does not adequately address the challenges facing our schools.

The bill would stall the progress we have made in improving schools and teacher skills. It kills the Goals 2000 initiative, the Eisenhower Professional Development program, Star Schools, and Migrant Education. Together with the Title I Disadvantaged Education program, these programs constitute the core federal initiative to help schools and school districts assure that all students, particularly the most economically and educationally disadvantaged, have the opportunity to achieve their highest potential.

The bill also makes cuts in higher education. By eliminating new capital contributions to Perkins loans, the bill would deprive about 96,000 students of access to these loans. About half of these students come from families with incomes of less than $30,000, and they have no other resource to make up the difference.

Cuts to financial assistance for college students are particularly short-sighted. My sister and I were the first members of my family to finish college. Both of us relied on financial assistance. The authors of this bill evidently do not understand just how expensive a college education is. Or, they don't fully appreciate the central role that the federal government plays in helping students get through college or vocational courses.

A better future for the nation and for our families is inextricably linked to the investment we make in education. A highly-educated citizenry and workforce are crucial to keeping the democracy strong and to competing in a changing global economy.

I urge my colleagues to reject further education cuts and to vote against passage of this bill.

Mr. CLAY. Mr. Chairman, I rise in strong opposition to extreme Republican anti-labor riders in this legislation.

I had thought the radical House Republicans had learned their lesson last year, when the legislative riders that they added to appropriations bills led to two government shutdowns. Here they go again, with two special interest provisions designed to weaken an agency that protects both working Americans and, ironically, many employees.

To start with, this bill already imposes a draconian cut in the budget of the National Labor Relations Board—a fifteen percent cut from the current level, and a twenty percent cut from the President's request. Cuts of these magnitude will only result in increasingly growing backlogs—backlogs that are in the interest of neither employees nor employers. But the special interests served by this bill don't care.

The first rider would prohibit the issuance of a final single location bargaining unit rule by the NLRB. But if Republicans were true to their principles, they would be supporting, not opposing, the issuance of a final rule.

Indeed, such a rule, by minimizing the need for case-by-case adjudication, would reduce expensive litigation and resultant delay. This would promote certainty, for the benefit for both labor and management. In addition, a rule would promote the more efficient use of Board resources, a crucial consideration in light of the drastic cuts in the Board's budget proposed in this bill. By opposing such a rule, the Republican are showing their hypocrisy.

The second rider would effectively force the NLRB to raise its business volume threshold for exercising jurisdiction over labor disputes. This is a major policy change that should not be adopted in haste on an appropriations bill.

Ironically, this change would not necessarily reduce the NLRB's workload, since jurisdiction would become an issue in many more cases.

Indeed, this rider shows how blind the sponsors are to the role and function of the Labor Board. The NLRB is a referee that maintains the rules of the game for both labor and management. It protects both employees and employers. The supporters of this amendment want to take away the NLRB's jurisdiction over smaller employers and restore the law of the jungle.

Is this really what the supporters of this rider want to see—the law of the jungle? Do the supporters of this rider really want to decrease protections for small employers? That's what this rider would do. Perhaps that's why both labor and management experts oppose this rider.

These riders are just another example of the extreme anti-labor animus of the House Republican leadership. They don't care about the facts, they don't care about the law, they don't care about the procedure, they just know they hate labor.

Let's strike these extreme riders from this bill. Let's help prevent another government shutdown.

Ms. ESHOO, Mr. Chairman, the shortsightedness of this bill should be obvious to us all. Inadequate funding for education compromises our children's future and the future of our nation.

Listen carefully to what's not being funded:

Compensatory Education—$475 million less.

Safe & Drug Free Schools—$99 million less.

Special Education—$306 million less.

Bilingual Education—$94 million less.

Goals 2000—eliminated.

Mr. Chairman, one cannot cut these programs without serious ramifications. Funding for education is an investment that we can and must make a priority.

I return to my district every weekend and one of the issues I consistently hear from my constituents about is the importance of education. Education is the very foundation upon which our nation is built and it is what will determine the very future of our citizenry and our country.

I urge my colleagues, Republicans and Democrats, to oppose this shortsighted bill.

Mr. BALLENGER. Mr. Chairman, I support the bill under consideration today.

Many of us in Congress have been critical of OSHA. We've claimed that the agency has been overreaching and lacking in common sense in its regulations. We've claimed that it is adversarial and punitive in its enforcement, and noted that it has not been cost effective in promoting worker safety and health.

The Clinton Administration has agreed with many of our criticisms of OSHA. For example, just one year ago, President Clinton, speaking at a small business in Washington, D.C., called for creation of "a new OSHA," an OSHA that puts emphasis on "prevention, not punishment" and uses "commonsense and market incentives to save lives." Vice President Gore was even more direct when he spoke to the White House Conference on Small Business last year. He said:

> I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

In criticizing OSHA, we've said nothing more than OSHA's record surely shows. Despite spending over $5 billion in taxpayer funds over the past 25 years, there is little evidence that OSHA has made a significant difference in the safety and health of workers.

Other examples and studies show that OSHA's focus on finding violations, no matter how minor and insignificant, has made OSHA ineffective in improving safety and health in the workplace. Why? One reason is that when the focus is on issuing penalties rather than fixing problems, there is much less attention paid to fixing problems. One study showed that the time required of OSHA to document citations increased an average inspection by at least 30 hours, thus greatly decreasing the number of workplaces OSHA could inspect. Penalties are sometimes necessary to compel irresponsible employers to address health and safety for their workers. But, as the Clinton Administration has said, inspections and penalties have not produced safety. It is time to find new ways of operating.

Just recently the Assistant Secretary of OSHA criticized this bill for cutting OSHA too much. But, in fact, these modest "reforms" do not undercut safety and health. This bill attempts to reorient OSHA by targeting more funds toward compliance assistance which helps employers and employees in creating a safe workplace. Putting greater focus on compliance assistance is precisely what the Assistant Secretary has asked for. The bill does make modest cuts in the agency's budget, but, simply adding resources without real reform is not going to make the agency more effective—and adding more resources is not likely to happen without reform.

In addition, the bill retains language prohibiting the agency from issuing a mandatory standard related to ergonomics. Last year, OSHA issued a draft proposal on ergonomics that was too broad, too vague, and failed to recognize that the science of ergonomics is a complex field of study, still in its infancy. In the scientific community, there is little consensus on ergonomics or how best to treat and prevent these problems. Yet, OSHA came up with a one-size-fits-all standard that fails to acknowledge the difference between businesses. A chicken plant operates differently from the textile industry. Each has unique distinctions that make a one-size-fits-all government mandate impossible to "fit" these different situations.

As a small businessman myself, I can tell you that I believe ergonomics and understanding its impact on the workplace should be an important part of any business' occupational safety and health approach. It is important for each ergonomics program to address the individual needs of the workplace. We need a responsible proposal, based on sound scientific evidence and cost-benefit analysis. OSHA's one-size-fits-all ergonomics policy doesn't address these concerns.

Last year, and it still applies, it was noted that the draft ergonomics standard could bankrupt small businesses with little corresponding improvement in worker safety and health. For instance, in order with OSHA's proposal many small firms would need to hire an ergonomics expert—an expense that small companies could not absorb, especially on top of the new wage increase that will likely become law soon.

Consider also, that in Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

The prohibition on OSHA's one-size-fits-all policy ergonomics policy should continue until we have a better understanding of the specific factors that cause the injuries and assurances that it will be based on sound scientific analysis.

In my view, OSHA would be more effective by working with employers rather than creating a confrontational sitting. OSHA's emphasis on issuing penalties, even for relatively minor problems and violations, not only a matter of great annoyance and sometimes financial burden to business, but tremendously inefficient from the standpoint of using OSHA's limited resources to effectively promote safety. Each year, OSHA spends about ½ million additional man hours citing and documenting penalties on paperwork violations, even where the employer makes the changes. In other words, this is time spent just for the purpose of issuing penalties for violations in which there is no direct threat to an employee's safety or health. A couple of journalists reported recently that another 100,000 hours are spent by OSHA each year responding to unfounded complaints. No private employer in our country could waste resources on unproductive activities the way OSHA has and stay in business.

Second, OSHA should be viewed as more of a catalyst for improving and promoting safety and health, rather than simply an enforcer of government rules. Thus, employers with good safety records, or those who have retained the services of someone who is knowledgeable about safety and health in their workplace, should be encouraged to do so.

Changes are long overdue to make OSHA less adversarial, more cooperative, and more focused on real health and safety. It is not a matter of reducing our commitment to workplace safety and health. It is an opportunity to work more effectively to encourage productive, competitive, and safer workplaces. I will continue to push for these types of changes, and the appropriation bill before us today takes a few modest steps toward that goal.

Mr. CLAY. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York [Ms.VELÁZQUEZ].

Only 2½ weeks ago, the Wall Street Journal ran an article documenting the extent to which the minimum wage and overtime law is routinely violated in this country. That article cited estimates by the employment policy foundation, an employer-funded think tank, that workers lose 19 billion dollars a year in unpaid overtime. The employment policy foundation estimates that one out of ten workers is regularly cheated out of overtime. Most other observers believe that is a conservative estimate. More than 60 percent of those workers who are not being paid the wages they have earned are earning ten dollars an hour or less.

In Specific industries, such as the garment industry, minimum wage and overtime violations have reached epidemic proportions. In 1994, a random check of 69 garment manufacturers in southern California by the Department of Labor found that 73 percent were not maintaining payroll records, 68 percent were not paying overtime, and 51 percent were not even paying minimum wages. The problem has become so serious that legitimate employers who seek to comply with our labor laws are being driven out of business.

At a time when corporate profits are skyrocketing, working families are seeing their income stagnate and decline. Between 1973 and 1994, the number of families with two working parents increased by 56%. Yet, despite this increase median family income was virtually unchanged. Since 1989, average family income has declined by more than $2,000.

No one claims that improving enforcement of the labor law will reverse the decline in average family income by itself. We do claim, however, that the failure to address the problem can only accelerate the trend.

Nineteen billion dollars in unpaid overtime amounts to a gigantic income transfer program. But it is Robin Hood in reverse. We are taking money from the poor and giving it to the rich. And we are allowing it to be done in violation of the law.

The amendment offered by the gentlewoman from New York is a very modest effort to attempt to restore some assurance to American workers that their government will act to enforce the labor law. We are seeing in this country a re-emergence of the kinds of sweatshop and slave labor situations that should have been eradicated for all time more than 50 years ago. Continuing to allow these kinds of abuses to fester and grow undermines the standard of living of workers and of the economy as a whole. I urge my colleagues to vote for this amendment.

Mr. DIXON. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations bill (H.R. 3755). The Republicans call this year's funding levels in the bill a "freeze" of last year's levels, with some programs receiving small increases, and others receiving slightly reduced amounts. But this so-called "freeze" in funding leaves many Americans out in the cold by failing to maintain vital services.

In the Department of Labor, funding for summer jobs is frozen at the 1996 level of $625 million, which will support 79,000 fewer jobs than this year. At a time when so many of our nation's youth grow up in deteriorating neighborhoods with few employment opportunities, it is essential that we continue to provide these young people with the opportunity to acquire valuable work experience.

The Occupational Safety and Health Administration (OSHA), which enforces America's workplace safety laws, is funded at $297.7 million. This $6 million cuts from last year may not appear to be huge in these austere times, but it is substantially below the $340 million level which the Administration believes is necessary for workplace safety. OSHA has worked to create a safe environment by reducing workplace fatalities by more than 50 percent and injuries and illnesses by 22 percent over the past 25 years. Why jeopardize the progress we have made?

The measure short changes American children through its education funding levels. The bill eliminates funding for Goals 2000, which means that federal efforts already underway to raise academic standards and to encourage students to work hard to meet those standards would be terminated. Nearly six million children in 12,000 schools would be affected. Title I Compensatory Education grants to local education agencies are frozen at the 1996 level of $6.7 billion; given inflation, fewer funds will be available to provide students the assistance they need in basic reading and math.

While we decry the condition of our nation's schools and the inability of American students to compete successfully against their European and Asian counterparts, we continue to deny our children adequate funding for programs which will improve their education.

Finally, let me highlight my particular concern about the level of funding in this bill for substance abuse prevention. The Committee has recommended $94 million for the substance abuse prevention program. While this is a $4 million increase above the 1996 level, the 1996 appropriation of $90 million was a devastating $148 million decrease from the 1995 amount. As a result of the huge 1996 cut, nearly five million youth will be denied access to services which are crucial to helping them avoid the problems associated with substance abuse.

The Community Coalition for Substance Abuse Prevention and Treatment, located in my district, is one of a number of groups across the nation which work diligently to eradicate drug abuse in our communities and which will now be denied funding. As we consider the impact of these cuts on groups like the Community Coalition, we would do well to remember the adage, "An ounce of prevention is worth a pound of cure;" perhaps nowhere is this adage more fitting than in the field of drug abuse prevention.

Mr. Chairman, this bill puts the freeze on employment for youth, worker safety, substance abuse prevention, and the ability of the next generation of Americans to compete in the global marketplace. We cannot afford to turn our backs on the need for investment in the human capital of this nation. H.R. 3755 is ill-advised and should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, bilingual education has proven to be the most effective tool for successfully teaching English and other subjects to limited English proficient children, integrating them into our schools and society, and helping them to become valuable, productive members of the U.S. economy.

Bilingual education helps children get started in substantive schooling while also learning English. Studies have found that providing Limited English Proficient [LEP] students with substantial instruction in their primary language does not interfere with, or delay their acquisition of English language skills, but helps them to catch up to their English-speaking peers in English language arts, English reading and math. Indeed, studies have conformed that bilingual education students make greater gains than the students who received all instruction in English.

Bilingual education programs encompass a variety of approaches such as: combining English as a second language [ESL] classes for English language instruction with English-only submersion for other subject areas, combining native language instruction in some classes with structured English immersion strategies in other subject areas, dual immersion programs, and endless other combinations.

Despite differing methodologies, all bilingual education programs involve substantial coursework in English. English is the medium of instruction in bilingual classrooms from 72 to 92 percent of the time, depending on grade level. Furthermore, all bilingual education programs are transitional. The average length of stay in these programs is only 2–3 years.

The primary goal of these programs is the development of English language skills to prepare LEP students to enter mainstream English classrooms. These programs give LEP students a foundation so they can effectively compete with their fluent English peers when they are completely transitioned out of bilingual education programs. Bilingual education programs produce students who have a good knowledge of English so they can compete with other students on a level playing field. As our country becomes more and more language-diverse, these classes play a major role in the education of our Nation's young people.

In order for the U.S. to be competitive in the 21st century, it is essential that we have an intelligent and highly skilled labor force. The only way to create such a labor force is through an education system that addresses the needs and makes use of the special talents of all the Nation's children.

Diversity in people and languages is not a national threat, but an advantage. In today's information age, we have the ability to connect with individuals across the globe. The movement of people across countries and continents has intensified. Our businesses, too, have increasingly moved into the broader world marketplace where the most influential language is that of the customer. Therefore, the 32 million Americans who speak languages in addition to English are at competitive advantage.

We should view bilingualism as a resource and an asset. And we must view bilingual education as a necessity. Bilingual education is extremely important and should be retained. As the National Education Association has said:

> To silence today's children in one language, while they learn another, defies logic and common sense. But to value what they bring to the classroom and build on it makes infinitely greater sense in today's world.

We give immigrants hope to become fully part of the American dream by helping learn the skills to survive.

Mr. FAZIO of California. Mr. Chairman, I rise today to oppose the funding measure before us. While Chairman PORTER and the other members of the subcommittee have worked to produce a bill that is much better than last year's legislation; I believe that it still falls short of the important needs of our children and schools.

Let me first commend the efforts of the subcommittee for their efforts in the field of health research. Given the many funding restrictions, I am pleased that the National Institutes of Health have received an increase of 6.9 percent. NIH is the world's leading biomedical research institution and funding such research is today's investment in America's future.

However, I am troubled by the cuts the bill makes to the education budget. These cuts fall below the level necessary to keep up with inflation and projected future growth. Moreover, such decreases would result in a total cut to education programs of 7 percent below the fiscal year 1995 levels at the same time that school enrollment is projected to increase by 7 percent. Similarly, Perkins loans and State student incentive grants are eliminated, affecting over 220,000 college students. Goals 2000 education reform and Eisenhower teacher training grants are also eliminated.

The bill provides $475 million less for title I funding than the president requested; $307 million less for special education; and $729 million less for student financial assistance. Funding for Safe and Drug Free Schools is cut $25 million below last year's level, and billingual education is cut $11 million below last year's amount.

These proposed cuts in education funding run the risk of creating a real crisis in education for the Nation's children. State and local governments already face difficult challenges in educating our children given the growing demands placed on schools at a time of constrained budgets and aging facilities.

I believe that these cuts are dangerously short-sighted. Funding education programs and initiatives should be one of the top priorities in creating a better future, both for the Nation and for individual families everywhere. Indeed, a better educated citizenry and workforce are critical to competing in the changing global economy and in maintaining a strong democracy.

In addition to the cuts in education, the bill also contains unnecessarily harsh cuts in programs needed to enforce labor, wage, and health standards for American workers. For example, the bill provides $43 million less than the President requested for OSHA, and $46 million less for enforcement of employment standards, including wage and hour standards. Funds for the National Labor Relations Board are cut $25 million or 15 percent below last year's level.

The American worker has been under attack since the first day of this Congress. These men and women are the engine of our economy and they deserve to be treated with dignity and respect. They also deserve a safe workplace. I am very pleased that the amendment offered by my colleague from California, Mrs. PELOSI, was accepted by the House. This important amendment deleted a rider that would have banned OSHA from protecting workers from musculoskeletal disorders, which represent America's fastest growing workplace health problem. In spite of our budget constraints, we must not retreat from worker protection laws that have benefited thousands of American workers.

As I stated at the outset, this bill is much improved over last year's Labor-HHS bill. However, critical funding deficiencies remain and I urge my colleagues to vote "no" on this bill.

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor-HHS appropriations bill. While it is much improved over last year's bill, this legislation does not meet the needs of millions of Americans who rely on this funding for education, job training, workplace safety, and family planning.

On the positive side, I am pleased that this legislation increases funding for health research at the National Institutes of Health and related agencies. This bill provides $12.7 billion for the NIH, an increase of 7 percent over fiscal year 1996. This investment in medical research is cost-effective and will help improve our Nation's health. As a result of this research new medical treatments will be discovered that will lower health care costs and improve the lives of patients with AIDS, cancer, heart disease, Alzheimer's, and other illness. As the representative for Texas Medical Center, I am keenly aware of the tremendous advances being made by medical researchers and of the funding pressures researchers face for the health of our Nation and for the good of our economy, a strong NIH budget is one investment we must continue to make even as we seek to balance the Federal budget.

But the rest of this bill fails to set the right priorities, especially in the area of education. Our constituents do not want this Congress to cut funding for education. In the Houston area, cuts of over $475 million in title I compensatory education for economically disadvantaged children will hurt every one of our school districts, including Fort Bend, Houston, Pasadena, and Goose Creek. These cuts could result in fewer teachers, larger classes and higher local property taxes.

Furthermore, cuts in bilingual education and the Safe and Drug-Free Schools Program will dramatically hurt the ability of schools to provide adequate education for thousands of Hispanic-Americans and to meet the safety needs of all Houston area students. The complete elimination of the Goals 2000 and Eisenhower Professional Development Programs will also prevent schools from incorporation innovative, locally developed teaching techniques into the classroom.

This bill also dramatically cuts Student Financing Aid Programs. Too many Americans are already struggling because of the high cost of higher education. As American workers face increased foreign competition, higher education is more necessary than ever before. Over 82 percent of undergraduates at Houston's Rice University, one of the premier universities in the United States, receive financial aid by cutting Perkins loans and eliminating State student incentive grants, we are sending a message to America's youth that higher education will be harder to afford. That is wrong.

This legislation also reflects the Republican leadership's disdain for American workers. It recklessly and foolishly cuts the Occupational Safety and Health Administration budget by 13 percent and the National Labor Relations Board by 20 percent.

The two agencies responsible for ensuring worker's safety and rights are singled out for dramatic and unnecessary cuts. The Republican leadership places unnecessary restrictions on both OSHA and the NLRB on how the perform their mission.

Finally, I would like to point out that members of this Congress once again have attempted to gut our Nation's Family Planning Program. Title X provides essential health care services for thousands of low-income women each year. Without family planning, American women would not have access to the safety medical care possible, and I am pleased that the Congress rejected any attempt to limit or eliminate this vital program.

In summary, I urge my colleagues to oppose this misguided legislation because of its dramatic effects on the America's working families. It does not meet the needs of millions of Americans who rely on funding for education, job training, workplace safety, and family planning, and should be rejected.

Mrs. MALONEY. Mr. Chairman, I rise to speak in opposition to the Istook amendment.

Title X is the only Federal program that prevents unintended pregnancy and reduces the need for abortion. In my State alone, 300,000 women and teens rely on title X for their only reproductive health care.

The radical right is once again putting politics ahead of people by attempting to require young people to obtain their parents' consent for family planning and other health care services. This requirement will cause many teens to delay, or, worse yet, avoid seeking essential health care services—placing their health, future fertility, and even their lives at risk.

I agree that ideally, teens should be encouraged to talk to their parents about all health care decisions, including those of reproductive health. But, we don't live in an ideal world, and millions of teens don't live in ideal families. Study after study has shown that when parental consent is mandated by law, adolescents will delay or avoid seeking needed care.

How can anyone oppose such an essential program? Whose best interests are being served? Certainly not those of American teenagers, families, and women.

Once again, the new majority has put the radical right's agenda ahead of good government.

Consent to give teens the right to make good health decisions, and the right to basic health care services. Oppose the Istook amendment.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Lowey-Morella amendment to provide $2 million in funding for the women's Educational Equity Act. The funding was eliminated under this bill and must be restored.

The Women's Economic Equity Act was established in 1974 to help achieve educational equity for women and girls. Since that time the act has funded research, development, and the dissemination of curricular materials, training programs, guidance and testing materials—all to combat inequitable educational practices.

Here are some facts:

Boys often demand and receive more teacher attention than girls; they are praised more and challenged more by their teachers.

According to the Department of Education, boys outscore girls in math, science, and history by their senior year.

This is unfair and this money must be restored.

I urge all my colleagues to support and pass the Lowey-Morella amendment.

Mr. PORTMAN. Mr. Chairman, I rise to express my strong support for the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

As you know, a recent General Accounting Office [GAO] report brought to our attention the recent surge in taxpayer-financed spending for union activities at the Social Security Administration. Mr. Speaker, I strongly believe we need to protect the Social Security trust funds to ensure the security of the benefits that our seniors deserve.

I do not challenge the right of Social Security Administration employees to have representation—but I do challenge the fact that money from the Social Security trust funds, which is collected from the payroll taxes of millions of hard-working Americans, is being used to finance greatly expanded union activity over the past few years.

Let's insure the integrity of the Social Security trust funds and put an end to this abuse of taxpayer dollars. I urge my colleagues to support the Bunning amendment.

Mr. HAMILTON. Mr. Chairman, I rise to speak in opposition to the Lowey amendment to cut rural health care and increase funding for what amounts to gun control advocacy by the Centers for Disease Control. I have two objections to the amendment.

First, the amendment would cut $2.6 million from area health education centers. These funds help train medical personnel for rural areas and small communities which do not have adequate health care. It is hard for many small communities to attract doctors and nurses, and I oppose this amendment to reduce support for rural health care.

Second, I strongly object to increasing funding for the National Center for Injury Prevention and Control. I am concerned about reports that NCIPC research into firearms injuries has been compromised by political advocacy for gun control. For example, NCIPC paid for a newsletter urging recipients to "put gun control on the agenda of your civic or professional organization * * * or organize a picket at gun manufacturing sites." It is inappropriate for any federally funded scientific research program to engage in even the appearance of political activity. Such activity compromises the credibility of all scientific research.

I support language in this bill that states "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control."

The right of self-defense is an important right and is frequently used. Guns are used for defensive purposes more than a million times each year, not even counting their use by police. If government does not protect you and your property from crime, you should not be deprived of the opportunity to protect yourself.

With respect to the constitutional arguments about gun control, I think that the Founding Fathers supported the right to bear arms by everyone, not just by the militia, in order to help secure the good order of the community. Private gun ownership is an important right that should be preserved.

I urge my colleagues to defeat the Lowey amendment, which would take funding away from important rural health care programs to fund a program that has engaged in unneeded and inappropriate political advocacy.

Mrs. SMITH of Washington. Mr. Chairman, recently the House passed the Labor, Health and Human Services, and Education appropriations bill for the 1997 fiscal year. Within this bill is funding for two key programs under the auspices of the Centers for Disease Control [CDC]. Specifically, the Chronic and Environmental Diseases Program and the Childhood Immunization Program—both of which have been essential to Washington State's ability to address public health crises.

In 1993, the State of Washington was the site of an E.coli 0157:H7 outbreak of epidemic proportions. Approximately 600 individuals displayed symptoms that were attributed to contact with contaminated meat. More than 150 people were hospitalized and, tragically, three died. This experience helped elevate the importance of food safety to a national level. The ability to identify foodborne diseases, educate the public, food handlers, and inspectors, and conduct thorough surveillance is dependent on a joint partnership between Federal and State officials. The work of Epidemic Intelligence Service [EIS] officers from the CDC has been invaluable in identifying foodborne diseases.

Recognizing the fiscal constraints that Congress has set for itself, I commend the committee for its decision to increase funding for the Chronic and Environmental Disease Prevention Program by almost $12 million for the 1997 fiscal year, bringing the total up to $155 million.

In addition, southwest Washington recently came through a measles outbreak that resulted in 37 cases over a 2½ month period. Twenty-four percent of the reported cases occurred among preschool children. While public health officials were exemplary in tracking down the level of exposure, this recent outbreak reinforces the need for a proactive approach to childhood immunication. Recognizing this, I commend my colleagues for their decision to level fund the Childhood Immunization Program at $467 million.

While every item in the Federal budget should undergo scrutiny, these two programs are of tremendous benefit to the people of Washingtion State and the public officials who work on a daily basis to preserve and promote preventive health measures. I thank Chairman PORTER and his staff for their hard work on this bill and I commend my colleagues for joining me in ensuring this legislation's passage.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3755, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will not take time to debate the motion.

The SPEAKER pro tempore. The motion is not debatable.

Mr. OBEY. Mr. Speaker, this is a straight motion to recommit. I will not push it to a rollcall vote. I would urge a "no" vote on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 209, not voting 9, as follows:

[Roll No. 313]

YEAS—216

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NAYS—209

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Hancock
Harman
Hastings (FL)
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Largent
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0035

Mr. LARGENT and Mr. SANFORD changed their vote from "aye" to "no."

Mr. JACOBS and Mr. FORBES changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3755, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3755, the Clerk be authorized to make technical and conforming changes in the bill to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TABLE SHOWING AMOUNTS IN H.R. 3755, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997, AS PASSED BY THE HOUSE

Mr. PORTER. Mr. Speaker, I ask unanimous consent to submit a table showing the amounts included in the bill, as passed.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The table referred to is as follows:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
200	TITLE I - DEPARTMENT OF LABOR							200
250	EMPLOYMENT AND TRAINING ADMINISTRATION							250
1000	TRAINING AND EMPLOYMENT SERVICES 1/							1000
1050	Grants to States:							1050
1100	Adult training..................................	850,000	947,000	845,000	-5,000	-102,000	D	1100
1150	Youth training..................................	126,672	126,672	126,672	---	---	D	1150
1260	Summer youth employment and training program 3/..	625,000	871,000	625,000	---	-246,000	D	1260
1340	Dislocated worker assistance:							1340
1350	Forward funding.............................	1,097,500	1,293,000	1,100,000	+2,500	-193,000	D	1350
1360	Current funding 3/..........................	2,500	---	---	-2,500	---	D	1360
1410	Subtotal................................	1,100,000	1,293,000	1,100,000	---	-193,000		1410
1450	Federally administered programs:							1450
1500	Native Americans................................	52,502	50,000	50,000	-2,502	---	D	1500
1550	Migrants and seasonal farmworkers................	69,285	65,000	65,000	-4,285	---	D	1550
1600	Job Corps:							1600
1650	Operations..................................	972,475	1,064,824	1,064,824	+92,349	---	D	1650
1800	Construction and renovation 2/..............	121,467	88,685	73,861	-47,606	-14,824	D	1800
1850	Subtotal, Job Corps....................	1,093,942	1,153,509	1,138,685	+44,743	-14,824		1850
1950	Veterans' employment............................	7,300	7,300	7,300	---	---	D	1950

2000 1/ Forward funded except where noted. 2000

2010 2/ 3 year availability. 2010

2020 3/ Current funded. 2020

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
2100	National activities:							2100
2150	Pilots and demonstrations....................	27,140	23,717	15,000	-12,140	-8,717	D	2150
2200	Research, demonstration and evaluation........	6,196	10,196	6,196	---	-4,000	D	2200
2210	Opportunity areas for youth..................	---	250,000	---	---	-250,000	D	2210
2225	Jobs for residents...........................	---	50,000	---	---	-50,000	D	2225
2240	Incumbent worker demonstrations..............	---	15,000	---	---	-15,000	D	2240
2250	Other..	13,489	8,019	8,019	-5,470	---	D	2250
2300	Subtotal, National activities..............	46,825	356,932	29,215	-17,610	-327,717		2300
2350	Subtotal, Federal activities...............	1,269,854	1,632,741	1,290,200	+20,346	-342,541		2350
2400	Total, Job Training Partnership Act.........	3,971,526	4,870,413	3,986,872	+15,346	-883,541		2400
2500	Glass Ceiling Commission 1/..........................	142	---	---	-142	---	D	2500
2550	Women in apprenticeship 1/...........................	610	647	610	---	-37	D	2550
2650	Skills Standards.....................................	4,000	9,000	4,000	---	-5,000	D	2650
2675	Total, National activities, TES (non-add).......	(51,577)	(366,579)	(33,825)	(-17,752)	(-332,754)		2675
2700	School-to-work 2/....................................	170,000	200,000	175,000	+5,000	-25,000	D	2700
2750	Total, Training and Employment Services.........	4,146,278	5,080,060	4,166,482	+20,204	-913,578		2750
2800	Subtotal, forward funded.......................	(3,518,026)	(4,208,413)	(3,540,872)	(+22,846)	(-667,541)		2800

3050 1/ Current funded. 3050

3060 2/ 15-month availability. 3060

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
3305	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/..	373,000	350,000	373,000	---	+23,000	D	3305 UA
3400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES							3400
3450	Trade adjustment..................................	279,600	276,100	276,100	-3,500	---	M	3450
3500	NAFTA activities..................................	66,500	48,400	48,400	-18,100	---	M	3500
3550	Total...	346,100	324,500	324,500	-21,600	---		3550
3600	STATE UNEMPLOYMENT INSURANCE AND							3600
3650	EMPLOYMENT SERVICE OPERATIONS							3650
3700	Unemployment Compensation (Trust Funds):							3700
3750	State Operations..............................	(2,080,520)	(2,224,974)	(2,076,735)	(-3,785)	(-148,239)	TF*	3750
3900	National Activities...........................	(10,000)	(10,000)	(8,500)	(-1,500)	(-1,500)	TF*	3900
3950	Contingency...................................	(216,333)	(260,573)	(260,573)	(+44,240)	---	TF*	3950
4000	Contingency bill language (OMB estimate)..........	---	(67,800)	---	---	(-67,800)	NA	4000
4050	Portion treated as budget authority...........	---	(67,800)	---	---	(-67,800)	TF*	4050
4100	Subtotal, Unemployment Comp (trust funds)...	(2,306,853)	(2,563,347)	(2,345,808)	(+38,955)	(-217,539)		4100

4120 1/ Request proposes transfer of these funds to the 4120
4130 Administration on Aging in the Dept of HHS. 4130

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
4150	Employment Service:							4150
4200	Allotments to States:							4200
4250	Federal funds................................	23,452	24,085	22,279	-1,173	-1,806	D	4250
4300	Trust funds..................................	(738,283)	(758,217)	(701,369)	(-36,914)	(-56,848)	TF*	4300
4350	Subtotal.................................	761,735	782,302	723,648	-38,087	-58,654		4350
4400	National Activities:							4400
4450	Federal funds................................	1,876	1,927	---	-1,876	-1,927	D	4450
4500	Trust funds..................................	(57,058)	(63,949)	(42,735)	(-14,323)	(-21,214)	TF*	4500
4555	Subtotal, Emp. Serv., National Activities.	58,934	65,876	42,735	-16,199	-23,141		4555
4650	Subtotal, Employment Service................	820,669	848,178	766,383	-54,286	-81,795		4650
4700	Federal funds............................	25,328	26,012	22,279	-3,049	-3,733		4700
4750	Trust funds..............................	(795,341)	(822,166)	(744,104)	(-51,237)	(-78,062)		4750
4775	One-stop Career Centers..............................	110,000	150,000	110,000	---	-40,000	D	4775
4800	Total, State Unemployment..................	3,237,522	3,561,525	3,222,191	-15,331	-339,334		4800
4850	Federal Funds............................	135,328	176,012	132,279	-3,049	-43,733		4850
4900	Trust Funds..............................	(3,102,194)	(3,385,513)	(3,089,912)	(-12,282)	(-295,601)		4900
4950	ADVANCES TO UNEMPLOYMENT TRUST FUND & OTHER FUNDS 1/.	369,000	373,000	373,000	+4,000	---	M	4950
4955	ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST							4955
4956	FUND..	(-56,300)	---	---	(+56,300)	---	NA	4956
4958	PAYMENTS TO UI TRUST FUND AND OTHER FUNDS............	(-266,000)	---	---	(+266,000)	---	NA	4958

4960 1/ 2 year availability. 4960

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
4970	PROGRAM ADMINISTRATION							4970
5000	Adult employment and training..........................	25,619	26,091	25,107	-512	-984	D	5000
5010	Trust funds......................................	(2,283)	(2,354)	(2,237)	(-46)	(-117)	TF*	5010
5020	Youth employment and training..........................	29,441	29,990	28,852	-589	-1,138	D	5020
5030	Employment security....................................	6,057	6,323	5,936	-121	-387	D	5030
5040	Trust funds......................................	(37,167)	(37,274)	(36,424)	(-743)	(-850)	TF*	5040
5050	Apprenticeship services................................	16,129	16,689	15,806	-323	-883	D	5050
5060	Executive direction....................................	5,808	5,614	5,692	-116	+78	D	5060
5070	Trust funds......................................	(1,343)	(1,346)	(1,316)	(-27)	(-30)	TF*	5070
5100	Total, Program Administration....................	123,847	125,681	121,370	-2,477	-4,311		5100
5110	Federal funds................................	83,054	84,707	81,393	-1,661	-3,314		5110
5120	Trust funds..................................	(40,793)	(40,974)	(39,977)	(-816)	(-997)		5120
5200	Total, Employment & Training Administration.....	8,595,747	9,814,766	8,580,543	-15,204	-1,234,223		5200
5250	Federal funds..............................	5,452,760	6,388,279	5,450,654	-2,106	-937,625		5250
5500	Trust funds................................	(3,142,987)	(3,426,487)	(3,129,889)	(-13,098)	(-296,598)		5500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
5900	PENSION AND WELFARE BENEFITS ADMINISTRATION							5900
5950	SALARIES AND EXPENSES 1/							5950
6000	Enforcement and compliance	51,712	67,430	50,978	-734	-16,452	D	6000
6050	Policy, regulation and public service	11,831	14,261	11,594	-237	-2,667	D	6050
6100	Program oversight	3,583	3,758	3,511	-72	-247	D	6100
6200	Total, PWBA	67,126	85,449	66,083	-1,043	-19,366		6200
6250	PENSION BENEFIT GUARANTY CORPORATION							6250
6300 6350	Program Administration subject to limitation (Trust Funds)	(10,557)	(12,043)	(135,720)	(+125,163)	(+123,677)	TF	6300 6350
6400 6450	Services related to terminations not subject to limitations (non-add)	(127,933)	(128,496)	---	(-127,933)	(-128,496)	NA	6400 6450
6500	Total, PBGC	(138,490)	(140,539)	(135,720)	(-2,770)	(-4,819)		6500

6520 1/ Budget requests $9 million to remain available 6520
6530 through Sept. 30, 1998. 6530

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
6550	EMPLOYMENT STANDARDS ADMINISTRATION							6550
6600	SALARIES AND EXPENSES							6600
6650	Enforcement of wage and hour standards...............	99,751	118,704	102,756	+3,005	-15,948	D	6650
6675	Office of Labor-Management Standards.................	23,992	29,084	23,512	-480	-5,572	D	6675
6700	Federal contractor EEO standards enforcement..........	56,171	65,460	55,048	-1,123	-10,412	D	6700
6750	Federal programs for workers' compensation............	73,159	80,222	71,696	-1,463	-8,526	D	6750
6800	Trust funds....................................	(1,003)	(1,057)	(983)	(-20)	(-74)	TF	6800
6850	Program direction and support.........................	10,622	11,386	10,410	-212	-976	D	6850
7000	Total, salaries and expenses..................	264,698	305,913	264,405	-293	-41,508		7000
7050	Federal funds.............................	263,695	304,856	263,422	-273	-41,434		7050
7100	Trust funds..................................	(1,003)	(1,057)	(983)	(-20)	(-74)		7100
7150	SPECIAL BENEFITS							7150
7200	Federal employees compensation benefits...............	214,000	209,000	209,000	-5,000	---	M	7200
7250	Longshore and harbor workers' benefits...............	4,000	4,000	4,000	---	---	M	7250
7300	Total, Special Benefits......................	218,000	213,000	213,000	-5,000	---		7300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
7350	BLACK LUNG DISABILITY TRUST FUND							7350
7400	Benefit payments and interest on advances............	949,494	961,665	961,665	+12,171	---	M	7400
7450	Employment Standards Admin., salaries & expenses......	27,193	26,071	26,071	-1,122	---	M	7450
7500	Departmental Management, salaries and expenses........	19,621	19,621	19,621	---	---	M	7500
7550	Departmental Management, inspector general............	298	287	287	-11	---	M	7550
7600	Subtotal, Black Lung Disablty. Trust Fund, apprn	996,606	1,007,644	1,007,644	+11,038	---		7600
7650	Treasury administrative costs (indefinite)............	756	356	356	-400	---	M	7650
7750	Total, Black Lung Disability Trust Fund.........	997,362	1,008,000	1,008,000	+10,638	---		7750
7800	Total, Employment Standards Administration......	1,480,060	1,526,913	1,485,405	+5,345	-41,508		7800
7850	Federal funds..............................	1,479,057	1,525,856	1,484,422	+5,365	-41,434		7850
7900	Trust funds................................	(1,003)	(1,057)	(983)	(-20)	(-74)		7900
7950	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							7950
8000	SALARIES AND EXPENSES							8000
8050	Safety and health standards..........................	8,374	18,066	8,207	-167	-9,859	D	8050
8100	Enforcement:							8100
8150	Federal Enforcement..............................	120,890	122,386	117,125	-3,765	-5,261	D	8150
8200	State programs..................................	68,295	73,315	66,929	-1,366	-6,386	D	8200
8250	Technical Support....................................	17,815	20,445	17,459	-356	-2,986	D	8250
8300	Compliance Assistance:							8300
8310	Federal Assistance..............................	34,822	51,970	34,822	---	-17,148	D	8310
8320	State Consultation Grants........................	32,479	33,064	32,479	---	-585	D	8320
8350	Safety and health statistics.........................	14,465	14,647	14,176	-289	-471	D	8350
8400	Executive direction and administration...............	6,670	6,958	6,537	-133	-421	D	8400
8500	Total, OSHA....................................	303,810	340,851	297,734	-6,076	-43,117		8500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
8550	MINE SAFETY AND HEALTH ADMINISTRATION							8550
8600	SALARIES AND EXPENSES							8600
8650	Enforcement:							8650
8700	Coal	106,090	108,723	103,968	-2,122	-4,755	D	8700
8750	Metal/nonmetal	41,412	44,997	40,584	-828	-4,413	D	8750
8800	Standards development	1,008	1,303	988	-20	-315	D	8800
8850	Assessments	3,497	3,840	3,427	-70	-413	D	8850
8900	Educational policy and development	14,782	14,800	14,486	-296	-314	D	8900
8950	Technical support	21,268	21,950	20,843	-425	-1,107	D	8950
9000	Program administration	7,667	8,569	7,514	-153	-1,055	D	9000
9150	Total, Mine Safety and Health Administration	195,724	204,182	191,810	-3,914	-12,372		9150
9200	BUREAU OF LABOR STATISTICS							9200
9250	SALARIES AND EXPENSES							9250
9300	Employment and Unemployment Statistics	97,155	111,426	97,624	+469	-13,802	D	9300
9350	Labor Market Information (Trust Funds)	(51,278)	(52,053)	(52,053)	(+775)	---	TF*	9350
9400	Prices and cost of living	96,322	101,825	98,107	+1,785	-3,718	D	9400
9450	Compensation and working conditions	53,444	55,617	56,834	+3,390	+1,217	D	9450
9500	Productivity and technology	6,974	7,263	7,180	+206	-83	D	9500
9550	Economic growth and employment projections	4,451	4,640	4,582	+131	-58	D	9550
9600	Executive direction and staff services	21,896	23,462	22,175	+279	-1,287	D	9600
9700	Consumer Price Index Revision 1/	11,549	16,145	16,145	+4,596	---	D	9700
9800	Total, Bureau of Labor Statistics	343,069	372,431	354,700	+11,631	-17,731		9800
9850	Federal Funds	291,791	320,378	302,647	+10,856	-17,731		9850
9900	Trust Funds	(51,278)	(52,053)	(52,053)	(+775)	---		9900

9920 1/ 2 year availability. 9920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
9950	DEPARTMENTAL MANAGEMENT							9950
10000	SALARIES AND EXPENSES							10000
10050	Executive direction..................................	18,641	19,368	20,268	+1,627	+900	D	10050
10100	Legal services.......................................	58,072	61,510	56,911	-1,161	-4,599	D	10100
10150	Trust funds......................................	(303)	(303)	(297)	(-6)	(-6)	TF*	10150
10200	International labor affairs..........................	9,900	9,465	6,000	-3,900	-3,465	D	10200
10250	Administration and management........................	13,904	13,916	13,626	-278	-290	D	10250
10300	Adjudication...	20,500	20,895	20,090	-410	-805	D	10300
10350	Promoting employment of people with disabilities......	4,358	4,389	4,271	-87	-118	D	10350
10400	Women's Bureau.......................................	7,743	7,751	7,588	-155	-163	D	10400
10450	Civil Rights Activities..............................	4,535	4,541	4,444	-91	-97	D	10450
10500	Chief Financial Officer..............................	4,394	4,399	4,306	-88	-93	D	10500
10600	Total, Salaries and expenses....................	142,350	146,537	137,801	-4,549	-8,736		10600
10650	Federal funds.................................	142,047	146,234	137,504	-4,543	-8,730		10650
10700	Trust funds...................................	(303)	(303)	(297)	(-6)	(-6)		10700
10750	VETERANS EMPLOYMENT AND TRAINING							10750
10800	State Administration:							10800
10850	Disabled Veterans Outreach Program...............	(76,913)	(81,993)	(81,993)	(+5,080)	---	TF*	10850
10900	Local Veterans Employment Program................	(71,386)	(75,125)	(75,125)	(+3,739)	---	TF*	10900
10950	Subtotal, State Administration.................	(148,299)	(157,118)	(157,118)	(+8,819)	---		10950
000	Federal Administration...............................	(19,419)	(21,752)	(22,831)	(+3,412)	(+1,079)	TF*	11000
050	National Veterans Training Institute.................	(2,672)	---	(2,000)	(-672)	(+2,000)	TF*	11050
100	Total, Trust Funds.............................	(170,390)	(178,870)	(181,949)	(+11,559)	(+3,079)		11100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
11150	REINVENTION INVESTMENT FUND..........................	---	3,900	---	---	-3,900	D	11150
11200	OFFICE OF THE INSPECTOR GENERAL							11200
11300	Program activities..................................	37,622	38,117	36,270	-1,352	-1,847	D	11300
11350	Trust funds......................................	(3,615)	(3,615)	(3,543)	(-72)	(-72)	TF*	11350
11400	Executive Direction and Management..................	6,804	6,355	6,668	-136	+313	D	11400
11550	Total, Office of the Inspector General..........	48,041	48,087	46,481	-1,560	-1,606		11550
11600	Federal funds................................	44,426	44,472	42,938	-1,488	-1,534		11600
11650	Trust funds..................................	(3,615)	(3,615)	(3,543)	(-72)	(-72)		11650
11700	Total, Departmental Management..................	360,781	377,394	366,231	+5,450	-11,163		11700
11750	Federal funds................................	186,473	194,606	180,442	-6,031	-14,164		11750
11800	Trust funds..................................	(174,308)	(182,788)	(185,789)	(+11,481)	(+3,001)		11800
11900	Total, Labor Department 1/......................	11,356,874	12,734,029	11,478,226	+121,352	-1,255,803		11900
11950	Federal funds................................	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809		11950
12200	Trust funds..................................	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)		12200

12400 1/ Includes Federal and Trust funds. 12400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
12450	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES							12450	
12475	HEALTH RESOURCES AND SERVICES ADMINISTRATION							12475	
12500	HEALTH RESOURCES AND SERVICES							12500	
12525	Consolidated health centers...........................	758,132	---	802,124	+43,992	+802,124	D	12525	UA
12650	Health Centers Cluster (proposed legislation).........	---	757,124	---	---	-757,124	D	12650	UA
12675	Subtotal, Health Centers Activities.............	758,132	757,124	802,124	+43,992	+45,000		12675	
12900	National Health Service Corps:							12900	
12925	Field placements................................	37,244	---	37,244	---	+37,244	D	12925	
12935	Recruitment.....................................	75,189	---	78,189	+3,000	+78,189	D	12935	
12940	Subtotal, National Health Service Corps.........	112,433	---	115,433	+3,000	+115,433		12940	

13000 Note: All HHS accounts are current funded unless 13000
13005 otherwise noted. 13005

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
.3020	Health Professions							13020
.3032	Grants to communities for scholarships...............	474	---	532	+58	+532	D	13032 UA
.3035	Health professions data system......................	212	---	238	+26	+238	D	13035 UA
.3040	Nurse loan repayment for shortage area service........	1,962	---	2,197	+235	+2,197	D	13040 UA
.3100	Workforce Development Cluster (proposed leg)..........	---	117,205	---	---	-117,205	D	13100 UA
.3175	Centers of excellence...............................	22,072	---	24,718	+2,646	+24,718	D	13175 UA
.3200	Health careers opportunity program..................	23,918	---	26,785	+2,867	+26,785	D	13200 UA
.3225	Exceptional financial need scholarships..............	10,120	---	11,333	+1,213	+11,333	D	13225 UA
.3250	Faculty loan repayment..............................	947	---	1,061	+114	+1,061	D	13250 UA
.3275	Fin assistance for disadvantaged HP students..........	5,999	---	6,718	+719	+6,718	D	13275 UA
.3325	Scholarships for disadvantaged students..............	16,677	---	18,676	+1,999	+18,676	D	13325 UA
3350	Minority / Disadvantaged Cluster (proposed leg).......	---	64,085	---	---	-64,085	D	13350 UA
3575	Family medicine training / departments...............	44,002	---	49,277	+5,275	+49,277	D	13575 UA
3600	General internal medicine and pediatrics.............	15,741	---	17,628	+1,887	+17,628	D	13600 UA
3625	Physician assistants................................	5,697	---	6,380	+683	+6,380	D	13625 UA
3650	Public health and preventive medicine................	7,148	---	8,005	+857	+8,005	D	13650 UA
3675	Health administration traineeships / projects.........	978	---	1,095	+117	+1,095	D	13675 UA
3699 3700	Primary Care Medicine and Public Health Cluster (proposed legislation)............................	---	80,000	---	---	-80,000	D	13699 13700 UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
13710	Area health education centers........................	23,123	---	28,495	+5,372	+28,495	D	13710	UA
13720	Border health training centers.......................	3,350	---	3,752	+402	+3,752	D	13720	UA
13730	General dentistry residencies........................	3,381	---	3,786	+405	+3,786	D	13730	UA
13740	Allied health special projects.......................	3,424	---	3,834	+410	+3,834	D	13740	UA
13750	Geriatric education centers and training.............	7,933	---	8,884	+951	+8,884	D	13750	UA
13760	Rural interdisciplinary traineeships.................	3,709	---	4,154	+445	+4,154	D	13760	UA
13770	Podiatric medicine...................................	605	---	678	+73	+678	D	13770	UA
13775	Chiropractic demonstration grants....................	916	---	1,026	+110	+1,026	D	13775	UA
13779 13780	Enhanced Area Health Education Cluster (proposed legislation)..	---	35,000	---	---	-35,000	D	13779 13780	UA
13790	Advanced nurse education.............................	11,134	---	12,469	+1,335	+12,469	D	13790	UA
13800	Nurse practitioners / nurse midwives.................	15,460	---	17,588	+2,128	+17,588	D	13800	UA
13825	Special projects.....................................	9,436	---	10,567	+1,131	+10,567	D	13825	UA
13850	Nurse disadvantaged assistance.......................	3,453	---	3,867	+414	+3,867	D	13850	UA
13875	Professional nurse traineeships......................	14,235	---	15,942	+1,707	+15,942	D	13875	UA
13900	Nurse anesthetists...................................	2,469	---	2,765	+296	+2,765	D	13900	UA
13924 13925	Nurse Education / Practice Initiatives Cluster (proposed legislation)...............................	---	70,000	---	---	-70,000	D	13924 13925	UA
14300	Subtotal, Health professions....................	258,575	366,290	292,450	+33,875	-73,840		14300	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
14400	Other HRSA Programs:							14400	
14425	Hansen's disease services........................	17,094	16,371	17,094	---	+723	D	14425	
14450	Maternal & child health block grant..............	678,204	681,061	681,061	+2,857	---	D	14450	
14475	Healthy start....................................	92,816	74,838	---	-92,816	-74,838	D	14475	
14500	Organ transplantation............................	2,069	2,296	2,400	+331	+104	D	14500	UA
14525	Health teaching facilities interest subsidies.....	411	297	297	-114	---	D	14525	UA
14550	Bone marrow program..............................	15,272	15,332	15,272	---	-60	D	14550	UA
14575	Rural outreach grants............................	27,797	30,254	4,000	-23,797	-26,254	D	14575	
14675	Emergency medical services for children...........	10,755	---	12,500	+1,745	+12,500	D	14675	
14699 14700	Emergency Medical Services (EMS) Cluster (proposed legislation)..................................	---	9,333	---	---	-9,333	D	14699 14700	
14725	Black lung clinics...............................	3,811	---	3,900	+89	+3,900	D	14725	
14750	Alzheimers demonstration grants..................	3,980	---	6,000	+2,020	+6,000	D	14750	UA
14775	Payment to Hawaii, treatment of Hansen's Disease..	2,045	---	2,045	---	+2,045	D	14775	
14800	Pacific Basin initiative.........................	1,200	---	---	-1,200	---	D	14800	UA
14850	Special Populations Cluster (proposed legislation)	---	7,485	---	---	-7,485	D	14850	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
15000	Ryan White AIDS Programs:							15000	
15100	Emergency assistance............................	391,700	423,943	401,700	+10,000	-22,243	D	15100	
15125	Comprehensive care programs......................	260,847	284,954	290,847	+30,000	+5,893	D	15125	
15150	Early intervention program.......................	56,918	64,568	61,918	+5,000	-2,650	D	15150	
15175	Pediatric demonstrations.........................	29,000	34,000	34,000	+5,000	---	D	15175	
15200	AIDS dental services.............................	6,937	6,937	7,500	+563	+563	D	15200	
15210	Education and training centers...................	12,000	16,287	16,287	+4,287	---	D	15210	
15225	Subtotal, Ryan White AIDS programs..............	757,402	830,689	812,252	+54,850	-18,437		15225	
15275	Family planning..................................	192,592	198,452	192,592	---	-5,860	D	15275	UA
15300	Rural health research............................	9,353	7,884	7,884	-1,469	---	D	15300	
15325	Health care facilities...........................	20,000	2,000	---	-20,000	-2,000	D	15325	UA
15350	Buildings and facilities.........................	741	828	2,828	+2,087	+2,000	D	15350	
15375	National practitioner data bank..................	6,000	6,000	6,000	---	---	D	15375	
15400	User fees..	-6,000	-6,000	-6,000	---	---	D	15400	
15425	Program management...............................	112,058	112,949	112,058	---	-891	D	15425	
15500	Total, Health resources and services............	3,076,740	3,113,483	3,082,190	+5,450	-31,293		15500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
15575	MEDICAL FACILITIES GUARANTEE AND LOAN FUND:							15575	
15600	Interest subsidy program..........................	8,000	7,000	7,000	-1,000	---	M	15600	
15625	HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):							15625	
15650	New loan subsidies................................	126	477	477	+351	---	M	15650	
15675	Liquidating account (non-add).....................	---	(14,481)	(14,481)	(+14,481)	---	NA	15675	
15700	HEAL loan limitation (non-add)....................	(210,000)	(140,000)	(140,000)	(-70,000)	---	NA	15700	UA
15725	Program management................................	2,688	2,695	2,688	---	-7	D	15725	
15750	Total, HEAL...................................	2,814	3,172	3,165	+351	-7		15750	
15775	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:							15775	
15800	Post - FY88 claims (trust fund)...................	56,721	56,721	56,721	---	---	M	15800	
15825	HRSA administration (trust fund)..................	3,000	3,000	3,000	---	---	M	15825	UR
15850	Subtotal, Vaccine injury compensation trust fund	59,721	59,721	59,721	---	---		15850	
15875	VACCINE INJURY COMPENSATION:							15875	
15900	Pre - FY89 claims (appropriation).................	110,000	110,000	110,000	---	---	M	15900	
15925	Total, Vaccine injury.........................	169,721	169,721	169,721	---	---		15925	
15950	Total, Health Resources & Services Admin........	3,257,275	3,293,376	3,262,076	+4,801	-31,300		15950	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request			
18600	CENTERS FOR DISEASE CONTROL							18600	
18650	DISEASE CONTROL, RESEARCH AND TRAINING							18650	
18700	Preventive Health Services Block Grant	145,229	145,229	157,000	+11,771	+11,771	D	18700	
18800	Prevention centers	8,099	7,106	7,106	-993	---	D	18800	
18900	CDC/HCFA vaccine program:							18900	
18950	Immunization partnership grant (proposed leg)	---	176,656	---	---	-176,656	D	18950	
19000	Childhood immunization	467,890	311,237	467,890	---	+156,653	D	19000	UA
19075	HCFA vaccine purchase (non-add)	(409,759)	(523,952)	(523,952)	(+114,193)	---	NA	19075	
19080	Subtotal, CDC/HCFA vaccine program level	(877,649)	(1,011,845)	(991,842)	(+114,193)	(-20,003)		19080	
19090	1995 Vaccine rescission (non-add)	(-53,000)	---	---	(+53,000)	---	NA	19090	
19100	HIV partnership grant (proposed legislation)	---	297,875	---	---	-297,875	D	19100	
19120	Acquired Immune Deficiency Syndrome (AIDS)	584,080	319,106	599,080	+15,000	+279,974	D	19120	
19150	Subtotal	584,080	616,981	599,080	+15,000	-17,901		19150	
19160	STD/TB partnership grant (proposed legislation)	---	182,290	---	---	-182,290	D	19160	
19250	Tuberculosis	119,303	16,404	119,303	---	+102,899	D	19250	
19300	Sexually transmitted diseases	105,299	24,578	105,299	---	+80,721	D	19300	UA
19350	Subtotal	224,602	223,272	224,602	---	+1,330		19350	
19390	Chronic diseases:							19390	
19400	Chronic diseases partnership grant (proposed leg).	---	117,351	---	---	-117,351	D	19400	
19450	Chronic and environmental disease prevention	143,744	106,156	155,000	+11,256	+48,844	D	19450	
19500	Breast and cervical cancer screening	124,670	44,677	134,670	+10,000	+89,993	D	19500	
19550	Subtotal, Chronic diseases	268,414	268,184	289,670	+21,256	+21,486		19550	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
9600	Infectious disease	62,153	87,820	82,153	+20,000	-5,667	D	19600
9650	Lead poisoning prevention	36,188	36,188	38,188	+2,000	+2,000	D	19650
9700	Injury control	43,198	43,198	40,598	-2,600	-2,600	D	19700
9925	Occupational Safety and Health (NIOSH)	128,623	136,584	128,623	---	-7,961	D	19925
9960	Mine safety and health 1/	---	32,000	---	---	-32,000	D	19960
0000	Epidemic services	67,410	67,413	67,413	+3	---	D	20000
0050	National Center for Health Statistics:							20050
0100	Program operations	37,398	35,400	40,063	+2,665	+4,663	D	20100
0200	1% evaluation funds (non-add)	(40,063)	(53,063)	(48,400)	(+8,337)	(-4,663)	NA	20200
0250	Subtotal, health statistics	(77,461)	(88,463)	(88,463)	(+11,002)	---		20250
0300	Buildings and facilities	4,353	8,353	8,353	+4,000	---	D	20300
0325	Program management	2,637	2,637	2,637	---	---	D	20325
0385	Subtotal, Centers for Disease Control	2,080,274	2,198,258	2,153,376	+73,102	-44,882		20385
0410	Crime Bill Activities:							20410
0420	Rape prevention and education	28,542	35,000	28,642	+100	-6,358	D	20420
0430	Domestic violence community demonstrations	3,000	6,000	5,000	+2,000	-1,000	D	20430
0440	Crime victim study	100	---	---	-100	---	D	20440
0450	Subtotal, Crime bill activities	31,642	41,000	33,642	+2,000	-7,358		20450
0460	Total, Disease Control	2,111,916	2,239,258	2,187,018	+75,102	-52,240		20460

0465 1/ Budget requests transfer of this activity from the 20465
0466 Bureau of Mines to CDC in FY 1997. 20466

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
20650	NATIONAL INSTITUTES OF HEALTH							20650
20850	National Cancer Institute.............................	2,248,000	2,060,392	2,385,741	+137,741	+325,349	D	20850
20900	Transfer, Office of AIDS Research.................	---	(220,539)	---	---	(-220,539)	NA	20900
21000	Subtotal....................................	(2,248,000)	(2,280,931)	(2,385,741)	(+137,741)	(+104,810)		21000
21100	National Heart, Lung, and Blood Institute............	1,354,946	1,320,555	1,438,265	+83,319	+117,710	D	21100
21150	Transfer, Office of AIDS Research.................	---	(58,115)	---	---	(-58,115)	NA	21150
21250	Subtotal....................................	(1,354,946)	(1,378,670)	(1,438,265)	(+83,319)	(+59,595)		21250
21350	National Institute of Dental Research................	182,923	174,463	195,596	+12,673	+21,133	D	21350
21400	Transfer, Office of AIDS Research.................	---	(12,318)	---	---	(-12,318)	NA	21400
21500	Subtotal....................................	(182,923)	(186,781)	(195,596)	(+12,673)	(+8,815)		21500
21550 21600	National Institute of Diabetes and Digestive and Kidney Diseases....................................	770,582	772,975	819,224	+48,642	+46,249	D	21550 21600
21650	Transfer, Office of AIDS Research.................	---	(11,948)	---	---	(-11,948)	NA	21650
21800	Subtotal....................................	(770,582)	(784,923)	(819,224)	(+48,642)	(+34,301)		21800
21850 21900	National Institute of Neurological Disorders and Stroke..	680,902	671,148	725,478	+44,576	+54,330	D	21850 21900
22000	Transfer, Office of AIDS Research.................	---	(23,950)	---	---	(-23,950)	NA	22000
22100	Subtotal....................................	(680,902)	(695,098)	(725,478)	(+44,576)	(+30,380)		22100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
22200	National Institute of Allergy and Infectious Diseases.	1,168,483	584,362	1,256,149	+87,666	+671,787	D	22200
22250	Transfer, Office of AIDS Research.................	---	(624,368)	---	---	(-624,368)	NA	22250
22300	Subtotal.....................................	(1,168,483)	(1,208,730)	(1,256,149)	(+87,666)	(+47,419)		22300
22450	National Institute of General Medical Sciences........	946,896	936,573	1,003,722	+56,826	+67,149	D	22450
22500	Transfer, Office of AIDS Research.................	---	(27,050)	---	---	(-27,050)	NA	22500
22600	Subtotal.....................................	(946,896)	(963,623)	(1,003,722)	(+56,826)	(+40,099)		22600
22650 22750	National Institute of Child Health and Human Development..	594,547	543,441	631,989	+37,442	+88,548	D	22650 22750
22800	Transfer, Office of AIDS Research.................	---	(60,209)	---	---	(-60,209)	NA	22800
22900	Subtotal.....................................	(594,547)	(603,650)	(631,989)	(+37,442)	(+28,339)		22900
23000	National Eye Institute.............................	313,933	310,072	333,131	+19,198	+23,059	D	23000
23050	Transfer, Office of AIDS Research.................	---	(9,135)	---	---	(-9,135)	NA	23050
23150	Subtotal.....................................	(313,933)	(319,207)	(333,131)	(+19,198)	(+13,924)		23150
23250	National Institute of Environmental Health Sciences...	288,378	289,114	308,258	+19,880	+19,144	D	23250
23300	Transfer, Office of AIDS Research.................	---	(6,028)	---	---	(-6,028)	NA	23300
23400	Subtotal.....................................	(288,378)	(295,142)	(308,258)	(+19,880)	(+13,116)		23400
23500	National Institute on Aging.........................	453,541	461,541	484,375	+30,834	+22,834	D	23500
23550	Transfer, Office of AIDS Research.................	---	(1,824)	---	---	(-1,824)	NA	23550
23650	Subtotal.....................................	(453,541)	(463,365)	(484,375)	(+30,834)	(+21,010)		23650

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
23700 23800	National Institute of Arthritis and Musculoskeletal and Skin Diseases..................................	242,655	243,169	257,637	+14,982	+14,468	D	23700 23800
23850	Transfer, Office of AIDS Research................	---	(3,972)	---	---	(-3,972)	NA	23850
23950	Subtotal......................................	(242,655)	(247,141)	(257,637)	(+14,982)	(+10,496)		23950
24000 24100	National Institute on Deafness and Other Communication Disorders...	176,383	179,090	189,243	+12,860	+10,153	D	24000 24100
24150	Transfer, Office of AIDS Research................	---	(1,726)	---	---	(-1,726)	NA	24150
24200	Subtotal......................................	(176,383)	(180,816)	(189,243)	(+12,860)	(+8,427)		24200
24250	National Institute of Nursing Research...............	55,814	51,951	59,715	+3,901	+7,764	D	24250
24300	Transfer, Office of AIDS Research................	---	(5,015)	---	---	(-5,015)	NA	24300
24350	Subtotal......................................	(55,814)	(56,966)	(59,715)	(+3,901)	(+2,749)		24350
24400	National Institute on Alcohol Abuse and Alcoholism....	198,401	192,280	212,079	+13,678	+19,799	D	24400
24450	Transfer, Office of AIDS Research................	---	(10,334)	---	---	(-10,334)	NA	24450
24500	Subtotal......................................	(198,401)	(202,614)	(212,079)	(+13,678)	(+9,465)		24500
24550	National Institute on Drug Abuse.....................	458,112	312,014	487,341	+29,229	+175,327	D	24550
24600	Transfer, Office of AIDS Research................	---	(154,311)	---	---	(-154,311)	NA	24600
24650	Subtotal......................................	(458,112)	(466,325)	(487,341)	(+29,229)	(+21,016)		24650
24700	National Institute of Mental Health..................	660,514	578,149	701,247	+40,733	+123,098	D	24700
24750	Transfer, Office of AIDS Research................	---	(93,056)	---	---	(-93,056)	NA	24750
24800	Subtotal......................................	(660,514)	(671,205)	(701,247)	(+40,733)	(+30,042)		24800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
25175	National Center for Research Resources	390,298	309,344	416,523	+26,225	+107,179	D	25175
25180	Transfer, Office of AIDS Research	---	(68,255)	---	---	(-68,255)	NA	25180
25185	Subtotal	(390,298)	(377,599)	(416,523)	(+26,225)	(+38,924)		25185
25250	National Center for Human Genome Research	169,768	177,788	189,267	+19,499	+11,479	D	25250
25300	Transfer, Office of AIDS Research	---	(2,087)	---	---	(-2,087)	NA	25300
25400	Subtotal	(169,768)	(179,875)	(189,267)	(+19,499)	(+9,392)		25400
25450	John E. Fogarty International Center	25,327	15,790	26,707	+1,380	+10,917	D	25450
25500	Transfer, Office of AIDS Research	---	(9,757)	---	---	(-9,757)	NA	25500
25550	Subtotal	(25,327)	(25,547)	(26,707)	(+1,380)	(+1,160)		25550
25650	National Library of Medicine	140,936	143,268	150,093	+9,157	+6,825	D	25650
25700	Transfer, Office of AIDS Research	---	(3,311)	---	---	(-3,311)	NA	25700
25800	Subtotal	(140,936)	(146,579)	(150,093)	(+9,157)	(+3,514)		25800
25900	Office of the Director	260,072	226,913	275,423	+15,351	+48,510	D	25900
25925	Office of AIDS research (non-add)	(26,598)	(24,600)	(26,598)	---	(+1,998)	NA	25925
25950	Transfer, Office of AIDS Research	---	(24,600)	---	---	(-24,600)	NA	25950
26000	Subtotal	(260,072)	(251,513)	(275,423)	(+15,351)	(+23,910)		26000
26100	Buildings and facilities	146,151	390,261	200,000	+53,849	-190,261	D	26100
26110	Office of AIDS Research	---	1,431,908	---	---	-1,431,908	D	26110
26460	Total N.I.H.	11,927,562	12,376,561	12,747,203	+819,641	+370,642		26460

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
26750	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES							26750	
26800	ADMINISTRATION							26800	
26850	Mental Health:							26850	
26900	Knowledge development and application.............	38,032	62,133	38,032	---	-24,101	D	26900	UA
26950	Mental health performance partnership.............	275,420	275,420	275,420	---	---	D	26950	UA
27000	Children's mental health..........................	59,927	59,958	59,927	---	-31	D	27000	UA
27150	Grants to States for the homeless (PATH)..........	20,000	---	20,000	---	+20,000	D	27150	UA
27250	Protection and advocacy...........................	19,850	21,957	21,957	+2,107	---	D	27250	UA
27350	Subtotal, mental health.......................	413,229	419,468	415,336	+2,107	-4,132		27350	
27550	Substance Abuse Treatment:							27550	
27600	Knowledge development and application.............	89,777	176,043	101,333	+11,556	-74,710	D	27600	UA
27650	Substance abuse performance partnership (BA)......	1,234,107	1,271,957	1,184,107	-50,000	-87,850	D	27650	UA
27700	P.L. 104-121 funding (non-add)....................	---	(50,000)	(50,000)	(+50,000)	---	NA	27700	UA
28500	Subtotal, Substance Abuse Treatment (BA)......	1,323,884	1,448,000	1,285,440	-38,444	-162,560		28500	
28510	Program level.............................	(1,323,884)	(1,498,000)	(1,335,440)	(+11,556)	(-162,560)		28510	
28550	Substance Abuse Prevention:							28550	
28600	Knowledge development and application.............	89,799	176,043	93,959	+4,160	-82,084	D	28600	UA
29050	Program management...................................	56,188	54,500	54,500	-1,688	---	D	29050	UA
29250	Total, Substance Abuse and Mental Health (BA)...	1,883,100	2,098,011	1,849,235	-33,865	-248,776		29250	
29260	Program level.............................	(1,883,100)	(2,148,011)	(1,899,235)	(+16,135)	(-248,776)		29260	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS						
Retirement payments...................................	129,808	136,421	136,421	+6,613	---	M
Survivors benefits....................................	9,208	11,001	11,001	+1,793	---	M
Dependent's medical care..............................	25,108	26,414	26,414	+1,306	---	M
Military Services Credits.............................	2,801	2,556	2,556	-245	---	M
Total, Retirement pay and medical benefits......	166,925	176,392	176,392	+9,467	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
31300	AGENCY FOR HEALTH CARE POLICY AND RESEARCH							31300
31350	Research on Health Care Systems Cost & Access:							31350
31400	Research..	7,019	29,132	39,239	+32,220	+10,107	D	31400 UA
31410	1% evaluation funding (non-add)...................	(45,124)	(19,284)	---	(-45,124)	(-19,284)	NA	31410
31450	Subtotal..	(52,143)	(48,416)	(39,239)	(-12,904)	(-9,177)		31450
31500	Health Insurance & Expenditure Surveys:							31500
31510	Research..	---	10,000	10,000	+10,000	---	D	31510 UA
31520	1% evaluation funding (non-add)..................	(15,000)	(34,700)	(34,700)	(+19,700)	---	NA	31520
31550	Subtotal..	(15,000)	(44,700)	(44,700)	(+29,700)	---		31550
31700	Research on Health Care Outcomes & Quality:							31700
31750	Federal funds...................................	55,796	42,445	39,000	-16,796	-3,445	D	31750 UA
31800	Trust funds.....................................	---	(5,796)	---	---	(-5,796)	TF*	31800
31950	Subtotal..	(55,796)	(48,241)	(39,000)	(-16,796)	(-9,241)		31950
32000	Program support.................................	2,230	2,423	2,230	---	-193	D	32000 UA
32050	Total, Health Care Policy and Research:							32050
32100	Federal Funds.............................	65,045	84,000	90,469	+25,424	+6,469		32100
32150	Trust funds...............................	---	(5,796)	---	---	(-5,796)		32150
32200	Total, 1% evaluation funding (non-add)......	(60,124)	(53,984)	(34,700)	(-25,424)	(-19,284)		32200
32250	Total, Health Care Policy & Research (non-add)..	(125,169)	(143,780)	(125,169)	---	(-18,611)		32250
32600	Total, Public Health Service:							32600
32650	Federal Funds.............................	19,411,823	20,267,598	20,312,393	+900,570	+44,795		32650
32900	Trust funds...............................	---	(5,796)	---	---	(-5,796)		32900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
33000	HEALTH CARE FINANCING ADMINISTRATION							33000
33050	GRANTS TO STATES FOR MEDICAID 1/							33050
33100	Medicaid current law benefits........................	91,140,563	98,141,139	98,141,139	+7,000,576	---	M	33100
33200	State and local administration.......................	3,742,000	4,171,923	4,171,923	+429,923	---	M	33200
33400	Subtotal, Medicaid program level, FY 1996 / 1997	94,882,563	102,313,062	102,313,062	+7,430,499	---		33400
33450	Carryover balance..............................	-12,740,491	-1,101,094	-1,101,094	+11,639,397	---	M	33450
33500	Less funds advanced in prior year..............	-27,047,717	-26,155,350	-26,155,350	+892,367	---	M	33500
33550	Total, request, FY 1996 / 1997.................	55,094,355	75,056,618	75,056,618	+19,962,263	---		33550
33600	New advance, 1st quarter, FY 1997 / 1998......	26,155,350	27,988,993	27,988,993	+1,833,643	---	M	33600
33650	PAYMENTS TO HEALTH CARE TRUST FUNDS							33650
33700	Supplemental medical insurance.......................	55,385,000	59,456,000	59,456,000	+4,071,000	---	M	33700
33750	Hospital insurance for the uninsured.................	358,000	405,000	405,000	+47,000	---	M	33750
33800	Federal uninsured payment............................	63,000	76,000	76,000	+13,000	---	M	33800
33850	DOD adjustment.......................................	625,000	---	---	-625,000	---	M	33850
33900	SMI matching, prior year shortfall...................	6,737,000	---	---	-6,737,000	---	M	33900
33950	Program management...................................	145,000	142,000	142,000	-3,000	---	M	33950
34000	Total, Payment to Trust Funds, current law......	63,313,000	60,079,000	60,079,000	-3,234,000	---		34000
34005	Net Medicare trust fund/general fund cash flow (NA)...	(9,200,000)	(15,000,000)	(15,000,000)	(+5,800,000)	---	NA	34005

34010 1/ Administration proposes $3,277,338,000 in 34010
34020 legislative additions. 34020

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
34050	PROGRAM MANAGEMENT							34050
34100	Research, demonstration, and evaluation:							34100
34150	Regular program, trust funds......................	(40,000)	(50,810)	(42,000)	(+2,000)	(-8,810)	TF*	34150
34250	Rural hospital transition demonstrations, trust							34250
34300	funds..	(13,089)	---	---	(-13,089)	---	TF*	34300
34350	Insurance Counseling............................	---	(4,500)	---	---	(-4,500)	TF*	34350
34450	Subtotal, research, demonstration, & evaluation.	(53,089)	(55,310)	(42,000)	(-11,089)	(-13,310)		34450
34500	Medicare contractors (Trust Funds)..................	(1,597,642)	(1,614,200)	(1,207,200)	(-390,442)	(-407,000)	TF*	34500
34525	H.R. 3103 funding (non-add)......................	---	---	(435,000)	(+435,000)	(+435,000)	NA	34525
34535	Subtotal, Contractors program level............	(1,597,642)	(1,614,200)	(1,642,200)	(+44,558)	(+28,000)		34535
34550	State Survey and Certification:							34550
34600	Medicare certification, trust funds..............	(147,625)	(173,800)	(158,000)	(+10,375)	(-15,800)	TF*	34600
34700	Federal Administration:							34700
34750	Trust funds..................................	(326,053)	(359,974)	(326,053)	---	(-33,921)	TF*	34750
34800	Less current law user fees......................	(-128)	(-132)	(-128)	---	(+4)	TF*	34800
34850	Subtotal, Federal Administration...............	(325,925)	(359,842)	(325,925)	---	(-33,917)		34850
34950	Total, Program management......................	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		34950
35250	Total, Health Care Financing Administration:							35250
35300	Federal funds..............................	144,562,705	163,124,611	163,124,611	+18,561,906	---		35300
35350	Current year, FY 1995 / 1996.............	(118,407,355)	(135,135,618)	(135,135,618)	(+16,728,263)	---		35350
35400	New advance, 1st quarter, FY 1996 / 1997..	(26,155,350)	(27,988,993)	(27,988,993)	(+1,833,643)	---		35400
35600	Trust funds................................	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		35600

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
38150	ADMINISTRATION FOR CHILDREN AND FAMILIES							38150
38200	FAMILY SUPPORT PAYMENTS TO STATES							38200
38250	Aid to Families with Dependent Children (AFDC)........	12,999,000	11,713,000	11,713,000	-1,286,000	---	M	38250
38300	Quality control liabilities...........................	-71,121	-52,000	-52,000	+19,121	---	M	38300
38350	Payments to territories...............................	19,428	25,000	25,000	+5,572	---	M	38350
38400	Emergency assistance..................................	974,000	1,867,000	1,867,000	+893,000	---	M	38400
38450	Repatriation..	1,000	1,000	1,000	---	---	M	38450
38550	State and local welfare administration................	1,770,000	1,875,000	1,875,000	+105,000	---	M	38550
38600	Work activities child care............................	734,000	879,405	879,405	+145,405	---	M	38600
38650	Transitional child care...............................	220,000	267,595	267,595	+47,595	---	M	38650
38700	At risk child care....................................	300,000	300,000	300,000	---	---	M	38700
38750	Subtotal, Welfare payments........................	16,946,307	16,876,000	16,876,000	-70,307	---		38750
38800	Child Support Enforcement:							38800
38850	State and local administration....................	1,943,000	2,132,000	2,132,000	+189,000	---	M	38850
38900	Federal incentive payments........................	439,000	459,000	459,000	+20,000	---	M	38900
38950	Less federal share collections....................	-1,314,000	-1,366,000	-1,366,000	-52,000	---	M	38950
39000	Subtotal, Child support.......................	1,068,000	1,225,000	1,225,000	+157,000	---		39000
39050	Total, Payments, FY 1996 / 1997 program level...	18,014,307	18,101,000	18,101,000	+86,693	---		39050
39100	Less funds advanced in previous years.........	-4,400,000	-4,800,000	-4,800,000	-400,000	---	M	39100
39150	Total, Payments, current request, FY 1996 /1997.	13,614,307	13,301,000	13,301,000	-313,307	---		39150
39300	New advance, 1st quarter, FY 1997 /1998.....	4,800,000	4,700,000	4,700,000	-100,000	---	M	39300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request			
39350	JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)............	1,000,000	1,000,000	1,000,000	---	---	M	39350	
39400	LOW INCOME HOME ENERGY ASSISTANCE							39400	
39450	Advance from prior year (non-add)....................	(999,997)	---	---	(-999,997)	---	NA	39450	
39500	Adjustment..	-100,000	1,000,000	900,000	+1,000,000	-100,000	D	39500	
39550	FY 1996 / 1997 program level........................	(899,997)	(1,000,000)	(900,000)	(+3)	(-100,000)		39550	
39575	Prior year emergency allocation......................	---	---	(300,000)	(+300,000)	(+300,000)	NA	39575	
39600	New emergency allocation (non-add)...................	---	---	---	---	---	NA	39600	
39700	Advance funding (FY 1997 / 1998).....................	---	1,000,000	---	---	-1,000,000	D	39700	
39850	REFUGEE AND ENTRANT ASSISTANCE							39850	
39900	Transitional and medical services....................	263,267	246,502	246,502	-16,765	---	D	39900	
39950	Social services......................................	80,802	80,802	110,882	+30,080	+30,080	D	39950	
40000	Preventive health....................................	2,700	4,835	4,835	+2,135	---	D	40000	
40050	Targeted assistance..................................	55,397	49,397	49,857	-5,540	+460	D	40050	
40055	Carryover (non-add)..................................	(10,590)	---	(9,300)	(-1,290)	(+9,300)	NA	40055	
40100	Total, Refugee and entrant assistance (BA)......	402,166	381,536	412,076	+9,910	+30,540		40100	
40110	Total program level............................	(412,756)	(381,536)	(421,376)	(+8,620)	(+39,840)		40110	
40500	CHILD CARE AND DEVELOPMENT BLOCK GRANT:							40500	
40550	Forward funded.....................................	934,642	1,048,825	937,000	+2,358	-111,825	D	40550	UA
40560	Current funded.....................................	---	---	13,000	+13,000	+13,000	D	40560	UA
40570	Total...	934,642	1,048,825	950,000	+15,358	-98,825		40570	
40600	SOCIAL SERVICES BLOCK GRANT (TITLE XX)...............	2,381,000	2,800,000	2,480,000	+99,000	-320,000	M	40600	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
40900	CHILDREN AND FAMILIES SERVICES PROGRAMS							40900	
40950	Programs for Children, Youth, and Families:							40950	
41000	Head start..	3,569,329	3,981,000	3,600,000	+30,671	-381,000	D	41000	
41100	Consolidated runaway, homeless youth program......	---	68,572	---	---	-68,572	D	41100	UA
41150	Runaway and homeless youth........................	43,653	---	43,653	---	+43,653	D	41150	UA
41200	Runaway youth - transitional living...............	14,949	---	14,949	---	+14,949	D	41200	UA
41300	Subtotal, runaway.................................	58,602	68,572	58,602	---	-9,970		41300	
41350	Teen pregnancy prevention initiative..............	---	30,000	---	---	-30,000	D	41350	
41400	Child abuse state grants..........................	21,026	22,854	21,026	---	-1,828	D	41400	UA
41450	Child abuse discretionary activities..............	14,154	---	14,154	---	+14,154	D	41450	UA
41550	Temporary childcare/crisis nurseries..............	9,835	---	---	-9,835	---	D	41550	
41600	Abandoned infants assistance......................	12,251	14,406	12,251	---	-2,155	D	41600	UA
41700	Child welfare services............................	277,389	291,989	277,389	---	-14,600	D	41700	
41750	Child welfare training............................	2,000	---	4,000	+2,000	+4,000	D	41750	
41800	Child welfare innovative programs.................	---	39,178	---	---	-39,178	D	41800	
41850	Adoption opportunities............................	11,000	---	11,000	---	+11,000	D	41850	UA
41875	Social services & income maintenance research.........	---	10,000	---	---	-10,000	D	41875	
41900	Family violence.......................................	32,643	32,619	35,042	+2,399	+2,423	D	41900	
42050	Community Based Resource Centers......................	23,000	50,569	---	-23,000	-50,569	D	42050	UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
42100	Developmental disabilities program:							42100	
42150	State councils	64,803	70,438	64,803	---	-5,635	D	42150	UA
42200	Protection and advocacy	26,718	26,718	26,718	---	---	D	42200	UA
42250	Developmental disabilities special projects	5,250	5,715	---	-5,250	-5,715	D	42250	UA
42300	Developmental disabilities university affiliated							42300	
42350	programs	17,461	18,979	17,461	---	-1,518	D	42350	UA
42400	Subtotal, Developmental disabilities	114,232	121,850	108,982	-5,250	-12,868		42400	
42450	Native American Programs	34,933	38,382	34,933	---	-3,449	D	42450	UA
42500	Community services:							42500	
42550	Community Services Block Grants	389,598	389,600	489,600	+100,002	+100,000	D	42550	
42650	Discretionary funds:							42650	
42700	Community initiative program:							42700	
42750	Economic development	27,332	---	27,332	---	+27,332	D	42750	
42850	Rural community facilities	3,009	---	3,009	---	+3,009	D	42850	
42950	Subtotal, discretionary funds	30,341	---	30,341	---	+30,341		42950	
43000	National youth sports	11,520	---	12,000	+480	+12,000	D	43000	
43100	Community Food and Nutrition	4,000	---	---	-4,000	---	D	43100	
43150	Subtotal, Community services	435,459	389,600	531,941	+96,482	+142,341		43150	
43200	Program direction	150,117	160,279	147,115	-3,002	-13,164	D	43200	
43260	Total, Children and Families Services Programs	4,765,970	5,251,298	4,856,435	+90,465	-394,863		43260	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
43275	VIOLENT CRIME REDUCTION PROGRAMS:							43275
43300	Community schools................................	---	13,600	---	---	-13,600	D	43300
43400	Runaway Youth Prevention..........................	5,558	8,000	2,000	-3,558	-6,000	D	43400
43450	Domestic violence hotline.........................	400	400	400	---	---	D	43450
43500	Battered women's shelters.........................	15,000	27,381	24,958	+9,958	-2,423	D	43500
43550	Youth education demonstration.....................	400	---	---	-400	---	D	43550
43575	Total, Violent crime reduction programs.........	21,358	49,381	27,358	+6,000	-22,023		43575
43750	FAMILY SUPPORT AND PRESERVATION.......................	225,000	240,000	240,000	+15,000	---	M	43750
43800	PAYMENTS TO STATES FOR FOSTER CARE AND							43800
43850	ADOPTION ASSISTANCE							43850
43900	Foster care...	3,742,338	3,807,143	3,807,143	+64,805	---	M	43900
43950	Adoption assistance...................................	509,900	567,888	567,888	+57,988	---	M	43950
44000	Independent living....................................	70,000	70,000	70,000	---	---	M	44000
44100	Total, Payment to States.......................	4,322,238	4,445,031	4,445,031	+122,793	---		44100
44150	New advance, 1st quarter, FY 1997 /1998.........	---	1,111,000	1,111,000	+1,111,000	---	M	44150
44200	Total, Administration for Children and Families.	32,366,681	36,328,071	34,422,900	+2,056,219	-1,905,171		44200
44250	Current year, FY 1996 / 1997...............	(27,566,681)	(29,517,071)	(28,611,900)	(+1,045,219)	(-905,171)		44250
44300	FY 1997 / 1998.............................	(4,800,000)	(6,811,000)	(5,811,000)	(+1,011,000)	(-1,000,000)		44300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
44450	ADMINISTRATION ON AGING							44450	
44500	AGING SERVICES PROGRAMS							44500	
44550	Grants to States:							44550	
44600	Supportive services and centers....................	300,556	294,787	300,556	---	+5,769	D	44600	UA
44650	Ombudsman services..............................	---	4,449	---	---	-4,449	D	44650	UA
44700	Prevention of elder abuse.........................	---	4,732	---	---	-4,732	D	44700	UA
44750	Pension counseling..............................	---	1,976	---	---	-1,976	D	44750	UA
44800	Preventive health................................	15,623	16,982	---	-15,623	-16,982	D	44800	UA
44850	Nutrition:							44850	
44900	Congregate meals..............................	364,535	357,019	364,535	---	+7,516	D	44900	UA
44950	Home-delivered meals..........................	105,339	94,191	105,339	---	+11,148	D	44950	UA
45000	Frail elderly in-home services........................	9,263	9,263	9,263	---	---	D	45000	UA
45050	Grants to Indians..................................	16,057	16,057	16,057	---	---	D	45050	UA
45100	Aging research, training and special projects.........	2,850	11,666	---	-2,850	-11,666	D	45100	UA
45150	Federal Council on Aging............................	---	226	---	---	-226	D	45150	UA
45250	Program administration.............................	15,097	16,789	14,795	-302	-1,994	D	45250	UA
45300	Total, Administration on Aging.................	829,320	828,137	810,545	-18,775	-17,592		45300	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
45350	OFFICE OF THE SECRETARY							45350	
45400	GENERAL DEPARTMENTAL MANAGEMENT:							45400	
45450	Federal funds..................................	97,866	91,436	98,439	+573	+7,003	D	45450	
45600	Trust funds..................................	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)	TF*	45600	
45603	1% Evaluation Funds (ASPE) (non-add)............	(19,820)	(19,820)	(19,820)	---	---	NA	45603	
45604	Subtotal..................................	(124,314)	(120,443)	(124,110)	(-204)	(+3,667)		45604	
45605	Emergency preparedness..........................	---	2,020	---	---	-2,020	D	45605	
45620	Population affairs: Adolescent family life.......	7,698	6,187	7,698	---	+1,511	D	45620	UA
45630	Physical fitness and sports......................	1,000	1,007	1,000	---	-7	D	45630	
45640	Minority health..................................	27,000	19,945	33,000	+6,000	+13,055	D	45640	UA
45650	Office of research integrity.....................	---	3,732	---	---	-3,732	D	45650	
45660	Office of women's health.........................	5,362	2,570	8,862	+3,500	+6,292	D	45660	
45675	Office of Disease Prevention.....................	---	4,266	---	---	-4,266	D	45675	
45725	Anti-Terrorism...................................	---	5,000	---	---	-5,000	D	45725	
45750	Total, General Departmental Management:							45750	
45800	Federal funds..........................	138,926	136,163	148,999	+10,073	+12,836		45800	
45850	Trust funds............................	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)		45850	
45900	Total..................................	(145,554)	(145,350)	(154,850)	(+9,296)	(+9,500)		45900	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
45950	OFFICE OF THE INSPECTOR GENERAL:							45950
46000	Federal funds	58,149	56,139	29,399	-28,750	-26,740	D	46000
46100	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)	TF*	46100
46150	H.R. 3103 funding (non-add)	---	---	(60,000)	(+60,000)	(+60,000)	NA	46150
46250	Total, Office of the Inspector General:							46250
46300	Federal funds	58,149	56,139	29,399	-28,750	-26,740		46300
46350	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)		46350
46360	Total (BA)	(78,819)	(74,949)	(29,399)	(-49,420)	(-45,550)		46360
46400	Total program level	(78,819)	(74,949)	(89,399)	(+10,580)	(+14,450)		46400
46450	OFFICE FOR CIVIL RIGHTS:							46450
46500	Federal funds	(16,066)	(18,188)	(16,066)	---	(-2,122)	D	46500
46600	Portion treated as budget authority	(3,314)	(3,602)	(3,314)	---	(-288)	TF*	46600
46750	Total, Office for Civil Rights:							46750
46800	Federal funds	16,066	18,188	16,066	---	-2,122		46800
46850	Trust funds	(3,314)	(3,602)	(3,314)	---	(-288)		46850
46900	Total	(19,380)	(21,790)	(19,380)	---	(-2,410)		46900
46950	POLICY RESEARCH	8,968	9,000	9,000	+32	---	D	46950
47000	Total, Office of the Secretary:							47000
47050	Federal funds	222,109	219,490	203,464	-18,645	-16,026		47050
47100	Trust funds	(30,612)	(31,599)	(9,165)	(-21,447)	(-22,434)		47100
47150	Total	(252,721)	(251,089)	(212,629)	(-40,092)	(-38,460)		47150

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
47250	PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND........	8,987	---	---	-8,987	---	D	47250
47275	UNDISTRIBUTED REDUCTION..............................	---	---	-2,000	-2,000	-2,000	D	47275
47300	Total, Department of Health and Human Services:							47300
47400	Federal Funds.............................	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994		47400
47450	Current year, FY 1996 / 1997...........	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)		47450
47550	FY 1997 / 1998.........................	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)		47550
47800	Trust funds...............................	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)		47800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM 1/						
Goals 2000: Educate America Act:						
State & local educ systemic improvement grants....	340,000	476,000	---	-340,000	-476,000	D
Parental assistance..............................	10,000	15,000	---	-10,000	-15,000	D
Subtotal, Goals 2000...........................	350,000	491,000	---	-350,000	-491,000	
School-to-work opportunities:						
State grants and local partnerships..............	180,000	200,000	175,000	-5,000	-25,000	D
Total..	530,000	691,000	175,000	-355,000	-516,000	

1/ Forward funded with the exception of parental assistance.

NOTE: All Education accounts are current funded unless otherwise noted.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
48600	EDUCATION FOR THE DISADVANTAGED 1/							48600
48650	Grants to local education agencies:							48650
48700	Basic grants, forward funded 2/	6,042,766	5,490,065	6,043,766	+1,000	+553,701	D	48700
48705	Basic grants, current funded	3,500	4,000	3,500	---	-500	D	48705
48710	Subtotal, Basic grants	6,046,266	5,494,065	6,047,266	+1,000	+553,201		48710
48750	Concentration grants	684,082	670,935	704,082	+20,000	+33,147	D	48750
48800	Targeted grants	---	1,000,000	---	---	-1,000,000	D	48800
48900	Subtotal	6,730,348	7,165,000	6,751,348	+21,000	-413,652		48900
49100	Capital expenses for private school children	38,119	20,000	20,000	-18,119	---	D	49100
49150	Even start	101,997	102,000	101,997	---	-3	D	49150
49200	State agency programs:							49200
49250	Migrant	305,474	320,000	305,474	---	-14,526	D	49250
49300	Neglected and delinquent / high risk youth	39,311	40,000	39,311	---	-689	D	49300
49400	State school improvement	---	15,000	---	---	-15,000	D	49400
49450	Demonstration of innovative practices	---	10,000	---	---	-10,000	D	49450
49500	Evaluation	3,359	7,000	7,000	+3,641	---	D	49500
49600	Total, ESEA	7,218,608	7,679,000	7,225,130	+6,522	-453,870		49600

49610 1/ All programs in this account are forward funded 49610
49615 with the exception of current funded basic grants, 49615
49620 Title I evaluation, Demonstration of Innovative 49620
49625 Practices, High School Equivalency Program and the 49625
49630 the College Assistance Migrant Program. 49630

49638 2/ Availability of $1,298,386,000 of the FY96 funds is 49638
49639 delayed until October 1, 1996. 49639

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
49650	Migrant education:							49650
49700	High school equivalency program..................	7,441	---	---	-7,441	---	D	49700
49750	College assistance migrant program...............	2,028	---	---	-2,028	---	D	49750
49800	Subtotal, migrant education....................	9,469	---	---	-9,469	---		49800
49850	Total, Compensatory education programs..........	7,228,077	7,679,000	7,225,130	-2,947	-453,870		49850
49900	Subtotal, forward funded.......................	(7,211,749)	(7,658,000)	(7,214,630)	(+2,881)	(-443,370)		49900
50000	IMPACT AID 1/							50000
50050	Basic support payments.............................	581,707	550,000	615,500	+33,793	+65,500	D	50050
50100	Payments for children with disabilities.............	40,000	40,000	40,000	---	---	D	50100
50550	Payments for heavily impacted districts (sec. f)......	50,000	20,000	50,000	---	+30,000	D	50550
50600	Subtotal.....................................	671,707	610,000	705,500	+33,793	+95,500		50600
50650	Facilities maintenance (sec. 8008)..................	---	3,000	---	---	-3,000	D	50650
50750	Construction (sec. 8007)............................	5,000	4,000	5,000	---	+1,000	D	50750
50850	Payments for Federal property (Sec. 8002)............	16,293	---	17,500	+1,207	+17,500	D	50850
50950	Total, Impact aid..............................	693,000	617,000	728,000	+35,000	+111,000		50950

50970 1/ 1996 figures do not include $35,000,000 provided 50970
50980 for Impact Aid basic support payments in the 1996 50980
50990 House National Security Appropriations Bill. 50990

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
51050	SCHOOL IMPROVEMENT PROGRAMS							51050
51155	Professional development 1/..........................	275,000	610,000	---	-275,000	-610,000	D	51155
51157	Program innovation 1/..............................	275,000	---	606,517	+331,517	+606,517	D	51157
51550	Safe and drug-free schools and communities:							51550
51600	State grants 1/................................	440,978	515,000	440,978	---	-74,022	D	51600
51700	National programs..............................	24,993	25,000	---	-24,993	-25,000	D	51700
51800	Subtotal, Safe & drug-free schools & communities	465,971	540,000	440,978	-24,993	-99,022		51800
51900	Inexpensive book distribution (RIF)..................	10,265	9,000	9,000	-1,265	---	D	51900
51950	Arts in education..................................	9,000	10,000	9,000	---	-1,000	D	51950
52100	Christa McAuliffe fellowships........................	---	2,000	---	---	-2,000	D	52100
52200	Other school improvement programs:							52200
52250	Magnet schools assistance........................	95,000	95,000	95,000	---	---	D	52250
52290 52300	Educational support services for homeless children and youth 1/...............................	23,000	29,000	23,000	---	-6,000	D	52290 52300
52350	Women's educational equity 2/...................	---	4,000	2,000	+2,000	-2,000	D	52350
52400	Training and advisory services (Civil Rights IV-A)	7,334	14,000	7,334	---	-6,666	D	52400
52500	Ellender fellowships/Close up 1/................	1,500	---	1,000	-500	+1,000	D	52500
52550	Education for Native Hawaiians...................	12,000	6,000	4,000	-8,000	-2,000	D	52550
52750	Charter schools..................................	18,000	40,000	18,000	---	-22,000	D	52750
52800	Subtotal, other school improvement programs.....	156,834	188,000	150,334	-6,500	-37,666		52800

52810 1/ Forward funded. 52810

52820 2/ The President's 1997 request earmarks $120,000 for 52820
52830 an evaluation of this program. 52830

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
52850	Technical assistance for improving ESEA programs:							52850	
52900	Comprehensive regional assistance centers.........	21,507	45,000	21,554	+47	-23,446	D	52900	
53000	Total, School improvement programs..............	1,213,577	1,404,000	1,237,383	+23,806	-166,617		53000	
53150	Subtotal, forward funded........................	(1,015,478)	(1,154,000)	(1,071,495)	(+56,017)	(-82,505)		53150	
53400	BILINGUAL AND IMMIGRANT EDUCATION 1/							53400	
53450	Bilingual education:							53450	
53500	Instructional services............................	117,200	117,190	117,190	-10	---	D	53500	
53550	Support services..................................	9,700	14,330	---	-9,700	-14,330	D	53550	
53600	Professional development..........................	1,100	25,180	---	-1,100	-25,180	D	53600	
53650	Immigrant education 2/............................	50,000	100,000	50,000	---	-50,000	D	53650	
53675	Foreign language assistance 3/....................	10,039	5,000	---	-10,039	-5,000	D	53675	
53700	Total...	188,039	261,700	167,190	-20,849	-94,510		53700	
53850	SPECIAL EDUCATION							53850	
53900	State grants: 4/							53900	
54000	Grants to States part ''b''.......................	2,323,837	2,603,247	2,323,837	---	-279,410	D	54000	UA
54050	Preschool grants..................................	360,409	380,000	360,409	---	-19,591	D	54050	UA
54100	Grants for infants and families...................	315,754	315,632	315,754	---	+122	D	54100	UA
54150	Subtotal, State grants............................	3,000,000	3,298,879	3,000,000	---	-298,879		54150	
54160	1/ The Department reprogrammed $9.7 M and $1.1 M from							54160	
54165	Instructional Services to Support Services and							54165	
54166	Professional Development respectively for 1996.							54166	
54170	2/ The President's budget request permits States to							54170	
54175	award this funding competitively to LEAs.							54175	
54180	3/ FY96 funding for foreign language assistance was							54180	
54185	provided in the School Improvement account.							54185	
54190	4/ Forward funded. The President's request is based							54190	
54195	on legislation proposed for later transmittal.							54195	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
54200	Proposed legis: Program Support and Improvement:							54200	
54250	Research to practice..............................	---	95,720	---	---	-95,720	D	54250	UA
54300	State improvement.................................	---	37,076	---	---	-37,076	D	54300	UA
54350	Professional development..........................	---	76,700	---	---	-76,700	D	54350	UA
54400	Parent training and information...................	---	14,534	---	---	-14,534	D	54400	UA
54450	Technology development and ed. media sevices......	---	30,004	---	---	-30,004	D	54450	UA
54500	Subtotal, Proposed legislation.................	---	254,034	---	---	-254,034		54500	
54750	Special purpose funds:							54750	
54800	Deaf-blindness....................................	12,832	---	12,832	---	+12,832	D	54800	UA
54850	Serious emotional disturbance.....................	4,147	---	4,147	---	+4,147	D	54850	UA
54900	Severe disabilities...............................	10,030	---	10,030	---	+10,030	D	54900	UA
54950	Early childhood education.........................	25,147	---	25,147	---	+25,147	D	54950	UA
55000	Secondary and transitional services...............	23,966	---	23,966	---	+23,966	D	55000	UA
55050	Postsecondary education...........................	8,839	---	8,839	---	+8,839	D	55050	UA
55100	Innovation and development........................	14,000	---	14,000	---	+14,000	D	55100	UA
55150	Media and captioning services.....................	19,130	---	20,030	+900	+20,030	D	55150	UA
55200	Technology applications...........................	9,993	---	9,993	---	+9,993	D	55200	UA
55250	Special studies...................................	3,827	---	3,827	---	+3,827	D	55250	UA
55300	Personnel development.............................	91,339	---	91,339	---	+91,339	D	55300	UA
55350	Parent training...................................	13,535	---	13,535	---	+13,535	D	55350	UA
55400	Clearinghouses....................................	1,989	---	1,989	---	+1,989	D	55400	UA
55450	Regional resource centers.........................	6,641	---	6,641	---	+6,641	D	55450	UA
55500	Subtotal, Special purpose funds................	245,415	---	246,315	+900	+246,315		55500	
55550	Total, Special education.......................	3,245,415	3,552,913	3,246,315	+900	-306,598		55550	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational rehabilitation State grants	2,118,834	2,176,038	2,176,038	+57,204	---	M
Client assistance State grants	10,119	10,392	10,392	+273	---	M
Training	39,629	39,629	39,629	---	---	M
Special demonstration programs	27,441	18,942	18,942	-8,499	---	M
Migratory workers	1,421	1,850	1,850	+429	---	M
Recreational programs	2,596	2,596	2,596	---	---	M
Protection and advocacy of individual rights	7,456	7,657	7,657	+201	---	M
Projects with industry	22,065	22,071	22,071	+6	---	M
Supported employment State grants	38,152	38,152	38,152	---	---	M
Independent living:						
State grants	21,859	21,859	21,859	---	---	M
Centers	41,749	42,876	42,876	+1,127	---	M
Services for older blind individuals	8,952	9,952	9,952	+1,000	---	M
Subtotal, Independent living	72,560	74,687	74,687	+2,127	---	
Program improvement 1/	1,000	2,400	2,400	+1,400	---	M
Evaluation	1,582	1,587	1,587	+5	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults	7,144	7,337	7,337	+193	---	M
National Institute on Disability & Rehabilitation Research	69,984	70,000	70,000	+16	---	M
Subtotal, mandatory programs	2,419,983	2,473,338	2,473,338	+53,355	---	
Assistive technology	36,109	39,249	36,109	---	-3,140	D
Total, Rehabilitation services	2,456,092	2,512,587	2,509,447	+53,355	-3,140	

1/ 1996 funding for this activity was provided in the Technical Assistance to States line item.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
57100	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES							57100
57150	AMERICAN PRINTING HOUSE FOR THE BLIND.................	6,680	6,495	6,680	---	+185	D	57150
57200	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:							57200
57250	Consolidated account.............................	42,180	---	43,041	+861	+43,041	D	57250
57300	Operations.......................................	---	42,705	---	---	-42,705	D	57300
57350	Endowment grant..................................	---	336	---	---	-336	D	57350
57450	Subtotal......................................	42,180	43,041	43,041	+861	---		57450
57500	GALLAUDET UNIVERSITY:							57500
57550	Consolidated account.............................	77,629	---	79,182	+1,553	+79,182	D	57550
57600	Operations.......................................	---	79,030	---	---	-79,030	D	57600
57700	Endowment grant..................................	---	1,000	---	---	-1,000	D	57700
57750	Subtotal......................................	77,629	80,030	79,182	+1,553	-848		57750
57800 57850	Total, Special institutions for persons with disabilities................................	126,489	129,566	128,903	+2,414	-663		57800 57850

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
57900	VOCATIONAL AND ADULT EDUCATION 1/							57900	
57950	Vocational education:							57950	
58050	Basic State grants................................	972,750	1,100,000	972,750	---	-127,250	D	58050	UA
58200	Tech-Prep education..............................	100,000	---	100,000	---	+100,000	D	58200	UA
58250	Tribally controlled postsecondary vocational							58250	
58300	institutions..................................	2,919	2,919	2,919	---	---	D	58300	UA
58350	State councils....................................	---	---	---	---	---	D	58350	UA
58500	National programs: Research......................	4,998	17,081	---	-4,998	-17,081	D	58500	UA
58750	Subtotal, Vocational education.............	1,080,667	1,120,000	1,075,669	-4,998	-44,331		58750	
58850	Adult education:							58850	
59000	State programs....................................	250,000	290,000	250,000	---	-40,000	D	59000	UA
59100	National programs:							59100	
59200	Evaluation and technical assistance...........	---	5,000	---	---	-5,000	D	59200	UA
59250	National Institute for Literacy..............	4,860	5,000	4,000	-860	-1,000	D	59250	UA
59300	Subtotal, National programs................	4,860	10,000	4,000	-860	-6,000		59300	
59500	Literacy programs for prisoners..................	4,723	---	---	-4,723	---	D	59500	UA
59550	Subtotal, adult education......................	259,583	300,000	254,000	-5,583	-46,000		59550	
59600	Total, Vocational and adult education...........	1,340,250	1,420,000	1,329,669	-10,581	-90,331		59600	

59610 1/ All programs are forward funded with the exception 59610
59620 of Tribally Controlled Postsecondary Vocational 59620
59630 Institutions. 59630

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
59850	STUDENT FINANCIAL ASSISTANCE							59850
59900	Federal Pell Grants: Regular program.................	4,914,000	5,919,000	5,342,000	+428,000	-577,000	D	59900
60000	Memo (non-add): Maximum grant....................	(2,470)	(2,700)	(2,500)	(+30)	(-200)	NA	60000
60010	Memo (non-add): Outlay effect for FY97 1/.......	(1,301,000)	(1,320,000)	(1,180,000)	(-121,000)	(-140,000)	NA	60010
60525	Federal supplemental educational opportunity grants...	583,407	583,407	583,407	---	---	D	60525
60550	Federal work-study..................................	616,508	679,000	685,000	+68,492	+6,000	D	60550
60600	Federal Perkins loans:							60600
60650	Capital contributions............................	93,297	158,000	---	-93,297	-158,000	D	60650
60750	Loan cancellations...............................	20,000	20,000	20,000	---	---	D	60750
60800	Subtotal, Federal Perkins loans................	113,297	178,000	20,000	-93,297	-158,000		60800
60850	State student incentive grants.......................	31,375	---	---	-31,375	---	D	60850
60950	Total, Student financial assistance............	6,258,587	7,359,407	6,630,407	+371,820	-729,000		60950

60960 1/ The 1996 appropriation capped participation in the 60960
60970 1995-1996 school year at 3,650,000 students. 60970

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
61550	FEDERAL FAMILY EDUCATION LOANS PROGRAM							61550
61600	(EXISTING GUARANTEED STUDENT LOANS PROGRAM)							61600
61750	Federal education loans: Federal administration......	29,977	46,572	29,977	---	-16,595	D	61750
61775	Total Outstanding Loan Volume as of 10/96 (non-add)...	(71,400,000)	(71,400,000)	(71,400,000)	---	---	NA	61775
61850	FEDERAL DIRECT STUDENT LOAN PROGRAM							61850
61900	Mandatory administrative costs (indefinite)...........	(435,652)	(595,000)	(420,000)	(-15,652)	(-175,000)	NA	61900
61920	Total Outstanding Loan Volume as of 10/96 (non-add)...	(12,200,000)	(12,200,000)	(12,200,000)	---	---	NA	61920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
61950	HIGHER EDUCATION							61950
62000	Aid for institutional development:							62000
62050	Strengthening institutions........................	55,450	40,000	55,450	---	+15,450	D	62050
62100	Hispanic serving institutions......................	10,800	12,000	10,800	---	-1,200	D	62100
62120	Hispanic serving institutions (Agriculture bill)..	---	---	(2,000)	(+2,000)	(+2,000)	NA	62120
62135	Subtotal, Hispanic serving institutions.........	(10,800)	(12,000)	(12,800)	(+2,000)	(+800)		62135
62150	Strengthening historically black colleges & univ..	108,990	108,990	108,990	---	---	D	62150
62200	Strengthening historically black grad institutions	19,606	19,606	19,606	---	---	D	62200
62350	Endowment challenge grants, HBCU set-aside........	---	2,015	---	---	-2,015	D	62350
62450	Subtotal, Institutional development.........	194,846	182,611	194,846	---	+12,235		62450
62950	Program development:							62950
63000	Fund for the Improvement of Postsecondary Educ....	15,000	18,000	15,000	---	-3,000	D	63000
63200	Minority teacher recruitment......................	2,212	2,458	2,212	---	-246	D	63200
63250	Minority science improvement......................	5,255	5,839	5,255	---	-584	D	63250
63350	International educ & foreign language studies:							63350
63400	Domestic programs............................	50,481	52,283	53,481	+3,000	+1,198	D	63400
63450	Overseas programs............................	4,750	5,790	4,750	---	-1,040	D	63450
63500	Institute for International Public Policy.....	920	1,000	---	-920	-1,000	D	63500
63550	Subtotal, International education...........	56,151	59,073	58,231	+2,080	-842		63550
63650	Law school clinical experience....................	5,500	---	---	-5,500	---	D	63650
63700	Urban community service...........................	9,200	---	8,280	-920	+8,280	D	63700
63800	Subtotal, Program development..................	93,318	85,370	88,978	-4,340	+3,608		63800
63850	Construction:							63850
63900	Interest subsidy grants, prior year construction..	16,712	15,673	15,673	-1,039	---	D	63900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
63950	Special grants and grants to institutions:							63950
64000	Bethune Cookman College Fine Arts Center..........	3,680	---	---	-3,680	---	D	64000
64050	Federal TRIO programs............................	462,993	500,000	500,000	+37,007	---	D	64050
64150	Early intervention scholarships and partnerships..	3,108	---	---	-3,108	---	D	64150
64350	Scholarships:							64350
64400	Byrd honors scholarships.........................	29,117	29,117	---	-29,117	-29,117	D	64400
64500	Presidential honors scholarships 1/..............	---	130,000	---	---	-130,000	D	64500
64700	Subtotal, Scholarships........................	29,117	159,117	---	-29,117	-159,117		64700
64750	Graduate fellowships:							64750
64850	Javits fellowships...............................	5,931	---	---	-5,931	---	D	64850
64900	Graduate assistance in areas of national need.....	27,252	30,000	30,000	+2,748	---	D	64900
65000	Subtotal, Graduate fellowships.................	33,183	30,000	30,000	-3,183	---		65000
65150	Total, Higher education........................	836,957	972,771	829,497	-7,460	-143,274		65150
65250	HOWARD UNIVERSITY							65250
65300	Academic program..................................	152,859	162,944	157,859	+5,000	-5,085	D	65300
65400	Endowment...	---	3,530	---	---	-3,530	D	65400
65550	Howard University Hospital........................	29,489	29,489	29,489	---	---	D	65550
65700	Total, Howard University.......................	182,348	195,963	187,348	+5,000	-8,615		65700
65850	COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:							65850
65950	Federal administration...........................	698	700	698	---	-2	D	65950
66150	HISTORICALLY BLACK COLLEGE AND UNIVERSITY							66150
66200	CAPITAL FINANCING PROGRAM							66200
66350	Federal administration............................	166	104	104	-62	---	D	66350
66360	1/ This new unauthorized program is proposed for							66360
66370	transmittal in late June.							66370

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
66450	EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT							66450
66500	Research and statistics:							66500
66550	Research	56,021	108,000	70,641	+14,620	-37,359	D	66550
66575	Regional education laboratories	51,000	---	51,000	---	+51,000	D	66575
66600	Statistics	46,227	50,000	50,000	+3,773	---	D	66600
66650	Assessment:							66650
66700	National assessment	29,752	29,750	29,752	---	+2	D	66700
66750	National assessment governing board	2,871	3,000	2,871	---	-129	D	66750
66800	Subtotal, Assessment	32,623	32,750	32,623	---	-127		66800
66850	Subtotal, Research and statistics	185,871	190,750	204,264	+18,393	+13,514		66850
66900	Fund for the Improvement of Education	37,611	40,000	40,000	+2,389	---	D	66900
66950	International education exchange (title VI)	5,000	3,000	3,000	-2,000	---	D	66950
67200	21st century community learning centers	750	---	---	-750	---	D	67200
67250	Civic Education	4,000	4,000	4,000	---	---	D	67250
67300 67350	Eisenhower professional development national activities	17,984	15,000	---	-17,984	-15,000	D	67300 67350
67450 67500	Eisenhower regional mathematics & science education consortia	15,000	15,000	15,000	---	---	D	67450 67500
67650	Javits gifted and talented education	3,000	10,000	3,000	---	-7,000	D	67650
67700	National writing project	2,955	---	---	-2,955	---	D	67700

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
67900	Education technology:							67900
68175	Technology for education........................	48,000	325,000	48,000	---	-277,000	D	68175
68200	Star schools.....................................	23,000	25,000	---	-23,000	-25,000	D	68200
68250	Ready to learn television.......................	6,440	7,000	---	-6,440	-7,000	D	68250
68300	Telecommunications demo project for mathematics...	1,035	---	---	-1,035	---	D	68300
68350	Subtotal, Education technology.................	78,475	357,000	48,000	-30,475	-309,000		68350
68400	Total, ERSI.....................................	350,646	634,750	317,264	-33,382	-317,486		68400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
68600	LIBRARIES							68600	
68650	Public libraries:							68650	
68700	Services	92,636	---	92,636	---	+92,636	D	68700	UA
68750	Construction	16,369	---	---	-16,369	---	D	68750	UA
68800	Interlibrary cooperation	18,000	---	11,864	-6,136	+11,864	D	68800	UA
68900	Library education and training	2,500	---	2,500	---	+2,500	D	68900	
68950	Research and demonstrations	3,000	---	1,000	-2,000	+1,000	D	68950	
68975	Undistributed 1/	---	110,000	---	---	-110,000	D	68975	
69000	Total, Libraries	132,505	110,000	108,000	-24,505	-2,000		69000	
69200	DEPARTMENTAL MANAGEMENT							69200	
69250	PROGRAM ADMINISTRATION	326,686	355,476	297,229	-29,457	-58,247	D	69250	
69275	HEADQUARTERS RENOVATION 2/	7,000	---	---	-7,000	---	D	69275	
69350	OFFICE FOR CIVIL RIGHTS	55,277	60,000	54,171	-1,106	-5,829	D	69350	
69400	OFFICE OF THE INSPECTOR GENERAL	28,563	30,500	27,143	-1,420	-3,357	D	69400	
69500	Total, Departmental management	417,526	445,976	378,543	-38,983	-67,433		69500	
69650	Total, Department of Education	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134		69650	

69700 1/ The President has not requested funding for library 69700
69710 programs, but has indicated his intention to do so 69710
69720 at a future time. 69720

69800 2/ Funds available for 3 years. 69800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request			
70150	TITLE IV - RELATED AGENCIES							70150	
70175	ARMED FORCES RETIREMENT HOME							70175	
70260	Operation and maintenance (trust fund limitation).....	53,829	55,772	52,752	-1,077	-3,020	D	70260	UA
70360	Capital program (trust fund limitation)...............	1,954	432	432	-1,522	---	D	70360	UA
70400	Total, AFRH....................................	55,783	56,204	53,184	-2,599	-3,020		70400	
70425	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE							70425	
70450	Domestic Volunteer Service Programs (formerly Action):							70450	
70475	Volunteers in Service to America:							70475	
70500	VISTA operations.............................	41,235	51,600	41,235	---	-10,365	D	70500	UA
70575	National Senior Volunteer Corps:							70575	
70600	Foster Grandparents Program..................	62,237	72,812	67,812	+5,575	-5,000	D	70600	UA
70625	Senior Companion Program.....................	31,155	34,244	31,244	+89	-3,000	D	70625	UA
70650	Retired Senior Volunteer Program.............	34,949	37,708	35,708	+759	-2,000	D	70650	UA
70700	Subtotal, Senior Volunteers................	128,341	144,764	134,764	+6,423	-10,000		70700	
70750	Program Administration...........................	28,541	29,745	27,970	-571	-1,775	D	70750	UA
70775	Total, Domestic Volunteer Service Programs......	198,117	226,109	203,969	+5,852	-22,140		70775	
70800	Corporation for Public Broadcasting:							70800	
70825	FY99 (current request) with FY98 comparable.......	250,000	275,000	250,000	---	-25,000	D	70825	UA
70850	1998 advance (non-add) with FY97 comparable.......	(260,000)	(250,000)	(250,000)	(-10,000)	---	NA	70850	UA
70900	1997 advance (non-add) with FY96 comparable.......	(275,000)	(260,000)	(260,000)	(-15,000)	---	NA	70900	
71000	Federal Mediation and Conciliation Service...........	32,815	32,579	32,579	-236	---	D	71000	
71025	Federal Mine Safety and Health Review Commission......	6,184	6,332	6,060	-124	-272	D	71025	
71125 71150	National Commission on Libraries and Information Science..	829	897	812	-17	-85	D	71125 71150	
71325	National Council on Disability.......................	1,793	1,793	1,757	-36	-36	D	71325	
71350	National Education Goals Panel.......................	994	2,785	974	-20	-1,811	D	71350	
71400	National Labor Relations Board.......................	170,266	181,134	144,692	-25,574	-36,442	D	71400	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
71425	National Mediation Board................................	7,812	8,300	7,656	-156	-644	D	71425
71450	Occupational Safety and Health Review Commission......	8,081	7,753	7,753	-328	---	D	71450
71475	Physician Payment Review Commission (trust funds).....	(2,920)	(4,000)	(2,920)	---	(-1,080)	TF*	71475
71500 71525	Prospective Payment Assessment Commission (trust funds)..	(3,263)	(3,902)	(3,263)	---	(-639)	TF*	71500 71525
71550	RAILROAD RETIREMENT BOARD							71550
71560	Dual benefits payments account........................	239,000	223,000	223,000	-16,000	---	D	71560
71570	Less income tax receipts on dual benefits.........	-17,000	-9,000	-9,000	+8,000	---	D	71570
71580	Subtotal, Dual Benefits........................	222,000	214,000	214,000	-8,000	---		71580
71590	Federal payment to the Railroad Retirement Account....	300	300	300	---	---	M	71590
71600 71610	Limitation on administration: Consolidated account............................	---	(90,558)	(87,898)	(+87,898)	(-2,660)	TF*	71600 71610
71620	Retirement..	(72,955)	---	---	(-72,955)	---	TF*	71620
71630	Unemployment......................................	(16,737)	---	---	(-16,737)	---	TF*	71630
71640	Subtotal, administration.......................	(89,692)	(90,558)	(87,898)	(-1,794)	(-2,660)		71640
71650	Special management improvement fund..	(657)	---	---	(-657)	---	TF*	71650
71660	Total, limitation on administration............	(90,349)	(90,558)	(87,898)	(-2,451)	(-2,660)		71660
71670	Inspector General................................	(5,656)	(5,750)	(5,268)	(-388)	(-482)	TF*	71670

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
71700	SOCIAL SECURITY ADMINISTRATION							71700
71725	PAYMENTS TO SOCIAL SECURITY TRUST FUNDS...............	22,641	20,923	20,923	-1,718	---	M	71725
71750	ADDITIONAL ADMINISTRATIVE EXPENSES 1/................	10,000	10,000	10,000	---	---	M	71750
71775	SPECIAL BENEFITS FOR DISABLED COAL MINERS							71775
71800	Benefit payments.....................................	660,215	625,450	625,450	-34,765	---	M	71800
71825	Administration.......................................	5,181	4,620	4,620	-561	---	M	71825
71850	Subtotal, Black Lung, FY 1997 program level.....	665,396	630,070	630,070	-35,326	---		71850
71875	Less funds advanced in prior year..............	-180,000	-170,000	-170,000	+10,000	---	M	71875
71900	Total, Black Lung, current request, FY 1997.....	485,396	460,070	460,070	-25,326	---		71900
71925	New advances, 1st quarter FY 1997 / 1998......	170,000	160,000	160,000	-10,000	---	M	71925

71930 1/ No-year availability for these funds related to 71930
71935 sections 9704 & 9706 of the Internal Revenue Code 71935
71940 of 1986. 71940

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
71950	SUPPLEMENTAL SECURITY INCOME							71950
71975	Federal benefit payments..............................	23,548,636	26,559,100	26,559,100	+3,010,464	---	M	71975
72000	Beneficiary services................................	176,400	179,000	100,000	-76,400	-79,000	M	72000
72025	Research and demonstration...........................	8,200	7,000	7,000	-1,200	---	M	72025
72075	Administration 1/...................................	1,817,276	2,018,973	1,961,015	+143,739	-57,958	D	72075
72125	Automation investment initiative......................	55,000	104,927	55,000	---	-49,927	D	72125
72225	Subtotal, SSI FY 1997 program level............	25,605,512	28,869,000	28,682,115	+3,076,603	-186,885		72225
72250	Less funds advanced in prior year...............	-7,060,000	-9,260,000	-9,260,000	-2,200,000	---	M	72250
72255 72260	Subtotal, regular SSI current year, FY 1996 / 1997..................................	18,545,512	19,609,000	19,422,115	+876,603	-186,885		72255 72260
72265	Additional CDR funding.....................	15,000	260,000	25,000	+10,000	-235,000	D	72265
72270	SSI reforms (welfare).......................	---	250,000	---	---	-250,000	D	72270
72275	Total, SSI, current request, FY 1996 / 1997.....	18,560,512	20,119,000	19,447,115	+886,603	-671,885		72275
72300	New advance, 1st quarter, FY 1997 / 1998......	9,260,000	9,690,000	9,690,000	+430,000	---	M	72300

72380 1/ Figures include amounts for the SSI disability 72380
72385 initiative previously displayed as a separate 72385
72390 line item. 72390

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
72400	LIMITATION ON ADMINISTRATIVE EXPENSES							72400
72425	OASDI trust funds..................................	(2,667,238)	(2,835,077)	(3,091,183)	(+423,945)	(+256,106)	TF	72425
72450	HI/SMI trust funds.................................	(864,099)	(918,418)	(846,099)	(-18,000)	(-72,319)	TF*	72450
72475	SSI..	(1,817,276)	(2,018,973)	(1,961,015)	(+143,739)	(-57,958)	TF	72475
72485	Social Security Advisory Board.....................	---	---	(1,500)	(+1,500)	(+1,500)	TF	72485
72500	Subtotal, regular LAE..........................	(5,348,613)	(5,772,468)	(5,899,797)	(+551,184)	(+127,329)		72500
72525	DI disability initiative...........................	(289,322)	---	---	(-289,322)	---	TF	72525
72600	OASDI automation...................................	(112,000)	(195,073)	(195,073)	(+83,073)	---	TF	72600
72625	SSI automation.....................................	(55,000)	(104,927)	(55,000)	---	(-49,927)	TF	72625
72650	Subtotal, automation initative.................	(167,000)	(300,000)	(250,073)	(+83,073)	(-49,927)		72650
72675	TOTAL, REGULAR LAE.............................	(5,804,935)	(6,072,468)	(6,149,870)	(+344,935)	(+77,402)		72675
72680	Additional CDR funding.....................	(60,000)	(260,000)	(160,000)	(+100,000)	(-100,000)	TF	72680
72682	SSI reforms (welfare)......................	---	(250,000)	---	---	(-250,000)	TF	72682
72685	TOTAL, LAE.....................................	(5,864,935)	(6,582,468)	(6,309,870)	(+444,935)	(-272,598)		72685

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request		
72700	OFFICE OF INSPECTOR GENERAL							72700
72725	Federal funds.....................................	4,801	6,335	6,335	+1,534	---	D	72725
72750	Trust funds.......................................	(10,037)	(21,089)	(21,089)	(+11,052)	---	TF	72750
72775	Portion treated as budget authority...............	(10,977)	---	---	(-10,977)	---	TF*	72775
72800	Total, Office of the Inspector General:							72800
72825	Federal funds..............................	4,801	6,335	6,335	+1,534	---		72825
72850	Trust funds................................	(21,014)	(21,089)	(21,089)	(+75)	---		72850
72875	Total......................................	(25,815)	(27,424)	(27,424)	(+1,609)	---		72875
72900	Total, Social Security Administration:							72900
72925	Federal funds..............................	28,513,350	30,466,328	29,794,443	+1,281,093	-671,885		72925
72950	Current year FY 1996 / 1997............	(19,083,350)	(20,616,328)	(19,944,443)	(+861,093)	(-671,885)		72950
72975	New advances, 1st quarter FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		72975
73000	Trust funds................................	(5,885,949)	(6,603,557)	(6,330,959)	(+445,010)	(-272,598)		73000
73200	Trust funds considered BA..................	(875,076)	(918,418)	(846,099)	(-28,977)	(-72,319)		73200
73375	United States Institute of Peace......................	11,481	11,160	11,160	-321	---	D	73375
73650	Total, Title IV, Related Agencies:							73650
73700	Federal Funds (all years)..................	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335		73700
73750	Current year, FY 1996 / 1997...........	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)		73750
73765	FY 1997 / 1998.........................	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		73765
73800	FY 1998 / 1999.........................	(250,000)	(275,000)	(250,000)	---	(-25,000)		73800
73950	Trust funds................................	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)		73950
73955	Trust funds considered BA..................	(977,264)	(1,022,628)	(945,448)	(-31,816)	(-77,180)		73955

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
74050	SUMMARY						74050
74100	Title I - Department of Labor:						74100
74150	Federal Funds	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	74150
74400	Trust Funds	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)	74400
74550	Title II - Department of Health and Human Services:						74550
74600	Federal Funds	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994	74600
74650	Current year	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)	74650
74700	1998 advance	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)	74700
74850	Trust Funds	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)	74850
75000	Title III - Department of Education:						75000
75050	Federal Funds	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	75050
75350	Title IV - Related Agencies:						75350
75400	Federal Funds	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335	75400
75450	Current year	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)	75450
75470	1998 advance	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---	75470
75500	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	75500
75650	Trust Funds	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)	75650
		============	============	============	============	============	
75750	Total, all titles:						75750
75800	Federal Funds	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	75800
75850	Current year	(219,453,170)	(244,427,198)	(238,903,926)	(+19,450,756)	(-5,523,272)	75850
75950	1998 advance	(40,385,350)	(44,649,993)	(43,649,993)	(+3,264,643)	(-1,000,000)	75950
76000	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	76000
76200	Trust Funds	(11,523,163)	(12,622,742)	(11,677,032)	(+153,869)	(-945,710)	76200

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
76300	BUDGET ENFORCEMENT ACT RECAP						76300
76350	Federal Funds (all years)............................	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	76350
76750	Mandatory, total in bill..........................	202,222,040	223,293,463	222,894,463	+20,672,423	-399,000	76750
76850	Less advances for subsequent years............	-40,385,350	-43,649,993	-43,649,993	-3,264,643	---	76850
76900	Plus advances provided in prior years 1/.....	38,687,717	40,385,350	40,385,350	+1,697,633	---	76900
76910	Adjustment for leg cap on Title XX SSBGs......	419,000	---	320,000	-99,000	+320,000	76910
76915	Education: Rehab services, tech assistance....	---	39,249	---	---	-39,249	76915
76950	Total, mandatory, current year............	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	76950
77150	Discretionary, total in bill......................	57,866,480	66,058,728	59,909,456	+2,042,976	-6,149,272	77150
77200	Less advances for subsequent years............	-250,000	-1,275,000	-250,000	---	+1,025,000	77200
77250	Plus advances provided in prior years.........	1,274,997	260,000	260,000	-1,014,997	---	77250
77300	Scorekeeping adjustments:						77300
77350	Trust funds considered budget authority.......	6,500,730	6,924,503	6,055,469	-445,261	-869,034	77350
77360	Education advance funding, FY 1997............	-1,298,239	1,298,239	1,298,239	+2,596,478	---	77360
77365	Education advance funding, FY 1998............	---	---	-1,298,239	-1,298,239	-1,298,239	77365
77370	P.L. 104-121 funding..........................	---	-25,000	-25,000	-25,000	---	77370
77375	LIHEAP 1997 contingency.......................	---	300,000	300,000	+300,000	---	77375
77380	Howard University.............................	---	2	---	---	-2	77380
77385	Education: Rehab services, tech assistance....	---	-39,249	---	---	+39,249	77385
77390	Adjustment to balance with FY96 bill..........	-27,687	---	---	+27,687	---	77390
77405	HEAL loan limitation..........................	-6,983	---	---	+6,983	---	77405
77415	Direct loan administration limitation.........	-114,000	---	-269,000	-155,000	-269,000	77415
77425	JOBS rescission...............................	-10,000	---	---	+10,000	---	77425
77445	Dept of Labor working capital fund............	3,900	---	---	-3,900	---	77445
77455	Advances to the ESA account of the Unempl TF..	-56,300	---	---	+56,300	---	77455
77460	Payments to UI trust fund & other funds.......	-266,000	---	---	+266,000	---	77460
77470	Adjustment for leg cap on Title XX SSBGs......	-419,000	---	-320,000	+99,000	-320,000	77470

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
77480	Medicaid psychiatric hospitals................	50,000	---	---	-50,000	---	77480
77800 *	Total, discretionary, current year........	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	77800
77810 *	Crime trust fund........................	53,000	90,381	61,000	+8,000	-29,381	77810
77820 *	General purposes........................	63,194,898	73,411,842	65,599,925	+2,405,027	-7,811,917	77820

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
78850	DISTRIBUTION OF BILL TOTALS BY AGENCY						78850
78900	(BUDGET ENFORCEMENT ACT SCOREKEEPING)						78900
78950	Title I - Department of Labor..........................	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	78950
79050	Trust funds considered budget authority............	3,368,573	3,661,328	3,367,731	-842	-293,597	79050
79100	Total....................................	11,345,314	12,720,929	11,341,523	-3,791	-1,379,406	79100
79300	Mandatory....................................	1,930,462	1,918,500	1,918,500	-11,962	---	79300
79450	Discretionary....................................	6,046,279	7,141,101	6,055,292	+9,013	-1,085,809	79450
79600	Trust funds considered budget authority.......	3,368,573	3,661,328	3,367,731	-842	-293,597	79600
79710	Dept of Labor working capital fund...........	3,900	---	---	-3,900	---	79710
79750	Subtotal, discretionary....................	9,418,752	10,802,429	9,423,023	+4,271	-1,379,406	79750
79950	Total, 602(b) scorekeeping..................	11,349,214	12,720,929	11,341,523	-7,691	-1,379,406	79950

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
80100	Title II - Dept of Health & Human Services............	166,446,275	185,967,914	185,071,920	+18,625,645	-895,994	80100
80150	Prior year advances..................................	32,447,717	30,955,350	30,955,350	-1,492,367	---	80150
80200	Trust funds considered budget authority.............	2,154,893	2,240,547	1,742,290	-412,603	-498,257	80200
80250	Total..	201,048,885	219,163,811	217,769,560	+16,720,675	-1,394,251	80250
80500	Mandatory......................................	140,294,672	157,275,239	156,955,239	+16,660,567	-320,000	80500
80550	Prior year advances..........................	31,447,717	30,955,350	30,955,350	-492,367	---	80550
80560	Adjustment for leg cap on Title XX SSBGs......	419,000	---	320,000	-99,000	+320,000	80560
80600	Subtotal, mandatory........................	172,161,389	188,230,589	188,230,589	+16,069,200	---	80600
80850	Discretionary..................................	26,151,603	28,692,675	28,116,681	+1,965,078	-575,994	80850
81000	Prior year advances..........................	999,997	---	---	-999,997	---	81000
81050	Trust funds considered budget authority.......	2,154,893	2,240,547	1,742,290	-412,603	-498,257	81050
81180	HEAL loan limitation.........................	-6,983	---	---	+6,983	---	81180
81190	Adjustment for leg cap on Title XX SSBGs......	-419,000	---	-320,000	+99,000	-320,000	81190
81200	LIHEAP 1997 contingency......................	---	300,000	300,000	+300,000	---	81200
81300	Subtotal, discretionary....................	28,880,510	31,233,222	29,838,971	+958,461	-1,394,251	81300
81550	Total, 602(b) scorekeeping.................	201,041,899	219,463,811	218,069,560	+17,027,661	-1,394,251	81550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
81600	Title III - Department of Education..................	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	81600
81900	Mandatory..	2,419,983	2,473,338	2,473,338	+53,355	---	81900
81910	Education: Rehab services, tech assistance....	---	39,249	---	---	-39,249	81910
81950	Subtotal, mandatory.........................	2,419,983	2,512,587	2,473,338	+53,355	-39,249	81950
82050	Discretionary......................................	22,810,366	25,560,671	22,755,537	-54,829	-2,805,134	82050
82060	Education advance funding, FY 1997............	-1,298,239	1,298,239	1,298,239	+2,596,478	---	82060
82065	Education advance funding, FY 1998............	---	---	-1,298,239	-1,298,239	-1,298,239	82065
82070	Education: Rehab services, tech assistance....	---	-39,249	---	---	+39,249	82070
82200	Subtotal, discretionary.....................	21,512,127	26,819,661	22,755,537	+1,243,410	-4,064,124	82200
82350	Total, 602(b) scorekeeping..................	23,932,110	29,292,999	25,228,875	+1,296,765	-4,064,124	82350
82400	Title IV - Related Agencies..........................	19,799,805	21,365,674	20,629,339	+829,534	-736,335	82400
82450	Prior year advances................................	7,515,000	9,690,000	9,690,000	+2,175,000	---	82450
82500	Trust funds considered budget authority............	977,264	1,022,628	945,448	-31,816	-77,180	82500
82550	Total..	28,292,069	32,078,302	31,264,787	+2,972,718	-813,515	82550
82700	Mandatory..	17,191,573	17,976,393	17,897,393	+705,820	-79,000	82700
82750	Prior year advances...........................	7,240,000	9,430,000	9,430,000	+2,190,000	---	82750
82800	Subtotal, mandatory.........................	24,431,573	27,406,393	27,327,393	+2,895,820	-79,000	82800
82900	Discretionary......................................	2,608,232	3,389,281	2,731,946	+123,714	-657,335	82900
83000	Prior year advances...........................	275,000	260,000	260,000	-15,000	---	83000
83050	Trust funds considered budget authority.......	977,264	1,022,628	945,448	-31,816	-77,180	83050
83060	P.L. 104-121 funding..........................	---	-25,000	-25,000	-25,000	---	83060
83150	Subtotal, discretionary.....................	3,860,496	4,646,909	3,912,394	+51,898	-734,515	83150
83300	Total, 602(b) scorekeeping..................	28,292,069	32,053,302	31,239,787	+2,947,718	-813,515	83300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable -21-	FY 1997 Request -22-	House Passed -23-	vs. FY 1996 Comparable	vs. FY 1997 Request	
83310	Scorekeeping adjustments:						83310
83370	Howard University............................	---	2	---	---	-2	83370
83380	Adjustment to balance with FY96 bill..........	-27,687	---	---	+27,687	---	83380
83385	Direct loan administration limitation.........	-114,000	---	-269,000	-155,000	-269,000	83385
83387	Medicaid psychiatric hospitals...............	50,000	---	---	-50,000	---	83387
83392	JOBS rescission..............................	-10,000	---	---	+10,000	---	83392
83394	Advances to the ESA account of the Unempl TF..	-56,300	---	---	+56,300	---	83394
83396	Payments to UI trust fund & other funds.......	-266,000	---	---	+266,000	---	83396
83400	Total, current year, all titles....................	---	---	---	---	---	83400
83750	Mandatory..................................	162,255,690	179,682,719	179,564,470	+17,308,780	-118,249	83750
83850	Prior year advances........................	38,687,717	40,385,350	40,385,350	+1,697,633	---	83850
83900	Subtotal, mandatory, current year.........	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	83900
84100	Discretionary..............................	55,472,171	66,317,720	59,345,456	+3,873,285	-6,972,264	84100
84150	Prior year advances........................	1,274,997	260,000	260,000	-1,014,997	---	84150
84200	Trust funds considered budget authority.....	6,500,730	6,924,503	6,055,469	-445,261	-869,034	84200
84250	Subtotal, discretionary current year......	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	84250

PERMISSION TO CONSIDER ON FRIDAY, JULY 12, 1996, H.R. 2428, FOOD AND GROCERY DONATION ACT, UNDER SUSPENSION OF THE RULES

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Friday, July 12, 1996, the Speaker be authorized to entertain a motion, offered by the gentleman from Pennsylvania, Mr. GOODLING, or his designee, to suspend the rules and pass H.R. 2428 as amended, a bill to encourage the donation of food and grocery products.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3396.

□ 0040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House begins its consideration of H.R. 3396, the Defense of Marriage Act. H.R. 3396 has two operative provisions. Section 2 of the bill reads as follows:

> No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

This provision invokes Congress' constitutional authority, under Article IV, section 1, to prescribe the effect that shall be given the public records, acts, and proceedings of the various States. This section provides only that States "shall not be required" to recognize same-sex marriage licenses issued by other States. It would not prevent any State from permitting homosexual couples to marry, just as it would not prevent any State from choosing to give full legal effect to same-sex marriages contracted in other States. It means only that they are not required by the Full Faith and Credit Clause to do so.

It appears that gay rights lawyers are soon likely to win the right for homosexuals to marry in Hawaii, and that they will attempt to "nationalize" that anticipated victory under force of the Full Faith and Credit Clause of the U.S. Constitution. I do not believe that other States would necessarily be required, under a proper interpretation of that Clause and the "public policy" exception to it, to give effect to a Hawaiian same-sex marriage license.

But here is the situation we confront: Gay rights lawyers have made plain their intention to invoke the Full Faith and Credit Clause to persuade judges in the other 49 States to ignore the public policy of those States and to recognize a Hawaiian same-sex marriage license. This strategy is no secret; it is well documented. I would hope that judges would reject this strategy. But we all know that some courts will go the other way. That explains why, as we learned at our hearing, over 30 States are busily trying to enact legislation that will assist their efforts to fend off the impending assault on their marriage laws. There is, in short, disquiet in the States over how this legal scenario will play out.

The strategy the gay rights groups are pursuing is profoundly undemocratic, and it is surely an abuse of the Full Faith and Credit Clause. Indeed, I cannot imagine a more appropriate occasion for invoking our constitutional authority to define the States' obligations under the Full Faith and Credit Clause. As Representative Torrance Tom from Hawaii testified before the Subcommittee: "If inaction by the Congress runs the risk that a single Judge in Hawaii may re-define the scope of legislation throughout the other forty-nine states, [then] failure to act is a dereliction of the responsibilities [we] were invested with by the voters."

Section 3 of the bill is even more straightforward. It proves that, for purposes of federal law only, "word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.'" Again, this is a reaction to the Hawaii situation. Prior to the Hawaii Supreme Court decision there was never any reason to define the words "marriage" or "spouse" in federal law, because the laws of the fifty States were uniform in defining them exclusively with reference to heterosexual unions. But now, it is necessary to make explicit in the federal code Congress' well-established and unquestionable intention that "marriage" is limited to unions between one man and one woman. Section 3 changes nothing; it simply reaffirms existing law.

I would note that the Clinton administration Justice Department believes that H.R. 3396 is constitutional. President Clinton, more over, has indicated that he "would sign the bill if it was presented to him as currently written."

I'd make just one final point. Opponents of this bill have been quick to allege that its sponsors are motivated by crass political considerations; they have argued, in effect, that we have contrived this issue in order to score political points. In light of the Hawaii situation, the proclaimed intention of the gay rights lawyers, and the strong bipartisan support for the bill, this simply is not a credible argument. It is, rather, an argument designed to shift the focus of debate away from the fundamental issues at stake in this controversy.

What is at stake in this controversy? Nothing less than our collective moral understanding—as expressed in the law—of the essential nature of the family—the fundamental building block of society. This is far from a trivial political issue. Families are not merely constructs of outdated convention, and traditional marriage laws were not based on animosity toward homosexuals. Rather, I believe that the traditional family structure—centered on a lawful union between one man and one woman—comports with nature and with our Judeo-Christian moral tradition. It is one of the essential foundations on which our civilization is based.

Our law should embody an unequivocal recognition of that fundamental fact. Our law should not treat homosexual relationships as the moral equivalent of the heterosexual relationships on which the family is based. That is why we are here today.

□ 0045

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just exercise my objection to the way this House is being run. If this is such an important issue, why are we debating this at a quarter to 1? I must say that for an important piece of legislation like this to be treated in this fashion is quite shabby.

Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate really is about a simple question, a question of equal rights. Marriage is a basic right. It is a basic human right. Love and commitment are essential pillars of marriage. They are qualities that do not discriminate on account of gender. It is not right for this Congress to step in and to intrude into the private relationships and the most personal decisions of our constituencies. Love and commitment can exist between a man and a woman and it can and does exist between men and between women.

Proponents of this curiously titled bill say that we need legislation to protect the family. Nothing could be further from the truth. Families are not threatened when two adults who love each other make a lifelong commitment to one another. Families will not fall apart if gay men and women are allowed to marry, if they are allowed the same basic legal right to marry that is already enjoyed by heterosexuals.

This is not about defending marriage. It is about finding an enemy. It is not about marital union. It is about disunion, about dividing one group of Americans against another. This bill is unconstitutional, this bill is unfair, and the spirit behind this bill further fans the flames of prejudice and bigotry that this 104th Congress has done a pretty good job at fanning thus far.

I think it is a travesty that people would bring this bill out simply to polarize Americans even further. Instead of bringing love and commitment and worshiping that in our society, this bill sows the seeds of division and hatred amongst people. I think that is a very unfortunate thing.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the institution of marriage and this bill, which seeks to uphold and preserve traditional heterosexual marriage, the fundamental building block of our society.

Mr. Chairman, it is true that the institution of marriage, understood to be the social, legal and spiritual union of one man and one woman, has been the foundation of every human society. In 1988 the U.S. Supreme Court described marriage, quote, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution.

In the 1970's, the Minnesota State Supreme Court went further by stating that, quote, the institution of marriage as a union of man and woman uniquely involving the procreating and rearing of children within the family is as old as the Book of Genesis.

Most Americans who are still up at this hour will think it odd that we are actually considering legislation to define marriage as an exclusively heterosexual monogamous institution when, in fact, in the history of our country marriage has never meant anything else. It is inherently reserved for one man and one woman. As Webster's Dictionary states, quote, marriage is the institution whereby a man and a woman are joined in a special social and legal relationship.

Furthermore, I believe that marriage is a covenant established by God wherein one man and one woman are united for the purpose of founding and maintaining a family. H.R. 3396 solidly reinforces these previous U.S. and State Supreme Court findings by simply restating the current and long-established understanding of marriage as the social, legal and spiritual union of one man and one woman.

The President, who has promised his support for this legislation, and promised to sign this bill, said it very well at the National Prayer Breakfast this past January. He said, "We know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but, most importantly has moral implications, because families," he said, "are ordained by God as a way of giving children and their parents the change to live up to the fullest of their God-given capacities."

The President is absolutely right.

Mr. Chairman, I am convinced that our country can survive many things, but one thing it cannot survive is the destruction of the family unit which forms the foundation of our society. Those among us who truly desire a strong and thriving America for our children and grandchildren will defend traditional heterosexual marriage and will vote for final passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentlewoman from San Francisco, CA [Ms. PELOSI], a great champion of human rights.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his strong leadership on this important issue and other issues of civil and human rights in this country and throughout the world.

Mr. Chairman, I rise in strong opposition to this ill-named Defense of Marriage Act and I do so on the basis of conscience, Constitution and constituency.

This legislation in terms of the Constitution, I believe, violates the spirit of the Constitution's full faith and credit clause as well as its equal protection provisions. It also is quite ironic to me that the Republican Party, which is a strong advocate for States' rights, now wants to override the will of the States and this is all in the hypothetical at that.

As a matter of conscience, I am opposed to this legislation because I believe it is a blatant act of discrimination. It is also disappointing that it is happening at this time because last week on the Fourth of July we celebrated our country's independence and our country's greatness. This week we are acting to diminish that greatness by saying to some members of our society that they are not equal under the law. Who is next? This bill is an insult to gays and lesbians in our country. Who is next? That brings me to my constituency.

I have the privilege of representing the most diverse population of any district in the country. I know there will be those who say their districts are as diverse but I do not think anyone's is more diverse than mine. In my district, I can easily see and say that the beauty is in the mix. I want to be sure that the power is also in the mix, the power for all of those different people to make their own decisions about their personal lives, the power for them to reach their own fulfillment, newcomer or old guard, black, brown, white or yellow, gay or lesbian.

Those decisions and that fulfillment include those affecting their life, liberty and pursuit of happiness. We value family in our community as a source of strength to our country and a source of comfort to our people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. If that happens to be with people living together of the same sex or of different sex, if it happens platonically or not, if it happens that they find comfort and love and support, God bless them.

Let me tell you about two very special constituents of mine who have lived together for over 25 years. Their commitment, their love and their happiness are a source of strength to all who know them. Their relationship—I hold this up so you can all see—is not a threat to anyone's marriage. This is Phyllis Lyons and Dell Martin. Phyllis has two grandchildren. Phyllis and Dell have been leaders in our community and command the respect of all who know them. Why should they not be able to share each other's health and bereavement benefits? Why should they not be able to visit each other in the hospital in case of accident or in case of illness? I know people will say, you can sign up in advance and tell the doctor before you go in for the operation. That does not happen if you are in an accident. Why should they not be able to share a financial relationship inheritance, immigration, the list goes on and on.

Why should they not have the full protection of the law? All of our community in our area are in debt to Phyllis and Dell for their contribution to the community, serving on commissions, they have been officially recognized over and over again in the course of their years of service. Tonight I am again in their debt for allowing me to share their personal history with you. I thank them for doing that, and I say to all of you, if you knew Phyllis and Dell and many hundreds of thousands of people that I know like them, why would you not want them to be treated equally?

But I ask you to make a more personal question of yourselves. Should you find yourself in a situation where your children or your close relatives or your close friends find solace, happiness, comfort, love, support in a relationship that is appropriate for them, would you not want them to have the legal recognition that they deserve? It is not again a threat to anyone.

Mr. Chairman, I wish I could go into what is a threat to marriage in this country, but with that I urge my colleagues to think carefully before discriminating against anyone in this country. I urge our colleagues to vote "no" on this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong support of the Defense of Marriage Act and begin by saying that the reason that it is called the Defense of Marriage Act is very simple and very plain. There is an active court action in the State of Hawaii that is scheduled—some say as long as two years from now, earlier it was reported it could be as early as the first week in August—that they would rule that same-sex marriages are in order and according to the full faith and credit clause of the Constitution that a couple could fly from any part of the country to the State of Hawaii, receive a marriage certificate in that State, return to their home State and be obligated in that State, potentially be obligated in that State, that State would have to honor that marriage certificate. There is a very radical element that is in the process of redefining what marriage is.

We do not need to explain that for thousands of years and across many, many different cultures, a definition of marriage that transcends time has always been one man and one woman united for the purposes of forming a family. But that very definition is under assault. There have been many people that have spoken already this evening that have said, this is about equal rights, or this is about discrimination. Let me just say first of all that this is not about equal rights. We have equal rights.

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Homosexuals have the same rights as I do. They have the ability to marry right now, today. However, when they get married, they must marry a person of the opposite sex, the same as me. That is the same right that I have. Now, I would also say that, just like a homosexual, I do not have the right to marry somebody of the same sex. It is the same for them as it is for me. There is no disparate between this rights issue.

Further, I would say that marriage is not a right in the first place. It is a privilege. That really brings me to another subject, when we talk about this bill defining for Federal purposes what constitutes a marriage, one man and one woman. There is, as I said, a radical element, a homosexual agenda that wants to redefine what marriage is. They want to say that a marriage not only is one man and one woman but it is two men or it is two women.

What logical reason is there to keep us from stopping expansion of that definition to include three people or an adult and a child, or any other odd combination that we want to have? There really is no logical reason why we could not also include polygamy or any other definition to say, as long as these are consenting human beings, and it does not even have to be limited to human beings, by the way. I mean it could be anything. But what rational reason, logical reason is there to say no, it is okay for two males or two females but we are not going to expand the definition beyond that. There is no reason why we cannot just completely erase whatever boundaries that currently exist on the definition of marriage and say it is a free-for-all, anything goes.

It has also been said many times that the reason that this bill is being brought forth in the House of Representatives and later in the Senate is because of political reasons. I would just also reiterate the fact that the President is waiting for this bill at this moment. He has said many times that now is the time to act and to reaffirm the fact that marriage constitutes one man and one woman.

The President has already agreed to sign this bill. This is not a wedge issue. This is not a political football that is going back and forth between presidential candidates. We need to move on this bill as quickly as possible and reaffirm marriage as the foundation and the cornerstone of our society.

Mr. FRANK of Massachusetts. Mr. Chairman, before yielding to the gentleman from Illinois let me say that the previous speaker said that this might be decided as early as the first week of August. There is not a shed of evidence of that. The trial of this issue is going to begin in September in Hawaii. Now, how a trial that is going to begin in September could be decided in the first week of August baffles me but no more than a lot of the other things he said.

Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, without question, we've heard some puzzling arguments in favor of the Defense of Marriage Act.

But at least one good thing has come from this debate.

I think everyone understands better when to take my Republican friends seriously and when they are just having a good laugh at the expense of the American people.

I now realize that my friends on the other side of the aisle aren't the least bit serious when they talk about how important it is for the federal government not to interfere in the lives of our people.

I understand that they are just kidding—just teasing us—when they stress the importance of taking power out of Washington and giving it to local officials.

And now I know that their biggest joke of all is that old line about the importance of family values—all that talk about encouraging people to care about and be committed to each other.

Because the bill that most of my friends on the other side of the aisle are supporting tonight represents the polar opposite of all those lofty goals we've heard them talk so much about.

The misleadingly titled "Defense of Marriage Act" is the ultimate in Washington bureaucracy dictating to the American people how they should live their lives.

And it is an outstanding example of telling state officials how they should legislate and make policy.

This should be a simple issue.

Unfortunately, for many of my colleagues on the other side of the aisle, that simple issue is politics.

It's as simple as exploiting fears and promoting prejudice.

But something more important than looking for a few extra votes should be simple, too.

Seeking fairness.

Seeking an America where, all people are treated the same under the law, in every aspect of their lives—from choosing where they live to who they marry.

And one more thing should be simple.

Promoting freedom.

Making sure that all Americans have the freedom to live their personal lives in exactly the way they choose.

Without being discriminated against. Without being stopped or harassed by a meddling federal government. Without being prevented by legislators from deciding what is best for them.

I think the debate we hear tonight is the very reason so many Americans are troubled by politicians exploiting the idea of "family values."

I don't know many Americans—regardless of their political party, race, religion or sexual orientation—who don't believe that family values are vitally important.

But I also don't know many Americans who want a couple of hundred politicians in Washington to impose their values on everyone else's families.

Let me tell you about some very basic values I think we're talking about when we stand up against this bill.

The values of people who love each other. People who share each other's lives. People who care about their future and the future of those around them. People who want to make a commitment that is legal and official and is important to them.

To me, that sounds like family values.

And all of the noise we hear on the other side of the aisle sounds like politics as usual.

I encourage my colleagues in the house today—and I don't say this very often—give my Republican friends what they say they want.

Real family values. And more local control. And a federal government that stays out of American's lives.

There's only one way to do that.

Vote to defeat the Defense of Marriage Act.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, we have heard a lot tonight already. We heard a lot in the debate on the rule about discrimination. We just heard about family values. I do not think it is about any of those things. The real debate is about homosexuality and whether or not we sanction homosexuality in this country.

Mr. Chairman, I come from a district in Oklahoma who has very profound beliefs that homosexuality is wrong. I represent that district. They base that belief on what they believe God says about homosexuality. It is what they believe God says about it. What they believe is, is that homosexuality is immoral, that it is based on perversion, that it is based on lust. It is not to say that the individual is any less valuable than anybody that might believe that, but it is discrimination towards the act, not towards the individuals. That should be something that we stand for, that should be something that we stand on.

So I support the Defense of Marriage Act for many reasons, but I support it because my district supports it. My district says it is time to say that homosexuality should not be sanctioned on an equal level with heterosexuality, and there are lots of reasons to back that up.

If you look at some of the studies that are put forward to say homosexuality is equal to heterosexuality, all you have to do is look at the number of partners on average that we see with homosexuality, and there are studies to say that over 43 percent of all people who profess homosexuality have greater than 500 partners. There are studies that would say that. The point being is I stand here representing my district to say homosexuality, the act of homosexuality, not the individual, is immoral, it is wrong. We should say that and we should not be afraid to stand on the very principles of our beliefs.

We can claim our beliefs, we can claim to represent the beliefs of those whom we represent, and we should stand for that. Others have different beliefs, I recognize that, and I would yield to their beliefs. But for me and my district, I am going to yield to the beliefs that we hold. I believe it is discrimination against the act and not the individual.

We hear about diversity, but we do not hear about perversity, and I think that we should not be afraid to talk about the very issues that are at the core of this. This is a great debate that we are going to have in our country, and it is not going to end with the debate on this bill. The fact is, no society that has lived through the transition to homosexuality and the perversion which it lives and what it brought forth.

It is not to say that the individuals are any less valuable or any less bright, but the fact is it is morally wrong, and I stand on that statement.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS] because I cannot think of a more fitting response, since he would not yield on the question of morality and discrimination, than one of the great heroes of the fight against discrimination in our lifetime.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding me the time.

Let me say to the gentleman that when I was growing up in the south during the 1940s and the 1950s, the great majority of the people in that region believed that black people should not be able to enter places of public accommodation, and they felt that black people should not be able to register to vote, and many people felt that was right but that was wrong. I think as politicians, as elected officials, we should not only follow but we must lead, lead our districts, not put our fingers into the wind to see which way the air is blowing but be leaders.

Mr. Chairman, this is a mean bill. It is cruel. This bill seeks to divide our nation, turn Americans against Americans, sew the seeds of fear, hatred and intolerance. Let us remember the Preamble of the Declaration of Independence: We hold these truths self-evident that all people are endowed by their creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness.

This bill is a slap in the face of the Declaration of Independence. It denies gay men and women the right to liberty and the pursuit of happiness. Marriage is a basic human right. You cannot tell people they cannot fall in love. Dr. Martin Luther King, Jr. used to say when people talked about interracial marriage and I quote, "Races do not fall in love and get married. Individuals fall in love and get married."

Why do you not want your fellow men and women, your fellow Americans to be happy? Why do you attack them? Why do you want to destroy the love they hold in their hearts? Why do you want to crush their hopes, their dreams, their longings, their aspirations?

We are talking about human beings, people like you, people who want to get married, buy a house, and spend their lives with the one they love. They have done no wrong.

I will not turn my back on another American. I will not oppress my fellow human being. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation.

Mr. Chairman, I have know racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance. It should not be called the Defense of Marriage Act. It should be called the defense of mean-spirited bigots act.

I urge my colleagues to oppose this bill, to have the courage to do what is right. This bill appeals to our worst fears and emotions. It encourages hatred of our fellow Americans for political advantage. Every word, every purpose, every message is wrong. It is not the right thing to do, to divide Americans.

We are moving toward the 21st century. Let us come together and create one nation, one people, one family, one house, the American house, the American family, the American nation.

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Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes and 30 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman of the Subcommittee on the Constitution for yielding time to me.

Mr. Chairman, when this issue first came up earlier this year, some constituents back home approached me and they said, Bob, if somebody had come to you two years ago or three years ago, when you were contemplating running for the Congress of the United States of America and said, Bob, one of the things that you are going to have to draft up and champion in the Congress of the United States is a piece of legislation that defends against an assault on the institution of marriage. And it is going to be necessary in that piece of legislation to define marriage as the legal union between one man and one woman, and it is going to be essential that you do that.

I probably would have said they were crazy.

This is America. This is America. This is the land that has as its most basic building block the family unit, a marriage between a man and a woman. But here we are, and it is indeed an issue.

It is an issue that is being used by the homosexual extremists to divide America. It is part of a deliberate, coldly calculated power move to confront the basic social institutions on which our country not only was founded but has prospered and will continue to prosper, thank you.

For those who say it is just a hypothetical issue, look here. This is one of the homosexual groups that espouses the various things that we are hearing on the other side. They say, many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full legal recognition of their unions.

That is their plan. They are bent on carrying it out. I kid you not, they will try to do it.

The legislation before us today simply stands up and says, enough is enough. There is not one other country in the world, not one other country on the face of the earth, for heaven's sake, that is doing what the judges in Hawaii are poised to do and from there use that as a launching pad all across America to do, and that is to throw out the window the very definition of the building block on which our society and all societies in the world are founded. Not one other country in the world has taken this extreme, radical step. America would be the first.

I do not stand here with anger. I think this is a great day for America, to stand here and debate an issue of such fundamental importance that vast majorities of our citizens, even in Hawaii, believe is an important issue. They are saying, stand up for marriage, stand up for the basic building blocks on which our society is founded. Stand up to the extremists. I hear them and I believe a vast majority of Members in both bodies, indeed, the President of the United States himself hears those voices, and we are responding to them as representatives ought to do.

The issue is a very real one. It is not just the extremist homosexual groups that are pushing this agenda. It is people in the White House. It is people in the Washington Post, the Washington Blade. To them marriage means just two people living together alone. Is that not sweet? In other words, it means absolutely nothing.

Now, if folks on the other side believe that homosexual relationships are just great and if they believe that marriage should mean simply people doing whatever it is they want to do, then fine, say that. And bring out the dictionaries and let us completely change what marriage means. Marriage does not mean two men or two women getting married. It just does not mean that. You can say it does, but it does not. You are talking about something completely different. If that is what you want, then come up with legislation and say, that is what we want. We want to redefine the basic building block on which our society was founded, and then let us have a debate about it.

But do not come here and debate the legitimate claim that we are doing something wrong, that we are being divisive by standing up to extremists who are bent on completely eradicating the concept of marriage as all civilizations not only know it but have known it.

This legislation goes no further than is absolutely essential, Mr. Chairman, to meet this very specific challenge. It is indeed a challenge, as we can see by the groups advocating it and as can be seen by the court case in Hawaii. It is not a hypothetical court case. The Supreme Court of Hawaii has made very clear in rulings already on record that they believe in their minds it is unconstitutional in the Hawaiian Constitution to deny a marriage license to two people of the same sex. They have told the lower courts that it is almost impossible, virtually impossible for the lower courts not to reach that same decision or, if they do not, it is going to be overturned on appeal.

In other words, my colleagues, the courts in Hawaii are going to recognize homosexual marriages, and these groups are then going to take those marriage licenses, so-called marriage licenses, pieces of paper that purport to be marriage licenses and come to the mainland.

The fact of the matter is that, even though many of us believe that the full faith and credit clause of our Constitution cannot be used, should not be used to override the public policy of the different States, the fact of the matter is, none of us know how the courts are going to rule on these things. So in an exercise of responsibility and in an exercise of proper role of federalism, we have crafted the Defense of Marriage Act. It simply says, this is the status quo and no one State of the Union can have its decision of its people overridden, run roughshod by people from judges from another State.

I forget who it was over here on the other side talking about that being an erosion or trampling of States rights, good heavens. We are saying that States have those rights and maintain that right. This legislation simply reaffirms it, Mr. Chairman.

The only other thing that it does, also clearly within the purview of the jurisdiction of the Congress, is to define the reach of Federal statutes that concur legitimate Federal benefits on its citizens, to define it for purposes of determining spouses and marriage, what it has meant over the entire long history of western civilization. And that is that marriage means, does mean, always will mean legal union between one man and one woman.

I strongly urge passage of and support for the Defense of Marriage Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, H.R. 3396 outlaws something that does not even exist. It tramples over the Constitution. It flies in the face of States rights, and it plays into the hands of the radical right, those who are trying to divide our country by scapegoating gays and lesbians. But let us move beyond the bill's numerous flaws and look at how it will affect American families. Let us look at what it will mean to my family.

Last month my youngest son married a wonderful young woman. As friends and family gathered to celebrate their commitment to each other, the State of California also granted them the legal benefits of marriage. This bill, however, would ensure that another of my sons will never have the same options nor the protections that come with marriage. In fact, even the most basic rights of marriage that my youngest son already takes for granted, such as the ability to visit his spouse in a hospital, could be denied to his brother, denied because of his sexual orientation.

Mr. Chairman, let us not reduce ourselves to being pawns for the radical right. Let us not turn the House of Representatives into a political convention for extremists. For once let us reject fear, embrace tolerance and move this Nation forward without leaving anyone behind.

I urge my colleagues to defeat this really mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this bill and I oppose it with both my head and my heart. My head, because my brain and my legal training tell me that there are constitutional flaws in this particular bill. My heart speaks even more strongly to tell me that this is wrong. Wrong because in America, rights are not for some but not for others. We do not have one-half citizenship or three-quarters citizenship for some people and different kinds of citizenship for another. We treat all of our citizens the same.

I took a look at the marriage vows, because I tried to decide what it is exactly that we want to keep people from having under this bill. When you take generic wedding vows that are accepted in many churches you find words like this: I so-and-so take you to be my wedded husband, wife, to have and to hold. And I thought, to have and to hold, which people is it that we want to forbid to have a committed relationship, to be sustained by the love of another person.

For better for worse, I ask again, which people are there that we want to make sure should not have a soul mate, a partner in life's struggle, someone to laugh with, someone to cry with, someone to work with, to improve their lives, to support one another through good times and bad.

I looked at the words "in sickness and in health" and I asked myself, what people does the government want to keep from having a partner who will nurture them, who will nurse them, who will wipe their brow, who will hold their hand when they are ill. I could not find any.

I looked at the words "to love and to cherish" and I asked myself, who does the government want to keep from being the center of another person's life. Who do we want to stop from being hugged, held, adored?

I looked at the words "I promise to be faithful to you until death parts us" and I asked myself, as a matter of public policy, who do we want to forbid from a monogamous promise. And given the comments made earlier about promiscuity, I cannot imagine who that would be.

Love is not a zero sum game, Mr. Chairman. One couple's love is not a threat to another. Today's marriages are threatened by a lack of commitment, a lack of maturity and a lack of fidelity. To argue any other thing else is specious.

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I hope that all Members and all Americans will let their conscience be their guide on this despicable bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes, 45 seconds, to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we began our national life by declaring that all men are created equal. We did not really mean it. We meant that all white men of property are created equal. The history of this country is largely the history of expanding that definition to all white men, to white men and white women, to white men and black men and white women and black women. We have achieved all that. We are just beginning to go down that road for gay men and lesbians. We still permit discrimination by law. We are just beginning to expand that definition, and we will.

The arguments against gay and lesbian marriage are essentially the same arguments that we used to hear against black-white marriages. We had antimiscegenation laws in this country. I have no doubt that one day we will permit in every State in this Union, and we will celebrate, gay and lesbian marriages. One day we will look back and wonder why it was ever thought controversial to allow two people who wanted to share each others' lives in a committed, monogamous relationship to undertake the obligations and benefits of marriage, why it was ever thought that allowing gay and lesbian people to visit each other in the hospital or to share each others' pension rights posed a threat to marriages of heterosexual people.

But the bill before us today is not designed to solve a real problem. It is designed to appeal to fear and prejudice, hatred and bigotry. It is also a fraud.

We are told we must pass this bill to protect our States from being compelled by the Constitution's full faith and credit clause to recognize same-sex marriages entered into in Hawaii. Aside from the fact we are a year or two away from Hawaii making any decision to recognize same-sex marriages, the full faith and credit clause does not compel nor would it compel States to do such a thing. The public policy exception that today allows New York or Connecticut to refuse to recognize a 15-year-olds marriage entered into in States which permit marriages of 15-year-olds would permit States on public policy grounds not to recognize same-sex marriages if they choose not to. So that section of the bill is unnecessary.

But the other section of the bill, the section that defines marriage in Federal law for the first time and says to any State, "No matter what you do, whether you do it by referendum, or by public decision, or by legislative action, the Federal Government won't recognize a marriage contracted in your state if we don't like the definition. We are going to trample the States' rights," shows exactly where this bill is coming from. We are going to say those are second-class marriages because we overrule New York or Connecticut or Hawaii or whoever decides to recognize same-sex marriages.

Why do we want to start down the road of Federal marriage law? This bill, Mr. Chairman, defends against a nonexistent threat. Marriages in this country are threatened by a 50 percent divorce rate, by drugs, by alcoholism, by gambling, by immaturity, by lots of things, but not by allowing gay or lesbian couples to formalize their relationships and pursue their happiness.

Mr. Chairman, this is a despicable bill, and I urge its defeat.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the institution of marriage is not a creation of the State. It is older than the government, older than the Constitution and the laws, older than the Union, older than the Western tradition of political democracy from which our Republic springs, and I think it is deeply rooted in the basic precepts of our civilization. It has been sanctified by all the great monotheistic religions and, in particular, by the Judeo-Christian religion which is the underpinning of our culture.

Mr. Chairman, it is an act of hubris to believe that marriage can be infinitely malleable, that it can be pushed and pulled around like silly-putty without destroying its essential stability and what it means to our society, and if marriage goes, then the family goes, and if the family goes, we have none of the decency or ordered liberty which Americans have been brought up to enjoy and to appreciate. That is what this bill is about.

I am going to deal just very briefly with two of the arguments that have been used against it. The one is that the bill is somehow against love or against loving or caring relationships. It is not. There are all kinds of loving and caring relationships in America, and basically that is a good thing, and people can do that if this bill passes. We are not saying that people cannot do that. We are saying that the States should not be forced to give the imprimatur of legal sanction to those kinds of relationships, and to argue to the contrary is to say essentially the States have to recognize polygamy if it is loving relationships or adult incestuous marriages if it is a loving relationship, and what it shows is we are on a slope that leads to no standards and no relationships, as the gentleman from Georgia said, where marriage becomes meaningless.

The other argument that this bill is somehow divisive. Mr. Chairman, let us be frank here. There is a division that already exists in our society, a great gulf over how we ought to define marriage and what it means in terms of sexual morality. This bill does not create that. The people who are trying to attack marriage, the other side, is not saying they are being divisive. Why are we being divisive? Because we are trying to defend it.

The question is not whether there is a division. The question is which side of the division are my colleagues on and whether we are going to allow these issues to be worked out democratically in the States according to the democratic processes or whether we are going to have a resolution that is forced upon the States by the court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I welcome the gentleman's support for the principle that the States should be able to work this out. When I offer an amendment tomorrow that would strike the part of the bill that would prevent the State from fully doing that, I will look for his support. But consistency might evaporate overnight.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Farr].

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. As one of the great leaders of human rights issues, I appreciate his time.

I cannot believe that we call ourselves lawmakers. I think we fail to ask ourselves what is broke here that needs fixing. Our country has just gone through 220 years without Federal law on marriages. Think about it. We do not have Federal a marriage license. People get married under State law. Some States allow people to marry cousins. Some States allow persons committing statutory rape to have the rape dropped if they marry the person. States do not regulate how many times someone can get married, they do not regulate how many times someone can get a divorce.

So why is this bill called the Defense of Marriage Act? It does not improve marriages, and it takes away States' rights.

This bill is not about marriage, because the Federal Government does not marry people. This bill is about meanness, it is about taking away States' right to enact a law that would allow an elderly man or an elderly woman, maybe a grandmother, even someone's grandfather, from receiving the benefits or giving benefits to a caretaker of the same sex who they may marry for only the reasons of being able to inherit property. It says that the only way someone can leave Social Security benefits or medical care benefits or Federal estate tax deductions is if they married someone of the opposite sex. Elderly people often live together with friends of the same sex. If a State wants to honor that arrangement for tax benefit purposes equal to marriage, this bill would ban it.

My wife and I have raised our daughter in a loving supportive relationship. Our daughter recently asked us, "Why is your generation so homophobic?" I told her that it was the last civil rights battle in America. She said, "I hope you solve it because our generation, it's no big deal."

Let us listen to our elderly, let us listen to our youth; make laws that help people, not hurt them. Reject this mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, to close for our side, I yield my remaining time to the gentleman from Massachusetts [Mr. Studds], my friend and colleague.

Mr. STUDDS. Mr. Chairman, somebody may wonder why I or my colleague from Massachusetts, Mr. Frank, have not taken greater personal umbrage at some of the remarks here. I was thinking a moment ago that there might even be grounds to request that someone's words be taken down because my relationship, that of the gentleman from Massachusetts and, I suspect, others in the House, was referred to, among other things, I believe, as perverse. Surely if we had used those terms in talking about anyone else around here, we would have been sat down in one heck of a hurry.

I am not taking this personally, because I happen to be able, I hope, to put this in some context. I would ask those, anyone listening to this debate this hour of the morning, to listen carefully to the quality and the tone of the words over here and the quality of the tone of the words over here. I would also ask people to wonder how in God's name could a question like this be divided along partisan lines. There is nothing inherently partisan that I know of about sexual orientation. I do not believe that there is some kind of a misdivision of this question between the aisles, and yet there is a strange imbalance here in the debate and the tone and quality of the debate.

I want to salute some of the folks who have spoken over here, the distinguished gentleman from Georgia. We have talked about this before. I marched, although he did not know it at the time, with him in 1963 in the city with Dr. King. I was about as far from Dr. King as I am from the gentleman from Georgia when he delivered that extraordinary speech.

Two years later I marched, although the gentleman did not know it, behind him from Selma to Montgomery. A few years after that, when it was the first march for gay and lesbian rights in Washington in 1979, I was a Member of Congress too damn frightened to march for my own civil rights. Actually, I changed my jogging path so that I could come within view of the march. I thought that was very brave of me at the time.

But what I know is, because I had heard people like the gentleman from Georgia and because I am of the generation, and there were many, who were inspired by Dr. King is that this is, as someone has said, the last unfinished chapter in the history of civil rights in this country, and I know how it is going to come out. I do not know if I am going to live to see the ending, but I know what the ending is going to be. There is, as the gentleman said before me change, there has always been change.

As I observed earlier, the men who wrote the Constitution, to which we all swear our oath here, many of them owned slaves. Slavery was referred to specifically in the Constitution. People of color were property when this country was founded.

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Women could not own property. There could not be marriage between the races. Many things change over time, Mr. Chairman, this, too, is going to change.

I would like to pay tribute, special personal tribute to the gentleman from Georgia [Mr. Lewis], to Dr. King, to all those of both parties and no parties. There was nothing partisan about that movement; there is and ought never to be anything partisan about this, the final chapter in the history of the civil rights of this country.

I wish I could remember, I used to know the entirety of that "I Have a Dream" speech, but we will rise up and live out the full meaning of our Creator. It may not be this year and it certainly will not be this Congress, but it will happen. As I said earlier, we can embrace that change and welcome it, or we can resist it, but there is nothing on God's Earth that we can do to stop it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank my friend for yielding to me.

We are in a great debate. I would hope that people reading the Congressional Record, watching this debate, would compare the tone, the sensitivity, and the reaching out of my friend's words, and then read the earlier words of the gentleman from Oklahoma, the words which were denunciatory and denigratory of the gentleman from Massachusetts and myself, and I would hope that people would compare the spirit of the approach, compare the attitude toward others, compare the way in which things are debated.

I would say, as someone who has been included in this denunciatory rhetoric, that I would be very satisfied to have people in forming their judgment listen to the words uttered by the gentleman from Oklahoma, and listen to the words of my friend, the gentleman from Massachusetts. I think we are helping people form a basis.

This notion that a loving relationship between two people of the same sex threatens relationships between two people of the opposite sex, that is what denigrates heterosexual marriage. The argument that we have denigrated marriage or the institution of marriage or any other formulation says that two people loving each other somehow threatens heterosexual marriage. That is what denigrates heterosexual marriage. I thank the gentleman for yielding.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlemen from Massachusetts have congratulated themselves on the tone and quality of the debate in opposition to this bill. We have heard in opposition to this bill the following words. We have heard that those who oppose same-sex marriage and those who support this bill are laughable. We have heard that it is a joke. We have heard it is based on prejudice. We have heard that it is mean-spirited, that the bill is cruel, that those who support it are bigoted, despicable, hateful, ignorant. Those are words that have been uttered here tonight. I believe the American people can make their own judgment about that.

I believe that those words are an insult to the American people, 70 percent of whom or more oppose same-sex marriages. Seventy percent of the American people are not bigots. Seventy percent of the American people are not prejudiced. Seventy percent of the American people are not mean-spirited, cruel, and hateful. It is a slander against the American people to assert that they are.

All this rhetoric is simply designed to divert attention from the fundamental issue involved here. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here: Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman? Should we tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should we tell the children of America that we a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Shall we tell the children of America that in the eyes of the law, the parties to a homosexual union are entitled to all the rights and privileges and benefits that have always been reserved for a man and woman united in marriage?

To all of these questions the opponents of this bill say yes. They support homosexual marriage. They believe that it is a good thing. They believe opposition to same-sex marriage is immoral. That is their opinion. I respect their right to express that. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex. They want the law to be indifferent to such matters.

Although I respect the right of Members to express that sentiment, I vehemently disagree with it. Those of us who support this bill reject the view that such choices are a matter of indifference. In doing so, we have the overwhelming support of the American people. In doing so, we have the support of President Clinton. In doing so, I believe we will have the support of a majority of both parties in this House. I would urge the Members of the House to support this bill and to oppose all amendments that will be offered tomorrow.

Mr. CONYERS. Mr. Chairman, the ill-named "Defense of Marriage Act" is little more than a half-baked effort by the Republicans to find yet another issue which they can use to divide the country in a desperate search for votes, deep in an election year. Before we rush head long to judgment on yet another divisive social issue, we ought to at least consider the following:

There is no reason to act on this issue now. The Hawaii Supreme Court decision that the supporters of this bill are so fearful of took place way back in 1993. And the trial proceeding, which is expected to take place shortly, will be subject to appeal to the intermediate and State supreme court—no final binding decision is expected for two years at the earliest.

The States are completely free to act on their own on this issue without any help from Congress. It is black letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will by implication be limiting the States' authority to reject other types of marriage which may be contrary to public policy.

The full "faith and credit" hook on which this bill is based is nothing less than a legal charade. The second sentence of the full faith and credit clause merely grants Congress the authority to specify how certain acts, records, and judicial proceedings may be authenticated. There is nothing in the full faith and credit clause which permits Congress to place a break on the application of sister States policies, as opposed to their judgments. Enacting a law of the nature before us today would be nothing less than unprecedented.

Given these problems, why are we acting today? Why has a bill gone from introduction, to hearing, to subcommittee, full committee, and now the floor in a mere two month's time? The only possible answer is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract with America has been a flop, the Republican party is behind in the polls, and their leadership is desperately trying to manufacture "wedge" political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunately, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. This is legislation by mob rule and is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am opposed to the rule for the so-called "Defense of Marriage Act". The rule allows only two amendments to this very unnecessary piece of legislation. In committee, an attempt by Congresswoman Schroeder and myself to include the words non-adulterous and monogamous to the definition of marriage in the bill was rejected and because this is a modified closed rule we cannot offer this change today.

No one can deny that the family as an institution has changed dramatically since the days when our own parents were children. Today, there is no single definition of family that applies to all individuals. A family may be made up of two parents and their children, grandparents caring for grandchildren, single mothers or single fathers raising their children, couples without children, foster parents and foster children, or individuals of the same-sex living together and sharing their lives as a couple, how their relationships are handled should be left to the states. This legislation takes the right of the states away.

We need to respect the human rights of all these American families. We should not make laws which are based on an antiquated notion of what constitutes a family. This unnecessary legislation patently disregards the 14th Amendment provision that provides equal protection under the law to all Americans. I believe this legislation has been rushed forward with little thought and reason.

As a wife and a mother, I believe in the human family. The institution of marriage should be cherished and respected, however, same-sex relationships allow human beings to express their attitude of caring for each other. Recognized same-sex relationships simply allow individuals living together and loving each other to be entitled to the rights associated with a loving and caring relationship.

This legislation would define marriage as "a legal union between one man and one woman as husband and wife". The word spouse would refer "only to a person of the opposite sex who is a husband or a wife."

Never before has the federal government attempted to define either marriage or spouse. This has, and continues to be, the role of the states and they have done it well for the past 200 years. It is beyond the responsibility of the federal government to define marriage and impose that definition on the states.

Furthermore, even if (as the bill's sponsors claim) the federal government needs to step in to clarify differing definitions between states, this legislation is premature. Same-sex marriage is not legal in any state. Hawaii is unlikely to decide the issue of same-sex marriage for at least two years, so this legislation attacks an issue which is not yet ripe. The only reasons to deal with it now is to make it a political controversy.

Finally, since we are being forced to consider this legislation, I do not see why we could not attach the Employment Non-Discrimination Act (ENDA) to this legislation. This long awaited legislation would extend federal employment discrimination protections to include sexual orientation, providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. If we are going to consider this type of legislation a consideration of ENDA should be included. This rule does not allow for such a consideration. I urge my colleagues to vote down this rule. Thank you.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, The Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that state. According to the Full Faith and Credit Clause of the Constitution, unless Congress says otherwise, the other 49 states in the Union would be required to abide by the Hawaii decision. Requiring the entire nation to discard the will of the clear majority of Americans undermines our democracy and would deny other states the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that states should determine their own policy and that the federal government has a right to define who is entitled to benefit as a spouse. This legislation is consistent with the need to return power and decision making to the states where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all states must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task or raising their children.

I urge my colleagues to support this legislation.

Mr. McDERMOTT. Mr. Chairman, I rise to marvel at the wisdom of Congress. We have done such a wonderful job over these past 2 years that we are ready to take on the awesome task of matchmaking for all citizens of the United States.

The legislation we are debating now dictates to them who they can love and spend their lives with in order to benefit from the rights guaranteed by the Constitution and the legal benefits of our laws—civil laws governing marriage and divorce that have previously been the province of the States.

Have we nothing better to do with our time?

Marriage is a personal matter. Marriage is about two people coming together to love and support each other. Why should Congress interfere in this very personal decision?

It was less than 30 year ago that our courts ruled it unconstitutional for the States to ban marriage between persons of different ethnic backgrounds. Have we learned so little in the last 30 years?

This bill has nothing to do with family values or protecting the institution of marriage. It is a political game to obscure the real issues behind the failure of marriages and to divide Americans in an election year.

It is an attempt to fan the coals of bigotry and hatred to try to gain a few votes. The institution of marriage will not be saved to strengthened by increasing hate between our citizens.

This is not a religious issue. Each of the numerous religions practiced in America is free to perform the rites of marriage in accordance with its tenets.

Many marriages between persons of the same gender have been blessed by their religions—in all 50 States. This is purely and simply a civil matter—whether the Federal Government should decide for its citizens which of these unions to recognize and with whom citizens may share their vows of marriage.

Nor is this a moral issue. The only moral question before us is whether it is moral to use this legislation to foster prejudice and misinformation among our citizens for political gain.

I suggest we turn our attention to creating conditions that foster relationships between people in which they care for each other. To quote Ecclesiastes 4:9–10, "Two are better than one. If one falls down, his friend can help him up."

The Reverend Billy Graham used that Biblical quote to justify marriage. Reverend Graham stated, " Nowhere is this truer than in marriage when sickness or other problems come. One of the reasons God has given marriage to us is for times like this."

It is with marriage that our society makes it a little easier to survive and obtain fulfillment.

Let's turn our efforts to making life a little easier for people by giving them all equal opportunities to love and help each other.

Let's also give them the freedom to decide for themselves who they would like for a partner in life. Let's not raise barriers to prevent our citizens from partaking equally in the rights guaranteed by our Constitution and legal benefits granted by our laws.

I urge my colleagues to vote against this narrow-minded legislation.

Mr. FLANAGAN. Mr. Speaker, because I believe it is necessary to attend the funerals of two close and personal friends of mine, Illinois State Representative Roger T. McAuliffe, deputy majority leader of the Illinois House of Representatives, and Jack Williams, mayor of Franklin Park, I will unfortunately miss tomorrow's vote on H.R. 3396, the Defense of Marriage Act.

As member of both the House Committee on the Judiciary and its Subcommittee on the Constitution, both of which had jurisdiction over H.R. 3396, I have already twice voted in favor of the bill. Therefore, since I am not able to attend tomorrow's flood consideration of H.R. 3396, it would be my intention to vote "aye" on final passage.

While I will not be present for tomorrow's vote, I have taken the necessary steps in arranging a "pair" with another member of the House who will also be absent. The pairing arrangement will offset our votes so that we may be absent without affecting the overall result. As it is customary, the name of my pair should appear in tomorrow's CONGRESSIONAL RECORD.

Mr. PACKARD. Mr. Speaker, in the history of our Country, marriage has never meant anything other than an exclusively heterosexual and monogamous institution. The fact that we have to take up legislation today to defend this precious institution is mind-boggling.

While the Defense of Marriage Act protects the rights of a State to decide for itself whether to recognize same-sex marriage entered into in a different State, we cannot ignore the larger issue—traditional family values. The very nucleus of family is marriage. Perhaps no other relation provides society with the benefits marriage does. We cannot allow the integrity of marriage to broken down and destroyed.

We have seen throughout history, civilizations that have allowed the traditional bonds of family to be weakened—those civilizations have not survived. America has, and should always be a Nation that prioritizes traditional family values and the tradition of a one-man and one-women marriage.

Mr. Speaker, it is time we stopped this assault on America's families and the sacred institution of marriage. I urge all of my colleagues to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against H.R. 3396, the Defense of Marriage Act. The title of the bill is puzzling. What are we defending marriage against: divorce, domestic violence, adultery? Can anyone name a single married couple whose union would be strengthened or defended against harm by this legislation? With all the unresolved burning issues facing this institution, it is nothing short of incredible that we would be diverting time and energy away from questions like Medicare, the environment, and the economy on this matter.

Supporters of the bill point to what they claim is the danger of same-gender marriage. They say that if a court in Hawaii rules in favor of same-gender couples, other States will then have to give "full faith and credit" to the resulting marriages. I'm going to take this opportunity to concentrate on the traditions of our Nation, in particularly the rights of States and the Constitution of the United States. H.R. 3396 is an unnecessary intrusion into the State domain of family law. It tears at the fabric of our Constitution.

Historically, States have the primary authority to regulate marriage based upon the 10th amendment of the Constitution. The Supreme Court has supported this constitutional right. In Aukenbrandt versus Richards, 1992, the Court rules that "without exception, domestic relations has been a matter of state, not federal concern and control since the founding of the Republic."

It is also interesting to note that questions concerning the validity of an out-of-state marriage are generally resolved without reference to the "full faith and credit" clause of the U.S. Constitution. States traditionally recognize out-of-state marriages unless they have statutes prohibiting such a union. For example, polygamy is illegal in all States, and in most states certain incestuous marriages are illegal too. States can declare an out-of-state marriage void if it is against the state's public policy or if entered into with the intent to evade the law of the State.

Congress has invoked the "full faith and credit" clause only five times since the founding of the Republic. The three most recent instances have required each State to give child custody, child support, and protection orders of other States the same faith and credit it gives its own such orders. The Defense of Marriage Act differs in one critical aspect from the legislative enactment passed by the Congress under it full faith and credit power: H.R. 3396 permits sister States to give no effect to the laws of other States.

This is a novel and unconstitutional interpretation of the clause. According to a leading constitutional law scholar, Laurence H. Tribe, "the Constitution delegates to the United States no power to create categorical exceptions to the Full Faith and Credit Clause."

The Supreme Court just recently struck down a Colorado law that targeted gay and lesbians in Romer versus Colorado, This case suggests that the Supreme Court will rule legislation motivated by animus against gays and lesbians unconstitutional under the Equal Protection Clause of the 14th amendment unless the legislative classification bears a rational relationship to a legitimate State purpose. In other words, since H.R. 3396 targets a group of people due to their—in the words of Gary Bauer of the Family Research Council—"dangerous lifestyle and behavior," it is likely to be struck down by the courts. There is no dire urgency or compelling public interest to pass this measure, which is not only unnecessary but also likely to be found unconstitutional by the Supreme Court.

In addition, I find it hard to believe how many of my colleagues can justify their support of H.R. 3396 when they are also cosponsors of H.R. 2270. At least 37 Members of the House are cosponsors of both bills. H.R. 2270 would require the Congress to specify the source of authority under the U.S. Constitution for the enactment of laws. Where in article I or anywhere else in the Constitution is the Congress given authority to write a national marriage law? Maybe the sponsors of both bills don't see the contradiction. Maybe they just don't care.

Many on the other side of the aisle have been vocal and unceasing in their support for reversing the flow of power away from Washington and back to the States. Well, the laws governing marriage are traditionally and constitutionally under the authority of the States. If there is any area of law to which States can lay a claim to exclusive authority, it is the field of family relations. How can someone reconcile being for States rights while at the same time taking away a basic, constitutional right given to States by the Framers of our Constitution? I strongly encourage my colleagues to allow the States to continue exercising their constitutional rights and not fan the flames of intolerance. As William Eskeridge, Law Professor at Georgetown University, simply stated, "the reasons to hesitate before adopting this legislation are conservative ones: federalism, original intent and tradition."

Let us remember that the United States draws its strength from the enormous diversity to be found within the borders of our great Nation. Vote against The Defense of Marriage Act.

Ms. VELÁZQUEZ. Mr. Speaker, too many Americans are worrying about how they are going to pay for their children's education and their parents' health care. Yet, instead of working for real change, we are voting on legislation that will do little more than increase the amount of hate and division in this country.

The Defense of Marriage Act, H.R. 3396, will ban homosexual marriages. Proponents of this destructive legislation argue that same-sex marriage is an assault on the sanctity and integrity of heterosexual marriages. The argument is irrational. Homosexual couples do not influence heterosexual marriage choices. Marriage protection proponents also argue that this legislation promotes tradition and family values. These arguments are strikingly similar to those raised less than 30 years ago in resistance to repealing miscegenation laws.

Like its hate-driven predecessor, the Defense of Marriage Act sends a dangerous message to society. We are legitimizing hate and discrimination. Intense prejudice against lesbians and gay men remains prevalent in our society. Homosexuals are victims of extensive discrimination, prejudice, and violence due to their sexual orientation.

Discrimination against gay people in such critical areas as employment and housing remains widespread in many jurisdictions. Even more alarming, high rates of antigay violence or hate crimes abound. Society communicates particular values and attitudes to its members in many ways, but primarily through laws. Instead of working to reduce discrimination, this body is pushing legislation that will reinforce intolerance and hostility toward gay people.

Discrimination against homosexuals is unfair, unjust and appalling. Let's end this charade! I urge my colleagues to vote for fairness and equality and oppose this shameful legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3396, the so-called Defense of Marriage Act, and ask my colleagues to reject this mean-spirited legislation.

The proponents of H.R. 3396 would have us believe that this legislation is necessary to save the institution of marriage. The real purpose of H.R. 3396 is to create a wedge issue for Republicans for the upcoming elections.

In a shameless attempt to divide the American public, the Republican Party is espousing official bigotry. It is promoting discrimination against individuals who seek the same responsibilities and opportunities other Americans seek when they form a lifelong union with someone they love. It is scapegoating a segment of our society to fan the flames of intolerance and prejudice. And it is doing this to try to improve its standings in the polls.

Discrimination against people who are gay and committed to one another does nothing to defend marriage or to strengthen family values. It does, however, continue to deny them legal rights that married couples simply take for granted—inclusion in a spouse's health insurance plan, pension and tax benefits, the ability to participate in medical decisions, and the right to visit a dying spouse in the hospital.

Our Nation's families deserve better from their leaders than this cynical effort to raise fears and create divisions for political gain. They need leaders who will recognize the true needs of families and who are willing to work for adequate healthcare, access to educational opportunities, a decent wage, and a livable environment.

Let's work together on the real challenges we face as a nation. Let's not allow our Republican leaders to create scapegoats to distract the public's attention from the failure of this Congress to address issues the American public cares about.

I urge my colleagues to stand up to bigotry and discrimination. I urge you to vote against this mean-spirited legislation.

The CHAIRMAN. All time has expired for general debate.

Mr. CANADY of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, had come to no resolution thereon.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3396, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) after 7:30 p.m. tonight, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUTIERREZ) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Member (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on July 12.

Mr. GUTKNECHT, for 5 minutes, on July 12.

Mr. EWING, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUTIERREZ) and to include extraneous matter:)

Mr. RANGEL.
Mr. MARKEY.
Ms. DELAURO.
Mr. GIBBONS.
Mr. JACOBS.
Mr. COYNE.
Ms. KAPTUR.
Mr. DELLUMS.
Mr. ROMERO-BARCELO.
Mr. POMEROY.
Mr. LIPINSKI.
Mr. OBERSTAR.
Mr. ENGEL.
Ms. LOFGREN.
Mr. UNDERWOOD.
Mrs. MINK of Hawaii
Mr. PAYNE of New Jersey.
Mr. LEVIN.
Mr. MARTINEZ.
Mr. FIELDS of Louisiana.
Mr. LEWIS of Georgia.
Mr. GUTIERREZ.
Mr. SAWYER.
Mr. COSTELLO.
Mr. STUPAK.

The following Members (at the request of Mr. CANADY of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. DORNAN.
Mr. GILMAN in three instances.
Mr. LONGLEY.
Mr. QUINN.
Mr. HYDE.
Mr. CRANE.
Mr. FLANAGAN.
Mr. TALENT.
Mr. FOX of Pennsylvania.
Mr. COLLINS of Georgia.
Mr. BEREUTER.
Mr. EWING.
Mr. KLUG.
Mr. CUNNINGHAM.
Mr. GOODLING.
Mr. FORBES.
Mr. BLUTE.
Mr. LEWIS of Kentucky.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

ADJOURNMENT

Mr. CANADY of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes a.m.), the House adjourned until today, Friday, July 12, 1996, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1955 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104-1, 109 Stat. 3). The proposed amendments to the procedural rules have been proposed by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R., page 38416 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of Proposed Amendments to the Procedural Rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations ("chapter 71"). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. "Scope and Policy" is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term "employee" consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term "party" to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining "respondent" is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 "Designation of Representative" is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word "parties" for "employee and the employing office".

(C) Modifications to subsections 1.07 (b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 "Mediation," is proposed to be amended in certain respects.

In section 204(a) the language "including any and all possibilities" would be modified to read "including the possibility" of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the "Agreement to Mediate".

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R., S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled "Complaints," and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel's role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that "[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error." The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 "Reconsideration" is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 "Judicial Review" is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 "Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions" is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), "Informal Resolutions and Settlement Agreements" be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of Proposed Amendments to Procedural Rules

§1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02(c)

Employee. The term "employee" includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§1.02(i)

Party. The term "party" means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§1.02(j)

Respondent. The term "respondent" means the party against which a complaint is filed.

§1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative.* All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA ("confidential proceedings") may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

§1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information.

Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§2.04(a)

(a) *Explanation.* Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§2.04(f)(2)

(2) *The Agreement to Mediate.* At the commencement of the mediation, the neutral will ask the parties to sign an agreement prepared by the Office ("the Agreement to Mediate"). The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§5.01 (formerly §2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 107 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A compliant filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the compliant is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completeion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defense not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§5.03 (formerly §2.09) Dismissed of Complaints

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon with relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)-(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§7.07(E)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§8.02 Reconsideration

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§8.04 Judicial Review

Pursuant to section 407 of the Act—

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition or:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.

§9.04 Ex parte Communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibited set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rule, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall (a) notify the parties to the proceeding that such a communication has been received; and (b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in

writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§ 9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

NOTICE OF ADOPTION OF REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of Adoption of Regulations and Submission for Approval for publication in the Congressional Record. The notice, which the Board has approved, is being issued pursuant to §220(d).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published May 15, 1996 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 220 of the Congressional Accountability Act of 1995, Pub. L. 104-1, 109 Stat. 3. Specifically, these regulations are adopted under section 220(d) of the CAA.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999, Telephone: (202) 724-9250.

SUPPLEMENTARY INFORMATION

I. Background and Summary

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code ("chapter 71") relating to Federal service labor-management relations. Section 220(a) of the CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122 and 7131 of title 5, United States Code to employing offices and to covered employees and representatives of those employees.

Section 220(d) authorizes the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ["FLRA"] to implement the statutory provisions referred to in subsection (a) except—(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest."

On March 6, 1996, the Board of Directors of the Office of Compliance ("Office") issued an Advance Notice of Proposed Rulemaking ("ANPR") that solicited comments from interested parties in order to obtain participation and information early in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking ("NPR") (142 Cong. R. S5070-89, H5153-72 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, on May 23, 1996, the Board published a Notice of Proposed Rulemaking (142 Cong. R. S5552-56, H5563-68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e). That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in certain specified offices, "except . . . that the Board shall exclude from coverage under [section 220] any covered employees who are employed in [the specified offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities." Final regulations under section 220(e) will be adopted and submitted for Congressional approval separately.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA , it would decide representation issues, negotiability issues and exceptions to arbitral awards based upon a record developed through direct submissions from the parties and, where necessary, through further investigation by the Board (through the person of the Executive Director). Under the Board's proposed rule, only unfair labor practice issues (and not representation, arbitrability or negotiability issues) would be referred to hearing officers for initial decision under section 405 of the CAA.

One commenter expressly approved of this proposal. Conversely, two commenters argued that the proposal violates the plain and unambiguous language of the statute, which they read as requiring the Board to refer all section 220 issues, including representation, arbitrability, and negotiability issues, to hearing officers for initial decision under section 405.

Contrary to the argument that the statutory text *unambiguously* requires referral of representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not define the "matter[s]" that must be referred to hearing officers for initial decision under section 405, much less specify that these "matter[s]" include disputed issues of representation, negotiability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the "matter[s]" that the Board must refer to hearing officers for initial decision under section 405 are co-extensive with the "petition[s], or other submission[s]" that the Board receives under section 220(c)(1). Since Congress did *not* require the Board to refer to a hearing officer for initial decision "any petition or other submission" that it receives under section 220(c)(1), but rather only "any matter under this paragraph," the interpretive presumption in fact must be that the "matter[s]" which the Board must refer are not co-extensive with the "petitions or other submissions" that it receives under section 220(c)(1) (but, rather, are only a subset of them.) Whether or not this interpretative presumption can be overcome by other relevant interpretive materials, it is plain that, contrary to the assertion of the commenters, the statutory text is in fact seriously ambiguous about whether controversies involving representation, negotiability, and arbitrability issues are "matter[s]" within the meaning of section 220(c)(1) that must be referred to a Hearing Officer pursuant to section 405.

Moreover, as explained in the NPR, this textual ambiguity is best resolved by interpreting the statutory phrase "matter" in section 220(c)(1) to encompass only controversies involving disputed unfair labor practice issues. The term "matter" in section 220(c)(1) simply does not appear to refer to representation or other such issues arising out of the Board's "investigative authorities." Indeed, section 220(c)(1) expressly contemplates that the Board may direct the General Counsel (and, a fortiori, not a hearing officer) to carry out these "investigative authorities," which under chapter 71 include the authority, for example, to decide (and not, as one commenter suggests, merely to investigate) disputed representation issues such as whether an individual must be excluded from a unit because he or she is a supervisor.

Under chapter 71, only controversies involving unfair labor practice issues are subject to formal adversarial processes like those established by section 405; and nothing in the CAA's legislative history shows that Congress understood itself to be departing from chapter 71 in this respect. In these circumstances, under the CAA, the textual ambiguity must be resolved by reference to the interpretive presumption that Congress has subjected itself to the same rules that the executive branch is subject to under chapter 71.

Furthermore, contrary to the suggestion of one commenter, the reference in the last sentence of section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints does not detract in any way from the Board's construction of the term "matter" in section 220(c)(1). The Board's construction of the term "matter" in section 220(c)(1) simply does not render this reference in section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints "redundant and meaningless," as the commenter claims; rather, the reference in section 220(c)(2) simply completes the statute's instruction to the General Counsel concerning how he should process a controversy involving an unfair labor practice issue (just as section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue). Indeed, construing the phrase "matter" in section 220(c)(1) to encompass more than just controversies involving unfair labor practice issues would not in any way reduce the redundancy and lack of meaning that the commenter perceives (since, in all events, both section 220(c) (1) and (2) would effectively encompass initial hearing officer consideration of unfair labor practice issues).

The commenters similarly err in suggesting that the judicial review provisions of section 220(c)(3) demonstrate that the Board must refer more than just unfair labor practice issues to a hearing officer for initial decision under section 405. In making this suggestion, the commenters omit mention of the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c) (1) or (2). This language appears to limit judicial review to cases involving unfair labor practice issues, because it is only in unfair labor practice cases that the parties include either "the General Counsel or the respondent to the complaint." In all events, even if section 220(c)(3) authorized judicial review of more than just unfair labor practice issues, referral of more than controversies involving unfair labor practice issues would not be required: Judicial review does not always require a record created by a formal adversary process, and the Board still has not found a statutory command sufficient to require a formal adversary process where chapter 71 does not do so.

Finally, there is simply no foundation for the suggestion that the "real reason" for the Board's reading of the statute is that referral of representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 405 would be "overly cumbersome." It is in fact the judgment of the Board, based on its members' many years of practice and experience in this area, that referral of such issues for formal adversary hearings would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult for the Board's members to even conceive of how an election could practicably be conducted in the confidential, adversarial processes contemplated by section 405. But, while the Board is in fact entitled in its interpretive process to presume that Congress did not intend to be so impracticable, the "real reason" for the Board's construction of section 220 is not this significant practical concern. Rather, the "real reason" is the one that is stated in the NPR and here—to wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in supposedly subjecting itself to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: '"In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that [suggested] here, [we] think judges as well as detectives may take into consideration the fact that a watch dog did not bark in the night."' *Chisom v. Roemer*, 501 U.S. 380, 397 (1991), *quoting Harrison v. PPG Industries, Inc.*, 446 U.S. 578, 602 (1980) (Rehnquist, J., *dissenting).*

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a new subsection 2422.18(d) to provide that the parties have an obligation to produce existing documents and witnesses for pre-election investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with such instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the issuance of subpoenas by various FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 405 of the CAA, subpoenas for documents or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that there is good cause to modify section 2422.18 of the FLRA's regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter's view that pre-election investigatory hearings must be conducted under section 405 of the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board "should make the proposed regulations governing service of subpoenas consistent with its own procedural regulations." This same commenter also suggested that the Board specifically not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly "appears to be included to comply with the Sunshine Act" which "does not apply to Congress."

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA's regulations by including section 2422.18(d). Further, because pre-election investigatory hearings should not be conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the application of the Federal rules of evidence or to provide for the issuance or service of subpoenas in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the "Sunshine Act" (Pub. L. 94-409) formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting that subsection, as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is good cause to delete the concluding sentences of sections 2423.5 and 2424.4 of the FLRA's regulations. Specifically, the Board proposed to omit the requirement that a labor organization file a petition for review of a negotiability issue, rather than an unfair labor practice charge, in cases that solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and that do not involve actual or contemplated changes in conditions of employment. The Board reasoned that, by eliminating that restriction, a labor organization could choose to seek a Board determination on the issue, as it can with respect to other assertions by employing offices that there is no duty to bargain, through an unfair labor practice proceeding and, if the determination is unfavorable, the labor organization could possibly obtain judicial review by persuading the General Counsel to file a petition for review of the unfavorable Board decision under section 220(c)(3) of the Act. In this regard, the Board stated its view that, unlike chapter 71, the CAA does not provide for direct judicial review of Board decisions and orders on petitions for review of negotiability issues.

One commenter expressly and specifically agreed that there is good cause for this proposed modification of the FLRA's regulations. The two other commenters asserted that there is not good cause to delete the pertinent sentences from the FLRA's regulations because of their view that, under section 220(c)(3), direct judicial review of Board decisions on petitions for review of negotiability issues is available.

The Board has further considered this issue and has concluded, for reasons different than those urged by the commenters, that it should not delete the concluding sentences of the referenced sections of the FLRA's regulations. Under section 7117 of chapter 71, which is incorporated into the CAA, a labor organization is the only party that may file a petition for Board review of a negotiability issue; the labor organization is always the petitioner and never a respondent, and the General Counsel is never a party. Moreover, section 220(c)(3) provides that only "the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board" may file a petition for judicial review of a Board decision. Accordingly, it is clear that, under the CAA, it was Congress' intent not to accord labor organizations the right to seek direct judicial review of unfavorable decisions on negotiability issues. Further, in the Board's judgment, questions involving the duty to bargain, where there are no actual or contemplated changes in conditions of employment, are best resolved through a negotiability determination; procedures for the consideration of petitions for review of negotiability issues are more expeditious and less adversarial than unfair labor practice proceedings, and thus the requirement that labor organizations utilize the negotiability procedures is more effective for the implementation of section 220. Accordingly, the concluding sentences of section 2423.5 and 2424.5 of the FLRA's regulations will be included in the Board's final regulations.

D. Exclusion of certain employing offices from coverage under section 220

One commenter urged the Board to exclude certain specific employing offices from coverage under section 220 of the CAA. The commenter reasoned that, since section 7103(a)(3) of chapter 71 specifically defines "agency" not to include certain named executive branch agencies, the Board should exempt "parallel" employing offices in the House of Representatives from the definition of "employing office" in the Board's regulations.

The Board declines this suggestion. Just as Congress defined the term "agency" under chapter 71, Congress has defined "employing office" in the CAA. The Board cannot, as the commentor has requested, redefine "employing office" by regulation to exclude employing offices that are encompassed by statutory definition.

E. Exercise of the Board's authority under section 7103(b) of chapter 71, as applied by the CAA

Under section 220(c)(1) of the CAA, the Board has been granted the authority that the President has under section 7103(b) of chapter 71 to "issue an order excluding any [employing office] or subdivision from coverage under this chapter if the [Board] determines that—

(a) the [employing office] or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(b) the provisions of this chapter cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations."

Two commenters requested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that it simply asserted should be excluded because their "primary function . . . is intelligence investigative or national security work"; the other commenter made no specific suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7103(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under section 220 by "order," not by regulation. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but rather are better addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words "bylaws, tacit agreement among its members," were omitted from the definition of "labor organization" in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term "disability" for "handicapping condition"

The proposed regulations, in sections 2421.3(d)(1) and 2421.4(d)(2)(iv), make reference to the term "handicapping condition". That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term "disability," rather than the term "handicap" or "handicapping condition". Accordingly, as urged by one commenter, the Board finds good cause to substitute the term "disability" for the term "handicapping condition" wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term "conditions of employment" in section 2421.3(m)(3) of the proposed regulations to provide that, in addition to "matters specifically provided for by Federal statute," matters specifically provided for by "resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law" are among the matters excluded from that term. But the definition of "conditions of employment" in section 2421.3(m) of the proposed regulations is identical to the statutory definition incorporated by reference into the FLRA's regulations. Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House or Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from "conditions of employment" under section 220. The Board thus does not find good cause to change the FLRA's regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation.—The term "Government-wide rule or regulation" is found in various contexts in the incorporated provisions of chapter 71 and applicable regulations of the FLRA. One commenter asked that the Board clarify that the term includes "rules or regulations issued by the House or Senate, as appropriate." The commenter cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the terms "activity" and "primary national subdivision" have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantial consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition for 10% or more of the total number of personnel employed by the employing office. In this regard, the Board noted that the FLRA has considered 10% of the employees of an agency or primary national subdivision to be a significant enough proportion of the employee complement to allow for meaningful consultations, no matter the size of the agency or the number of its employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small legislative branch employing offices from that applicable to small executive branch agencies.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees "a union could gain consultation rights on the basis of the interest of one employee."

The commenter's concern that one employee's "interest" in a 10-employee office could require consultations is unfounded. In order to obtain national consultation rights, a labor organization must hold "exclusive recognition" for 10% of the employees. Section 2421.4(c) of the Board's proposed rules defines the term "exclusive recognition" to mean that "a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election." The mere "interest" of employees does not constitute "exclusive recognition." Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board thus has decided to adhere to its conclusion that there is not good cause to change the 10% threshold.

2. Government-wide rules or regulations.—In the NPR, the Board concluded that it had good cause to modify the threshold requirement contained in the FLRA's regulations that provide for an agency, in appropriate circumstances, to accord consultation rights on Government-wide rules or regulations to a labor organization that holds exclusive recognition for 3,500 or more employees. The Board reasoned that, because of the size of employing offices covered by the CAA, the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold requirement with the 10% requirement, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter stated that, because no covered employing office has 3,500 employees, "consultation on government-wide rules or regulations should not be a requirement under the CAA.".

The Board has carefully considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated into the CAA, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with criteria prescribed by the FLRA, shall be granted consultation rights by any agency with respect to any Government-wide rule or regulation issued by the agency that effects any substantive change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that 3,500 employees is a "substantial" number of employees in the executive branch. The most recent statistics compiled by OPM's Office of Workforce Information reveal that there are approximately 1,958,200 civilian, non-postal, Federal employees. In contrast, the Congressional Research Service reports that there are only approximately 20,100 legislative branch employees currently covered by the CAA. As the covered workforce in the legislative branch is approximately one-tenth the size of the analogous executive branch employee complement, the Board concludes that the appropriate threshold requirement for the grant of consultation rights in the legislative branch is 350 employees, or one-tenth the requirement in the executive branch. Accordingly, the Board finds that there is good cause to modify section 2426.11(a) of the FLRA's rules to provide that requests for consultation rights on Government-wide rules or regulations (e.g. rules or regulations that are generally applicable to the legislative branch) will be granted by an employing office, as appropriate, to a labor organization that holds exclusive recognition for 350 or more covered employees in the legislative branch.

K. Posting of notices in representation cases

One commenter asserted that sections 2422.7 and 2422.23, which provide for the posting or distribution of certain notices by employing offices, should be modified. In this regard, the commenter argued that these sections of the proposed rules "give the Executive Director the authority to determine the placement" of the notice posting and that such determination should be left to the discretion of the employing office. Contrary to the commenter's assertions, however, nothing in the aforementioned regulations deprives an employing office of the desired discretion so long as the notices are posted "in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed." Accordingly, there is no reason to modify the regulations, as requested by the commenter.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is "arbitrary and capricious or based upon manifest disregard of the law." Noting that section 225(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

Two commenters asserted that the Board did not have good cause to modify the FLRA's regulation. Both argued that requiring the Board to enforce a decision and order of the Assistant Secretary is not tantamount to executive branch enforcement of the Act.

The Board continues to be of the view that, in order to give full effect to section 225(f)(3) of the CAA, it should not defer to decisions of the Assistant Secretary. There is thus good cause to modify section 2428.3 of the FLRA's regulations.

M. Regulations under section 220(d)(2)(B) of the CAA

Section 220(d)(2)(B) of the CAA provides that, in issuing regulations to implement section 220, the Board may modify the FLRA's regulations "as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest." In the ANPR, the Board requested commenters to identify, where applicable, why a proposed modification of the FLRA's regulations is necessary to avoid a conflict of interest or appearance thereof. In this regard, commenters were advised not only to fully and specifically describe the conflict of interest or appearance thereof that they believed would exist were the pertinent FLRA regulations not modified, but also to explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns.

In response to the ANPR, one commenter argued that the posting requirements of sections 2422.7 and 2422.23 of the FLRA's regulations should be modified. In the NPR, the Board discussed the commenter's suggested modifications and determined that the modifications were not necessary under section 220(d)(2)(B). No other modifications were requested or discussed.

Another commenter has now urged the Board to "promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee" in order to "eliminate by regulation the possibility, or even the appearance of the possibility, that the contents of legislation or legislative policy might be influenced by union membership of Congressional employees." This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded (or, indeed, any examples).

The Board has concluded that it is appropriate to adopt a regulation authorizing parties in appropriate circumstances to assert, and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

III. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders
2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.

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§2421.1 Act; CAA.

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

§2421.2 Chapter 71.

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§2421.3 General Definitions.

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied by the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing" office means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter IIq01of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing Officer.

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit.

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot.

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest.

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment.

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period.

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement.

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised.

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots.

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

Sec.

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§ 2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however,* that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition.

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§ 2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§ 2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing*. A petition is filed when it is received by the Executive Director.

§2422.6 Notification of filing.

(a) *Notification to parties*. After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification*. The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition*. When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice*. The notice shall advise affected employees about the petition.

(c) *Duration of notice*. The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§2422.8 Intervention and cross-petitions.

(a) *Cross-petitions*. A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions*. A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to §2422.30.

(c) *Labor organization intervention requests*. Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent*. An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office*. An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention*. An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§2422.9 Adequacy of showing of interest.

(a) *Adequacy*. Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§2422.3 (c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action*. The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.10 Validity of showing of interest.

(a) *Validity*. Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge*. The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed*. Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(d) *Contents of validity challenges*. Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action*. The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status*. The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge*. Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to §2422.30.

§2422.12 Timeliness of petitions seeking an election.

(a) *Election bar*. Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar*. Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review*. A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less*. Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years*. Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances*. A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension*. Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements*. Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition*. All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in §2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers*. During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections*. Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings*. There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures.

(a) *Executive Director conducts or supervises election*. The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election*. Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot*. The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot*. All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot*. When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative*. When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election*. When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers*. All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots.

(a) *Filing challenges*. A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure*. An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots.

(a) *Tallying the ballots*. When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally*. When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast*. Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election.

(a) *Filing objections to the election*. Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence*. The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections.

(a) *Investigation*. The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof*. A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action*. After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing*. When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections.

(a) *When a runoff may be held*. A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility*. Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot*. The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections.

(a) *Inconclusive elections*. An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election*. A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 *Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.*

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 *Application for review of an Executive Director action.*

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 *Certifications and revocations.*

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 *Relief obtainable under Part 2423.*

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however*, that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 *Rights and obligations during the pendency of representation proceedings.*

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however*, that its actions may be challenged, reviewed, and remedied where appropriate.

PART 2423 UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.
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§2423.1 *Applicability of this part.*

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§2423.2 *Informal proceedings.*

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

§2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: provided, however, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§2423.16 [Reserved]
§2423.17 [Reserved]
§2423.18 Burden of proof before the Hearing Officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§2423.20 [Reserved]
§2423.21 [Reserved]
§2423.22 [Reserved]
§2423.23 [Reserved]
§2423.24 [Reserved]
§2423.25 [Reserved]
§2423.26 Hearing Officer decisions; entry in records of the Office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§2423.28 [Reserved]
§2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

Sec.
2424.1 Conditions governing review.
2424.2 Who may file a petition.
2424.3 Time limits for filing.
2424.4 Content of petition; service.
2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2424.6 Position of the employing office; time limits for filing; service.
2424.7 Response of the exclusive representative; time limits for filing; service.
2424.8 Additional submissions to the Board.
2424.9 Hearing.
2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

Subpart A—Instituting an Appeal

§2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however,* that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

§ 2424.11 Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

Subpart A—National Consultation Rights

§2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in §2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by §2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

PART 2427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.

2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under §2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

PART 2428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

Subpart A—Miscellaneous

§2429.1 Transfer of cases to the Board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§2429.2 [Reserved]
§2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§2429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§2429.7 [Reserved]
§2429.8 [Reserved]
§2429.9 [Reserved]
§2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§2429.11 [Reserved]
§2429.12 [Reserved]
§2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to § 2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to § 2429.13.

§ 2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§ 2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2429.17 [Reserved]

§ 2429.18 [Reserved]

Subpart B—General Requirements

§ 2429.21 [Reserved]

§ 2429.22 [Reserved]

§ 2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§ 2429.24 [Reserved]

§ 2429.25 [Reserved]

§ 2429.26 [Reserved]

§ 2429.27 [Reserved]

§ 2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

PART 2470—GENERAL

Subpart A Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

Subpart A—Purpose

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

Subpart B—Definitions

§ 2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization, and conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative or designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

PART 2471—PROCEDURES OF THE BOARD IN IMPASSE PROCEEDINGS

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§ 2471.1 Request for Board consideration; request for Board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§ 2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§ 2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§ 2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§ 2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½11-inch size paper.

§2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4071. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Final Rule: Implementation of the Farm Program Provisions of the 1996 Farm Bill (RIN: 0561–AE81) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4072. A letter from the Secretary of Agriculture, transmitting recommendations concerning the steps necessary to achieve interstate shipment of meat inspected under a State meat inspection program developed and administered under Section 301 of the Federal Mean Inspection Act (21 U.S.C. 661); and poultry inspected under a State poultry product inspection program developed and administered under section 5 of the Poultry Products Inspection Act (21 U.S.C. 454), pursuant to Public Law 104–127, section 918(b) (110 Stat. 1190); to the Committee on Agriculture.

4073. A letter from the Secretary of Agriculture, transmitting the Service's final rule—Deletion of Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulation (Foreign Agricultural Service) (RIN: 0551-AA45) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4074. A communication from the President of the United States, transmitting amendments to the fiscal year 1997 appropriations requests for the Departments of Housing and Urban Development, Justice, and Veterans Affairs, and the National Bankruptcy Review Commission, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-244); to the Committee on Appropriations and ordered to be printed.

4075. A letter from the Acting Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. 104-243); to the Committee on Appropriations and ordered to be printed.

4076. A letter from the Secretary of Defense transmitting the Secretary's certification that the current Future Years Defense Program [FYDP] fully funds the support costs associated with the M1A2 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

4077. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Individual Compensation (DFARS Case 96-D314) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4078. A letter from the Secretary of Housing and Urban Development transmitting notification that is estimated that the limitation of the Government National Mortgage Association's [Ginnie Mae's] authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 note; to the Committee on Banking and Financial Services.

4079. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the Department's third semiannual report to Congress, as required by section 403 of the Mexican Debt Disclosure Act of 1995, and the June monthly report to Congress, as required by section 404 of the same act, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

4080. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to extend the act, authorize appropriations, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

4081. A letter from the Acting Executive Director, Resolution Trust Corporation, transmitting the Corporation's annual management report, July 8, 1996, pursuant to 31 U.S.C. 9106; to the Committee on Banking and Financial Services.

4082. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3525, pursuant to Public Law 101-508, Section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4083. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priority for school-to-work urban rural opportunities grants using fiscal year 1995 funds, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4084. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for Explosives at Metal and Nonmetal Mines (RIN: 1219-AA84) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4085. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Attestations by Employers Using Alien Crewmembers for Longshore Work in U.S. Ports (RIN: 1205-AB03) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the committee on Economic and Educational Opportunities.

4086. A letter from the Acting Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganization, Renumbering, and Reinvention of Regulations; Correction (RIN: 1212-AA75) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4087. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4088. A letter from the Director, Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting the Department's final rule—Removal of CFR Chapter (RIN: 0644-XX01) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4089. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Spain (Transmittal No. DRC-35-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4090. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Export of Nuclear Equipment and Materials (RIN: 3150-AF51) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4091. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a report concerning the operations and status of the civil service retirement and disability fund [CSRDF] and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period between November 15, 1995 and March 29, 1996, pursuant to 5 U.S.C. 8348(l)(1) and 5 U.S.C. 8438(h)(1); to the Committee on Government Reform and Oversight.

4092. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled, "Performance Review of Contract Appeals Process," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

4093. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of Anchorage, AK, Nonappropriated Fund Wage Area (RIN: 3206-AH54) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4094. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Political Activities of Federal Employees (RIN: 3206-AH33) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4095. A letter from the Secretary of Commerce, transmitting the program development plan for the Antarctic Living Marine Resources Convention Act of 1984, pursuant to 16 U.S.C. 2431 and so forth; to the Committee on Resources.

4096. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4097. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Use and Occupancy Under the Mining Laws (RIN: 1004-AC39) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4098. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Department of the Interior Acquisition Regulation; Foreign Construction Materials (RIN: 1090-AA55) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4099. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Swordfish Fishery; Drift Gillnet Closure (I.D. 062796B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4100. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306-5306-01] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4101. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fisheries (I.D. 062896B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4102. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the Independent Counsel's report, In Re: Ronald H. Brown, dated July 6, 1996, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

4103. A letter from the General Counsel of the Navy transmitting a draft of proposed legislation to amend section 329 of the Immigration and Nationality Act to clarify naturalization through active duty and to complete the application of applicants in the Philippines; to the Committee on the Judiciary.

4104. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Effect of

Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility [INS No. 1751–96] (RIN: 1115–AE29) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of Jet Routes J–86 and J–92—Docket No. 93–AWP–4 (RIN: 2120–AA66) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsfield, MA—Docket No. 96–ANE–12 (RIN: 2120–AA66) (1996–0093) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sturgis, SD—Docket No. 96–AGL–5 (RIN: 2120–AA66) (1996–0085) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; La Porte, IN—Docket No. 96–AGL–6 (RIN: 2120–AA66) (1996–0092) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines—Docket No. 96–ANE–10 (RIN: 2120–AA64) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Signal and Train Control; Miscellaneous Amendments [FRA Docket No. RSSI–1; Notice No. 1] (RIN: 2130–AB06; 2130–AB05) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93) (31 CFR Part 356) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare and Medicaid Programs; Provider Appeals: Technical Amendments (BPD–704–FC) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

4113. A letter from the Chairman, Securities and Exchange Commission, transmitting recommendations on protections from securities fraud and abusive or unnecessary securities fraud litigation that the Commission determines to be appropriate to thoroughly protect such investors, pursuant to Public Law 104–67, section 106(a)(3) (109 Stat. 758); jointly, to the Committees on Commerce and the Judiciary.

4114. A letter from the Executive Director, Office of Compliance, transmitting notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committee on House Oversight and Economic and Educational Opportunities.

4115. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adopted regulations for publication in the Congressional Record, pursuant to Public Law 104–1, section 304(b)(3) (109) Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4116. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Occupational Safety and Health Standards Under Section 215 of the Congressional Accountability Act of 1995, pursuant to Public Law 104–1, section 215(e) (109 Stat. 18); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4117. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Americans With Disabilities Act Standards Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104–1, section 210(f) (109 Stat. 15); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1975. A bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes; with an amendment (Rept. 104–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3198. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes (Rept. 104–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1627. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; with amendments (Rept. 104–669 Pt. 1). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; with an amendment (Rept. 104–670). Referred to the Committee of the Whole House on the State of the Union.

Mr DIAZ-BALART: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARKEY:

H.R. 3782. A bill to modernize the Public Utility Company Act, the Federal Power Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. JOHNSON of South Dakota, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. EVERETT, Mr. LEWIS of Kentucky, Mr. COOLEY, Mr. CHAMBLISS, and Mr. NETHERCUTT):

H.R. 3783. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. GUNDERSON, Mr. HORN, Mr. BOEHLERT, Mrs. KELLY, Mr. KOLBE, and Mr. GREENWOOD):

H.R. 3784. A bill to prohibit employment discrimination on any basis other than factors pertaining to job performance; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on the Judiciary, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois (for herself and Mrs. MEEK of Florida):

H.R. 3785. A bill to amend the law popularly known as the Presidential Records Act of 1978 and the law popularly known as Privacy Act, to ensure that Federal Bureau of Investigation records containing sensitive background security information that are provided to the White House are properly protected for privacy and security; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 3786. A bill to make clear that the definition of a base period, under the unemployment compensation law of a State, is not an administrative provision subject 303(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. RANGEL, Mr. STARK, Mr. MILLER of California, Mr. LAFALCE, Mr. LANTOS, Mr. HILLIARD, and Ms. NORTON):

H.R. 3787. A bill to amend the Social Security Act to provide for a program of health insurance for children under 13 years of age and for mothers-to-be; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 3788. A bill to authorize the Secretary of the Interior to assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 3789. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAEFER:

H.R. 3790. A bill to give all American electricity consumers the right to choose among competitive providers of electricity, in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 3791. A bill to amend the Public Health Service Act with respect to employment opportunities in the Department of Health and Human Services for women who are scientists, and for other purposes; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. BARTLETT of Maryland, Mr. CAMP, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. LONGLEY, Mr. NEUMANN, Mr. RADANOVICH, Ms. RIVERS, Mr. SHAYS, and Mr. TATE):

H.R. 3792. A bill to restore integrity, goodwill, honesty, and trust to Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, National Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. FLAKE, and Mr. LUCAS):

H.R. 3793. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, Mr. COBURN, Ms. KAPTUR, Mr. FROST, Mr. MCINNIS, and Mr. HILLIARD):

H.R. 3794. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. LEWIS of Kentucky (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EWING, Mr. COMBEST, Mr. LATHAM, Mr. LAHOOD, Mr. SMITH of Michigan, Mr. BAESLER, Mr. PETERSON of Minnesota, Mr. CHAMBLISS, Mr. HOLDEN, Mrs. CHENOWETH, and Mr. PASTOR):

H.R. 3795. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of such research projects; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Ms. BROWN of Florida, Mr. DELLUMS, Mr. FOGLIETTA, Mr. FROST, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. THOMPSON, Mr. TOWNS, Mr. TRAFICANT, and Mr. YATES):

H.R. 3796. A bill to amend the Public Health Service Act to provide for research to determine the extent to which the presence of dioxin in tampons poses any health risks to women; to the Committee on Commerce.

By Mr. SALMON (for himself, Mr. CONDIT, Mr. FIELDS of Texas, Mr. COBLE, Mr. LINDER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. GUTKNECHT, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. BASS, Mr. FOLEY, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. WELLER, Mr. GOSS, Mr. SHADEGG, Mr. LARGENT, Mr. HORN, Mr. ENSIGN, and Mr. HAYWORTH):

H.R. 3797. A bill to amend title 5, United States Code, to ban gifts to executive branch employees; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON (for himself, Mr. ZELIFF, Mrs. KELLY, Mr. MONTGOMERY, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. BENTSEN, Mr. WELDON of Pennsylvania, Mr. POMEROY, Mrs. VUCANOVICH, Mr. MANZULLO, Mr. FUNDERBURK, Mr. DICKEY, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. BUNN of Oregon, Mr. HUTCHINSON, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. CLINGER, Mr. HEFLEY, Mr. EVERETT, Mr. BARR, Mrs. MYRICK, Mr. WAMP, Mr. YOUNG of Alaska, Mr. SCHAEFER, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. WICKER, Mr. MASCARA, Mr. BACHUS, Mr. SKELTON, Mr. ROBERTS, Mr. CONDIT, Mr. THOMAS, Ms. DANNER, Mr. BISHOP, Mr. BREWSTER, Mr. GOODLING, Mr. RIGGS, Mr. CALVERT, Mr. SHAYS, Mr. BLUTE, Mrs. CLAYTON, Ms. PRYCE, Mr. BARTON of Texas, Mr. BEREUTER, Ms. KAPTUR, Mr. HERGER, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. FOX, Mr. GREENWOOD, Mr. CUNNINGHAM, Mr. FATTAH, Mr. BARTLETT of Maryland, Mr. STENHOLM, Mr. GILMAN, Mr. MCHUGH, Mr. SCARBOROUGH, Mr. JONES, Mr. ENGEL, Mr. PETE GEREN of Texas, Mr. MEEHAN, Mr. HOLDEN, Mr. DEFAZIO, Mr. COMBEST, Mrs. THURMAN, Mr. PICKETT, Mr. LINDER, Mr. HAYES, Mr. DEAL of Georgia, Mr. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. FRANKS of Connecticut, Mr. RADANOVICH, Mr. GEKAS, Mr. MCHALE, Ms. GREENE of Utah, Mr. GOSS, Mr. SMITH of Texas, Mr. LAHOOD, Mr. MICA, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mr. QUILLEN, Mr. DREIER, Mr. STEARNS, and Mr. TAYLOR of North Carolina):

H.R. 3798. A bill to provide regulatory relief for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. CLAY, Mr. DELLUMS, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. TEJEDA, Mr. BONIOR, Mr. FROST, Mr. DIXON, Ms. LOFGREN, Mr. EVANS, Mr. GREEN of Texas, Ms. NORTON, Mr. WATTS of Oklahoma, Mr. TOWNS, Mr. FOX, Mr. HASTINGS of Florida, Mr. BISHOP, Mr. FATTAH, Ms. WATERS, Mrs. MEEK of Florida, Mr. HILLIARD, Mr. BRYANT of Texas, Mr. WYNN, Mr. FLAKE, Ms. JACKSON-LEE, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. RUSH, Mr. THOMPSON, Mrs. MINK of Hawaii, Mr. JACKSON, Ms. BROWN of Florida, Mr. OWENS, Mr. RANGEL, and Mr. CUMMINGS):

H. J. Res. 183. Joint resolution to authorize the Ralph David Abernathy Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Resources.

By Mr. GINGRICH (for himself, Mr. GEPHARDT, Mr. HOBSON, Mr. CARDIN, and Mr. GILCHREST):

H. Con. Res. 198. Concurrent resolution authorizing the use of the Capitol grounds for the first annual Congressional Family Picnic; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H. Res. 476. Resolution amending the Rules of the House of Representatives to reduce the number of programs covered by each regular appropriation bill; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

237. By the SPEAKER: Memorial of the General Assembly of the State of Delaware, relative to House Joint Resolution 23 honoring and remembering former U.S. Secretary of Commerce Ronald H. Brown, devoted public servant and outstanding black American; to the Committee on Government Reform and Oversight.

238. Also, memorial of the Legislature of the Territory of Guam, relative to Legislature Resolution 433 requesting Congressman ROBERT UNDERWOOD to introduce a measure before Congress relative to the Office of the Attorney General by amending section 1421g(C), 1422, and 1422a through 1422d of title 48, United States Code, the Organic Act of Guam; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LIPINSKI.

H.R. 757: Mr. ABERCROMBIE.

H.R. 801: Mr. CHRYSLER, Mr. FAZIO of California, Mr. COBLE, Mr. MCNULTY, Mr. WAXMAN, and Mr. FIELDS of Texas.

H.R. 844: Mr. EVANS.

H.R. 893: Mr. BROWN of Ohio, Mr. REGULA, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. DAVIS, Mr. GREEN of Texas, and Mrs. CLAYTON.

H.R. 1046: Mr. JEFFERSON, Mr. OWENS, and Mr. THOMPSON.

H.R. 1256: Mr. SHAYS.

H.R. 1627: Mr. GILMAN.

H.R. 1677: Mr. FILNER.

H.R. 1916: Mr. CUNNINGHAM.

H.R. 1930: Mr. MARTINI.

H.R. 2019: Mr. CONDIT, Mr. KILDEE, Mr. STUMP, and Mr. FILNER.

H.R. 2090: Mr. MCHALE.

H.R. 2185: Mr. GUTIERREZ, Mr. CALVERT, Mr. MEEHAN, Mr. LEACH, Mr. STUPAK, and Mr. WISE.

H.R. 2209: Mr. MONTGOMERY, Mr. TOWNS, Mr. DIXON, Mr. FROST, Mr. COSTELLO, Mr. JONES, Ms. NORTON, Mr. SENSENBRENNER, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. LEWIS of Georgia, and Mr. FLANAGAN.

H.R. 2270: Mr. DELAY.

H.R. 2391: Mr. EHLERS.

H.R. 2497: Mr. STUMP, Ms. GREENE of Utah, Mr. BEREUTER, Mr. MCCOLLUM, and Mr. BLUTE.

H.R. 2651: Mr. ANDREWS.

H.R. 2757: Mr. WATTS of Oklahoma, Mr. FRANKS of New Jersey, Mr. BACHUS, Mr. DELLUMS, and Mr. CAMPBELL.

H.R. 2876: Mr. KILDEE.

H.R. 3077: Mr. PETE GEREN of Texas and Mr. LEVIN.

H.R. 3118: Mr. SKAGGS, Mr. SANDERS, Mr. BARRETT of Nebraska, and Mr. KILDEE.

H.R. 3119: Mr. COYNE.

H.R. 3181: Mr. ROMERO-BARCELO.

H.R. 3183: Mr. WATTS of Oklahoma.

H.R. 3195: Mr. ISTOOK.

H.R. 3199: Mr. BACHUS, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. BONO, Mr. SAM JOHNSON, Mr. DEUTSCH, Mr. BAKER of Louisiana, and Mr. DUNCAN.

H.R. 3202: Ms. SLAUGHTER.

H.R. 3217: Ms. PELOSI and Mr. FAZIO of California.

H.R. 3252: Mr. JOHNSON of South Dakota, Mr. OWENS, Mr. STUPAK, Miss COLLINS of Michigan, and Mr. BROWN of Ohio.

H.R. 3258: Mr. CALVERT.

H.R. 3294: Mr. FOLEY.

H.R. 3331: Mr. DAVIS, Mr. FOGLIETTA, Mr. KILDEE, and Mr. STUPAK.

H.R. 3332: Mr. MILLER of California and Mr. STUPAK.

H.R. 3338: Mr. CANADY, Mr. BREWSTER, Mr. SENSENBRENNER, and Mr. LIPINSKI.

H.R. 3346: Mr. NETHERCUTT.

H.R. 3352: Mr. LANTOS, Mr. FRAZER, Mr. CONYERS, and Mr. LIPINSKI.

H.R. 3353: Mr. DELLUMS, Mrs. CLAYTON, Mr. FROST, Mr. MANTON, Mr. CONYERS, Mr. EVANS, and Mr. ACKERMAN.

H.R. 3362: Mr. DELLUMS, Mr. FRAZER, Mr. GREEN of Texas, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CLAYTON.

H.R. 3393: Mr. ACKERMAN.

H.R. 3398: Mr. YATES.

H.R. 3434: Mr. TORRICELLI.

H.R. 3435: Mr. ZIMMER and Mr. UPTON.

H.R. 3477: Mr. TOWNS, Mr. BROWN of California, Mr. HILLIARD, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. MILLER of California.

H.R. 3498: Mr. CUMMINGS.

H.R. 3518: Mr. ROHRABACHER.

H.R. 3530: Mr. LIPINSKI.

H.R. 3551: Mr. HASTINGS of Florida, Mr. FORBES, and Mr. BILBRAY.

H.R. 3556: Mr. WAXMAN, Mr. HORN, Mr. GILMAN, and Mr. BOUCHER.

H.R. 3564: Mr. MARTINI, Mr. SERRANO, and Mr. ENGEL.

H.R. 3590: Mr. STUPAK, Mr. LIPINSKI, and Mr. FATTAH.

H.R. 3606: Mr. WARD and Mr. ACKERMAN.

H.R. 3621: Mr. MCDERMOTT, Mr. MEEHAN, Mr. ACKERMAN, Mr. DOYLE, Mr. BORSKI, Mr. NADLER, Mr. OLIVER, Mr. LIPINSKI, and Mrs. MALONEY.

H.R. 3678: Mr. OLIVER and Mr. TALENT.

H.R. 3700: Mr. FROST, Mr. WALSH, Mr. CLYBURN, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. PACKARD.

H.R. 3725: Mr. ACKERMAN, Mr. MARTINEZ, and Mr. KLUG.

H.R. 3731: Mr. STUPAK.

H.R. 3757: Ms. NORTON.

H.R. 3768: Mr. MEEHAN.

H.J. Res. 114: Mr. POMEROY, Mr. MINGE, and Mr. POSHARD.

H. Con. Res. 179: Mr. PORTER and Mr. KIM.

H. Con. Res. 190: Mr. LIPINSKI, Mr. FUNDERBURK, Mr. MANTON, and Mr. MARTINI.

H. Con. Res. 191: Mr. BEREUTER.

H. Con. Res. 195: Mr. FLAKE, Mr. TORRES, Mr. PAYNE of New Jersey, Mr. YATES, Ms. MCKINNEY, Mr. DELLUMS, Mr. UNDERWOOD, Ms. PELOSI, Mr. FROST, Mr. PASTOR, Mr. SAWYER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, and Mr. FALEOMAVAEGA.

H. Res. 452: Mr. HERGER and Mr. LIPINSKI.

H. Res. 454: Mr. WARD and Mr. WISE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

74. By the SPEAKER: Petition of the Association of Hawaiian Civic Clubs, Honolulu, HI, relative to urging the U.S. President and Congress to reauthorize and maintain Federal funds for current native Hawaiian programs; to the Committee on Resources.

75. Also, petition of Paul Andrew Mitchell, relative to signed Oaths of Office for Federal Judges; to the Committee on the Judiciary.

76. Also, petition of J. Moseley, M.L. Edwards, F.E. Barnett, I.M. Allen, et al., citizens of various counties throughout California, relative to H.R. 2745, a bill to repeal the emergency salvage timber sale program enacted as part of Public Law 104–19; jointly, to the Committees on Agriculture and Resources.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3755

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 43: Page 66, line 9, after the dollar amount, insert the following: "(reduced by $1,923,000)".

Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,923,000)".

H.R. 3755

OFFERED BY: MR. ROEMER

AMENDMENT NO. 44: Page 87, line 14, insert following new section:

SEC. 515. The amount provided in the Act for "DEPARTMENT OF EDUCATION—Student financial assistance" is increased; and each of the amounts provided in this Act for "DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses", "DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities", "DEPARTMENT OF EDUCATION—Departmental Management—Program administration", "Federal Mediation and Conciliation Service—Salaries and expenses", "Federal Mine Safety and Health Review Commission—Salaries and expenses", "National Council on Disability—Salaries and expenses", "National Labor Relations Board—Salaries and expenses", "National Mediation Board—Salaries and expenses", "Occupational Safety and Health Review Commission—Salaries and expenses", "Prospective and Payment Assessment Commission—Salaries and expenses", and "United States Institute of Peace—Operation expenses", are reduced; by $340,000,000 and 15 percent , respectively.

H.R. 3756

OFFERED BY: MR. METCALF

AMENDMENT NO. 45: Page 118, after line 16, insert following new section:

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

EXTENSIONS OF REMARKS

HEALTHY START: LEGISLATION TO GUARANTEE HEALTH CARE INSURANCE FOR ALL AMERICAN CHILDREN

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GIBBONS. Mr. Speaker, today, along with Representatives RANGEL, STARK, GEORGE MILLER, GONZALEZ, LAFALCE, HILLIARD, LANTOS, and NORTON, I am introducing legislation entitled "Healthy Start", to provide Medicare-type health insurance for all women during pregnancy and for children from infancy through age 12.

Just as Head Start has helped millions of children prepare for school and reduce the burdens of poverty, Healthy Start will ensure that all American children can obtain adequate medical care in the first years of life. Health insurance has been shown to be the key to adequate access to health care; and adequate access to health care is a key to a healthier life. That is why the bill we are introducing will concentrate on ensuring that all American children and mothers during pregnancy have adequate health insurance.

Today, there are approximately 7.1 million children under age 13 who are uninsured. Three-fourths of these children have parents who work, most of them full-time, but their employer either does not offer health insurance coverage or the family does not make enough to buy insurance. Because of the decline in employment-provided health insurance, it is estimated that each year, 1 million additional children lose private insurance coverage. If these trends continue, in 4 years—at the end of this decade—more than 2 out of 5 children will lack private health insurance. The failure to provide health care for our children costs our Nation a productive workforce for the future. It costs us at the hospital, in the schoolyard, in our ability to defend our Nation and to produce competitively. No industrialized or civilized society on earth treats its children so callously.

This health disaster would be somewhat mitigated if our Nation had a reliable low-income insurance program that ensured access to quality care for children. But Medicaid provides an uneven and often inadequate protection that varies from State-to-State, and that program is under severe attack by Republican budget cutters here in Congress and in State capitols across the Nation. Rather than the uncertainty of Medicaid, we need a uniform, high-quality health insurance plan for all our children.

We should be improving health insurance for our children—not slashing it. Although we are one of the richest, most advanced countries in the world, the United States ranks 18th among industrialized nations in overall infant mortality. Only Portugal has an infant mortality rate worse than ours. The infant death rate among African-American babies is two and a half times that of caucasian children. Poor children, many of whom come from working families with no health coverage, are 60 percent more likely than children with health insurance to die before their first birthday and four times more likely to suffer from infection or serious illness.

The General Accounting Office has just issued a report to Senator CHRISTOPHER DODD, dated June 17, 1996, entitled "Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate" [GAO/HEHS-96-129]. The report states:

> The number of children without health insurance coverage was greater in 1994 than at any time in the last 8 years. In 1994, the percentage of children under 18 years old without any health insurance coverage reached its highest level since 1987—14.2 percent or 10 million children who were uninsured. In addition, the percentage of children with private coverage has decreased every year since 1987, and in 1994 reached its lowest level in the past 8 years—65.6 percent.

The GAO's report also provides an eloquent summary of why the lack of insurance is so important:

> Studies have shown that uninsured children are less likely than insured children to get needed health and preventive care. The lack of such care can adversely affect children's health status throughout their lives. Without health insurance, many families face difficulties getting preventive and basic care for their children. Children without health insurance or with gaps in coverage are less likely to have routine doctor visits or have a regular source of medical care. . . . They are also less likely to get care for injuries, see a physician if chronically ill, or get dental care. They are less likely to be appropriately immunized to prevent childhood illness—which is considered by health experts to be one of the most basic elements of preventive care.

We spend long hours debating whether there should be prayer in school, but no time discussing how much parents pray that their children don't get sick because the parents can't pay the bills. We spend days debating obscenity on the Internet, but little time debating how obscene it is for a society as rich as ours to have so many children and parents unable to seek adequate medical care.

We must commit ourselves to insuring all pregnant women and all children, regardless of the financial ups and downs of the family unit. There is only one way to do this. Let me repeat: there is only one way to guarantee universal coverage. It is through a social insurance program in which we all pitch in to guarantee health insurance for all children at all times. I am here today to propose that we make that guarantee, once and for all.

That is what the bill we are introducing today achieves. It uses the tested Medicare Program to cover all young American children and their mothers during pregnancy with the basic package of Medicare benefits plus additional benefits designed to ensure a healthy start for babies and young children. These additional benefits include full coverage for pregnancy care, immunizations, follow-up visits for new babies with pediatricians, routine checkups to monitor development, and preventive dental care.

Any parent can, of course, purchase additional medigap-type insurance coverage for more benefits and more coverage. Freedom of choice of doctor is preserved.

The bill we are introducing ensures that every child and mother-to-be will have health insurance equivalent to Medicare plus the special prenatal and well-baby care provisions I've described. If a family already has this level of coverage, it is not affected by this bill; the family will see no change. If the family doesn't have such a level of coverage, it will purchase this package, or a similar package, through sliding scale, very affordable, income-related premiums administered through the Tax Code. Families below the poverty level will basically be exempt from the premium tax.

This legislation is similar to the procedure we used in 1994, when the Ways and Means Committee approved a bill which, according to Congressional Budget Office estimates, achieved enough savings in the health care sector and in Medicare to both improve Medicare and expand coverage to all the uninsured. A comprehensive health care reform bill may not be possible in the near future, but we can surely find a way to protect our youngest and most vulnerable citizens. We can look to other spending cuts to find the resources to fund this basic right.

Through the Social Security and Medicare Program, our society has advanced further than most in ensuring that old age is a time of security. We have reduced poverty among seniors to the lowest of any group in our society. In many ways, the health status of a 65-year-old in our society is better than younger groups'. Sadly enough, we have left our children behind. Poverty rates for children are higher than average. The health status of millions of our children is equal to that of a Third World country. What we have achieved for seniors we can surely achieve for their grandchildren.

The bill we are introducing today would at long last give our children the same level of care we provide their grandparents.

Following are facts and figures on how health insurance equals better health, and how we have failed to provide that better health to our Nation's future—our children.

> CHILD HEALTH IN U.S. RANKS LOWER THAN MANY NATIONS
>
> In the industrialized world, the United States ranks 18th in overall infant mortality. Only Portugal's infant death rate is worse. The infant mortality rate of African-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American babies is 2.5 times that of caucasian children, and is worse, for example, than Sri Lanka's or Jamaica's. In 1993, more than 33,000 American babies died before age 1. More than 16,000 of these babies would have survived if the United States had the same infant mortality rate as the Japanese.

LOW-INCOME CHILDREN NEED HEALTH COVERAGE

Compared to other children, poor children are 60 percent more likely to die before the age of 1, 4 times more likely to be hospitalized with asthma or pneumonia, and 5 times more likely to die from infection or parasitic disease.

HEALTH INSURANCE FOR CHILDREN IS DETERIORATING RAPIDLY

[In percent]

	1988	1994
Children under 18 with employment-based insurance	66	59
Children under 18 on Medicaid	16	26

During their first 3 years of life, over 22 percent of U.S. children were without health insurance for at least 1 month. The number of children in working-poor families, who are least likely to have Medicaid or employment-based insurance, rose to 5.6 million in 1994, up 65 percent from 1974.

MEDICAID CUTBACKS WILL INCREASE NUMBER OF UNINSURED CHILDREN

Forty percent of all pregnant women and infants are now covered by Medicaid. More than half of all Medicaid recipients are children, although less than 25 percent of Medicaid spending is on children. Under current law, additional low-income children are being phased into Medicaid, but proposed changes would end that guarantee. Experts estimate that if the decline in employment-based insurance continues and Medicaid enrollment is frozen, there will be a total of 67 million people of all ages who are uninsured in 2002.

HEALTH INSURANCE HELPS

Since 1965, infant mortality has been reduced by ⅔ds. An increase of 15 percent in Medicaid eligibility for children in the 1980's decreased child mortality by 4.5 percent. In 1987, only 22 percent of Medicaid beneficiaries had no physician visits within a year, compared to 49 percent of the uninsured poor.

COMMEMORATIVE STATEMENT FOR GEORGE F. JONES

HON. JAMES B. LONGLEY, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LONGLEY. Mr. Speaker, this month of June marks the anniversary of the passing of a very special constituent, George F. Jones, who died in June 1995, at the blessed age of 105. I would like to take this opportunity to commemorate his remarkable life.

Born in Gardiner, ME, Mr. Jones was a direct descendant of Samuel Huntington, President of the Continental Congress and a signer of the Declaration of Independence. George was well respected by those who knew him. He was a sincere believer in the American ideals of hard work and honesty. A man who lived by his convictions, George Jones was dedicated to his profession as a furnituremaker and ascertained a worldwide reputation. It is even rumored that furniture was sent to him from Buckingham Palace in the 1930's for repair.

As a talented violinist, George Jones played for the Lincoln County Community Orchestra, and even enjoyed playing a little fiddle at church services and area dances. George also worked to aid the community as a member of the Alna Lodge of Masons and the Saint Andrews Society of Maine.

Mr. Jones is truly missed by the many individuals whose lives he touched, and stands as an example for all Americans who can learn from his dedication to those around him and to life itself.

CABLE'S HIGH SPEED EDUCATION CONNECTION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FIELDS of Texas. Mr. Speaker, I would like to commend the cable television industry for its recently announced plan to provide America's elementary and secondary schools with high-speed Internet access via cable modems. Under this innovative educational plan—"Cable's High Speed Education Connection"—local cable companies will provide the equipment necessary to connect schools located in their service areas to the Internet free of charge.

There is universal agreement that the Internet is an increasingly important information resource—one that can contribute significantly to the overall educational process. As a result of rapid technological advances, we are witnessing an information explosion—and much of that information is located on, and available from, the Internet.

By undertaking this initiative, the cable television industry is assuming a leading role in making the information on the Internet available to millions of young Americans. I applaud the cable television for devising this plan that will put more and more young Americans online, and that will provide them with access to this important information resource.

We all recognize that our children are our country's future. That is why I hope that this important program will encourage other industries to do what the cable television industry has already done with its "Cable's High Speed Education Connection" Program—that is, to contribute their expertise and a portion of their earnings to the goal of improving the quality of education our children receive.

Once again, I want to applaud the cable television industry for its efforts to assist our schools, which will improve the quality of education our children receive, which will—in turn—help ensure the continued economic well-being of our country in the years ahead.

THE LATE REVEREND RALPH DAVID ABERNATHY, JR., HONORED

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LEWIS of Georgia. Mr. Speaker, during the 1960's, I was honored to be a part of the civil rights movement—a movement that changed the face of our Nation. People from throughout our Nation—old and young, black and white, rich and poor—joined the nonviolent revolution that made our country a better, fairer, more just Nation. I was fortunate to get to know Dr. Martin Luther King, Jr., and his partner in the movement—Dr. Abernathy.

Dr. Abernathy was an inspiring and committed leader from the earliest days of the movement. When Rosa Parks was arrested for refusing to stand in the back of the bus while there were empty seats in the "white" section of the bus, she inspired the Montgomery bus boycott. As ministers of the two leading black churches in Montgomery, AL, Dr. King and Dr. Abernathy worked together to organize and sustain that boycott. Thus began the strong bonds of friendship and commitment that would last as long as the two men lived.

Dr. Abernathy had a lifelong commitment to securing and protecting basic civil rights for all Americans. I marched with him many times throughout the South, including Selma and Montgomery. After the assassination of Dr. King in 1968, Dr. Abernathy assumed leadership of the Southern Christian Leadership Conference, and worked to carry on the dream of Dr. Martin Luther King, Jr. After Dr. King's death, Dr. Abernathy continued to organize and lead marches and other events, included the Poor People's Campaign, a massive demonstration to protest rising unemployment, held in Washington, DC.

The Reverend Dr. Abernathy passed away, too young, 6 years ago. Today, I am introducing a resolution authorizing the construction of a memorial to the Reverend Dr. Abernathy and the Poor People's Campaign on the National Mall. I invite my colleagues to join me in supporting this effort. The monument will celebrate the achievements of the past, commemorate those who marched alongside us many years ago, and pay special tribute to the sacrifices and the contributions of Dr. Abernathy and others who participated in the Poor People's Campaign. Thousands of people participated. Some has small roles, others large roles. The Reverend Ralph David Abernathy had many roles, often at the same time. He was a teacher, a leader, an organizer, a soldier, and a friend. Many were inspired by his good humor, and his guidance. Today, I Invite my colleagues to join me in celebrating his legacy and his life.

H.R. 3703, A BILL TO PROVIDE INSURANCE RESERVE EQUITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. RANGEL. Mr. Speaker, on June 24, 1996, I introduced legislation to amend section

832(e) of the Internal Revenue Code to extend the scope of its provisions to financial guaranty insurance generally. Senators D'AMATO and MOYNIHAN recently introduced a companion bill, S. 1106, in the Senate.

Financial guaranty insurance, commonly called bond insurance, is an insurance contract that guarantees timely payment of principal and interest when due on both tax exempt and non-tax exempt bonds. The bond insurance contract generally provides that, in the event of a default by an insured issuer, principal and interest will be paid to the bondholder as originally scheduled.

Internal Revenue Code section 832(e) originally enacted in 1967, applied only to mortgage guaranty insurance. At that time, Congress permitted mortgage guaranty insurance companies to take a deduction for certain extremely high contingency loss reserve requirements imposed by State regulatory authorities, provided that they invested the income tax savings associated with such a deduction in non-interest-bearing tax and loss bonds issued by the Federal Government. Since such bonds are treated as an asset by the State regulatory authorities, this relieves the companies from the substantial cash-flow and impairment of capital problems that they would otherwise face if the deduction was not allowed. At the same time however, since bonds do not bear any interest, the economic position of the Federal Government remains the same had not the deduction been permitted first.

When the State authorities applied the same reserve requirements to lease guaranty and municipal bond insurance, Congress amended Internal Revenue Code 832(e) in 1974 and applied it to such insurance as well.

State authorities now apply such contingency reserve requirements to financial guaranty insurance generally, including non-tax-exempt debt, such as asset-backed securities, which are a growing segment of the bond insurance market. Therefore, consistent with the reasons why it was originally adopted in 1967, and amended in 1974, IRC section 832(e) should be amended again to apply to such insurance.

The superintendent of insurance for the State of New York, Edward J. Muhl, has urged enactment of this legislation. A copy of his letter follows these remarks. I understand that the insurance commissioner of the State of California has written a similar letter to Members of the California delegation. I invite all concerned to join me in cosponsoring this legislation.

STATE OF NEW YORK
INSURANCE DEPARTMENT,
New York, NY, November 9, 1995.

Hon. CHARLES B. RANGEL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN RANGEL: I write to seek your support of S. 1106, a bill introduced by Senators D'Amato and Moynihan, to amend section 832(e) of the Internal Revenue Code of 1986 to apply to financial guaranty insurance generally. Under present law, the tax and loss bonds provisions thereof are applicable to mortgage guaranty, lease guaranty, and tax-exempt bond insurance but are not applicable to insurance of other taxable debt instruments, a growing segment of the financial guaranty insurance business.

Article 69 of the New York Insurance Law, which governs financial guaranty insurance corporations, was enacted on May 14, 1989. Article 69 establishes contingency reserve requirements in respect of all financial guaranty insurance corporations where in the past these requirements only applied to insurers of municipal obligations.

In formulating this new legislation and establishing contingency reserve requirements applicable to all financial guaranty insurance corporations, there was no intention to create a disparity between insurers of taxable and tax-exempt obligations in respect of their ability to invest in tax and loss bonds. Section 6903(a)(7) of Article 69 provides that "any insurer providing financial guaranty insurance may invest the contingency reserve in tax and loss bonds purchased pursuant to Section 832(e) of the Internal Revenue Code (or any successor provision) only to the extent of the tax savings resulting from the deduction for federal income tax purposes of a sum equal to the annual contributions to the contingency reserve." This provision of Article 69 expressly contemplates that all financial guaranty insurers would be entitled to benefit from an investment in tax and loss bonds within the limitations provided by the insurance law.

S. 1106 eliminates the disparate treatment of insured mortgages, leases and tax exempt bonds, on the one hand, and of other insured taxable bonds, on the other, which the provisions of IRC section 832(e) now create. Your efforts to secure enactment of the proposal will be most appreciated.

Very truly yours,

EDWARD J. MUHL,
Superintendent of Insurance.

THE ELECTRIC POWER COMPETITION AND CONSUMER CHOICE ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. MARKEY. Mr. Speaker, today I am introducing legislation aimed at promoting competition in the electric utility industry. This legislation seeks to create Federal incentives for removal of existing State-level barriers to full competition and consumer choice in electricity generation.

Today, the generation, transmission, and distribution of electricity remains largely a monopoly enterprise. The monopoly nature of this industry has, in turn, necessitated a very strict system of Federal and State utility regulation aimed at protecting captive utility ratepayers from potential overcharges, abuses and conflicts of interest. Today, however, we are now at a crossroads. We now have an historic opportunity to bring full competition to the business of electricity generation. The transition to such a competitive market, however, will require both Federal and State action.

Electricity restructuring legislation at the Federal or State level should be aimed at demonopolizing the electric power industry, not simply deregulating it. There is now no reason why electricity generation should remain a monopoly business, and no reason why consumers should not be free to choose their power supplier, just as they now can choose between rival phone companies. Our objective must be to create a competitive marketplace where many sellers and many buyers can come together. In some cases, this may mean getting rid of old utility regulations that no longer are needed because their purpose can now be achieved through reliance on market forces. In other cases, it may mean preserving existing rules where necessary to respond to those aspects of the industry which remain a monopoly, such as distribution of electricity over local power lines. But restructuring also means Congress will have to enact some new rules that assure the benefits of competition—lower prices and consumer choice—are not effectively undermined by anticompetitive practices by recovering utility monopolists who fall off the competition wagon.

Earlier this year, I introduced H.R. 2929, the Electric Power Competition Act of 1996 to advance the goal of electric utility demonopolization. That bill linked repeal of the mandatory power purchase provisions of PURPA to State action to open up full retail competition. This would be achieved either through utility divestiture of powerplants or by State approval of a so-called retail wheeling plans that would allow consumers to buy power from competing generating companies that would be granted nondiscriminatory access to utility power lines. In order to preserve environmentally sound renewable energy sources, energy conservation programs, and low-income consumer protections, H.R. 2929 also requires the States to certify they have met certain minimum standards in each of these areas in order to qualify for relief from PURPA. Finally, to promote a fully competitive marketplace, certain exemptions which electric utilities currently enjoy from the Federal antitrust laws would be repealed.

At the time I introduced H.R. 2929 and in subsequent hearings before the Energy and Power Subcommittee I noted that in addition to these reforms, electric utility restructuring legislation also must address the risks that electric utility mergers, utility market power, or utility diversification into new lines of business might harm electricity consumers or undermine the emergence of a fully competitive electricity generation market. The legislation I am introducing today addresses each of these critical areas and should be viewed as the companion bill to H.R. 2929. The bill requires each State to initiate a retail competition rulemaking proceeding pursuant to certain Federal standards; repeals PUHCA for those electric utility holding companies whose service territories have been opened up to full retail competition and met minimum standards for renewables, efficiency, and low-income consumer protections; and gives FERC and the States enhanced authority to oversee mergers and acquisitions to protect consumers from transactions that are inconsistent with effective competition in electricity markets or would increase electricity prices.

It also gives FERC and the States authority to regulate utility market power to guard against anticompetitive practices; grants FERC and the States authority over electric utility interaffiliate transactions to guard against cross-subsidization or self-dealing; directs FERC to establish regional transmission markets to assure functionally efficient and nondiscriminatory transmission and prevent pancaking of rates; and, assures FERC and State regulators have full access to electric utility books and records.

It is important to keep in mind that Congress enacted PUHCA 60 years ago in response to the myriad of anticonsumer abuses that occurred during the initial growth of the electric utility industry. These abuses included the creation of complex utility holding companies not readily susceptible to effective State regulation, cross-subsidization, self-dealing, and other abuses, and blatantly anticompetitive practices and activities. While much has changed in the electric power business since PUHCA was enacted in 1935, even in a restructured electricity industry, Congress must be concerned about the potential for a recurrence of such abuses. For example, utilities who control generation, transmission, and distribution assets might still engage in self-dealing transactions among their affiliates, cross-subsidize unregulated business ventures at the expense of the captive consumers in their monopoly transmission or distribution businesses, or exploit their substantial market power to impede the growth of effective competition. Moreover, the accelerating pace of utility mergers threatens to create giant mega-utilities that could dominate regional electricity markets and effectively bar other entrants from vying for customers.

Comprehensive electricity restructuring legislation must address each of these potential threats to the development of a competitive electric generation market. I intend for the reform proposals contained in this legislation to be considered as part of any comprehensive electricity legislation that moves through the Commerce Committee, and I look forward to working with my colleagues on a bipartisan basis to secure their enactment into law.

THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOR

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. JACOBS. Mr. Speaker, I insert a July 29, 1966, letter to the editor of the Indianapolis Star and a July 1, 1996, article from the Indianapolis News.

Among the Ten Commandments of God Almighty is this: "Thou shalt not bear false witness against thy neighbor."

Of course the repulsive concept has garnered different terms through the years—slander, libel, perjury, smear, vicious gossip, mudslinging, character assassination, gutter tactics, McCarthyism, the politics of personal attack, uncivilized, and indecent. How about primitive? In the 81st Congress my father said, "The extremists thought they had President Truman in '48 and ever since they have been going around like a mad dog whose victim escaped."

And in defining the difference between the two major political parties, President Lyndon Johnson said, "We don't hate their Presidents." Perhaps a paraphrase is in order, to wit: We don't hate their Presidents' wives.

Faults are things which describe our friends and disqualify our adversaries. My mother's favorite quotation is, "There is so much good in the worst of us and so much bad in the best of us that it hardly becomes any of us to say very much about the rest of us."

P.S. Just in case the mud slingers run short of wild charges against the President, they should try this one: A few days ago one of our little boys came home and said a chum of his solemnly insisted that there are Nazis in the White House.

[From the Indianapolis Star, June 29, 1996]

THE RIGHT STUFF

(By Ron Byers)

In The Star's June 25 search for an explanation of President Clinton's commanding lead in the polls, you may have overlooked a minor detail: four years of steady economic growth, reduced inflation and declining deficits.

It's not the stuff the Republican right claims he has done wrong. It's the stuff the public knows he has done right.

[From the Indianapolis News, July 1, 1996]

CRITICS ATTACK AGENT'S BOOK ABOUT INSIDE WHITE HOUSE

WASHINGTON.—The former FBI agent who wrote an insider's book on White House security is being attacked from all sides for what critics say is a pack of unbelievable tales and "wild speculation."

First lady Hillary Rodham Clinton today blasted the book during a visit to Bucharest, Romania.

"I see it as a politically inspired fabrication and I don't think anybody should take it seriously," she said.

She also denied suggestions that she played a role in the hiring of the White House security chief who collected private FBI files on more than 400 people. "There is no connection," she said.

A top White House aide denounced author Gary Aldrich as a person of no credibility whose book is part of conservative Republicans' efforts to "destroy the president."

And White House spokesman Mike McCurry today called on Republican candidate Bob Dole to separate himself from a one-time volunteer adviser to Dole's campaign who is promoting Aldrich's book.

"It would be a surprise to us if Senator Dole didn't indicate that the activity of one of his paid advisers with respect to this book is unacceptable," McCurry said. "I assume he'll do that and do it promptly."

Even leading conservative journalists are denouncing Aldrich, including the apparent source of his book's wildest allegation—that President Clinton sneaks out of the White House without his guards for romantic hotel trysts.

"I never knew I would be used as a source," David Brock, a writer for the American Spectator, told *Newsweek* magazine. He said he never thought Aldrich would use the "wild speculation" he traded about the alleged presidential outings to a Washington hotel, which the Secret Service says would be impossible.

Conservative columnist George Will, who quizzed Aldrich Sunday on ABC, said Brock told him he was appalled to see the unverified story published.

"Can't someone say that, in fact, your book is a raw file and that you have gone into print with the kind of evidence that no prosecutor would ever go into court with?" Will asked Aldrich.

"This is not a case presented to a grand jury," Aldrich replied, saying he had relied on his observations and untaped interviews for his book.

"I conducted investigations and talked to many sources, trying to knock this particular issue down as to whether the president could in fact travel without a Secret Service complement. I was unable to knock down that possibility," Aldrich said.

He acknowledged that much of the material came from second- and third-hand source, some of whom have publicly disputed his account.

Still, Aldrich, who retired from the FBI in 1994 after 30 years as an agent, said he would be willing to go before Congress to reveal his sources and back up his insider tales of sloppy White House security and alleged former drug use by some officials, including a senior staffer.

"I'm willing to swear under oath to anything that I have in this book," Aldrich said on ABC's This Week With David Brinkley.

Senior Clinton adviser George Stephanopoulos, who had urged ABC to cancel Aldrich's appearance, said, "His story couldn't get past the fact checker at the National Enquirer."

Stephanopoulos said Aldrich's book was being promoted by people with Republican connections. He said several "GOP operatives" were present for the ABC show's taping, including those with ties to Republican president candidates Bob Dole and Pat Buchanan.

He named Craig Shirley, a paid adviser to Dole in his 1988 presidential campaign. His company, Craig Shirley & Associates Inc., is promoting the book, published by the conservative Regnery Publishing Inc.

"If you look at the people behind him, they're right-wing Republican political operatives who are determined to destroy the president," Stephanopoulos said. "They're trying to tear him down."

EVALUATING THE EVEN START PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GOODLING. Mr. Speaker, as the Member of Congress who developed the Even Start Program, I was understandably disappointed by the language discussing Even Start in the committee report accompanying the Labor, HHS, and Education appropriations bill for fiscal year 1997.

The Even Start Program was first funded in 1989 and, therefore, the program has only been in existence for a short period of time compared to other major elementary and secondary education programs. Thus, I believe it is unfair to say there is little in the way of evaluations to support the request for funding for this program.

I must admit that I, too, was disappointed with the last program evaluation. However, I never expected that the program would not have to undergo change in order to effectively carry out its goals. There is not a program in the Federal Government which cannot be improved. However, Even Start is new and we are just now learning what does and doesn't produce the positive results we are seeking.

For example, the interim evaluation reports called attention to the fact that adults participants were not benefiting as much as their children. As a result, the Department of Education started to stress with States and program providers the need for a stronger parent component. Additionally, early evaluations indicted that not all Even Start projects were operating all three program components. Again, this was corrected.

One of the findings of the most recent and final report was that the intensity of services was not strong in many programs and parents were receiving a minimal number of hours of adult education. The fiscal year 1996 appropriations bill for the District of Columbia contained language modifying the existing Even Start law to require intensive services be provided to program participants.

It is also easy to misinterpret data contained in evaluation studies. For example, the results on preschool experiences were misinterpreted. Children in Even Start did significantly better than the control group on school readiness tasks during the preschool year. Most children in the control group did not attend a preschool program and they did not learn skills needed for kindergarten by staying home. It was only at the end of the kindergarten year that the control group children learned the skills that the Even Start children had learned a year earlier.

Mr. Speaker, the committee did not cut funding for this program, for which I am grateful. However, I would hope that any future discussion of the effectiveness of Even Start would take into consideration the information I have discussed today and not jump to the conclusion that this program has not proven its worth.

LUCY BOWEN McCAULEY'S CHOREOGRAPHIC MAGIC

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. HYDE. Mr. Speaker, I wish to take this opportunity to advise my colleagues of a magical event which took place recently. Virginia's own Lucy Bowen McCauley, a renowned dancer and teacher, who has expanded her art into choreography, staged her first dance concert consisting solely of her own choreography.

The concert was a wonderful potpourri of passion and humor, style and grace. Ms. Bowen McCauley demonstrated her choreographic range in splendid fashion. From the classical "Brahms Trio" with its depth of lyrical movements, to the marvelously humorous "What'll Ya'ave, Luv," to the deeply moving "At Last," the evening was filled with excitement, emotion, and fun. One critic was especially moved when she noticed that the couple dancing the romantic "At Last" are married to each other and truly exuded the love which Ms. Bowen McCauley had choreographed into the piece. Ms. Bowen McCauley gave the audience a special treat by dancing in "Fracture Zone," a wonderfully imaginative and dynamic work.

In her inaugural choreographic triumph, Ms. Bowen McCauley has managed not only to demonstrate her command of the complexities of choreography, but she has been able to imbue her dancers with her own drive and love of dance which clearly comes out in each piece. The combination made for a truly magical evening—one which culminated in a well-deserved standing ovation.

The dance world looks forward to future work from this truly talented choreographer.

TRIBUTE TO ST. JAMES LUTHERAN CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Ms. KAPTUR. Mr. Speaker, today I rise to honor 150 years of development and growth. Over a century and a half ago the St. James Lutheran Church, the oldest Lutheran congregation in Fulton County, OH, was founded. Strong in heritage and faith, the church has served as a pillar in that community and continues to foster ideals and philosophy consistent with moral prosperity.

Their story began in 1837 when a group of family members known as the Leininger family, including at least four brothers and two sisters, came to the United States from France. Their journey across the Atlantic Ocean via sailboat led them to New Orleans, up the Mississippi, and eventually to German Township, what we know today as Fulton County, OH, settled on the western side of Ohio's Ninth District.

Nine years after settlement, the Leiningers were approached by Pastor John Adam Detzer who headed the effort in the northwest Ohio territory to settle German Lutherans. They received Pastor Detzer with great excitement and asked him to be their pastor. Despite an already full congregation throughout the territory, he agreed and began to preach, listen, and spread the good word.

It was from that humble beginning that St. James evolved. The St. James congregation has survived and grown into a cornerstone of the Fulton County community.

I know my colleagues join me today in recognizing the congregation of St. James Lutheran Church on the occasion of 150 years of dedication, devotion, and commitment to the spiritual and communal needs of the people of northwest Ohio.

A TRIBUTE TO RHONDA McCABE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. TALENT. Mr. Speaker, I rise today to share with my colleagues a story sent to me by one of my constituents which describes an act of selflessness that should serve as an example to us all.

We are all familiar with the parable of the Good Samaritan, but how many of us, in this day and time, are blessed with meeting one?

On October 18, 1994, Rhonda and Ed McCabe had met at the Three Flags Center in St. Charles, to take care of some personal business then went out to dinner. Upon returning to the parking lot to get their second car, out of the corner of her eye Rhonda noticed something moving. It was dark and rainy, making it difficult to tell if it was a couple of kids fighting, or perhaps a vicious crime happening. She had Ed pull the van around to see what was happening and if help was needed. A rain soaked man was collapsed on the ground over his briefcase and notebook computer, lying face down in a puddle. His legs were thrashing about as he appeared to be having convulsions.

Rhonda and Ed got out of their vehicle to give this man assistance. As they turned him over, Rhonda, being a very capable and well experienced nurse, recognized the severity of the situation and knew exactly what had to be done immediately to save this life. She sent Ed to get help and to call 911 from the only business that still had lights on, the Norwest Financial Company. John Lopes left his office and offered to help in anyway needed. Under Rhonda's calm and concise direction Ed and John assisted her in administering CPR. Accustomed to depending on God's guidance, she also talked to the Lord, as she directed the necessary steps of CPR until after the paramedics arrived. In a medical opinion, had no one helped this man when she did he may have died or suffered severe impairment. Rhonda's unselfish deed of giving help to a stranger in need, was more than using her training and nursing experience, it was an expression of service to God. She felt she was directed to be there to help save a life.

Mr. Speaker, I applaud Mrs. McCabe for her act of courage and bravery. She truly is a fine example of a modern-day good Samaritan.

TRIBUTE TO PETER RATCHUK

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. QUINN. Mr. Speaker, I rise today to offer my congratulations to Mr. Peter Ratchuk.

A former student at Saint Francis High School in Athol Springs, in the 30th Congressional District of New York, Peter Ratchuk has distinguished himself among his peers as an athletic standout.

This past June, in recognition of his outstanding talent as scoring defenseman, Mr. Ratchuk was selected as the 25th pick by the 1995–96 Stanley Cup Champion Colorado Avalanche. In doing so, Peter became only the second western New York hockey player to be selected in the first round of the National Hockey League Draft.

Committed to Education and with an eye to a future in broadcasting, Peter Ratchuk will enter college at Bowling Green State University in Ohio before entering the National Hockey League with the Avalanche.

It is that maturity, commitment to hard work, personal strength, dedication to the sport of hockey, and mature ability to perform which will undoubtedly allow Peter to be successful in college, professional hockey, or whatever the future may hold.

Mr. Speaker, today I join with the Ratchuk family, St. Francis High School, the National Hockey League, and indeed, our entire western New York community to congratulate

Peter Ratchuk in recognition of this outstanding accomplishment, and offer Peter my enthusiastic commendation and sincere best wishes.

ST. JOSEPH'S CHURCH OF FLORIDA, NY, CELEBRATES 101ST ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GILMAN. Mr. Speaker, it gives me great pleasure to recognize St. Joseph's Roman Catholic Church in Florida, NY, for its 101st anniversary, St. Joseph's was established in 1895, and immediately became a landmark of the small village of Florida, where it has remained a hub of the community throughout the 20th century. St. Joseph's was conceived in the Polish tradition of Catholicism, and has continued in this tradition to the present day. Father William Torowski is currently the administrator of the congregation, and has served as an inspirational leader to his congregation and community throughout his tenure.

St. Joseph's has a long history of dedicated service to its community, including an elementary school, which has consisted of lay as well as nun instructors through the years. The Felician Sisters of Connecticut and the Sisters of Charity of the Bronx, NY, are among the convents who have contributed to the excellence of this educational institution throughout its history.

St. Joseph's has also been active in missionary work since its inception over a century ago. A mission in nearby Pine Island, NY, which has since become a separate entity, and St. Andrew Bobola in nearly Pelletts Island, NY have been a crucial part of St. Joseph's admirable efforts.

Mr. Speaker, I am pleased to take this opportunity to honor St. Joseph's for all that it has done for its community. St. Joseph's has distinguished itself as a provider of education and charity, as well as provider of its holy message. Its presence throughout the 20th century has been an inspiration to the residents of the area and beyond.

Mr. Speaker, we should remember that our houses of worship are vital to the identities of our Nation's communities, and we must not forget our constitutional guarantee of freedom of religion, which allows congregations such as St. Joseph's to exist as the stabilizing force which draws the local communities of Nation together. St. Joseph's of Florida, NY, exemplifies this vital force in an admirable fashion, and I am proud to honor its 101st anniversary.

INTRODUCTION OF LEGISLATION IN SUPPORT OF STATES' RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. CRANE. Mr. Speaker, over the past several years, my home State of Illinois has been embroiled in litigation, Pennington versus Doherty, regarding the base period used to determine eligibility for unemployment compensation. The plaintiffs in Pennington have argued that the Federal Government, and not the individual States, should have the right to set those base periods. Their position is diametrically opposed to the common practice recognized as lawful and legitimate for decades. I believe that States should retain this right and that Federal action in this area should not preempt State law. Unfortunately, an appellate court did not agree.

While the outcome of this suit will unquestionably have a significant impact on Illinois, it may also lead to changes across the country, since more than 40 States utilize similar methods for determining eligibility for unemployment compensation. The final ruling could lead to greatly increased costs, both for individual States and the Federal Government. In fact, some have estimated that an unfavorable outcome in this case could increase costs by as much as $750 million over the next 8 years in Illinois alone, and the Congressional Budget Office has estimated that costs to the Federal Government could reach the $3 billion range over that same period. There can be little doubt that if the Pennington suit is successful, other plaintiffs in other States will be lining up to file their suits.

But perhaps even more troubling than the financial impact of this decision is the circumvention and misinterpretation of congressional intent through judicial action. Earlier today, the Ways and Means Subcommittee on Human Resources held a hearing regarding the Pennington case. While a variety of witnesses, including representatives of the administration, expressed various opinions regarding this case, there was unanimity on the fact that Congress intended States to control their own base periods. Despite widespread agreement on that issue, the courts may now redefine the law through judicial fiat.

In order to protect congressional intent and avoid these unnecessary expenditures, I am today introducing legislation which would simply clarify current law by stating in no uncertain terms that States have the right to set their own base periods and no Federal actions should preempt that right. I hope that my colleagues will join with me in supporting States' rights and in supporting this legislation.

CONGRATULATIONS TO VFW POST 7980

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the Veterans of Foreign Wars Post 7980, located in Millstadt, IL. The Millstadt post is celebrating its 50th anniversary on July 20, 1996, and I ask my colleagues to join me in congratulating the current and former members for their contributions to the entire community.

I assisted the Millstadt post in securing an M–47 Patton tank in 1989 from the U.S. Department of Defense, and it stands as a reminder of those veterans who have sacrificed a great deal to protect the freedoms we love dearly in the United States of America. It was my privilege to be present at the dedication of the tank in September of that year, and since then it has served as both a tribute and educational tool for the whole region.

The Millstadt post has had a long and distinguished record of service to the community, which we will celebrate on July 20. A variety of post commanders have shepherded the post through several improvements and community projects, including services for local veterans, the purchase of American flag for area events, and a college scholarship program.

I want to congratulate the members of VFW Post 7980 for their continued hard work and dedication to their fellow veterans and their community. Their example stands out as an inspiration to other organizations looking to help their fellow man in our region.

A SALUTE TO BABCOCK AND WILCOX FOR WINNING OHIO'S EXPORTER OF THE YEAR AWARD

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. SAWYER. Mr. Speaker, I rise today to honor a company in my district, Babcock and Wilcox [B&W], for recently receiving the State of Ohio's Exporter of the Year Award. This award is given each year to the Ohio company which best exemplifies the State's commitment to international trade. It is especially prestigious since Ohio is a leading export State, based on the number of manufacturers who export goods and services. It is particularly gratifying to see B&W win this award, since it has a proud tradition in Ohio since 1906.

B&W is internationally renowned and respected for its power and steam generation systems and for its environmental control equipment. This company's worldwide reputation as an engineering and advanced technologies leader helped its power generation group to earn a record $558 million in overseas contract awards last year, equaling 63 percent of the group's total sales. A highlight was the sale of 10 of the first sulfur dioxide removal systems ever purchased by South Korea as part of its power expansion program. This was also the largest environmental equipment contract ever awarded by an electric utility. Beyond South Korea, B&W has increased its international presence over the last decade by establishing joint venture operations in China, India, Indonesia, Turkey, Mexico, and Egypt. This international expansion has helped the company stabilize its activities in Ohio and has contributed to its growth in my State.

Mr. Speaker, I recognize B&W's superior work in Ohio, and commend this company for winning the State's Exporter of the Year Award.

CONCERNS ABOUT WETLAND REGULATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following letter to Agriculture Secretary Dan Glickman concerning the increased amount of proposed wetland regulations.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 9, 1996.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR DAN: While visiting with my constituents, I have been advised of several concerns about wetland regulations, particularly a concern that actions by Federal Agencies with wetland responsibilities and jurisdiction are proposing actions that amount to "regulatory creep" by proposing to expand the amount of lands defined as Federally protected wetlands.

I am told that three changes are being considered by the four Federal agencies with wetland responsibilities (USDA, Corps of Engineers, EPA and U.S. Fish and Wildlife Service) that would expand the criteria used in the Federal delineation process by making changes to the 1987 delineation manual and by adopting a functional assessment process known as the hydrogemorphic (HGM) approach.

One of the specific concerns has been that NRCS, without public notice and comment, is expanding its list of field indicators of hydric soils, which in turn would result in an expansion of areas and sites that would meet the hydric soil criteria. Mr. Secretary I want to ask whether it is the view of NRCS that all hydric soils are wetland soils? (I understood that wetland soils are a function of wetland hydrology, and that wetland delineation requires the independent verification of all three wetland criteria—soils, water, and plants.)

Secondly, I am told that the Fish and Wildlife Service is about to enter into an agreement to expand the hydrophytic plant list, also without the benefit of public notice and comment. Is the interagency wetland team recommending that Federal agencies be allowed to delineate wetlands based only upon two criteria (soils and plants) instead of the three essential wetland criteria? Such an action would seem to allow regulators to 'assume' hydrology based on the presence of an expanded list of hydric soil indicators and an expanded list of hydrophytic plants. It is already very difficult for many of my constituents to accept wetlands defined under present rules without wetlands being defined without the apparent presence of water for a significant period of time during the year.

Finally, I am curious about the interagency wetland team's implementation of a new methodology for the functional assessment of wetlands using the hydrogemorphic (HGM) approach. There is a concern that this method would arbitrarily assign functions to various types of wetlands located within a watershed or ecological region by combining the subjective nature of wetlands science with the ambiguity of professional judgment.

Mr. Secretary, I am particularly alarmed by the appearance that no one in the Administration nor the Congress is currently in charge of wetland delineation. With no one designated for a leadership role on this subject I fear that the bureaucracy is once again free to initiate regulatory creep. That would leave the most important regulatory decisions to be accomplished behind the political scene by interagency fiat without public input.

Dan, I would appreciate it very much, and feel more comfortable, if you would take a personal role in overseeing the activities of the interagency wetland group to insure that the general public, including those which would be subject to these regulations, have adequate opportunity for involvement in any changes in wetland regulations.

Thank you very much for your consideration and assistance on this matter.

Best wishes,

DOUG BEREUTER,
Member of Congress.

BIOMEDICAL RESEARCH BENEFITS ALL AMERICANS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the increased funding levels contained in the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations Act for the National Institutes of Health [NIH]. This funding is critical for biomedical research and benefits all Americans, as it improves quality of life. In addition to researching treatments and cures for such disease as breast cancer, heart disease, and Alzheimer's disease. NIH funding is also used to advance medical devices that will save and enhance lives.

San Diego County is a leader in the field of biomedical research. This region of southern California is known for its advancements in medicine, and increased funding levels are vital to move forward with research that will find cures for diseases. Jonas Salk, the pioneering health researcher, did much of his greatest work at the University of California, San Diego. His development of the first polio vaccine saved countless lives, and spared countless families the crippling disabilities, and even death associated with this disease.

I commend Chairman PORTER in his commitment to NIH research. I am pleased that he joins me in recognizing the important NIH's support to thousands of scientists and research institutions throughout the country.

A TRIBUTE TO SHELTER ISLAND POLICE CHIEF L. GEORGE FERRER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the late L. George Ferrer, a selfless, dedicated law enforcement officer who for nearly 20 years served the town of Shelter Island, Long Island as its chief of police.

A 26-year veteran of the Shelter Island Police Department, George suffered a fatal heart attack while hard at work at his desk early on the morning of Thursday, June 27. Despite the quick reactions of Police Officer Jack Thilberg, who administered cardiopulmonary resuscitation, and Sergeant Jeffrey Brewer that enabled ambulance crews to transport the chief safely to the hospital, George Ferrer passed away at Winthrop University Hospital at 3:09 a.m. on Tuesday, July 2.

With George Ferrer's passing, not only has the community of Shelter Island lost a faithful protector, but Long Island's entire law enforcement community has lost one of its finest members. With an unyielding devotion to the badge he wore, and all that it represents, Chief George Ferrer set an example of professionalism and commitment for the officers of his department, for law enforcement officers everywhere and for the public he served so well.

The example George Ferrer provided will live on because it will be carried forward by men like Shelter Island Police Sergeant Jeffrey Brewer, who served under the chief for nearly 20 years. Delivering the eulogy at his chief's funeral service, Sergeant Brewer talked about the steadfast devotion to professionalism that George Ferrer brought to the job every day and how it shaped him and the other officers.

Though, as chief of police, George was the administrative head of the department, he was not afraid to do the routine police work, whether it was directing traffic or gathering evidence. "George led us past our feelings and emotions and into the trenches. For he was spit and polished to most—to us he was never afraid to roll up his sleeves and get dirty, to get the job done," Brewer eulogized.

The greatest tribute that could be paid George Ferrer's legacy as chief of the Shelter Island Police Department are the police officers who mentored under his command and took to heart his dedication and who will continue to protect and serve the community. The Shelter Island police officers you see in front of you today are a product of George's legacy. They have all been with me in body and George in spirit since last Thursday morning. They have been away from their families for days on end. When the news came of George's passing, they knew what they had to do. I never told them—I didn't have to. They just knew they had to be spit and polished," Brewer told those who gathered to mourn George's passing and to comfort his family.

It was not just the law enforcement community that appreciated George Ferrer's dedication and commitment. Shelter Island Town Supervisor Huson "Hoot" Sherman described the chief as "very professional, very dedicated to Shelter Island and to the police work on Shelter Island. Whenever we had any kind of emergency or an accident, whenever there was somebody in distress in any way, George was always there on the scene, taking charge of the situation." Part of George Ferrer's duties was to act as Shelter Island's Emergency Management Coordinator during any sort of hurricane or winter blizzard.

Supervisor Sherman praised his ability as a law enforcement officer, but also an administrator, saying that "George ran a very tight department. He did a terrific job, his whole life was wrapped up being the Shelter Island Police Chief." As Supervisor Sherman also recalled, George was a very industrious man who was always working to supplement his police salary, doing carpentry work or selling real estate around the Island.

All who knew George Ferrer praised his dedication to the Shelter Island Police Department, his tireless devotion to the island's residents and to the police officers under his command. As impressive as his commitment to the police force, none of it surpassed George's love for his family. They were always his first consideration. Chief Ferrer leaves behind his wife Shirley, son Christopher and daughters Lori and Danielle, as well as his granddaughter Rebecca. He is also survived by his mother Cecelia Glas and stepfather, Adolph Glas, his brother Robert and sisters Celia and Elisa.

And as the Shelter Island Reporter, Chief Ferrer's hometown newspaper, put it, "We'll miss his professional energy and his enthusiasm, his personal honesty and his fairness with us. We'll miss him as a person. We'd be honored if he misses us when Tuesday mornings roll around."

For his many years of selfless, dedicated service to the community, we all owe Shelter Island Police Chief L. George Ferrer a great debt of gratitude and thanks. May his spirit of public service and professionalism live on in all our hearts. He was a class act and will be sorely missed by all who came to know him personally and professionally across eastern Long Island.

Sergeant Jeff Brewer's entire eulogy speech on Chief Ferrer follows:

> To those of you who don't know me, I am sergeant Jeff Brewer of the Shelter Island Police Department. For the past 19 years and 3 months, I have had the privilege to serve under Chief George Ferrer, first when he was sergeant then as a chief. We have been through a lot together. When I was a "rookie" we laughed as I fumbled over my own two feet. Then as time moved on, much like a teenager feeling his oats, I challenged some of his ways not knowing why. He always got the last word in by saying, "This is my sandbox." Through the years I learned to understand the meaning of that and from that grew a strong respect. The Chief was more like an older brother to be than a boss. We shared the private pain of losing longtime fellow officers and friends to retirement and injuries. Still we remained, Chief Ferrer, Detective Springer, and me. Over the years, oddly as it seems, George and I arrived at an ironic balance; similar to the odd couple, George with his unyielding serious side and me with my more witty approach. This combination seemed to get us through the daily occurrences from the trivial and mundane to the serious and the grotesque. George led us past our feelings and emotions and into the trenches. For he was spit and polished to most, to us he was never afraid to roll up his sleeves and get dirty to get the job done.
>
> The Shelter Island Police Officers you see in front of you today are a product of George's legacy. They have all been with me in body and George in spirit since last Thursday morning. They have been away from their families for days on end. When the news came of George's passing, they knew what to do. I never told them what to do; I didn't have to. They just knew they had to be spit and polish. They spent hours and hours of their own time putting this together. They spent hours practicing every step for today. It had to be right.
>
> I have heard through the grapevine that this is just a big show! They cannot understand! These fine officers and the rest of you in blue know this is no show! This how our family shows our respect to a fellow officer and his family. And it shows how law enforcement is not just a job but rather a way of life and Chief George Ferrer demonstrated it every day.
>
> As in life as we know it, there are beginnings, endings, and new beginnings so let me finish by going back to the beginning. To Shirley and the Ferrer family, I am personally honored and privileged to have served under such a fine leader like Chief L. George Ferrer. We will do our best to keep his legacy of pride and professionalism alive in this department that he so proudly served. God bless the Chief in his new tour of duty.

ROBERT C. NELDBERG

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. STUPAK. Mr. Speaker and Members of the U.S. House of Representatives, it is an honor for me to bring to the attention of this body and the entire Nation the retirement of Robert C. Neldberg. A native of the Upper Peninsula of Michigan, Mr. Neldberg has been chief executive officer and administrator of the Marquette General Hospital in Marquette, MI, since October 1973.

After studies at Northern Michigan University and in the St. Louis' University Hospital Executive Development Program, Mr. Neldberg began his administrative career in August 1968 when he was hired as the director of personnel and public relations at St. Luke's Hospital, Marquette, MI. After 3½ years he was promoted to assistant administrator for administrative affairs. After guiding Marquette and the medical community through the successful merger of St. Luke's and St. Mary's Hospitals, Mr. Neldberg was promoted to his current position of chief executive officer/administrator at the newly created Marquette General Hospital. Mr. Neldberg's drive and dedication nurtured Marquette General from a $6 million revenue operation to a regional medical center with a yearly revenue of $205 million with 2,350 employees and 250 physicians on staff.

Mr. Neldberg is leaving a distinguished medical and civil career. He is responsible for sheparding the 14 Upper Peninsula hospitals together to form a medical networking partnership led by Marquette General. In 1983, he received the prestigious Homminga Award, presented by the Michigan Hospital Association, signifying the most outstanding hospital administrator in Michigan. In 1991, Mr. Neldberg was named Northern Michigan University's Citizen of the Year. Included in his community service are his positions as a former board member of the Michigan Hospital Association, and former chairman of the United Funds Drive of Iron Mountain/Kingsford and Marquette.

Despite his retirement, Mr. Neldberg will remain active in Michigan's medical arena. Governor John Engler named him to the Board of Medicine for the term that began on March 1, 1996 and continues through 1999. Robert Neldberg is currently president of the Upper Peninsula Health Care Network and the Upper Peninsula Health Education Corporation.

Mr. Neldberg and his wife, Monica Ann Gunville-Neldberg, have four children and eight grandchildren and belong to St. Peter's Cathedral in Marquette. He is also a member of Marquette's Rotary Club and a past president of the Jaycees Organization. Mr. Neldberg has been politically active as chairman of the Marquette County Republican Party and vice chairman of the District Republican Party.

Although his career with Marquette General Hospital is coming to a close, I know Mr. Neldberg will continue to be a great asset both to his own community and Michigan's medical community. Through his dedication to his profession and through his volunteer efforts, Mr. Neldberg represents the very best of our free society. He has made his life his work, and his community is better for the effort. Mr. Speaker, on behalf of the Upper Peninsula and the entire State of Michigan, I would like to congratulate Mr. Robert Neldberg on his retirement.

HONORING THOMAS J. BALSHI, DDS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, for almost a quarter of a century, Thomas J. Balshi, A Fellow of The American College of Prosthodontists, has impacted the health of thousands of individuals worldwide by contributions to research, education, and the clinical practice of prosthetic dentistry.

He trained others from Bosnia-Herzegovina to bring healing and restoration to that wartorn population. He has championed the benefits of prosthetic care throughout the country of India, in Uruguay and Colombia, and has spoken before The Royal Society of Medicine in London.

Dr. Balshi is a pioneer in the field of implant prosthetics. His work has renewed the health and self-confidence of his patients. Dr. Balshi commits himself clinically and personally to the careful renewal of every patient's smile, whether the patient be indigent or celebrity. Through his years of professional practice, he has earned the reputation of being a dental court of last resort. By engineering innovative solutions, he has specialized in saving diagnosed hopeless dental cases.

Dr. Balshi is a recent recipient of the prestigious George Washington Medal of Honor from the National Freedoms Foundation at Valley Forge, PA. He was honored for his contributions to dental science through education. The Freedoms Foundation honors Americans whose lives reinforce and exhibit the patriotic values of our country's Founding Fathers.

A former captain in the United States Army (1972–1974), Dr. Balshi was Chief, Department of Fixed Prosthetics, Mills Army Dental Clinic, Fort Dix, NJ. He received the Army Commendation Medal for Extraordinary Service.

He became a Fellow of The American College of Prosthodontists in 1976, following graduation from Temple University School of Dentistry in 1972. He is a 1968 graduate of Villanova University.

He served as editor of the International College of Prosthodontists Newsletter for its inaugural 10 years. In this role, he actively participated in establishing worldwide communication among practitioners of his specialty.

Dr. Thomas J. Balshi is commended for his masterful way of blending heart, art, and science to serve those in need.

TRIBUTE TO ILLINOIS STATE REPRESENTATIVE ROGER P. McAULIFFE

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FLANAGAN. Mr. Speaker, it is with great sadness and regret that I note the passing on July 5, 1996, of my constituent, Illinois State Representative Roger P. McAuliffe. Roger represented the 14th state house district on Chicago's northwest side as well as several suburbs including Park Ridge, Rosemont, Norridge and Schiller Park. He was also the 38th ward Republican committeeman.

Roger was the dean of the Illinois State House Republicans, having served in the Illinois General Assembly from 1973 until the day of his tragic death. Roger was also an assistant majority leader of the Illinois House. Roger was particularly know for his constituent services and his efforts on behalf of senior citizens, fighting crime and for tax caps. Known as an innovator, Roger started having senior citizens driving seminars as far back as 1981, which have been attended by as many as 1,000 people at a time. As those who lived in his district knew, Roger always took care of those he represented and he always represented them well.

As a 1965 graduate of the Chicago Police Academy, and a Chicago police officer ever since, Roger had a keen interest in preventing crime and protecting the public safety. In 1981 Roger was a cosponsor of legislation to toughen Illinois' drunk-driving laws. The legislation, which became State law, ended the practice of allowing drunk driving suspects a 90-minute waiting period before deciding whether to take a breathalyzer test.

Roger was a 1956 graduate of my own alma mater, Lane Technical High School. He began his public service career path when he served in the U.S. Army from 1961 to 1963. Affectionately known as the Monsignor, Roger was well respected and well liked by Republicans and Democrats alike. I knew Roger both professionally and personally and I am proud to have had him as a friend. He was always there to help whenever he could be of assistance. Roger was something of an informal advisor and often guided me, and other Members as well, on legislation that had an impact on the Chicago area.

I extend my deepest sympathy to Roger's family. Roger was a truly great public servant and a truly great person. His loss has cast has a long, sad shadow over the city of Chicago and the State of Illinois. Roger McAuliffe, you are deeply missed.

NEW ZEALAND ECONOMIC REFORMS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. KLUG. Mr. Speaker, I led a congressional delegation which visited New Zealand to study their economic reforms. We met with many people ranging from the privatization policymakers to sheep farmers and walked away with an insightful approach to rescuing an enormous Federal debt in a relatively short amount of time. Eliminating the deficit is crucial for the United States fiscal survival and the New Zealand model provides us with some options to explore. For the benefit of my colleagues, I would like to have printed in the RECORD the preface and executive summary of the United States-New Zealand Council report on the delegation's trip to New Zealand. For those who desire the complete report, please contact my office.

REPORT ON CONGRESSIONAL STUDY TOUR TO NEW ZEALAND

PREFACE

A bipartisan Congressional study group visited New Zealand from April 8 to 13, 1996 to examine the causes and effects of New Zealand's remarkable economic reform that has brought New Zealand from the bottom to the top of various OECD lists in terms of economic performance. The group was comprised of Congressmen Scott Klug (R-Wisconsin), William Orton, (D-Utah), and Dana Rohrabacher (R-California), plus four senior House staffers: Scott Palmer, Deputy Chief of Staff, Office of the Majority Whip; John Feehery, Communications Director, Office of the Majority Whip; Paul Behrends, Legislative Assistant for Congressman Rohrabacher; and Joyce Yamat, Legislative Assistant for Congressman Klug. The group was accompanied by Ambassador (ret.) Paul Cleveland, President of the United States-New Zealand Council, the organization which funded and arranged the trip.

In the course of a crowded and intense five day schedule, the group met with close to two hundred individuals, business leaders, non government organizations, as well as government officials, and took field trips with Telecom New Zealand, Tranz Rail, and the New Zealand Dairy Board to gain a comprehensive view of the reform process and what it has meant to a diverse group of New Zealanders and their institutions.

The Council deeply appreciates the help and sponsorship of a number of individuals and government and private institutions without whom the trip would not have been possible: the New Zealand Embassy in Washington, the United States Embassy in Wellington and the U.S. Consulate General in Auckland, the Department of State and the New Zealand Ministry of Foreign Affairs and Trade, Bell Atlantic, Ameritech, Wisconsin Central, Mobil Oil Corporation, the New Zealand Dairy Board, Air New Zealand, and all of the individuals and organizations included in the trip schedule.

The report prepared by the Council reviews the highlights and the principal points that emerged. Its accuracy and representation of views and conclusions are the responsibility of the Council and do not necessarily represent the thoughts of the members of the delegation.

EXECUTIVE SUMMARY

New Zealand has undergone one of the most radical economic transformation in recent years in the Western world and increasingly has become a subject for study by others, who want to know why it has been so successful.

Small, with a population of 3.5 million, and highly homogeneous compared to the United States New Zealand had prior to 1984 become the most socialized country extant outside the communist world, and as New Zealand Ambassador to the United States John Wood is wont to say, "was performing about as well as the communists." Deeply in debt in 1984 with its back to the wall, ironically a new *Labour* government, probably the most intellectual New Zealand has ever had, introduced a comprehensive set of reforms that relentlessly tackled monetary, fiscal, labor, privatization, administration and a myriad of other problems. When Labour ran into political and economic problems that eventually divided it, a National party government was elected and finished the job of reform.

The results in only ten years proved electric. Shocked into reality, the revived economic system is currently among the best performers in the OECD. Even better indicators than the figures are the improvements in productivity, competitiveness and attitude. New Zealand is rated by responsible judges highest or close to highest in the world in all three.

Not all have benefited equally. Some Kiwis, particularly those in certain minority ethnic groups, have been left behind and disagreements over what should be done and the ability of government to deliver social and other services is as intense as in the United States and elsewhere in the world. The Congressional group heard from the dissenters as well as from the advocates.

Despite the differences in pre and post-reform positions, as well as the size and complexity of the two economies, New Zealand offers the following lessons worth further study for their possible application in the United States . . . some obvious, some less so: Speed and equal distribution of the pain of reform were politically necessary in New Zealand to reap the universal gain of reform. Effective managers and sustained attention to following through on changes are essential. Tax revenues grew surprisingly higher than expected because of the integrity introduced into the system by value added taxation. New Zealand might have done better, sooner had it introduced labor and social service reform earlier, thereby reducing these major costs early in the game. The free market absorbs naturally a sizable part of the redundancy created by reform and its worrisome cousin, "downsizing." Training is an essential ingredient however, whether provided by the government or the private sector. Not only should businesses be removed from government to the private sector, where they can be managed effectively in the general interest, government itself should be made more businesslike. We can usefully study such New Zealand innovations as contracts under which senior civil servants can be hired and fired as in the private sector, cost accrual accounting and the requirement for government departments to figure in capital costs of such things as buildings and other hard assets. This practice forces government, like business, to shed unnecessary assets and costs.

HONORING EDWARD H. JENISON

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. EWING. Mr. Speaker, I am saddened to take this opportunity to inform my colleagues that former member Edward H. Jenison, who represented part of my congressional district for three terms from 1946 to 1954, passed away at 2 p.m. Monday, June 24, 1996 at Paris, IL. Community Hospital. He was 88 years old. I am proud to have represented Ed Jenison for the past 5 years and would like to offer my most sincere condolences to his family and friends.

Mr. Jenison was editor and publisher of the Paris Bean-News for more than 65 years and a cornerstone of the Paris community. He will be missed tremendously. The following is a news article from the Beacon-News concerning Mr. Jenison's life and his many accomplishments.

Ed Jenison was a lifelong newspaperman. He started as editor of his high school newspaper while growing up in Fond du Lac, Wis., where his father was editor of the Fond du Lac Commonwealth. His final days in the Beacon-News offices came just a short week before his death.

The newspaper was his primary focus but certainly not his only interest—family, community service and public service also shared his lifelong attention.

Ed Jenison's public service career started with election to three terms as Representative in the U.S. Congress, representing a large district covering much of southeast Illinois from 1946 and 1954. It was in this first term that Ed Jenison met the late Richard M. Nixon, as the families lived in the same apartment and they were first term congressmen together. It was the beginning of a friendship which continued over the years and when President Nixon died, Ed Jenison was called upon by area media to recall his friend. His service in the Congress followed his discharge from the U.S. Navy service during World War II with the rank of Lieutenant Commander, assigned to naval intelligence duties both in Washington and aboard aircraft carriers in the Pacific. He participated in several of the island campaigns including the invasion of the Philippines.

After his service in Congress, Ed Jenison served on the Illinois State Board of Vocational Education from 1953 to 1960; was elected to the 74th Illinois General Assembly as a state representative in 1964, appointed to complete a term in the Legislature in 1973, and was elected a delegate to the Illinois Constitutional Convention in 1970.

He also completed a term as Director of the Illinois Department of Finance by appointment from Gov. William Stratton in 1960.

Ed Jenison was equally involved in community service. He actively supported formation of the Edgar County Mental Health Association, now the Human Resources Center; the Paris Community YMCA, and was one of the first members and officers of the board of the Hospital and Medical Foundation of Paris, Inc., which constructed the present hospital.

He was a speaker at the dedication of the "new" hospital in 1970, and participated in the dedication and ribbon-cutting for the new medical office building and hospital addition earlier this month.

He was a past president of the Paris Chamber of Commerce and a director of the Illinois State Chamber of Commerce.

His community service was recognized as the Paris Rotary Club presented him the Allen D. Albert "Man of the Year" award. In 1993 the Paris Chamber of Commerce honored Ed and his sister, Ernestine Jenison, with the annual Parisian Award.

In 1990, when Gov. Jim Thompson came to Paris to announce the location of a new Department of Corrections Work Camp here, fondly recalled it was on a trip downstate when he was seeking his first term as governor that he met Ed Jenison. He suggested the new work camp be named the Ed Jenison Work Camp in recognition of Jenison's long public service to the area, and Gov. Jim Edgar concurred at the Work Camp's dedication. Although by nature preferring to remain out of the limelight whenever possible, Ed Jenison graciously acknowledged the compliment paid by Governors Thompson and Edgar, remarking during the dedication ceremony "I guess it's alright since it has the word 'work' in the name."

In his chosen profession he also was honored and recognized by his peers.

The United Press-International Illinois Editors Association presented its 1982 Service Award to Ed Jenison, and the Southern Illinois Editorial Association awarded him the title of "Master Editor" in 1986. He also was an active member and officer of the former Illinois Daily Newspaper Markets Association, and member of the Inland Daily Press Association and Illinois Press Association, as well as Sigma Delta Chi, professional journalism society.

His Paris newspaper career began in 1926 when his father, E. M. Jenison, sold his interest in the Fond du Lac Commonwealth and purchased the Paris Daily Beacon. Ed Jenison left his college journalism studies to help staff and develop the newspaper which became the Beacon-News in 1927 with the acquisition of the Paris Daily News. He was a long-time enthusiast of area high school sports, starting with his duties as sports editor for the Beacon and then the Beacon-News.

Through his efforts the Beacon-News voiced early and active support for the construction of the "new" gymnasium at Paris High School just ahead of World War II, now the "Eveland Gym." When in Paris, he rarely missed a varsity basketball game including the girls' games in recent years, and was a regular sidelines supporter at the football field. He twice found himself in the midst of a sidelines play, coming up none the worse. After the first tackle, while his grandsons were members of the Tigers varsity, the team presented him a football helmet with the words "if you're going to play you had better be dressed for it."

He was equally supportive of the interests of his wife, Barbara, and son and grandchildren. While Ed Jenison was serving on carriers in the Pacific, Barbara Jenison decided she would explore the world of aviation, and obtained her pilot's license. She continued her flying interests by participating in a number of international and cross country "Powder Puff" derby competitions, and served many years with the Civil Air Patrol concluding with regional responsibility for women cadets and the rank of lieutenant colonel. She served on the Illinois Division of Aeronautics Advisory Committee. As a pilot she also flew her husband on many of his campaign tours throughout the extensive congressional district.

Edward Halsey Jenison was born July 27, 1907, in Fond du Lac, Wis., the son of E. M. and Mary L. Jenison.

Ed Jenison and Barbara Weinburgh met as students at the University of Wisconsin, and were married Sept. 14, 1929, making their home on Shaw Avenue from that time.

He is survived by his wife, a son Edward H. "Ned" Jenison of Paris, three grandsons including Edward Kevin Jenison of Paris, also associated with the management and editorial operations of the Beacon-News; Dr. Jim Jenison of Evansville, Ind., and Stephen Jenison of Carmel, Ind.; and seven great-grandchildren. He was preceded in death by his parents, his stepmother Mrs. Mary Jenison, who served as an officer of the publishing company until her death at the age of 100; by two sisters and a brother, and an infant daughter.

He was a member of the Paris American Legion Post 211, the Edgar County Shrine Club, Ansar Temple and Danville Consistory, Paris Elks Lodge 812, and the Washington Press Club.

CONGRATULATIONS TO DR. T. JOEL BYARS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. COLLINS of Georgia. Mr. Speaker, last month the American Optometric Association convened its 99th annual Congress in Portland, OR. I am pleased to report that during the Congress, Dr. T. Joel Byars of McDonough, GA, was sworn in as the association's 75th president. I would like to take a few moments to congratulate Dr. Byars on this achievement and to offer my best wishes to him for a successful term.

Dr. Byars is a native of Griffin, GA, and is a graduate of the Southern College of Optometry in Memphis, TN. During his career, Dr. Byars has built a record of achievement in his profession at the local, State, and national levels, He is past president of the Georgia Optometric Association, the Georgia State Board of Examiners in Optometry, and is former trustee of the Southern Council of Optometrists. He was elected to the board of trustees of the American Optometric Association in 1989 and has served as an officer for the past 4 years.

The American Optometric Association is the professional society for our Nation's 31,000 optometrists. In his role as president, Dr. Byars will guide the association as it deals with the challenges and opportunities of providing eye and vision care to millions of Americans.

In addition to his professional achievements, Dr. Byars has been active in civic affairs. He has been a board member of the Dekalb Council on Aging and the North Central Georgia Health Systems Agency. Dr. Byars has also been involved in the Stone Mountain Rotary Club, and he has chaired the optometric division in the Dekalb Cancer Crusade and Heart Fund.

Dr. Byars also served his Nation in the U.S. Army Medical Service Corps.

Dr. T. Joel Byars has distinguished himself as an outstanding leader in his profession and in his community, and I am confident that he will have a successful term as president of the AOA. I join his many friends and colleagues in offering congratulations and best wishes.

THE PRECISION AGRICULTURE RESEARCH, EDUCATION, AND INFORMATION DISSEMINATION ACT OF 1996

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to introduce legislation, with my good friend and colleague from Idaho [Mr. CRAPO] and other members of the House Agriculture Committee, a bill entitled "The Precision Agriculture Research, Education, and Information Dissemination Act of 1996."

Mr. Speaker, there is a revolution happening in farm country which many Members of Congress may not be aware of. This technological revolution taking place on farms across the Nation is already improving the environment, and changing the way our farmers and ranchers produce food and fiber. I'm speaking of precision agriculture.

Today is an exciting time to be in production agriculture. This bill will compliment our recently passed farm bill and the new direction our Nations agricultural policy is taking. Farmers will be able to profit from expanding world markets and our country will reap the rewards of this increased trade. Mr. Speaker, my farmers are excited about what the 21st century holds for them. But it's vital that we help provide for research in areas like precision agriculture so that our farmers will continue to be the world's most efficient producers of food and fiber.

WHAT IS PRECISION AGRICULTURE?

Emerging technologies in production agriculture are changing and improving the way farmers product food and fiber in this country. New technologies such as global positioning satellites, digital field mapping, georeference information systems, grid soil sampling, variable rate seeding and input applications, portable electronic pest scouting, on-the-go yield monitoring, and computerized field history and recordkeeping are just a few of the next generation of tools that make up precision agriculture.

These technologies allow farmers to address hundreds of variables in the field—like soil PH, nutrient levels, and crop yields—on a 3- to 5-meter grid that used to cost far too much to calculate for each field. Today, these technologies can map these variables and data instantly as an applicator or combine drives across the field. In short, each farm field using precision technology becomes a research plot. And in the down-months or winter season, a farmer can use the data from the previous growing season and adjust dozens of important agronomic variables to maximize the efficient use of time, fuel, commercial inputs, water, seed rate, irrigation—the list goes on.

These precision farming tools are helping farmers increase field productivity, improve input efficiency, protect the environment, maximize profitability, and create computerized field histories that may also help increase land values. Collectively, these and other emerging technologies are being used in a holistic, site-specific systems approach called precision agriculture. Progressive-minded farmers are already using these technologies. In a decade they may be as common on the farm as air-conditioned tractor cabs and cellular phones.

Of course, this is not the first technological advancement to revolutionize American agriculture. Farming has evolved from horsepower to mechanized power, from chemical tools in the 1950's to these new electronic tools in the 1990's. American farmers in the next century will need these new technologies and all the other available tools at their disposal to compete in tomorrow's global marketplace. American farmers will, without hesitation, step up to the challenge to feed and serve the growing number of consumers whose very lives depend on our Nation's tremendous agricultural machine.

PRECISION AGRICULTURE RESEARCH BILL

This legislation my colleagues and I are introducing today is critical to production agriculture, to feed the world's growing population and to protect local and global environments.

This legislation will renew our commitment to further increase the amount of food and fiber which can safely be produced per acre of farmland—not as an end in itself, but as a way of minimizing the economic and environmental costs of meeting global food and fiber needs.

This legislation emphasizes research and education efforts that promote the adoption of precision agriculture technologies, systems and electronic tools. These tools will enhance human health and environmental protection, and are designed to increase long term, site specific and whole farm production efficiency, productivity and profitability.

This legislation was crafted in consultation with a broad array of interested parties that support the legislation and the philosophy behind it. These groups include the Fertilizer Institute, Lockheed Martin, Experiment Station and Extension Service Directors, the National Center for Resources Innovations, and the Open Geographic Information Systems Consortium.

But this legislation is written with the producer in mind. One of the biggest problems with any new technology is the education process, and gathering the information to implement the technology on their farms. One of my goals with this legislation is to assure that producers of all sizes are able to take advantage of precision agriculture technologies.

USDA RESEARCH REFORM

The agriculture research process has continued to reward investments in science and technology. Recent research breakthroughs include conservation tillage, hybrid rice, twinning in cattle, pest-resistant soybeans, precision farming, and biotechnology. These findings are providing new ways to increase agricultural production efficiency, productivity and profitability, control pests, increase our agricultural exports, and feed the world's growing population.

Members of the Committee on Agriculture have a very important question to consider in the near future: Is this country's traditional agricultural research system prepared for the challenges the next century will bring? Let's be honest—with budget constraints, overlapping authorities and competition between ARS, extension and competitive grant recipients, we must very carefully address that question.

I look forward to this legislation becoming part of the reforms and reauthorization of the research title of the farm bill. I'm a strong supporter of our research and extension programs, and believe they must remain an important source of information for farmers and ranchers. Our precision agriculture research bill will help the research and extension communities take American food and fiber producers into the next century.

WORLD HUNGER AND ENVIRONMENTS

Modern agriculture has demonstrated its unique value as mankind's most powerful weapon against human hunger. Since 1950, modern agriculture has helped triple the output of the world's best croplands, sharply reduce soil erosion per ton of food, forestall severe shortages of agricultural water, and preserve millions of square miles of wildlife habitat that would otherwise have been converted to food production. So modern agriculture has played and will continue to play an important role in environmental preservation.

The world has virtually no other strategy as cost effective as modern agriculture for protecting human lives from famine, and wildlands from the expansion of low-yield, environmentally hazardous farming systems. In short, politically correct agriculture will not feed the vast majority of the world's population. Organic farming and 1950's style so-called low input agriculture, will not feed the next century's growing population.

The overwhelming majority of American and world consumers are fed by conventional farmers and livestock producers. These farmers employ the latest technologies to improve production efficiencies. At the same time, they strive for maximum crop yields and livestock production in the daily struggle to produce more food for more people with fewer natural and financial resources. Increased production and new products must be the hallmarks words of American agriculture in the 21st century.

We don't have to look far to understand that new technologies and advances in production agriculture will play a critical role in the next century—and that production agricultural research will have to keep pace. The increasing human population throughout the world, as well as the rising wealth and improving diets of persons in developing countries, are driving a major surge in world food requirements.

The United Nations estimates the world's population could climb from 5.6 billion people last year to more than 9.8 billion people by the year 2050. The planet's population is projected to grow by about 85 million people a year for two or three decades. Ninety percent of that will occur in the Third world, doubling demand for food there by the 2025.

High-yield agriculture has already proven to be an environmental success by increasing food production from the safest, most productive, most environmentally sound crop lands. The first and foremost issue of long-term agricultural stainability is preventing the plowdown of the world's remaining wildlands for low-yield production. High-yield modern conventional agriculture is the most critical factor in preserving millions of square miles of wildlands from the plow. In contrast, low-yield organic farming on a global scale could cost between 20 and 30 million square miles of wildlife—not to mention millions of lives—by the year 2040.

Local environments must also be protected. New precision technologies will further reduce soil erosion and water quality impairment by applying agricultural inputs in an efficient, precise and site-specific manner that will help reduce unwanted runoff and improve surface and ground water quality.

States like Kentucky have been working to address water quality and other environmental concerns within the agricultural community. This legislation will help producers reach that next level of environmental protection. State efforts like Kentucky's water quality plan, along with funding and policies of the new farm bill and precision agriculture technologies, will help provide a safe and clean environment for many generations in the future.

Mr. Speaker, it is my hope that the proposals contained in this bill will be used by the Committee on Agriculture as we reform and reauthorize the research programs in the future.

HONORING ABRAHAM GRABOWSKY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ENGEL. Mr. Speaker, I am proud today to honor a constituent who has contributed so much to the United States, to Israel, indeed to freedom throughout the world through his actions. Abraham Grabowsky is celebrating his 100th birthday in New York, having come from Poland through Texas, Michigan to Palestine, where he served in the Allenby Brigade in World War I. He is the only survivor of that famous unit, which was formed to liberate Palestine from the Turkish Empire. His recollection of Tel Aviv in that time was of a village of "two or three buildings" surrounded by desert.

On his return from Palestine, he worked throughout the western United States before he "decided I missed New York." He settled in the city, married and raised a family. He fought for Israel 30 years before it existed. I am proud to honor him and to have him as a neighbor and to wish him the very best on his 100th birthday.

ANOTHER MILESTONE FOR OZALEE PAYNE AND ROSALEE GEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, 5 years ago I was proud to bring to the attention of my colleagues, the birthday of my aunts Ozalee Payne and Rosalee Gee. On Monday, July 15, 1996, they will celebrate their 80th birthday.

The bond that keeps sisters close is a special one. When the twins were born 8 decades ago in what is now Monticello, FL, their two older sisters, Laura and Sallie, took care of them while their mother recuperated. Laura took care of Rosie, while Sallie was in charge of Ozie. Until my Aunt Laura was moved to a nursing home a few years ago, all of the sisters lived in their own apartments in the same building in Newark, NJ. They were always close enough to help each other and enjoy each other's company, yet distant enough to lead their separate lives and enjoy their own interests.

The protection and nurturing they showed each other extended to those of my generation. My mother, Norma Garrett Payne, died when my sister (Kathryn), my brother (William), and I were small children. As you can imagine, our mother's death was devastating to us. Our father's job prevented him from being with us as much as he felt he needed to be. To solve some of the problems, my brother and I went to live with Aunt Rosie and our late Uncle Richard while our sister lived with Aunt Sallie and our late Uncle William. We were eventually brought together—our grandparents, the late William and Ollie Payne Williams, bought a three-family house and the families moved together. It was during these times that our grandmother and aunts had the greatest impact on our value system. We had a Christian upbringing and were taught to take care of and respect each other. Our late father, William E. Payne, was ever grateful for their help. When my wife, Hazel, died when our children were small, the cycle repeated itself. I had the help of my brother and sister and aunts in protecting, nurturing, and teaching values to my son, Donald, Jr., and my daughter, Wanda. I am ever grateful to them.

Mr. Speaker, a loving and supportive family is wonderful. This weekend our family is gathering to celebrate the birthday of our aunts. As we count our blessings for still having them in our lives, I am sure my colleagues will want to join us as we say "Happy Birthday Aunt Ozie and Aunt Rosie".

TRIBUTE TO JOHN DAVID DEBOER II

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding scout, John David DeBoer II in achieving the rank of Eagle Scout.

The Boy Scouts of America, Troop 3 presented John DeBoer with the Eagle Scout Award at the All Saints Episcopal Church in Western Springs, IL on Sunday, June 23, 1996 in the presence of his fellow troop member, his parents, family and friends.

The Eagle Scout Award stands for honor which is the foundation of all character. It stands for loyalty and without loyalty, all character lacks direction. Finally, the award displays courage, which gives character force and strength.

Mr. Speaker, I congratulate John and his parents for the many years of participation in the Scouting program. The Boy Scouts of America has proven to develop a solid foundation for many of our youths, all over this fine country of the United States.

MIDDLETOWN FIRE POLICE OF MIDDLETOWN, NEW YORK, CELEBRATE 100TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GILMAN. Mr. Speaker, it gives me pleasure to recognize the Middletown Fire Police of the city of Middletown, NY, on the occasion of its 100th anniversary. The Middletown Fire Police was organized on May 12, 1896. In their constitution, they bound themselves to uphold law and order and faithful performance.

Throughout the past 100 years, the Middletown Fire Police has dutifully detected and prevented fires, assisted the fire department, aided the police department, and protected the safety of citizens. Through its service, the fire police makes possible the incredible work of the Middletown Fire Department. During fire emergencies, the members of the fire police are vested with all the duties that the fire chief sees fit. In addition, they are authorized to act as special officers of the police department whenever the mayor determines it necessary. As special officers, the fire policemen have all the powers and duties of police officers. In this capacity, they further help and protect the members of their community.

The Middletown Fire Police has a long history of dedicated service to its community. By taking on diverse duties, it has provided the citizens of Middletown with greater safety. It has become an integral part of the Middletown community by providing these services.

Mr. Speaker, 100 years after its inception, the Fire Police still dutifully upholds law and order and faithful performance. Along with our community, I am grateful for their service and steadfast dedication to the ideals set forth in its constitution a century ago. I am pleased to take this opportunity to honor the Middletown Fire Police for all that it has done for our community, and I commend all of the members for their hard work and commitment.

25TH ANNIVERSARY OF THE HANDICAPPED ADULTS ASSOCIATION OF CO-OP CITY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ENGEL. Mr. Speaker, handicapped people are a significant part of our population and a group which deserves our support as they strive for independence. The Handicapped Adults Association of Co-op City in the Bronx is an organization of individuals which has done much to achieve that independence.

HAA was organized in 1971 by individuals who saw the need to unite the fragmented, disabled adult population. They sought to make the changes necessary to improve life for the disabled everywhere. These valiant people worked for adequate public transportation, housing, and employment. Their work has borne fruit in the Urban Mass Transit Act, mandating accessible public transportation, and the Americans with Disabilities Act. I want to join all of my neighbors in Co-op City in congratulating HAA on its 25th anniversary and for its many accomplishments.

TRIBUTE TO THE HONORABLE JOHN S. WATSON, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, on June 29 while we were back in our districts for the Independence Day District Work Period, the State of New Jersey lost one of its champions, the Honorable John S. Watson, Sr. A man of many firsts, he chose to use his experiences, talents, and resources to serve the public.

Mr. Watson served six terms in the New Jersey General Assembly beginning in 1981. He served on the assembly housing and urban policy committee and the assembly appropriations committee. His diligent work on the appropriations committee resulted in Mr. Watson being named assembly minority budget officer. In 1992, he was appointed chairperson of the assembly appropriations committee, making him the first African-American legislator to hold such a position.

His tenure in the assembly afforded him the opportunity to author numerous appropriations committee resolutions funding programs in housing, arts, health, education and human services. He sponsored legislation establishing a set-aside program for the acquisition of African-American art—the first in the Nation's history. He also sponsored legislation creating the New Jersey Pre-College Program for High School Students and the Minority Opportunity Skills Training [MOST] Program. He was also responsible for the legislation which permanently established the State's Martin Luther King, Jr., Commemorative Commission.

Prior to his service in the general assembly, Mr. Watson served ten years on the Mercer County Board of Chosen Freeholders. I had the privilege of meeting him when I served on the Essex County Board of Chosen Freeholders from 1972 to 1978. Mr. Watson was first appointed to the Board in 1970, where he became the first African-American to be elected freeholder in the history of Mercer County. He went on to become the first African-American to serve as president of any Freeholder Board in the State of New Jersey. He became an active member and leader of the New Jersey Association of Counties and the National Association of Counties.

In 1992, Mr. Watson used his knowledge of the State, its leaders and his coalition-building skills to create the New Jersey African-American Political Alliance. I am honored to serve as chairman of the alliance which is a statewide coalition of political and other leaders that works to influence decisions that affect our communities and secure equity in the political arena. Mr. Watson served the organization with distinction as a vice chairman and was an integral part of many of our successes.

He not only served the people of New Jersey through his legislative work but he was active in many civic organizations including the Trenton Branch NAACP, Junior Achievement, New Jersey Juvenile Delinquency Commission, Trenton State College Equal Opportunity Fund [EOF] Community Advisory Board, and the Delaware-Raritan Canal Commission.

Mr. Watson's work and accomplishments have not gone unnoticed. He holds an honorary doctorate of laws degree from Richard Stockton State College, Pomona, NJ. The Edison State College Institute for Public Policy in Trenton, NJ, was renamed the John S. Watson, Sr., Institute for Public Policy. The newly constructed community center of the Patton J. Hill School in Trenton, NJ, was named in honor of Mr. Watson.

Mr. Speaker, I am sure my colleagues will want to join me as I pay tribute to a man of conviction, commitment and achievement, and offer my condolences to his four children, eight grandchildren, and two great-grandchildren.

TRIBUTE TO VETERANS OF FOREIGN WARS, PALOS PARK MEMORIAL POST 4861

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the VFW Palos Park Memorial Post 4861 on the occasion of their Remembrance Day. I was able to attend this moving ceremony which was filled with tributes of those who have bravely fought the overseas battles of this country and pledged themselves to defend human rights in time of peace and war. It was an honor for me to speak in front of these great crusaders.

The members of the Veterans of Foreign Wars embody the highest ideals held to man, courage, constancy, and service. The Cross of Malta, the official emblem of the VFW, was selected as their emblem because it was the emblem of men who fought to free the oppressed. Additionally, these men have made a committment to administer to the sick and needy. For the men of the VFW, the Cross of Malta continues to symbolize the pledge of the original crusaders who pledged to defend human rights in time of peace and war. The VFW continues to honor the pledge of the original crusaders in all that they accomplish. Today, the VFW fulfills their vows of honor by giving aid to worthy comrades, offering a helping hand to widows and orphans and defends the right to life, liberty, and happiness. The admirable qualities that the VFW members embody are truly worthy of recognition.

I would like to pay special tribute to the officers for 1995–96, Gerald E. Brown, post commander; Jack Westberg, past commander; Robert E. Elli, Sr. vice commander; Leon H. Tursky Jr. vice commander; Ted Karamanski, adjutant; Art Mitchell, quartermaster; Ernest Graul, chaplain; Peter Pragit, officer of the day; John A. Barun, service officer; and the trustees, Michael J. McMahon, Arthur Koren, and Walter Fieroh. Additionally I would like to pay tribute to the speakers of this event, Norm Busch, Congressman HARRIS FAWELL, Patrick O'Malley, Jack O'Connor, and the Honorable Donald H. Jeanes, the Mayor of the Village of Palos Park.

Mr. Speaker, I commend the Veterans of Foreign Wars of the United States, Palos Park Memorial Post 4861 on their Remembrance Day ceremony and wish them continued success in all their endeavors.

RECOGNIZING BRIG. GEN. PAUL D. MONROE, JR. FOR OUTSTANDING ACHIEVEMENTS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the outstanding achievement of Brig. Gen. Paul D. Monroe, Jr. of the California National Guard. General Monroe is the assistant adjutant general of the California National Guard's Plans and Mobilization Office and has demonstrated excellence in both his military and community work.

General Monroe began his military career in 1957 upon enlistment into the U.S. Army. He was released from active duty in August 1960 and enlisted in the California Army National Guard in 1961. While serving in the National Guard, General Monroe has held the posts of second lieutenant, signal company commander, signal platoon leader, signal battalion staff officer, and assistant operations officer. He has also held battalion staff assignments in the brigades support battalion. He was appointed to his current assignment as the assistant adjutant general for plans and mobilization in 1994 and was promoted to his current rank as Brigadier general in 1995.

General Monroe's military service has earned him numerous distinctions. Among his decorations and awards are the Army Meritorious Service Medal with two oak leaf clusters, Army Good Conduct Medal, National Defense Service Medal, Army Reserve Component Achievement Medal, Armed Forces Reserve

Medal; California State Medal of Merit, and the California Service Medal.

In addition to being a highly decorated military officer, General Monroe has also been an active and valued member of his community. He has chaired the bay area chapter of the March of Dimes and has also volunteered his time with the Easter Seal Foundation, Boy Scouts of America, National Guard Association of the United States, U.S. Army War College Alumni Association, American Business Association, and the Association of Public Administrators.

General Monroe has done an outstanding job of serving our country and local community. His efforts are praiseworthy and he should be commended for all his community and military achievements.

THE CATTLE INDUSTRY IMPROVEMENT ACT OF 1996

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. POMEROY. Mr. Speaker, I rise today to join my colleagues in introducing a vital piece of legislation designed to restore competition and fairness to our Nation's livestock producers. The Cattle Industry Improvement Act of 1996 represents the results of suggestions from farmers and ranchers from across the country and especially North Dakota. This bill consolidates the efforts that have been underway to address the livestock market conditions that have cattle producers receiving the lowest price for their livestock since the Great Depression. In North Dakota, farm income levels have dropped over 20 percent over the past year, mostly due to drops in livestock prices. Congress must act now to preserve a way of life that has been a backbone of this Nation since its beginning.

First and foremost, this bill seeks to lift the cloak of darkness that surrounds so much of the beef industry today by limiting noncompetitive captive supply arrangements and mandating price reporting for cattle sold in the United States. Supply and demand in the free market cannot work if the prices for the majority of cattle slaughtered in this country are never reported. Information is power and our ranchers should have access to the same price information as the giant packers. This bill would give the Secretary of Agriculture explicit authority to require price reporting on all cattle transactions.

Another provision of this bill would require the Secretary of Agriculture to develop a labeling program to let consumers know the origin of the beef they purchase at the meat counter. This bill would require beef of American origin to be labeled as such. Consumers can go to the store and know where their shoes, shirts, and toys come from but not their beef. American consumers want to help their rancher neighbors but right now consumers have no idea if their meat comes from Dickinson, Canada or Mexico.

This bill also directs the Secretary to make funds available from the fund for rural America to new value-added cooperatives designed to help producers access new markets. These cooperatives are examples of a new pioneer spirit taking root across the Nation to produce high-quality beef products and carve out high-value niche markets. This bill would give them a financial boost to make these ventures a reality.

The most important aspect of this bill is that it represents a bipartisan effort to help out the Nations struggling livestock producers. The bill enjoys support from across the political spectrum. This is the right thing to do and the time to do it is now before one more rancher is forced to liquidate his or her herd. I urge my colleagues to support passage of this vital piece of legislation.

FRED WILSON IS HONORED

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Ms. DELAURO. Mr. Speaker, on July 16, 1996, Fred Wilson, Jr., a former civil rights advocate and alderman for the city of New Haven, will be honored with a testimonial dinner. It is my great pleasure to rise today to salute Fred Wilson, Jr.

Fred moved to New Haven from Greenville, NC, in 1950. Upon his arrival, he became involved in the local civil rights movement, leading marches, and fighting to improve the quality of life of New Haven African-Americans. This concern for the African-American community in New Haven led to his involvement in local politics.

His political career began in 1969 when he was elected to the New Haven Board of Aldermen representing Newhallville's 20th ward. He served for three 2-year terms, in many legislative leadership committee positions and was the board of aldermen's first president pro tempore. He was later elected to serve as a representative of the State democratic party to the State Central Committee where he served for 8 years. Finally, he served on the New Haven Democratic Town Committee as co-chairman of the 19th ward for 6 years. He was elected vice chairman of the Democratic Committee and served under Town Chairman Arthur T. Barbieri.

In conjunction with his political service, Fred has been deeply committed to the people of New Haven. He helped create the Newhallville Neighborhood Corporation which organized afterschool programs for area children. This is only one example of the way Fred has engaged himself in the process of improving the quality of life for New Haven and Newhallville residents. He has always focused on how redevelopment and city improvement projects would work for the residents.

I am very pleased to join Fred's friends, former colleagues, and family as they honor his lifetime of service to the city and people of New Haven.

TRIBUTE TO BRIG. GEN. PAUL D. MONROE, JR.

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. DELLUMS. Mr. Speaker, I rise today to recognize Brig. Gen. Paul D. Monroe, Jr., on the occasion of his retirement from the California National Guard following 38 years of distinguished patriotic service.

General Monroe's military career began in 1957, when he enlisted in the U.S. Army. He was released from active duty in August 1960, and enlisted in the California Army National Guard in January 1961. He was accepted to the Infantry Officer Candidate School in February 1962, and was commissioned a 2d lieutenant on May 1, 1962.

In the 3½ decades since, General Monroe served the California National Guard in a variety of roles. His rise through the ranks of the California National Guard included several staff assignments with the office of the adjutant general. He was appointed to his current assignment as the assistant adjutant general for plans and mobilization in 1994, and was promoted to his current rank of brigadier general on July 28, 1995.

General Monroe has been liberally decorated for his military service. He has been awarded the Army Meritorious Service Medal with two oak leaf clusters, the Army Commendation Medal with oak leaf cluster, the Army Good Conduct Medal, the Armed Forces Reserve Medal, the California State Medal of Merit, and the California Service Medal.

General Monroe has been equally active within the community. This includes work with the Bay Area Chapter of the March of Dimes, the Easter Seal Foundation, the Boy Scouts of America, the U.S. Army War College Alumni Association, and the University of San Francisco Alumni Association.

General Monroe has served the California National Guard with great distinction and has earned our respect and gratitude for his many contributions to our Nation's defense. I join with his colleagues in bidding General Monroe a fond farewell and wish him the very best as he moves into the next phase of his life's work and enjoyment.

A lifelong resident of Berkeley, CA, Brig. Gen. Paul D. Monroe, Jr., provides a shining example to the Ninth District and to the Nation of service to colleagues, to community, and to country.

QUINCENTENNIAL OF CORPS OF SURVEYORS OF PUERTO RICO

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ROMERO-BARCELÓ. Mr. Speaker, in 1996, the Institute of Surveyors from the College of Engineers and Surveyors of Puerto Rico [CIAPR] and the Puerto Rican Association of Surveyors will celebrate the 150th anniversary of the enactment of the law which created the Corps of Puerto Rican Surveyors. On

January 1, 1846, Mr. Rafael Aristegui, Count of Marisol and Governor of Puerto Rico, signed this historic law which was one of the first laws that regulated land development in Puerto Rico and which also established the professional responsibilities of surveyors in Puerto Rico. Since that time, Puerto Rican surveyors have played a significant role in the development of the Island.

Mr. Speaker, as the Congressional Representative of Puerto Rico, it is my pleasure to pay tribute to all Puerto Rican surveyors who have helped define the land development of the island, as well as build their profession into a widely recognized one with a solid reputation. I extend my thanks and appreciation and congratulate those surveyors who today continue in the tradition of their ancestors. Mr. Speaker, I know that you and all our colleagues join me in wishing all surveyors in Puerto Rico continued success in the years ahead.

INTRODUCING THE WORKPLACE FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combatting discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piecemeal approach to discrimination law by adding special categories to those now protected under title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequence of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines factors pertaining to job performance, which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State, or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff, the employee or prospective employee, than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supercede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

HONORING WILLIAM GRAHAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ENGEL. Mr. Speaker, William Graham has been helping others since his days in the U.S. Army when he served as chief social work specialist in Fort Dix. After leaving the Army he continued in social work in New York City where he is currently supervisor of intake for non-secure detention for the Department of Juvenile Justice.

In his community he is president of the Bronx-Westchester Livingstone College Alumni Association, treasurer of the trustees board and member of the Board of Stewards of the Metropolitan African Methodist Episcopal Zion Church, treasurer fo the Runyon Heights Men's Club Church and a member of the National Association for the Advancement of Colored People. He has been a celebrity chef for the YWCA for 9 concecutive years contributing greatly to the success of that program. He and his wife have a daughter. He has truly earned the title "Man of the Year" from the YMCA.

CONGRATULATIONS RICHARD GEE ON INDUCTION INTO THE NEWARK ATHLETIC HALL OF FAME

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pride to inform my colleagues of the induction of my cousin, Richard Gee, into the ninth annual Newark Athletic Hall of Fame. I am especially proud of Rick's swimming prowess because he was taught by his mother, my Aunt Rosie. Rick was great high school varsity basketball material, however, he chose swimming as his competitive sport.

During Rick's high school career he was an outstanding freestyle swimmer. After his graduation from Newark's Central High School in 1952, Rick attended Howard University on a swimming scholarship.

He was cocaptain of the Howard University swim team in his sophomore, junior, and senior years. He won 12 Central Intercollegiate Athletic Association [CIAA] championships. Rick also won the Outstanding Individual Swimming Award in 1954, 1955, and 1956. In his senior year, Rick was named the winner of the White Blazer Award, Howard's highest athletic award.

After graduation from college, Rick joined the U.S. Army where he continued his swimming career. In 1958, he won three freestyle championships for the Army.

Rick has been a member of the U.S. Master Swimming Association since 1985. He is listed as one of the U.S. Masters top swimmers in three individual events in 1986. He was also a member of two national relay teams and won individual events in 1987 and 1988.

Rick's induction into the Newark Athletic Hall of Fame places him among such greats as Leon Day, Larry Hazzard, Marvin Hagler, Monte Irvin, Rick Cerone, Ray Dandridge, Al Attles, Allie Stolz, and Moe Berg.

Mr. Speaker, I am sure my colleagues will want to join me as I offer my congratulations and best wishes to Richard Gee.

DAVID ELLIOTT, SHANNON SHINKE, HAWAII YOUTH CHALLENGE CORP MEMBERS HONORED

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor two outstanding members of the Hawaii Youth Challenge Program, corp members David Elliott and Shannon Shinke. In their winning entries of the "Do the Write Thing" essay contest, David and Shannon answered the question "What can I do about the violence in my life?" They addressed a complex issue with eloquence and fresh insight. In "Time to Make a Change," David Elliott urges action and education to combat apathy and violence. "Family vs. Violence" by Shannon Shinke explores the problem of youth gangs and encourages strength in the family unit. I join with the Hawaii Youth Challenge Program to commend corp members David Elliott and Shannon Shinke for their accomplishment. Their essays are as follows:

TIME TO MAKE A CHANGE

(By David Elliot)

As I was growing up I moved around a lot. I lived in many types of neighborhoods. I was influenced greatly by violence. I remember seeing fear in the eyes of those who had been abused and violated. I remember seeing my own family devastated by violence. During my early teens I saw the murder of my best friend. It was a stray bullet from a gang dispute. I sat there with my friend in my arms, I didn't know what to do. One minute we were joking and laughing; the next, he was gone.

I will never forget it. Every time I think about it I get disgusted. To think, that a death of an innocent person was caused by anothers violence. What is violence? The American Heritage Dictionary states, "Physical force exerted for the purpose of violating, damaging, or abusing". To me violence means ignorance, it means you don't know how to deal with problems. Who shall we blame it on? No one but ourselves. No one else, not poverty, not our environment, not influences, not pressures are to be blamed. I have learned throughout my life that violence affects everyone and it needs to be resolved.

Unfortunately violence is growing. On TV it is glorified; on the streets it's magnified. So what can we do? We cannot sit down and pretend it will go away or ignore it. We as a community must organize together to fight for unity as the key. And we cannot ignore the fact that apathy is the reason it continues to grow. If people would learn to care enough to make the effort, to do what's right, we can bring about change. That effort comes from a desire in our hearts.

For my life I have decided to obtain that desire, to make that effort, so that I may feel the satisfaction of seeing a persons eyes change from fear to happiness, to know that we have been freed from the chains of violence.

I will first put on the helmet of knowledge and educate my mind, so that my mind wouldn't be deceived or battered by ignorance. I will then be well aware, and have full understanding. With this tool, I will learn positive non-violent ways of dealing with conflicts. Then I will put on the breast plate of courage; to do what's right, and protect my heart from fear. I will also carry the shield of caring, this will keep me protected from the arrows of dispassion. Then, finally I would arm my self with the sword of education, this is what I will use to fight against our enemy, violence, and win.

With this armor we must fight for the release of these chains of apathy. Most importantly we must fight for our young generation, for our future. We must fight to keep their minds and hearts lighted by knowledge, and not deceived by the darkness of ignorance.

I would help communities come together and learn how to raise their young by living as good example. Learning that conflicts are never settled, or solved, but worsened with violence.

We as a universal family no matter what race, creed, or experiences, need to realize that violence will destroy us all, and realize that it needs to be conquered. We need to fight against the false glory that TV portrays violence to be. We need to fight against letting our children be influenced by the negative dispassion of this society and our poor examples as leaders and followers in our community. And most of all, let us fight against the apathy which kills because it does not care. And lets stand up, get up, fess up, never give up, let up, or lose hope for a better tomorrow. Let us fight, fight to care, fight for what's right, for today and the many tomorrow's to come.

FAMILY VS. VIOLENCE

(By Shannon Shinke)

At home one night
My mother suddenly dropped by
She looked at me and my father
And she started to cry
Then she told my father
Your son is now dead
All feelings of panic
Just rushed to our heads
How could this happen
He was just here today
But after he went out
Gangster games he went to play
She said he was in a lot of trouble
He was fighting in a big gang fight
They were all out to kill
And the quickness of a bullet got him tonight
He had to be down
He had to prove he was hard-core
He just didn't realize
What he was living for
I always told him
Be careful of what you do
If you mess with the wrong people
Someday it'll catch up to you
He didn't take me seriously
He just wanted to play
Never a thought of dying
But he's dead today
I wish I could turn back time
And put some words in his head
If he wasn't in the gang
Right now he wouldn't be dead
At his funeral
I prayed to God in my head
I wished he was still alive
"But it's too late", God said
Dear Lord please bless my mom and dad
Who have broken hearts full of pain
Please help them to be strong
Because they are going insane
They lost their little child
From the wild life he desired
All this gang life now days
Everyone's playing with gunfire***.

Today gangs are a big part of our everyday lives. When kids have problems at home, they tend to turn to gangs which become their families. Some gangs, when they fight with their rival gangs, tend to be trigger happy. Life is so precious, but they just don't realize that. So many of today's youth are in gangs and not realizing how much trouble they are getting into and how much they are hurting their loved ones. They don't take death seriously until they are in that situation. Then they start to think that they don't want to die. They can go out and shoot and stab others, but they think that they're too good or too fast for it to all come back to them.

I think if parents were around more and spent more time with their children, this world would be less corrupted. Most kids in gangs have little or no relationship with their parents. From early childhood, parents need to raise their children in a positive environment. Some parents are hooked onto drugs and alcohol and they abuse their children. Their children adopt that type of lifestyle. Some parents can't handle the responsibilities of being a parent and they leave their children to grow up on their own. To stop violence, children need good role models.

SENATE—*Friday, July 12, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, our help in ages past and our hope for years to come, we thank You for Your mercy and blessing toward the United States throughout our history. Hear us as we seek Your continued guidance in our day. May the women and men of this Senate be so sensitive to Your grand vision for our Nation that they will be a conscience to our citizens calling them back to You. Give these leaders soundness of judgment, courage in their decisions, and a united zeal to serve You together. You have warned us that a kingdom divided against itself cannot stand. Help us to affirm that those things on which we agree are of greater value than those things on which we differ. As we work together, deepen our understanding of one another's needs and enlarge our respect for one another's opinions. Make us one in the common cause of justice, righteousness, and truth. We all commit ourselves to the work of government for the honor and glory of Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning, there will be a period for morning business until the hour of 12:30 p.m., with Senator COVERDELL of Georgia, or his designee, in control of the time between now and 11 a.m.; Senator FORD in control of the time from 11 a.m. to 12 noon; and Senator DASCHLE in control from 12 noon to 12:30 p.m.

Following morning business, the Senate will adjourn until 9 a.m. on Tuesday. No rollcall votes will occur during today's session, and the Senate will not be in session on Monday.

When the Senate reconvenes on Tuesday at 9 a.m., under the provisions of rule XXII, a live quorum will begin at 10 a.m.

Following the establishment of a quorum, there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. If cloture is invoked on Tuesday, it is the leader's hope that we may proceed in short order to the consideration of this important legislation. If cloture is not invoked, there will be a cloture vote on the Defense appropriations bill.

In that we have lost valuable time during the consideration of the Defense bill, the leader hopes that all Senators will cooperate and allow us to finish that matter and move on with the appropriations process.

I ask unanimous consent that the Senator from Iowa be granted up to 6 minutes, not to be counted against the controlled time under my jurisdiction.

The PRESIDING OFFICER (Mrs. HUTCHISON). Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I thank the Senator from Georgia.

PULSE CHECK ON AMERICA

Mr. GRASSLEY. Madam President, the Office of National Drug Control Policy recently released the latest "Pulse Check" on drug use and drug abuse in America. The "Pulse Check" provides an opportunity to see what is happening with drug use in markets across the country. The news is not good. Other Senators and I have spoken often on this floor at the alarming trend in drug use. We have told the Nation that drug use is rising; that drug users are getting younger; and that the drugs are getting stronger and more dangerous.

We are heading down a dangerous road. "Pulse Check" does not report on trend lines. Instead, it provides a snapshot of what is happening, a road sign to what lies ahead. Here is what the most recent "Pulse Check" shows:

Heroin is gaining in popularity in many areas of the country. We are seeing higher purity and lower prices. The increased purity has allowed new users to avoid using needles. The result is increased use and popularity. In some areas, cocaine and crack dealers are being pressured by their South American distributors to diversify and also sell heroin.

The news on cocaine and crack use is also disturbing. While use remains stable throughout most areas of the country, availability remains high. Prices are fairly stable throughout the United States. Although it is losing some of its appeal in southern California, New York, and Colorado, it is gaining in popularity in areas in Texas, Delaware, Georgia, and Washington, DC, especially among female drug users. This supports recent reports that drug use no longer has a gender gap.

Perhaps the most disturbing news of all, marijuana use is up all over, especially among younger users. This is particularly disturbing in light of marijuana's role as a gateway drug. As a recent study by the Center on Addiction and Substance Abuse shows, the earlier someone starts using marijuana, the more likely they are to move onto harder, more dangerous substances. Perhaps the first sign of this occurring can be seen in reports of increasing incidence of marijuana cigarettes laced with crack or PCP or even embalming fluid. "Pulse Check" reports that these marijuana users are generally younger and represent the gamut of socioeconomic groups. Also, the quality of marijuana is higher than previous years. This means a much stronger drug is available today than was available during the last drug crisis.

Besides these three more traditional menaces, methamphetamine use continues to rise in the West and Northwest, and is headed toward the east coast. It was once considered mainly a biker drug and found mainly in the Southwest. Now, Mexican organized crime organizations have moved in and are incorporating this new product into their existing networks for cocaine and heroin. Meth is a drug which can be injected, inhaled, or made into pills. It appeals to wide variety of users. Earlier I mentioned that cocaine was losing some of its appeal in southern California and Colorado, where it has developed a lowlife reputation. "Pulse Check" reports that in its stead, methamphetamine has moved in and has become the new hip drug.

Even though little of this makes the nightly news, there is an alarming story to tell here. Perhaps the only one of these dangerous drugs that is getting as much national press coverage that it deserves is Rohypnol. As the DEA works toward rescheduling this date rape drug into the same category as LSD and heroin, it is becoming increasingly prevalent in the Southwest and Mid-Atlantic region. Senator BIDEN first warned us of the coming threat of this powerful sedative. And it is a growing problem.

Other so-called club drugs continue to rise in popularity, as well as so-called natural products found in health food stores and mail order catalogs. Often these natural products contain ephedrine—one of the key components of methamphetamine—and they induce similar effects. These drugs are especially popular among younger drug users. They are marketed by comparing their effects with those of other street drugs, and portraying them as health supplements.

This is what is happening now. The "Pulse Check" gives us a feel of where we are at in the fight against illegal drug use. We are still on the same downward spiral that we have been on since 1992. Drug use is climbing, acceptance is climbing, and all of the associated problems and difficulties are climbing.

The sad part is, this comes after years of declines in drug use. From 1979 to 1991, drug use fell dramatically. We were winning the fight for the future of our children. For some reason, we seem to have hit a roadblock in this success. We have moved off this successful road and have found an hauntingly familiar course where drug use numbers are again headed in the wrong direction.

Some have said that raising this concern is merely partisanship, playing politics. But kids using drugs is not political. Rising incidence of drug use is not political. Talking seriously about the drug problem in America is not partisan. It is an exercise in responsibility. I would welcome the President to come out and say "Drugs are bad. Don't do drugs. If someone offers you a joint, if someone offers you a snort of cocaine, just say no." Unfortunately, after a few public remarks on the issue, the President has, once again, lapsed into silence. We have had a stealth drug policy. It is clear, however, that this approach has simply not worked.

But let's not mistake criticism for partisanship. Since 1992, teenage drug use has surged. Acceptance of drug use by teens has also risen dramatically. These are not partisan conclusions. These are the facts. Modern music, movies, and even clothing depict drugs as "hip." This is a radical change from the eighties when the message was loud and consistent: "Just say no!"

Here in the Capitol, both sides of the aisle have spoken often on this issue. Many have issued the warning that we must change our message now. There are 39 million members of the "baby bust" generation who are beginning to face the choice of whether or not to use drugs. They will be faced with the choice of saying no, or trying drugs that are more potent and more addicting than what was available before. When this generation looks around to see what their leaders are saying, we need to be there loud and strong. We have been down this road before. And we know what strong leadership can accomplish. From 1979 to 1992, drug use fell at a fairly steady pace. It was not always a smooth ride, but we were headed in the right direction.

Congress, too, needs to do its part. We cannot be satisfied with rhetoric and hearings. I would encourage my colleagues to support the drug czar's proposal to reprogram $250 million from the Department of Defense to the Office of National Drug Policy, as well as increased funding for the International Narcotics and Law Enforcement Effort at the State Department.

Madam President, we need to get back on the right track. Congress needs to do its part and support funding. In March we started along this path with a $3.9 million appropriation to restaff the Office of National Drug Control Policy. We should continue by supporting the reprogramming of $250 million I just mentioned from DOD to the counterdrug effort. And I would hope that the President would join us in support and show some leadership by speaking out more on the dangers of drugs and drug use.

In closing, I hope that when the next "Pulse Check" on drug use is released, I will have some good news to share with my colleagues. Unless we change directions, without a change in message, and without a show of strong moral leadership, I fear this will not happen.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

GETTING AMERICA'S BUSINESS DONE

Mr. COVERDELL. Madam President, we heard a really stern leader yesterday talking to both sides of the aisle and to America about getting the job of America's business done. I think he made a very eloquent case in delineating the strategy on the other side of the aisle to bog the Congress down, to keep it gnarled up. At the base of it is a political strategy, and that political strategy is ignoring America's needs and interests.

Just yesterday, the other side brought forth an outline of a program they call families first. But in the 104th Congress they have made American families and America last by stalling and filibustering and dragging their feet on issues that are of enormous interest to the welfare and benefit of millions of American families.

I can think of none more important than health care reform. Getting that done would put American families first. And stalling it and filibustering it is putting American families last.

Madam President, just to recount for a moment what the leader endeavored to move forward on behalf of America yesterday evening, he asked unanimous consent that the Senate insist on an amendment to H.R. 3103 and that the Senate agree to the request for a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

Well, that is a lot of process. What that means is moving forward on health care reform, something that every American family is looking to the 104th Congress to do. And 87 percent of the American public want us to move forward on targeted health care reform, but we are in the 80th day of filibustering by the Senator from Massachusetts. The leader came to the floor and to the assembled body and said, "I ask unanimous consent we go ahead, get the conferees and move forward on health care reform." The other side objected.

The leader then asked for unanimous consent to proceed with the Department of Defense appropriations bill. One of the fundamental responsibilities of the Government, of the Federal Government, is to provide for the defense of the Nation and the keeping and care of our integral defense establishment. The other side objected.

The leader then asked for unanimous consent to move forward with the immediate consideration of the White House Travel Office. As he said here on the floor, in all probability when that legislation finally comes to a vote, it will pass overwhelmingly. The other side objected. The leader asked for unanimous consent to proceed with the legislative matter that the Presiding Officer has had an interest in for so long, the stalking bill. That bill will probably ultimately pass 100 to 0. But for days after days it has been stalled on the other side.

When he asked for unanimous consent to turn to the calendar and bring up stalking legislation, which the Senator from Texas has pursued for so long, what happened? The other side objected.

He asked for unanimous consent that the Senate proceed to the nuclear waste bill. There is probably not a single piece of legislation that has more significance to the environment and the safety of every American than the nuclear waste bill. I mean, we have over half the States that are deeply involved with how to manage nuclear waste. The leader spoke eloquently on the floor before yesterday about the importance of this legislation and the environmental impact it would have on our country. So he asked unanimous consent to proceed to this very important piece of legislation. The other side objected.

He asked, once again, to proceed to the health insurance reform conferees—twice now. There is probably no single piece of legislation that would have such a profound effect on the anxiety of working families in America than untying health care reform. So again he asked for unanimous consent, and, yes, there was an objection on the other side of the aisle.

So here, for all of these important pieces of legislation, it was demonstrated conclusively yesterday that the strategy of the other side is to just bog everything down. America last, politics first.

To reinforce the point that I am endeavoring to make, the number of legislative items having cloture—that means trying to stop a filibuster, Madam President—we in the 104th Congress have 28 times tried to shut off a filibuster.

The minute we return next Tuesday, our first task will be to try to shut down these filibusters from the other side.

The Republican majority has filed 54 percent of their cloture motions on the first day a measure was considered. There was an argument that we have been doing that too often. But the other side, in the 103d Congress, has done it 60 percent of the time. America needs to know, particularly in light of a theme that they are putting American families first, that on 73 occasions they put American families last. They have had 73 filibusters in the 104th Congress on the other side of the aisle. The President has conducted 15 major vetoes of legislation that the 104th Congress sent to the President in response to America calling for major change in America. He vetoed balanced budgets, the President vetoed welfare reform, the President has vetoed tax relief, even after promising tax relief to the middle class. Over and over again, 73 filibusters and 15 vetoes.

Mr. President, we will talk about a few of the filibusters. Unfunded mandates: We began the 104th Congress discussing an issue that had become, nationwide, highly visible. America was saying to Washington, "Quit mandating costs to our local governments." It is like appropriating our property taxes at the local level. The Federal Government would try to fulfill the need of some special interest up here in Washington, send it down to the States and local governments and say, "Here, here is a new program. You pay for it."

Finally, in an unprecedented piece of legislation that was introduced to begin to control these unfunded mandates, wide support, bipartisan support, headed by the junior Senator from Idaho, Senator KEMPTHORNE, Senate bill 1, we had to file four motions to shut off filibusters—four of them—and then when we finally got it to a vote, it was 98 to 2—98 to 2, overwhelming support for this legislation. Yet, we had to spend 3 weeks, 3 precious weeks, of the 104th Congress and had to, 4 times, try to shut off the filibuster on the other side.

It could not be clearer. It does not take a rocket scientist to understand that from day one, it was the intent of the other side to bog this Congress down. That was their reaction to the 1994 election mandate, drag it out, slow it down, see if we cannot get to another election so that all these changes that were talked about in the 1994 elections could somehow be throttled or choked. Maybe it is just an interim phenomena and America will forget all these changes of wanting unfunded mandate control, taxes lowered, and welfare. Maybe we can get by by stalling and keeping that from happening. We will have 73 filibusters. We will veto all this legislation and see if we cannot get through it.

The balanced budget amendment, balanced budget amendment, House Joint Resolution 1, we had to try three different times to shut off the filibuster before we could actually get to a vote. I can go on, from product liability to interstate waste.

Try this one: Antiterrorism. We had to even cut off a filibuster on antiterrorism before we could get to that bipartisan proposal. Welfare reform, the Cuban Liberty and Democratic Solidarity Act took three attempts—three—to bring that to a vote. Then, after a tragic occurrence, the President wants the legislation to sign. Time and time again, 73 times.

The President, as I said, has vetoed 15 propositions. Product liability was one, something the whole country has been endeavoring and calling for, product liability reform, the debt ceiling limit, the Balanced Budget Act, welfare reform—twice shut it down, stall and see if we cannot get to another election.

There was a story by Carolyn Lockheed, the Washington bureau of the Chronicle, appearing July 8. She says: "For Democrats, the hope is to deprive Republicans of any accomplishments." Now, is that putting American families first, or is that using all of this legislative time of the 104th Congress for political strategy? If you are going to put American families first, you are not going to have 73 filibusters and 15 vetoes and veto balanced budgets and tax relief and welfare reform. She says, "For Democrats, the hope is to deprive Republicans of any accomplishments."

Taking a page from the Republican playbook, unified Senate Democrats are filibustering or otherwise blocking and delaying almost anything that threatens to move. She says that the Senator from Massachusetts has succeeded in discombobulating the Republican majority with the bill to raise the minimum wage and has led the fight to stop—stop—the hugely popular health insurance reform legislation he cosponsored with Kansas Republican NANCY KASSEBAUM.

I might just say, Mr. President, on this issue of health care reform, the Senator from Massachusetts often indicates the reason he is into his 80th day of filibustering a bill, that millions of Americans are suffering because it is not the law, the reason he says he is doing it is because we have a possibility that a conference report would include medical savings accounts, and that is just not the right thing to do because it was not in the Senate version, but it is in the House version, Madam President. It is in the House version. That is what conference reports are about, to work out the differences between House and Senate proposals. I guess he is going to filibuster this until he gets some assurance that he can manage what the White House thinks is appropriate for health care reform, and override the fact that almost half the Members of the Senate agree with the House on medical savings accounts.

Madam President, I will talk for a moment about this filibuster that we have from the Senator from Massachusetts on health care reform. That is probably the single largest and most extended filibuster that we have been dealing with. As I said, Madam President, we are into our 80th-plus day.

In the Washington Post, an article quotes a fellow by the name of David Nexon, who is Senator KENNEDY's health policy director, and the quote reads: "If it"—that is the health care reform proposal—"[the Kassebaum-Kennedy health care bill] fails, just a narrow political calculation, it helps us"—that is the Democrat side—"more than them"—that is the Republican side—"because then we can credibly blame the Republicans for killing it."

In other words, again, as I said earlier, American families last. The American workplace is trying to find an insurance environment that is easier for them to deal with, that comes secondary to having a political advantage and being able to blame somebody for the fact that health care reform, which is so needed, could not get passed. Well, I think it is eminently clear that this idea is not going to work. If we do not have health care reform, it will rest squarely on the shoulders of the senior Senator from Massachusetts and this administration because it will be clear, and there will be no mistake that they have been engaged in an extended filibuster over the interests of American families, who are trying to find a better and friendlier health insurance marketplace for them and their spouses and their children.

How about this quote: "Certainly, his views haven't changed."

That is, President Clinton's views. He was addressing an audience of health care executives, hospital trustees, and others, at a symposium sponsored by the Hospital Association of Rhode Island. Ira Magaziner—if we remember, he was, along with Mrs. Clinton, a principal architect of Government health care, a huge Government-run system. We all remember the charts that were shown here on this massive Government takeover of medicine. Well, Ira Magaziner said, "The American public still cries out for a comprehensive health care system, and President Clinton remains committed to this idea. Indeed, the President will try again if a more receptive Congress is ever elected."

Well, that means to try again for a massive Government-run health care program. That brings up an interesting point.

Now, the President promised tax relief to the middle class. Just yesterday, I pointed to the book called "People First," where, on page 15, he promised a middle-class tax cut. But that became virtually a half-trillion-dollar tax increase—the exact opposite of what was promised. Then, yesterday, we had the Families First Program—from People First to Families First. CBO says that could cost another half-trillion dollars. This Government-run health program that America rejected, for which is still harbored hope on the other side to resurrect, that was about another $200 billion in tax increases. The net effect of all of that, I might add, requires that the average working family in America forfeits about another $6,000 to $8,000 of their income to the Government. That is what all this adds up to.

Another quote: "We're going to get this done, and we're going to keep coming back at it * * *. If we can have a big sweep for the Democrats in the House and the Senate, we'll get single payer." That means Government-run health care. Who said that? Well, the senior Senator from Massachusetts said that.

So maybe now it is becoming a little clearer as to exactly why this filibuster is going on. The idea is, do not get the targeted health care reform that Americans have asked for. Let us throttle that and let us see if we cannot stall the 104th Congress, and maybe the American people will change the balance here and we can get back to pursuing our ultimate goal, which is a national Government-run health care program, with massive new taxes to run it, and an opportunity for the Government to be expanded even beyond 50 percent of the American economy.

This is Senator KENNEDY's quote: "I'm strongly in favor of universal comprehensive health care for all Americans." That was Senator KENNEDY on "Larry King Live," May 8, 1996.

Senator KENNEDY's key aide said, "It may be that, ultimately, the effect of our bill is to lead the Government to take further steps to increase coverage and control costs of health care. My boss still wants universal coverage with cost containment * * *."

So from his point of view the foot is in the door and that is a good thing. There can be no mistake that we are engaged in an attempt to throttle targeted health care reform, to stall, and to wait to see if there is an opportunity to move to broader health care reform.

Now, Mr. President, one of the centerpieces of contention that is always brought up about the senior Senator from Massachusetts, Senator KENNEDY, is that the other side, the House, has a proposal called medical savings accounts, and somehow that is objectionable.

Madam President, it has been determined by the General Accounting Office that 25 million Americans could be helped by this targeted health care reform proposal. We need to understand that, in this proposal, there are a number of features that the American public are waiting for. One is that it ensures portability. What does that mean? The health care reform proposal is designed so that the health care insurance can move with the employee if they change jobs. Currently, in the workplace, many of the insurance policies, if the employee wants to move from job A to job B, the insurance stays with the old employer. So they become vulnerable. They have to leave their job, and their insurance does not travel with them. That is a very, very important problem, one which the health care reform that is being filibustered solved.

The proposal fights fraud and abuse. It creates a national health care fraud and abuse control program to coordinate Federal, State, local law enforcement actions. Funding is increased for investigation and prosecution. I do not talk to many citizens, Madam President, that I do not hear a deep concern, usually followed by anecdotal incidents. They know of somebody that got in an ambulance and was taken 300 miles to another hospital and it was at the cost of the insurance or to the Government. They will name some incident they have seen, some bill that they got—a bill that is three times the normal cost. They want us to pursue this fraud and abuse. This health care reform proposal accomplishes that.

Madam President, this legislation will make health insurance far easier to obtain in our workplace, because it deals with the issue of preexisting conditions. It makes it more possible for individuals to get insurance who do not have it. That is an important ingredient. You have many, many Americans today that are worried and concerned that they have a preexisting condition and even though they want to be responsible and they want to obtain health insurance, they cannot do it because they have had a preexisting condition, some health problem in their past.

This measure begins to get at that problem and begins to make it easier for people with preexisting conditions to get their insurance.

Madam President, it also, in the House version, includes a provision for medical savings accounts. This is the issue that the Senator from Massachusetts focuses on. He uses that as the principal reason for his filibuster.

I suggest that my quotes earlier said that there is another reason. He wants to see if he can stall this and block it so that maybe there is another chance to go back to the total Government-run health care system that America says it clearly does not want. It wants the targeted reform, just as I have described. So he has taken this medical savings account and set it out as the red herring, as I would call it.

Just what is a medical savings account? A medical savings account is a great new idea and product for the marketplace. It would lower costs for people trying to get health insurance. A lot of small companies in America do not offer health insurance. A large number of Americans who do not have access to health insurance are employed by the very, very small companies who cannot afford a health insurance program. The medical savings account gets at this target and would take millions of Americans off the uninsured rolls and get them into insurance.

It is a great idea because it basically eliminates the front-end deductible and the back-end copayment and at the same time lowers costs. I am going to come back to that in just a moment and talk some more about medical savings accounts.

We have been joined by the assistant majority leader, the Senator from Oklahoma. I yield up to 10 minutes to the Senator from Oklahoma on this subject.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Thank you very much, Madam President. I compliment my friend and colleague from Georgia for bringing to the attention of the American people issues which the Senate needs to work, and it needs to move forward with the Nation's business. We have found it increasingly difficult because we have been frustrated by the obstructionist tactics by Members of the Democratic Party in the Senate.

The Senate is a great body in which to serve. It is a body that has rules that are open for debate. I like that. It is a body where it is easy to have amendments. You can amend anything. You can have any amendment on any issue. It does not have to be germane. I happen to like that. I will defend that right. It gives the minority enormous power to influence and delay and obstruct. Right now we have seen the minority using a lot of the Senate rules to obstruct, to delay, and to make it very difficult to pass legislation. Unfortunately, a lot of that legislation is very much needed.

We have before the Senate right now for example the Department of Defense appropriations bill. I have been around here a long time. I cannot remember anybody ever filibustering that bill because we all know it needs to pass. We know we need to fund the military. We need to make decisions on how many people we are going to have in the Armed Forces and what we are going to pay them. We need to have decisions made on what we are going to buy as far as airplanes, as far as equipment, as far as munitions, and as far as research and development. We may have differences of opinion on how much, but we have to make those decisions. You cannot make the decision unless you have the bill on the floor.

In this case, we have Senators INOUYE and STEVENS, two of our more respected Members and two of our more talented legislators, who have been totally frustrated for 3 days trying to bring that bill to the floor. They are ready to go to work. I remember seeing both Senators having their notebooks and ready to go to work. That was on Wednesday afternoon. We have yet to have any substantive, real debate on the Department of Defense appropriations bill because a couple of Senators—and I respect their rights—are filibustering that bill because they think this will delay consideration of the nuclear waste disposal bill, which may come up after DOD. So, if they can filibuster and tie up the DOD appropriations bill, maybe that will help protect them as far as the nuclear waste bill. I disagree with that strategy.

I respect the Senators from Nevada, and I respect their right to try to protect their State. But by delaying action on the Department of Defense bill, I do not think they are helping their case one iota as far as Nevada is concerned. That is just the latest tactic. That is rather unusual—very unusual, I might say—to filibuster one bill, particularly a bill as important as the Department of Defense bill, to hopefully influence legislation on the nuclear waste bill, or a bill that is coming subsequently; very unusual in my opinion; not a good tactic, in my opinion; not helpful for the Senate.

The Senate needs to do its work on the appropriations bills. If people have philosophical differences on different issues which they feel strongly about, they have a right to filibuster those, but not really on appropriations bills. It does not make any sense to filibuster appropriations bills. We know we have to pass these appropriations bills. They are all important. They probably all spend money that we should not spend, however, if Senators disagree with the way some of the money is spent, they can have amendments to strike that spending, to reduce the spending or to increase the spending. That is the way the system should work.

We should not filibuster appropriations bills. We should give priority to appropriations bills over many others because we know we have to do that. We have to pass these bills.

Again, we can fight, wrestle, argue, and amend over what the amount of money should be in those bills. But I think all of them agree that we should spend some money in each one of those 13 accounts for appropriations. To date, in the Senate, unfortunately, we have only passed one—military construction. We need to pass the Department of Defense appropriations bill. Hopefully, we will be able to get back to that on Tuesday and move forward.

That is not the only case of obstruction that we have seen from our Democratic colleagues. Senator COVERDELL mentioned the health care bill, the so-called Kassebaum-Kennedy bill. That bill passed the Senate in April by a vote of 100 to 0. The House has already passed it. The normal course of procedure is that we would appoint conferees and work out the differences between the House and the Senate.

We have some differences between the House and the Senate—however, these are not real substantive differences in too many areas. But we need to go to conference to work them out. Senator KENNEDY has obstructed that. He has objected to appointing conferees indicating he would filibuster any effort to appoint conferees. He may well have the opportunity to filibuster it.

I think we need to make a decision. Are we going to allow one Senator to deny us the opportunity to go to conference for final action on a bill that passed the Senate 100 to 0? I think Senator KENNEDY is wrong in objecting to this bill. This bill is an important bill. It bears his name—the Kassebaum-Kennedy bill. It has a lot of provisions that are agreed upon with strong bipartisan support. We made some improvements in that bill as originally introduced.

I remember some of our colleagues saying that we cannot amend that bill, that, if we amend it, we threaten the bill. We did amend it.

We put in a provision that I know is of interest to the Presiding Officer that allows the self-employed to have deductions for health insurance rising from 30 to 80 percent. That is a very important provision, a good provision, one that passed. Nobody objected to it. We included it in the Finance Committee action. No one objected to it on the Senate floor. It must be a great provision. It certainly is common sense. It has some equity for taxes as far as health care is concerned. Major corporations get to deduct 100 percent. Why would a self-employed person only get to deduct 30 percent? It does not make sense. Now at least that is increased to 80 percent. It takes 7 years to get there. But that is a positive provision.

Senator KENNEDY right now is objecting to that provision because we are not able to get this bill to conference. I find that very important. He has objected now for 80 days; almost a record. I cannot find any bill that anybody has objected to longer for appointing conferees. If he wants to filibuster the bill when it comes out of conference, he has that right, and I respect that right. I may not agree with him, but at least I respect somebody who is abiding by the rules. Under the rules, you can filibuster appointment of conferees. That is what he is doing. But what he is doing is denying 25 million Americans portability between group insurance and individual insurance. In other words, if they leave a group—maybe they are working for a company that has health insurance and they are fired, or they quit, or they have to move, for whatever reason, and they want to go into a different plan—this bill says they will be able to move their insurance. They will be able to get coverage either in an individual policy or another group policy.

That is a good provision. It has strong bipartisan support. By blocking the appointment of conferees, Senator KENNEDY is not allowing us to take that up and pass it, and put it on the President's desk and have it become law.

Ostensibly the reason the Democrats are objecting to appointing conferees is they do not like medical savings accounts. The House has a medical savings accounts provision that basically makes it available as an option for, I believe, most Americans. The Senate had a close vote, 52 to 46, on medical savings accounts. We were not successful in having a broad medical savings accounts provision. And so since the Democrats do not want medical savings accounts they have refused to let the conference go forward. Even yesterday, the minority leader, Senator DASCHLE, said if you will give us the medical savings accounts provision or let us define it, then we will go to conference.

That is not the way we do business. If we did business that way, the minority would say, well, we will not let you go to conference until we see the final outcome. In other words, the conference does not make any difference; we will write the final package or we do not have a bill or we will not go to conference.

I disagree with that. That is a crummy way to legislate. That is not good, and we should not let it happen. And, frankly, we are not going to let it happen.

The proposals we have made in an effort to compromise on this bill are several. We have already said that we would drop medical malpractice liability reform that the House had in their bill and we did not have in our bill. We have already said, well, that will be dropped. We dropped purchasing alliances for small businesses. In my opinion, we should not have dropped it, but we did.

So we have made several compromises. On medical savings accounts, we said that instead of making the medical savings accounts open for all people in the country, as I think we should, we will confine it to small business, to businesses with 50 or less, and the self-employed. I think that is a very minimal move toward medical savings accounts. As of yesterday, Senator KENNEDY and others think that is still too generous. They do not want to give self-employed people the right to have a medical savings account or they do not want to give a small business with 50 or less employees the right to start a medical savings account.

What are they afraid of? That it is going to work? Are they afraid they are going to be popular? Are they afraid they are going to take off and be a real success? Frankly, they will be. They will prove you can save money and you can provide an option.

We are not mandating that anybody in America has to have a medical savings account. We are saying that should be an option. And if they choose it, great. If they do not choose it, that is great. It would be their option. It would be another method of obtaining health insurance. Individuals and small companies could decide for themselves where they would take that couple of thousands of dollars a year and say, well, if I do not use it on medical care, I can save if for long-term care.

Madam President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Madam President, I yield another 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. So we would allow small businesses the right to offer to their employees medical savings accounts as an option—not a mandate, as an option—so they could use that money. It would be their money. People are a lot more frugal with their own money than they are with Government money or they are with their employer's money. So there will be savings involved. That is positive. That is good.

What is Senator KENNEDY afraid of, that this is going to work? I have heard him say something about, well, this would be utilized by the wealthy and the healthy. I disagree with that. We had hearings and listened to people, school teachers and others, who really like this opportunity.

The States have given them a small tax advantage. What we would do on the Federal level is allow them to have medical savings accounts, treat it somewhat like an individual retirement account, and if they do not use it for health care purposes, they could use it for long-term health care purposes. If they do not use it today, they would accumulate it. They do not have to use it or lose it. So people would have an incentive not to run up their medical expenses. They could save it and use it, if not this year, next year. They could save it for a real problem in the future or perhaps save it for dental care that their health care did not cover. Or maybe they could use it for long-term health care, which most people in this country do not save for, which makes eminent good sense.

Madam President, I am very disappointed that my colleagues on the Democrat side have objected to appointing conferees on the health care bill which benefits up to 25 million Americans. We should move forward on that bill, and we should move forward on it now.

I appreciate the fact that the majority leader yesterday tried to get unanimous consent to move to the health care bill, and once again, I think for probably about the eighth time, the Democrats have objected. I know that he will be making that motion again on Tuesday. I hope that they will reconsider. I have stated my intention to make sure that we move toward the health care conferees before we appoint conferees on the minimum wage. I think both conferences should be appointed. I do not make any bones about that. Both conferences should be appointed.

We should not be objecting to conferees. We should let the majority will of the Senate go forth. But I do think it is important, for a little leverage, for Senator KENNEDY and others, if they really want minimum wage, they are going to have to allow appointment of conferees on the health care bill. I hope they will see the wisdom in allowing the conferences go forward on both and see that the will of Congress can go forward on two very important issues.

Madam President, again, I thank my friend and colleague from Georgia for his time and also for his leadership on this issue.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the assistant majority leader for his presentation and knowledge on this subject, his assistance in participating in our controlled time.

Madam President, I yield up to 10 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank my friend from Georgia for his leadership and giving us an opportunity to express ourselves on what appears to be the state of the Senate today.

Far be it for me to come over here and argue that it is inappropriate for someone to filibuster, and I will not make that argument. The Senator from Kentucky is familiar with the procedure, has employed it on numerous occasions over the years, to good end, for the Nation.

What I would like to say to my colleagues this morning, Mr. President, is I am not trying to turn the Senate into the House here. I understand the Senate is not the House. We all know from high school civics that in the House of Representatives, if you have a majority, you can run the place. The House of Representatives can be sort of like a triangle, with the Speaker and the chairman of the Rules Committee at the top of the triangle, and with the concurrence of a mere majority the place can be run like a fast train out of the station. The House of Representatives was constructed by the framers of our Constitution to be a place of great passion and quick reaction. That is the way it has always been, and we understand that.

Many people in the House over the years have referred to the Senate as "the House of Lords," with some degree of derision. The Senate was a ponderous place, a place in which things were contemplated for quite some time. And, boy, that is the way it has worked for 200 years, and, in fact, that was the way it was designed. Frequently, we heard the Senate described as the saucer underneath the coffee cup where the coffee sloshed down the cup into the saucer and cooled off.

I am here to object to none of that. I am not in favor of changing the rules of the Senate. I am not in favor of diminishing the rights of the minority. But it seems to me what is going on right now in the Senate is different in several measurable ways from what has been experienced in the past. I could be wrong about this, but I cannot remember in any of the years I have been here in the minority that we tried to stop appropriations bills. It is one thing to attempt to stop, to pull together 41 people to try to do what you think is best for America by stopping a bad piece of legislation.

We saved the country from "Clintoncare," the Nation's most aggressive effort to take over all of health care by the Federal Government through the use of the filibuster. I make no apologies about that. I am proud of that. We stopped the stimulus package in 1993 through the use of the filibuster, saved 20-odd billion dollars in waste. I make no apologies about that. We stopped an effort by the Government to take over all of the political campaigns and snuff out the voices of Americans and hand the check to the Treasury to support political campaigns. I make no apologies for that.

However, never in the years I was here in the minority did we try to stop appropriations bills, the essential element of operating the Government.

It seems to me that is what is going on here; an orchestrated effort on the part of our friends on the other side of the aisle, maybe in conjunction and concurrence with the administration, to simply create a situation where the Government must come to a standstill, and to try to do it subtly, somehow to try to get it done in a way that everybody does not figure out what is going on.

By any standard that is a new low. That is not trying to stop an issue on the merits because you think it is bad for America. That is saying we will not engage in the elementary, basic function of Government for which the Congress remains responsible, and that is discretionary spending. We cannot control interest on the national debt; we cannot control, at least on an annual basis, the entitlements; but the one thing we do do around here every year, at a bare minimum, is the 13 appropriations bills, the fundamental function of Government.

So let me cite an example. I am chairman of the Foreign Operations Subcommittee. It is not a huge amount of money in the grand scheme of things around here, but this year we will be appropriating about $12 billion to pursue America's interests around the world through the use of means other than sending in the troops; another tool for the No. 1 country in the world to pursue its interests around the world without the deployment of troops.

Last year we had nine different votes on the foreign operations appropriations bill in the House and the Senate on the issue of population control, admittedly a very divisive issue upon which Members of this body and the other body are divided, on a bipartisan basis. But finally, after 5 months of ping-ponging this bill back and forth from the House to the Senate, trying to work out some kind of compromise on the population control issue that would bring the President's signature, we were able to do that. The President signed the bill. He signed the bill.

This year I would say, Mr. President, in an effort to secure a signature on the foreign operations bill, the House of Representatives inserted into their version of the foreign operations bill exactly the language that the President signed in February—exactly. It was an effort to reach out to the administration and say, "Let's not have a fight over this issue this year. It was a difficult compromise to achieve last year, so we will just put in exactly the language you signed in February—now."

"Oh, but that is not good enough. What was good enough in February is not good enough now. We will not sign it again. The standard somehow has evolved from February until now."

What is going on here, Mr. President? There is no other conceivable explanation for that, than that the President would like to veto this appropriations bill. We have not sent it down to him yet. Hope springs eternal. Maybe that will not happen. But it is very difficult to deal with an administration that will not stay stuck to any position. These people can change positions in the middle of a sentence, and do—frequently. Why? They are looking for a reason to stop the Government.

Mr. President, that is what is going on here. I do not know whether there is sort of daily coordination between the White House and our friends on the other side of the aisle or not, but the effort here is to do the country harm—harm, by creating a crisis that does not exist. Because we are not arguing, here, in many of these instances, over freestanding policy matters. Although we are having a dispute here on the minimum wage and the health care bill, I want to say to the distinguished occupant of the chair, as someone who has filibustered appointment of conferees in the past myself, I think it was entirely appropriate for the assistant majority leader to take the position that what is good for the goose is good for the gander. If we are going to object to going to conference on health care, then why not object to going to conference on the minimum wage and small business tax bill? I think that linkage is appropriate. I think it makes sense. It seems to me it might bring about a condition where we can pass two bills that at this point clearly ought to pass the Senate and the House.

But what I fear we are going to see here in the next few months, not only on that side of the aisle but also downtown, is an effort to create reasons to not engage in the basic function of Government, which is to pass these annual appropriations bills. I think it is important for the American people to understand what is going on here; basic functions of Government, not big ideological disputes about the future of the country, but the fundamental activity of the Congress.

Hopefully, this will not continue much longer. I commend the majority leader, who is not on the floor at the moment, but I want to commend the majority leader for finally going on and talking about it in public. We have been sort of sensing what has been going on around here. Everybody has been sort of exasperated about it. You kind of hate to admit publicly this body has declined to that level, but it is time to talk about it and I commend him for doing that. Hopefully our public discussion of this will bring about a more cooperative framework for advancing the business of the U.S. Senate.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, before the Senator from Kentucky leaves, he has given us a good civics lesson on the nature of the Senate, with which I agree. I concur that the rules ought not to be changed. But, if I might just make one point that I made before the Senator arrived, the Senator has conducted filibusters, and on very contentious issues for which there were deep divisions. But we opened the 104th Congress on the unfunded mandate bill which passed here 98 to 2, which was filibustered by the other side for 3 weeks. That is a distinction. That was not a filibuster over the issue embraced in the bill. It was a strategic design to thwart the interests of the American people and it is not families first, it is America last.

Mr. MCCONNELL. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. MCCONNELL. The Senator makes a very important point. I thought we wanted to pass a health care bill. This is essentially the same bill we wanted to pass in 1991. I thought they wanted to pass the minimum wage bill. The Senator from Georgia, I think, makes a very important point as to what is going on here. This is not about principle. There is no principle involved here. This is pure sabotage. I thank my friend from Georgia.

Mr. COVERDELL. I thank the Senator from Kentucky and I turn to the distinguished Senator from Texas and yield up to 10 minutes to Senator HUTCHISON of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague from Georgia, who wanted to talk about the gridlock that has come over the Senate, really in the last year and a half. But I think it is beginning to show, because our distinguished majority leader made the eloquent effort yesterday to bring up nine separate bills, and had objections raised to every one of them.

These are bills that range from the health care reform bill that was passed overwhelmingly by the Senate, which is being held up from even having conferees appointed for it, to a stalking bill that was passed unanimously by the House of Representatives and would be passed unanimously out of the U.S. Senate but for the objection of one colleague from the Democratic side.

Mr. President, we have had, in the last year and a half since Senator DASCHLE became minority leader, over 65 cloture motions that have been required to try to get on with the business of the Senate. Let me just give a list of a few of those.

Unfunded mandates, to keep the States from having to pay for the mandates that are dreamed up in Washington, D.C.: It took four cloture motions to bring the bill up, and once it was brought up the bill passed nearly unanimously.

Balanced budget amendment to the Constitution: That is what the people of this country have been asking for, a balanced budget amendment so that when we do finally balance the budget, hopefully, we will never again see the spectacle of a Congress that will tax our future generations for the programs that we ask for today. It took three cloture motions before we could debate that bill. And when we finally did, we lost it by one vote.

Striker replacement, line-item veto, health insurance tax deductions for the self-employed and the small businesses of this country: Every one of these required cloture votes before we could even talk about them on the floor, debate the differences and pass them.

Let's go one step beyond. When we are talking about gridlock, it is not just the Democrats in the Senate, it is also President Clinton. It is the other end of Pennsylvania Avenue. President Clinton has vetoed 15 bills, 15 bills that have finally made it through this Congress, and of those 15, I want to read you what they are, because I think it is important to see the differences between President Clinton and the Democrats in Congress and what they would do versus what the Republicans would do, as shown by what we have passed in Congress.

The Bosnia-Herzegovina Self-Defense Act, vetoed by the President: This would have allowed the Moslems to arm and train themselves so that we might not have had to send Americans with a NATO force to bring peace to that country. They might have settled it 2 years earlier if we had given them the right to have free access to defend themselves. It was vetoed by the President.

Seven-year balanced budget: The President promised the American people a balanced budget. So did Members of Congress. Congress produced, and the President vetoed it.

Securities litigation reform: We were trying to have litigation reform that would cut the costs of the securities industry in this country and for the investors in this country. It was vetoed by the President. That one was overridden.

Welfare reform: Another promise of the President to the American people, a promise kept by the Republican Congress, vetoed by the President.

A ban on partial-birth abortions, a ban on killing babies that are halfway out of the mother's womb: Vetoed by the President.

Product liability reform: The single most important litigation reform bill that has been passed by this Congress that would have tried to bring down the costs of regulation and the prices to consumers, product liability reform, vetoed by the President.

The rest of the bills vetoed by the President were appropriations bills for specific agencies and departments of Government or authorization bills to run the departments of Government.

I think we are beginning to see a pattern here, a pattern of gridlock and obstruction, a pattern of broken promises. I think the American people deserve to know what Congress is trying to do and what we are being obstructed from doing.

Let's talk about some of the items that our majority leader tried to bring up yesterday. He mentioned the stalking bill. The stalking bill is my bill. It was passed unanimously by the House of Representatives. It is being held up because one Senator wants to put a gun control amendment on the bill.

Other Senators had amendments that they had hoped to offer on this bill. Senator FEINSTEIN had an amendment. Senator GRAMM of Texas had an amendment. They were willing to step back because they knew if we opened up the bill, we might not be able to get it passed, and, of course, we were hoping to send it directly to the President after its unanimous passage by the House of Representatives. So they agreed to step back and not change it so that it could go directly to the President and give to the stalking victims of this country another measure to help protect them from threats and harassment that might be fulfilled, because we have not passed this bill that would allow the FBI to come in and track a stalker that goes from one State to another.

This is especially important in a State like New York, where many of the people who work in the New York metropolitan area live in Connecticut or New Jersey. It is especially important where the threats become so great that a victim moves to another State to elude the threat and harassment and is followed by the stalker, and there is no way to have the ability to clamp down on that stalker before he fulfills his mission of beating up or murdering the victim. This bill is being held up for no good reason.

Why would we have a holdup on health insurance reform? The American people have asked for health insurance reform. They have asked for portability so that if they lose their jobs, they will not worry about losing their health care coverage. They have asked that we do away with preexisting condition clauses because they are worried that if they do change jobs, their insurance company will say, "No, I'm sorry, we cannot take you on because you or someone in your family has an illness that might be expensive."

That is what the bill does that was passed overwhelmingly by the Senate and by the House. Why would it be held up? Why would it be filibustered for 2 months?

The Senator from Massachusetts has raised the objections because——

Mr. FORD. Will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield for a question.

Mr. FORD. It is medical savings accounts [MSA's] that the Senate turned down, and the conferees are all for MSA's. Therefore, we will get something that the Senate turned down, and that is the basic objection.

Mrs. HUTCHISON. How would we know——

Mr. FORD. We absolutely know, if you know what is going on in the Senate.

Mrs. HUTCHISON. If you do not even appoint conferees——

The PRESIDING OFFICER. Senators will go through the Chair.

Mrs. HUTCHISON. To the conference committee, because we do not know how it is going to come out. MSA's were passed by the House—they were not passed by the Senate—by a narrow majority. So why should we not be able to work that out? Why would one Senator object to even appointing conferees so that we could sit down and work out the differences between our two bills? Is that not the way this process works?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 additional minutes.

Mr. FORD. Reserving the right to object, we have already gone beyond the 11 o'clock period of time. I had changed appointments to be here at 11 o'clock because that was the unanimous-consent agreement. I do not want to interfere with the distinguished Senator from Texas, but somehow or another we are going to have to stay on track. That was the unanimous-consent agreement last night, that we would have 11 o'clock. Now it is 11:10. And if I give——

Mr. COVERDELL. Mr. President, if I might, for parliamentary information, our control of time, as adjusted by unanimous consent, runs to 11:10, so it would be under my control to determine whether I extend additional time to the Senator from Texas. I yield another 2 minutes because we have other speakers besides the Senator from Texas.

The PRESIDING OFFICER. The Senator from Georgia has that right.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I think it is unconscionable to hold up health care reform that the people of this country expect and that both Houses of Congress have passed because we do not want conferees to sit down and work out a compromise on medical savings accounts.

Medical savings accounts, Mr. President, are something very important for health care reform in this country. It allows a business to give to an employee the amount of money that that employee would have anyway and have choices, so that the employee could take that money and perhaps save by going to different health care coverage or perhaps save money for future rainy day expenses for their health care needs for themselves and for their families. What we want is for them to have that option and to have the tax breaks to be able to save for those health care needs.

So, Mr. President, we are talking about not allowing the appointment of conferees so we can move health care reform as we have promised the American people we would do. Mr. President, I also have to say I do not know why the Senator from Massachusetts would be so concerned about the ability to have medical savings accounts. I will just read from his very own health care reform bill in 1994, just 2 years ago, where his bill says:

> It is the sense of the Committee on Labor and Human Resources of the Senate that provisions encouraging the establishment of medical savings accounts be included in any health care reform bill passed by the Senate.

So, Mr. President, the Senator from Massachusetts' own bill includes language encouraging the establishment of medical savings accounts. So why will the Senator from Massachusetts not allow us to have conferees appointed for that reason? Is he afraid that we cannot sit down and discuss it and get the health care reform?

Mr. President, it does not wash. There is gridlock in the Senate, and it has to stop. The majority in the Senate is trying to make that happen. I thank you, Mr. President, and I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Texas. I think she makes an excellent point when she reminds us that medical saves accounts—which is apparently what is holding this up—was an issue for the Senator from Massachusetts in his own legislation. That is a very important point. I commend the Senator for bringing that to the attention of the Senate.

I now yield 8 minutes, if I might, to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair.

Mr. President, although I am a new Senator, in my first term, I have had association with the Senate going back some 30 years. I started as an intern between school years some 30-odd years ago. I have served on the Senate staff, been associated with the Senate for a number of years. I want to draw on that experience to give a little historical perspective to what I think is going on in the Senate here.

I remember in the days that I have referred to that filibusters used to be very rare. When a filibuster occurred, it was a real filibuster. I remember the time when the Senators were told, "Get out the cots. You're going to be here around the clock. We're going to have quorum calls at 3 o'clock in the morning and do everything we can to break the filibuster." It was reserved, if you will, for those issues about which certain Senators felt most powerfully. The filibuster was not an ordinary tool that was used whenever a bill came up that a Senator objected to.

You contrast that to today's strategy when the filibuster is used almost routinely, when cloture votes are the most common votes that we cast, and you realize something rather fundamental has happened in the Senate.

I think what has happened is that people have discovered that through the use of the filibuster, in the present circumstance, they can change the political dynamic. It is no longer necessary to have a majority in order to work your will in the Senate. Through the use of the filibuster, all you need is 40 votes and you can control the Senate and you can force your opposition to cast votes that they might not want to cast so that you can then go home and campaign against them. The Senate has ceased to be a legislative arena and has turned into a campaign arena that seems to be ongoing and continuous.

I will obviously confess to having participated in filibusters in the last Congress. There were two issues that were very important, in my view, that we engaged in filibusters on. No. 1 was the stimulus package offered by the President of the United States. A group of us felt that was a serious mistake. We took the floor. We held the floor. We ultimately forced the President to back down on that issue. Looking back on it, we were right. The stimulus package that he was calling for was clearly nothing more than pork. I do not apologize for having tied up the Senate to prevent the $19 billion worth of pork that the President proposed.

Other filibusters—I will not take the time to describe them—but the one common thread was I participated in filibusters against bills I was opposed to. We have seen that going on here now. The two Senators from Nevada are involved in a filibuster against a bill that they are opposed to.

What is different in this Congress is that we are seeing filibusters against bills that people are for. Yes, they are doing their best to delay consideration of bills they intend to vote for. I have had to ask myself, what is the motivation behind a filibuster against a bill you are for? I have come to this conclusion, Mr. President—I may be wrong; and I will be happy to have someone demonstrate that I am wrong—but until that demonstration is convincing, I have come to the conclusion that the reason filibusters are currently being mounted against bills that the participants in the filibuster are, in fact, for is that they wish to embarrass the current leadership of the Senate for political purposes in November.

I could understand that when the majority leader was the Republican nominee. I did not approve of it, but I could at least understand it, people saying, "OK, we will filibuster this bill. We will make it look as if Bob Dole is impotent as a leader so that we can then attack him as being an ineffective leader as the nominee." Senator Dole recognized that that was going on, so he did the thing that surprised all of us, and I think perhaps probably disappointed the opposition a little, he said, "OK. I will resign as the majority leader. I will even resign from the Senate."

He made an interesting comment to us when he announced to Members of his own party that he was resigning. He said, "The people of Kansas deserve a full-time Senator, and I can't do that being the nominee. The Republicans deserve a full-time leader, and I can't do that being the nominee. And the people who nominated me deserve a full-time nominee, and I can't do that and stay in the Senate." So out of a great sense of duty and responsibility, Senator Dole resigned his position in the Senate, obviously stepping down as majority leader.

I thought that would solve it. I thought once Senator Dole was gone as a target, that the filibusters slowing down the work of the Senate would stop and we could then get ahead with the work of the Senate. It turns out I was wrong. I have come to the conclusion that there is a deliberate strategy to try to make the leadership of the Senate look bad in an effort to then go to the people in the election and say, "Change leadership. We will be able to get things through." I hope I am wrong, but I have come to the conclusion that that is the strategy and that that is why people are filibustering bills that they favor.

So, Mr. President, I hope we will step back and look at this in a historic context and say, is this the right thing to do in the Senate? Is it the right thing to get us in the habit and the pattern of deciding everything that comes before us in a purely political context, both sides perhaps equally guilty if we get into that circumstance? Or should we all say, let us step back, let us recognize that the Presidential campaign is going to be between Bob Dole, no longer a Senator, and Bill Clinton, who is not a Member of this body, and let them fight their issues out? Let us take our constitutional responsibilities seriously and get on with the business of the Senate.

Let us stop dilatory tactics that are geared not to change the content of legislation but to simply slow down the process and tarnish the image of the leadership. Let us take our lumps. If we lose, we lose. If we feel passionately about an issue, use the filibuster about the issue we feel passionately about; but if there is an issue that can be decided and will be decided by a majority vote, go ahead and decide it by a majority vote and not try to tarnish the effectiveness of the leaders we have chosen.

I voted for Senator LOTT as the leader because I feel he is committed to moving the business of the Senate forward in a proper, professional way, regardless of his ideological position. I think we should give him the chance to do that. I think we owe him the courtesy of doing that. I think the same would be true if Senator DASCHLE were the majority leader. I would not engage in a filibuster myself on any bill I intended to vote for. I think it should be reserved for those bills that we opposed.

Mr. COVERDELL. Mr. President, I thank the Senator from Utah. I yield up to the balance of the time remaining to the Senator from Arizona.

Mr. MCCAIN. Out of curiosity, how much time remains?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. MCCAIN. I thank my friend from Georgia, and I thank my colleagues for their indulgence.

Mr. President, I am worried about our ability to serve the American people. I am worried about the impression that we are creating and giving the taxpayers of America that sent us here to do their work to achieve a better Government, to meet the needs of those in our society who are less fortunate than we, to fulfill our obligations to national security as embodied by the Department of Defense appropriations bill. There is no higher calling that this body has than to provide for national security. All of that has obviously ground to a halt.

Mr. President, a lot of things have been said about the gridlock that is here today. Unfortunately, it seems to be continuing, particularly in light of the fact that we have only a handful of weeks left remaining in session.

Mr. President, I have only been here about 10 years. It is a pretty long time in the view of some, too long in the view of a few—I hope only a few—but not nearly as long as some Members of the Senate. One of the Members of the Senate that I have grown to admire over the years, that I have engaged in fierce and sometimes partisan debates with, is the senior Senator from the State of West Virginia, Senator BYRD, who all of us respect and revere as sort of the institutional conscience here.

Not too long ago, Mr. President, Senator BYRD stated it most succinctly and in a most compelling fashion. Senator BYRD, back in December of last year, December 15, 1995, said in the CONGRESSIONAL RECORD:

> Under the Constitution, the only real responsibility we elected Members of Congress have to worry ourselves with is that of ensuring the passage of the 13 appropriations bills that fund the Federal Government. That is all we really have to do. This year, while Members of Congress have spent months and months raising the public's expectations for an end to the legislative gridlock and a new blueprint for governing, we seem to be more preoccupied with one petty nuance after another. Instead of ensuring that the people's needs are met, we are arguing over the size of the negotiating table, how many people can attend, and which door of the airplane we can use. All of this is an unnecessary and unwarranted diversion. This year, as always, there are differences in priorities between the Democrats and Republicans and the Congress and the White House.

Mr. President, we are rapidly approaching a position where we cannot carry out what Senator BYRD described as the only real responsibility we have in Congress. Mr. President, it is interesting what a difference a couple years can make in one's viewpoint. It is always interesting to me, because back on October 26, 1994, the Vice President of the United States, Vice President GORE, was quoted in an Associated Press story of October 26, 1994, which read, in part:

> With the President overseas, Vice President Al Gore stepped in to launch a blistering attack on Republicans, who he said were "determined to wreck Congress in order to control it, and to wreck the Presidency in order to recapture it." Urging Americans to rethink their votes 3 weeks before election day, Gore, on Tuesday, labeled Republicans "advocates of isolationism and defeatism abroad and of a reckless strategy of partisan paralysis at home," chastised by name several GOP leaders and a handful of Republican candidates in close Senate races, saying "their campaign platform would result in giant tax breaks for the wealthy."

He takes particular aim, Mr. President, at Senate GOP leader Bob Dole and House GOP whip, then-GOP whip, GINGRICH. GORE mocked their recent statements that they are already planning a transition to a Republican-controlled Congress. "We must not and we will not let the future of America be trapped in the dark corner of Dole and deadlock GINGRICH and gridlock reaction and recession," GORE said.

I hope the Vice President of the United States would come over and treat us to his views today as to what is going on here in the U.S. Senate.

Mr. President, I believe and we all believe that the rights of every Senator and the minority party have to be protected. Mr. President, for 8 of the 10 years I have been here, I was in the minority party. I understand and jealously guard those prerogatives and those rights.

Mr. President, I can cite example after example—and I see my friend from Kentucky here on the floor, one of the ferocious defenders of his party and its principles and a person who I have grown to know, admire and respect in many ways. On this issue, I think the Senator from Kentucky would agree with me that there is a time when we have to do the people's work we are sent here to do, and we must give the votes and the debate to the issues of the day or we are basically derelict in our duty.

Mr. President, I cite several issues I was involved in for years, the line-item veto, which I was able to bring up time after time on the floor of this body. The gift ban, recently the campaign finance reform bill, which, through bipartisan agreement, was allowed a vote. The recent progress we made in the Department of Defense authorization bill, an agreement we made in order to move forward with a vote on the chemical weapons convention, and others. We should be able to sit down and reach agreements on these issues.

Mr. President, I am not in the business of predicting. I always keep in mind the words of the great philosopher, Yogi Berra, who said, "Never try to predict, especially when you are talking about the future." But I do predict that the American people will display their dissatisfaction in these upcoming elections with Members of both parties, if they see we are unable to do the work they sent us here to do. I believe they will exact some kind of retribution on both parties and send people here who are committed to working out these issues which transcend partisanship and transcend personal agendas.

I hope, Mr. President, that we will all appreciate that their excuse that Senator Dole, now departed, now candidate Dole, is responsible for deadlock is no longer valid, for gridlock is no longer valid. I suggest we, together on both sides of the aisle, should sit down and work out an agenda for the rest of this year so we can, at a minimum, work out the 13 appropriations bills that are necessary—a continuing resolution is an abrogation of our responsibilities—and also the authorizing legislation, including important issues such as the chemical weapons convention and other issues that are important to the future of this Nation.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona his time has expired.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Chair advises that, under the previous order, the time until 12:10, by an earlier unanimous-consent agreement, shall be under the control of the Senator from Kentucky [Mr. FORD].

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

(The remarks of Mr. FORD, Mr. THURMOND, and Mr. HEFLIN pertaining to the introduction of S. 1951 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I yield such time as the distinguished Senator from North Dakota may desire from the time that we have. I yield my portion of the time remaining to his control.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota for the balance of the time until the hour of 12:10 p.m.

Mr. DORGAN. Mr. President, might I inquire, following 12:10, is there another 30 minute block of time under the control of the minority leader?

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that there would be another 30 minutes under the control of the Democratic leader or his designee.

GRIDLOCK IN THE SENATE

Mr. DORGAN. Mr. President, I appreciate that information. This morning, I listened with great interest to a menu of opinions that was offered on the floor of the Senate about why the Senate has not moved forward more expeditiously to address this issue or that issue, and why the Senate is not working as well as it really ought to work, who is at fault, what is wrong. The chorus was a well-rehearsed chorus. Obviously, a fair amount of time was spent on this tune, because everybody was singing almost in complete harmony on these issues.

Let me take the most obvious and the easiest one. The U.S. Senate passed, by a vote of 100 to 0, a bill dealing with health care. It was a piece of legislation that almost every American believes is long past due. It says the kind of commonsense things like this: You ought to be able to take your health care with you when you move from one job to another. Your health care plan ought to be portable. This legislation says to every American family that when you move from one job to another, you are not going to be threatened by losing your health care benefits for you or your children.

It says that we ought not have a circumstance where insurance companies insure people as long as they are well and then cancel coverage when they are sick. It says we will not allow insurance companies forever now to say, if you have a child with a heart defect, a child with a preexisting condition of some sort, or a member of a family with a preexisting condition, that you are not going to get insurance coverage because that preexisting condition means you are no longer insurable.

This piece of legislation addresses all of those issues and more. It is a piece of legislation that every American family will want. It is something that should be done. And it was passed 100 to 0 in the U.S. Senate.

When we debated that bill, however, the then majority leader insisted that something else be added to it—something that was extraneous, an issue that was outside of the purview of what was in the Kennedy-Kassebaum or the Kassebaum-Kennedy bill called medical savings accounts. I must say, at least from my own standpoint, that I think it is useful to evaluate with a test program whether medical savings accounts are a good idea or bad idea, whether they work or do not work. That is fine with me. It is a new idea certainly. Let us figure out whether it works.

But to insist on a massive new approach—medical savings accounts, which many economists and other analysts say would undermine the whole circumstance of how we pay for health care costs in this country, I do not know whether they are right; I am just telling you there is a substantial amount of testimony about that—to suggest that must be added to this commonsense health care bill in order for it to move just is out of line. But the then majority leader insisted. He said this must be added to that bill.

So he brought it to the floor of the Senate, and we had what you call a democratic vote; two ways. A democratic vote means that we all have a chance to express our opinion; and, second, the then majority leader failed. Senator Dole failed. The Senate said no, we do not want to add medical savings accounts to the Kassebaum-Kennedy bill. No, we do not want to do it. We did not weigh the votes. We counted the votes. When the votes are counted, those who have the most votes win. The votes that had the largest tally were votes that said let us not laden this bill with something else. Let us pass this commonsense health care bill by itself the way it is, the way the Senate has crafted it. That is the way it left the Senate.

What has happened since that time? The bill is held hostage. No; not by the Senator from Massachusetts, or not by a dozen unnamed villains. The bill is held hostage by those who insist that the only way this commonsense health care bill will get through this Republican Congress is if it has medical savings accounts attached to it. If they are not attached to it, they have no interest in passing this legislation.

That is what is holding this legislation hostage. We are told that this Senator, that Senator, or some other unnamed Senator holds this bill, or that bill in the palm—well, it is nonsense. This bill, the Kassebaum-Kennedy bill, has not moved because of some people's insistence that the only way this will pass the Congress is if other things are included with it. If we are not able to put other freight on this train, then we are not going to let the train move. That is the attitude of some in this Chamber.

We heard a discourse yesterday about gridlock in the Senate. I think it is a curious thing to see in the U.S. Senate, which is a body where one would expect the issues of the day to be not just debated but debated fully, understood and thought out, reasoned, and compromised. I think it is unusual to see in the Senate a tactic in which the party that has the majority says the following: We are going to today, on Tuesday, or Wednesday, or whatever day it is, lay down a piece of legislation before the Senate. This will be the pending business of the U.S. Senate. This piece of legislation is what we will now begin working on today. Then on the same day—the same day—the majority party says, "By the way, we have now decided today we will begin debate. We will also file cloture to shut off debate." The same day on which a bill is filed to begin debate, repeatedly cloture motions are filed to end debate.

Yesterday we heard from the majority leader that this has been done before. We are simply learning lessons from what happened in previous Congresses.

Well, we looked at the 103d Congress. On only one occasion did that happen, and then it happened because there was uniform agreement on the procedure by which it would occur. There was no disagreement about it. It was on product liability. There was agreement by which a procedure called for two cloture votes and then the bill being withdrawn. It was the only occasion on which the Democrats would have ever done that in this Chamber in the 103d Congress. It has been done repeatedly in the 104th Congress—not by consent of anyone, but in a way that is shoved down someone's throat, a demand that although we begin debating the bill today, we also insist on shutting off debate today.

That is no way to run the U.S. Senate. If someone wants cooperation in the Senate on issues, to debate the issues that are important to the people of this country and to others in the Senate, then they must allow debate on these matters—not concoct a strategy that says, "By the way, we will offer our legislation as we have crafted it behind our closed doors without your involvement, and the day we offer it we will tell you, 'No debate; no debate.' We are going to shut off your ability to amend. We are going to shut off your ability to debate, and that is the way we legislate."

If you come into this Chamber with that attitude and then wonder why your vehicle does not develop any speed, I will tell you why it does not develop any speed. Because that is not the kind of a vehicle you can drive through a legislative process in something constituted like the United States is constituted.

There have to be some people who serve in the Congress who believe that we ought to be debating, amending, and improving legislation that deals with real issues people are concerned about. There are, to be sure, substantial disagreements in our philosophies about how to govern. I understand that.

I think it is really interesting, by the way, that we have a bill on the floor of the Senate now that calls for $11 billion more in spending than the Pentagon asked for pushed primarily by people who insist they want to cut Federal spending—a bill that said let us spend hundreds of millions more for national missile defense, or a star wars program which the Pentagon does not want to deploy; a bill that chooses priorities that say we can afford the extra $11 billion but we have decided we cannot afford enough money to fully fund a Head Start Program. So we are going to tell a bunch of little kids that we do not have any room for you anymore in the Head Start Program. We know that program works. Do you believe that program does not deal with American security? Do you believe that program does not strengthen this country? That is the difference we have in priorities, I guess, in how we spend our money and how much we spend.

But I just think it is ironic that those who talk so much about wanting to cut spending on one of the biggest bills before Congress demands and insists that they spend $11 billion more than the generals and the admirals in this country felt was necessary to defend our country.

I am hoping that we will move ahead and deal with a series of issues in this Congress. I do not want a do-nothing Congress. I want a do-something Congress. I want to participate in a Congress that makes progress. I want to do something about the issue of jobs. I want to do something about shutting down the tax incentives that encourage runaway plants. I want to do something about health care. I want to pass the Kassebaum-Kennedy bill; invest in education to make sure that every little kid in this country has an opportunity to go to Head Start.

There is a litany of issues that we need to address, and address in a thoughtful and an appropriate way.

I want the majority leader to be a successful majority leader. I consider him a friend. I want the Senate to succeed—not as Republicans or Democrats. I want us to succeed as a Senate by addressing the issues which we think are appropriate and necessary to address at this point.

But it does no good, it seems to me, for the Senate to spend all of its time just standing around in a circle pointing fingers saying, "Well, this person is at fault; that person is at fault." The fact is that you cannot be laying down bills in the U.S. Senate and demanding on the same day that you are going to shut off debate and then say, "Well, boy, I am surprised that you object to that. I mean, it doesn't make any sense that you would object to a procedure by which we say we have concocted what we want in a locked room someplace outside your view. Now we bring it to you to show it to you and demand that you have no voice in determining how it is going to be shaped. Shame on you."

Well, no, not shame on us. If those who would begin developing this process would understand the quick way, the best way to get the Senate to act on these issues is to involve everyone and to reach sensible compromises and then faithfully represent those compromises as we move ahead, we would pass far more legislation that is far more beneficial to the American people than this 104th Congress has done to date.

I have some other things to say, Mr. President, but I will hold them for a bit. My colleague from North Dakota, Senator CONRAD, is here, and Senator Wyden from Oregon is present.

Mr. President, I yield such time as may be consumed to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair and I thank my colleague from North Dakota for this time.

Mr. President, I was in my office this morning listening to activity in the Chamber of the Senate, and I must say I was amazed to hear the charges leveled at the minority side by those in the majority. I was listening in my office, and I heard a litany of complaints against the minority for bringing gridlock to this Chamber.

Mr. President, it was as if the majority has forgotten that they were once in the minority and it is though they have forgotten that they are now in the majority and they are controlling the flow of business in this Chamber.

I especially found it fascinating that our friends across the aisle accuse us of stopping Government when it was their side who shut down the entire Government just a year ago—shut down the entire Government in order to try to dictate the results of the legislative process. It was their side that shut down the entire Government of the United States to try to dictate the results in this Chamber.

That is not the way this Chamber is supposed to function. It is not the way democracy is supposed to function. If we go back and try to recall what they were trying to do, I think we can understand why they had to try to be so heavy-handed. What was it they were trying to do a year ago? They were trying to cut Medicare $270 billion in order to provide a $245 billion tax cut that would have been directed mainly at the wealthiest among us.

That is what they were up to. And there was a reaction against that because it was too heavy-handed. The other side themselves described what they were trying to do as "a revolution." That is what they were seeking to impose on the American people, a revolution, and they did not want anybody standing in their way. They wanted to trample minority rights. They wanted to proceed. They had the arrogance of power, and they abused their power. And as a result there was a strong reaction against them not only in this Chamber but in the country as well because the American people did not want a revolution. They wanted change; they wanted us to get our fiscal house in order; they wanted to reform the welfare system; they wanted this country to work better; they wanted more opportunity; but they did not want a revolution, and they did not want folks taking from those who are middle class to give to those who are the wealthiest among us. That was not what the American people wanted.

The other side has engaged in a whole series of tactics to try to choke off the rights of the minority. We use a lot of words around here that are foreign to most people—cloture, cloture motion. What do those things mean? For most people it is not in their vocabulary. Most people I talk to back home in North Dakota have no idea what cloture is. I am not sure my colleagues understand all of what cloture means.

Very simply, the tactic that has been engaged by the other side is to prevent the minority here from being able to offer amendments. Now, that is basic to the legislative process. The majority leader said yesterday, "I just learned this tactic from your leader." No, they did not. Not once when we were in the majority did we lay down cloture motions on bills that could be amended unless there was an agreement by the two sides that were in dispute, and that only happened once. That only happened once, that a cloture motion was laid down which choked off amendments on the day the bill was introduced. And the only time we did was when there was agreement between the two sides in dispute. The other side has engaged in that practice repeatedly, laying down a cloture motion to choke off, to prevent the minority from offering amendments, to act as though the minority is not even here, to act as though the Democratic Party does not exist in the U.S. Senate, to act as though we have one-party rule.

Mr. President, we do not have one-party rule, and we are not going to have one-party rule in this country or in this Chamber, and the majority, I hope, will recognize that that kind of dictatorial stance has led us to the gridlock we have today. They want to know why there is gridlock? It is because they have tried to choke off legitimate minority rights. That is not democratic, that is not American, and it is not going to be accepted.

There is another way. There is another way. We see what works. We see, when we work together and we respect each other, that things can actually get done here. This week we got the minimum wage bill through this Chamber by an overwhelming vote. This week we got through this Chamber a significant package of tax cuts for small businesses and reforms in the pension system and a whole series of other measures to assist small business. How did it happen? It happened by working together, not by one side, in a heavyhanded, arrogant way, trying to dictate to the other side. That way creates gridlock. But, instead, if we work together, if we respect each other, things can actually get done here. It happened in the telecommunications bill this year—a major piece of legislation—when both sides were allowed to participate in the legislative process.

I hope the majority will remember, this is an institution with two sides. This is an institution that was formed by our forefathers so that minority rights would not be trampled. This is a body that was formed by our forefathers to prevent a monopoly of power. This is a body that was formed by our forefathers to prevent the arrogance of power from trampling the legitimate rights of the minority.

I heard other things said on the floor this morning that require a response. I heard the attack on the President for vetoing some of the bills that were passed by the Republican majority. You bet the President vetoed some of those bills. He should have vetoed them. They were opposed by a majority of the American people.

The American people did not want to have a $270 billion cut in Medicare in order to finance tax cuts that disproportionately went to the wealthiest in our country. That is not what the American people wanted. Of course the President vetoed that legislation. I applaud him for it. He did exactly the right thing, and the American people agreed with him.

I also heard on the floor of the Senate this morning that we defeated the balanced budget amendment to the Constitution. I am very proud to have been one who rose in opposition to that phony balanced budget amendment. Boy, if there was ever a hoax tried to be perpetrated on the American people it was that so-called balanced budget amendment to the Constitution. I tell you, as more people found out how they were proposing to balance the budget by looting every penny of Social Security trust fund surplus over the next 7 years and call that a balanced budget, the American people would be in overwhelming opposition to it. That is not any kind of honest balancing of the budget.

If a private company tried to take the retirement funds of their employees and throw those into the company's pot and call that a balanced budget, they would be in violation of Federal law. They would be headed to a Federal institution, and it would not be the Congress of the United States. They would be headed to a Federal prison, because that is a violation of Federal law. But that is exactly what our friends on the other side were proposing, that we have a balanced budget amendment to the Constitution that would have enshrined in the Constitution of the United States the definition of a balanced budget that included looting every penny of Social Security trust fund surplus over the next 7 years to call it a balanced budget. They were going to take $525 billion of Social Security surpluses, throw those into the pot, and call it a balanced budget. What a charade. What a hoax, to call that a balanced budget.

Mr. DORGAN. Will the Senator from North Dakota yield?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. I wonder if the Senator recalls the discussions we had, actually inside the Cloakrooms, in which some members of the majority party were, in private, saying to us, "We will stop using the Social Security funds in 2008," while others were out on the floor saying, "We are not using Social Security funds to balance the budget." I said it was three stages of denial. Actually, there was a third person on the floor saying, "There are no Social Security funds."

So the three stages of denial that were orchestrated, all at the same time, in total harmony, and I might give them credit for that, are: First, there are no Social Security trust funds; or, second, there are Social Security trust funds, but we are not misusing them; and then, third, back in the Cloakroom here, in their own handwriting, which I still have, by the way, there are Social Security funds, we are misusing them, and we promise to stop by the year 2008.

Does the Senator recall that?

Mr. CONRAD. I recall it very well. The other side was negotiating with the Senator from North Dakota and myself. On the floor, they were saying, "Oh, no, we have no intention of using Social Security surpluses. We have no intention of doing that." But right in that room, right in that Cloakroom, they were telling us, "Well, yes, we are going to use them, but we will stop doing it in the year 2008."

First they said, "We will stop doing it in the year 2012," and we checked and we found out they were going to be using trillions of dollars of Social Security surpluses by that time. We said absolutely not.

They went back out and came back in and said, "Well, we will stop using the Social Security surpluses in 2008." Again, they would have taken over $1 trillion of Social Security surpluses, spent every dime, every penny, and then said they would balance the budget. What a fraud that would be.

You know, as I was thinking about it, in considering my vote on that question, I thought if I was the only vote in this Chamber against that proposition, and if every one of my constituents was on the other side, I would vote no. Because I would never want it said of me that I had helped to put in the Constitution of the United States, the organic law of this country, the document that has made this the greatest country in human history, something that says you balance the budget when you have looted trust funds in order to call it balanced.

I just want to conclude by saying, there is gridlock here. There is gridlock. And there is gridlock because the majority has tried to stifle the rights of the minority. They have tried to dictate legislative results. That is not the American way. That is not democracy. That is not the constitutional role of the U.S. Senate.

The way to get things done here is to respect the legitimate rights of everyone, to respect everyone and to work together. When we do that, we get things done. We got the minimum wage passed that way. We got the telecommunications bill passed that way. We got a substantial package of tax relief for small business and reform of pension laws of this country that way. If anybody is serious about trying to get things done, the way to achieve results is to work together.

I yield the floor.

Mr. DORGAN. Mr. President, I yield as much time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. WYDEN. Mr. President, let me say, as somebody who is new here, as a new Senator who campaigned for months on the idea that we have to come together, we have to find common ground, we have to get beyond some of the partisan labels, I want to come today and speak for a few moments about the importance of that approach and why I feel it is the only answer, and how I hope the Senate can get back on track and look at issues that way.

First, let me say, I have never considered myself particularly a partisan person. I come from a part of the world, the beautiful Northwest where we have a history of fresh and creative approaches to issues before the Government. Our citizens do not get up in the morning and say, "Well, whose got the partisan answer? Is it a Democratic answer? Is it a Republican answer?"

They get up and talk about tackling major issues in a way that is fair and responsible and meets the needs of the public.

So I have tried to take that kind of philosophy, first as a Member of the House and now as a new Senator, in terms of attacking the need to address the concerns of the public.

As the Senator from North Dakota said very clearly, it is obvious that is how the Senate has made progress. Look at this minimum wage issue, for example. It seems to me when workers put out the maximum effort, they deserve a decent minimum wage. The Senate agreed and, fortunately, Senators of both parties came together, and passed an important small business package. My State is just chock-full of small businesses. We have only a handful of big businesses in the State of Oregon. You can almost count the big businesses on one hand, so we are a small business State, and those tax incentives that were passed with bipartisan support are going to make a real difference at home in Oregon and on Main Street in our country.

The same kind of bipartisan approach was used in the Kennedy-Kassebaum bill. I think that the health insurance system in our country needs to work for more than the healthy and the wealthy, and yet, so often, when somebody gets sick, the whole system falls apart. For a lot of families, you can only get coverage when you really do not need it, which is when you are well.

So the Senate came together, a bipartisan bill was passed, and it is going to make a real difference, because, for the first time, when citizens are trying to get ahead, when they work hard and play by the rules, they will not be limited in terms of their job advancement because they cannot get health insurance as they try to climb up the ladder in the free enterprise system.

So there have been real successes since I have been here, when Democrats and Republicans worked together on issues like health and the minimum wage. I am very hopeful that over the next 7 or 8 weeks of the session—and I just remind again our colleagues and our friends that there are only a handful of weeks left in the session. To get real results on issues like welfare and crime and aviation reforms—many of us are concerned about the situation with aviation in this country and want to pass real changes to make sure that the Federal Aviation Administration's mandate is safety first; that there can be public disclosure of the safety records of airlines in our country. To get this kind of work done on crime and welfare and transportation, we are going to have to have a bipartisan kind of approach, once again, in the Senate.

I think it has been very unfortunate. I have seen it over the last couple of weeks and hope that it will not be the practice in the last few weeks in the session that as soon as a bill is essentially introduced—and my friends from North Dakota, Senator DORGAN and Senator CONRAD, are very right to say, let's get away from some of these arcane, technical terms—"cloture" and the like.

What the bottom line is all about is that for the last few weeks, as soon as a major bill has been introduced, there has been an effort to immediately cut off the debate. That bars the minority, especially, but certainly Members of the majority may have differing views on some of these issues, and debate, reasonable debate, is what the Senate is supposed to be all about.

The Senator from North Dakota [Mr. DORGAN] and I both served in the House. One of the things that we thought was possible about service in the Senate was to have a bit more time, a reasonable amount of time, for all sides to have a fair airing of an issue. Sometimes that time is not available in the House, and sometimes the public's business suffers as a result of it. So I think this practice of, in effect, trying to shut off debate, almost as soon as it starts, is something that is especially unfortunate and is going to make it tougher to get the public's business done in the last few weeks of this session.

Mr. President, I say to my colleagues, let me reiterate my interest and desire in looking at these issues in a bipartisan way. I think, for example, there are a variety of procedural reforms that would be very helpful in terms of the work of the Senate.

We know, again, for the last few weeks of the session, one of the practices that is often abused is a Senator puts a hold on a bill and does it all in secret. I think the Senator's procedural rights ought to be protected, but I think there ought to be public disclosure. The hold is not the problem, but I think secrecy is. So what I have been trying to do is work with Senators on both sides of the aisle, Democrats and Republicans, to try to make a change, to try to get public disclosure when there is a hold that will make the Senate more open, more accountable and more efficient and be in the interest of the public, so that the public's right to know is protected.

I am not trying to do that in a partisan kind of way. I am talking to Senators on both sides of the aisle, because I think that is the way we have to do the public's business.

(Mr. STEVENS assumed the chair.)

Mr. WYDEN. So, Mr. President, I say to my colleagues, I come to take the floor today to say that in these last 7 or 8 weeks of the session, when there is so much important work to be done, let us make sure that the procedural rights of the minority are protected, let us get away from this unfortunate practice we have seen in the last few weeks of literally cutting off the debate almost as soon as it starts, and let's take the kind of approach that folks in my home region, the Pacific Northwest, take, and that is a bipartisan one.

I believe that it is possible to get some important work done in these next 7 weeks, to get a welfare reform bill. We have done that in Oregon. Senator HATFIELD, my senior colleague, has done yeoman work in terms of our jobs plus program. It has a tough work requirement, but we are also helping with child care and medical care. That kind of bipartisan approach can be an ideal model for helping the Senate to come together, Democrats and Republicans, to reform the welfare system in the last few weeks of this session.

But to reform welfare, to get a good crime bill, to have an important transportation bill—the Presiding Officer, Mr. STEVENS, for so many years has done outstanding work on these aviation issues. He knows I am anxious to work with him in the days ahead—to really have progress in these last few weeks of the session, we are going to have to protect the rights of the minority; we are going to have to work in a bipartisan way. That is how we best address the public's needs.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the comments by the Senator from Oregon. We are delighted he is in the Senate. I expect he expected to come to the Senate from the House of Representatives where they have substantially different rules and be in a body where there is substantial debate. Probably a surprising discovery for him is a new trend here in the Senate of filing cloture motions on amendable issues in order to prevent amendments and shut off debate on the same day that a bill is filed in the Senate for debate.

I echo the sentiments of the Senator from Oregon [Senator WYDEN]. We have heard a good many Members come to the floor earlier this morning describing all the ills of the Senate to be laid at the feet of the President or the Democrats in the Congress.

Frankly, it is not our interest, it is not my interest, I think it is not Senator WYDEN's interest to impede the progress of the Senate in addressing the real issues that people want addressed. We are not going to roll over and play dead when we have people coming to the Senate saying to us, "Here's our agenda. If you don't like it, tough luck. We're going to ram it down your throat and send it to the White House and demand the President sign it."

There was a complaint this morning about President Clinton's veto of some bills. Well, let me say as well, I am glad he vetoed the piece of legislation that says, by the way, let us take $270 billion out of what is needed to fund Medicare, and let us use the funds we get by taking that out of what is needed for the Medicare Program and use it to give tax cuts, the majority of which will go to the wealthiest Americans. I am glad the President said, "Not on my life you are going to do that." He vetoed that. He vetoed that. So a whole series of overreaching and ill-proposed issues that came to the floor of the Senate last year the President had to veto.

Now the question is, are we going to do this in a serious way? I noticed in the paper the other day, "GOP To Press Missile Defense as Clinton Test." They are going to load the defense bill down with hundreds of millions of dollars extra for national missile defense, demanding that money be spent on the system the Pentagon says it does not want and the defense community says this country does not need, demanding it be done in order to confront the President with a defense issue so they can say the President is weak on defense. That is not from people who are serious about wanting to balance the budget. It is from people who want to use these issues as a political wedge.

My own interest is that we address the central questions facing American families. Are there good jobs available for them and for their children? Is there some security with those jobs? Do they pay well? What about the schools you send your kids to? Are they doing well? Do we have enough money for the Head Start Program, enough money for the WIC Program? Are we able to take care of the children in our country? What about welfare in this country? Are we going to get able-bodied people off welfare and to work?

I am proud to have helped construct something called the Work First Program. It does help enable people to go to work, but not injure the children. Do not say to a 10-year-old or 8-year-old, get off your behind and go to work. Two-thirds of those who are on welfare are under 16 years of age. I do not think anyone is suggesting we shove them out the door and say, "Get a job." Let us take care of the children in this country, but let us insist able-bodied people go to work.

Let us reform the welfare system. There ought to be enough agreement on both sides of the aisle to do this in a way that is not politically gamed so they can construct it and have a veto at the White House, but in a way that really does reform the welfare system and in a thoughtful, sensible way.

Health care. I have said before, let us just pass the bill. Let us pass it through the House and the Senate that has already been passed. It passed the Senate 100 to 0 dealing with the Kennedy-Kassebaum bill.

Portability, preexisting condition, so many things the American family needs. Pass it. Be done with it. Get the President to sign it. He will. We will significantly advance the health care that the families need in this country in the right way.

There are other things that I want to see done. I am sure the Senator from Oregon shares that.

Crime. I tell you, I very much want to see us do another initiative on crime in the right way. I want everyone on parole and probation in this country to be drug tested, period. End of story. Everyone on parole and probation in America ought to be drug tested while they are on parole and probation. If they fail their drug test, it ought to be revoked.

I also want to change the system so that in every circumstance in this country, if you are convicted of a violent crime, if you are a violent criminal and convicted of a violent crime, you spend all of your time in jail, you do not get good time off for good behavior. No good time off for people who commit violent crimes. If you go to jail, you stay in jail and do not get out until the end of your term. Very simple. If you commit a violent crime, you go to jail. There is no good time off for good behavior. I would very much like to see us do that.

I would like to see us advance the proposition of victims' rights. Frankly, there is now a law, which I authored, dealing with, at least in the Federal court system, if you are a victim in the Federal court system you have a right to be in court and testify at the sentencing investigation. The victim has the right to come and say, "Here is what this crime meant to me."

What happens? The criminal comes in, the person that has been convicted comes in. They get them a new blue suit and haircut and they bring the minister and the neighbors in and say what a quiet young boy this was, what a wonderful young person. And you have this story about what the criminal is about. I want the victim to say, "Here is what this person did to me and my family," or the victim's family to say, "Here is what this meant to me."

I am pleased to tell you that is now in Federal law because I wrote that provision in the last crime bill. But as you know, the Federal system only deals with less than 10 percent of the criminal justice system. I would like to see that in every State and local jurisdiction, in criminal justice all across America—victims' rights.

The issue of jobs.

Mr. WYDEN. Will the Senator yield on that point?

Mr. DORGAN. Yes.

Mr. WYDEN. This crime issue is so important. I share the Senator's view. I just add, this question of violent juvenile crime is especially important. Again, you see Senators of both parties who have done excellent work on this, Senators HATCH and THOMPSON—I have watched Senator BIDEN—all of whom have been very helpful to me and my staff in my early days as a Senator. I think they can help us put together a package dealing with violent juvenile crime.

In a lot of communities—the adult crime rate is still too high but has sort of leveled off—but the rate of violent juvenile crime has just gone through the stratosphere. In fact, the Justice Department had a study recently that showed, particularly between 3 and 7 o'clock, 3 in the afternoon and 7 in the evening, when you have these at-risk kids, that is when you really have a great portion of the violent crime in America.

There is nothing partisan about tackling violent juvenile crime. There are Senators of both political parties that have dealt with it and come up with innovative ideas. There are people like the criminologist, James Q. Wilson, who are advancing approaches that could be backed by both political parties to try to particularly make sure that these violent juvenile offenders are accountable.

But we are not going to get the important work done that the Senator from North Dakota is talking about without thoughtful debate that ensures that both sides have a reasonable opportunity. I hope the Senator from North Dakota takes the lead on this crime issue as a Member of leadership, and the kind of bipartisan approach the Senator is talking about will prevail, because issues like violent juvenile crime are issues that we can bring this body together on in a bipartisan way to deal with. I thank the Senator for yielding.

Mr. DORGAN. The fastest growing area of crime in this country is juvenile crime, especially violent juvenile crime. I find it interesting that if you access the NCIC or the III, the Interstate Identification Index, to find out who is on there, who committed crimes in this country, what you find is some of the most violent crimes committed are not in those records because they are committed by a juvenile. You will not have access, as a judge or a police officer, by accessing the identification index.

One of the things we worked on for years is very simple, and we are not there yet. It requires a lot of attention by Congress. That is having a computer system, so that on a computer in this country we have the records of every convicted felon in America.

If the Senator from Oregon would go to a department store this afternoon to buy a shirt and use a credit card to buy a shirt, they will take that credit card and run it through a little machine that is an imager that determines the magnetic strip on the card, and then in 20 seconds they will tell the Senator from Oregon whether his credit card is good or not. Let us assume the Senator from Oregon has a credit card that is good. But immediately they will tell everyone, is this a good credit card or is it not? Twenty seconds.

They can keep track of 200 million credit cards—more than 200 million credit cards—that way, and access in 20 seconds the credit status of someone going to buy a shirt. The question is this: Why do we not have access, for the several millions of people who have committed violent crimes in this country, to every criminal record that exists in America for judges when they sentence, for law enforcement officials when they pick someone up on the streets, to determine, after a crime, is this a suspect? Is this someone who has committed three other violent crimes?

The fact is, we have a system now in which about 80 percent of the available criminal records are not available in the one criminal justice record system we have. I know the FBI and others will say, "Gee, this is a wonderful system. It works well." The fact is, a whole lot of States do not participate in it or do not participate fully in it, and the system does not have a lot of the criminal records we need.

To start addressing the crime issues, one of the first things we need to do is make sure we have a computer record of all convicted felons in this country, know who they are, what they have done and where they have done it, so that everyone—judges, law enforcement people and others—will have access to it instantly, in a complete manner.

The other thing I say to the Senator from Oregon on other issues, the central issues for most families is, are we going to have a decent job? Will our kids have opportunities to get a decent job after they have had an opportunity to go to a good school? Schools and jobs and your kids—that is what this is all about.

One of the things I would like to pass on the floor of the Senate is shutting down this insidious provision that says, "Move your jobs and your plants overseas. We will give you a tax break." I tried last year to do that. They turned it down. I was promised they would hold hearings. They have not, but we will do it again this year. If you cannot take the first baby step of shutting down the tax incentive that says "ship your jobs overseas and the American taxpayer will reward you to the extent of $2.2 billion"—$2.2 billion—"reward those who ship their jobs overseas," if we cannot shut that down, then, thinking has stopped in the U.S. Congress, in my judgment.

Finally, I do not want to hold the Senator from Oregon up, but one of the things I think is interesting, which this Congress ought to deal with, is not just the trade deficit—which I will talk about next week with some of my colleagues; I will introduce a piece of legislation on the trade deficit—but the trade deficit, merchandise trade deficit enjoyed in this country is higher than the fiscal policy, different by a substantial margin, and there is not a whisper of attention to it. But you can only repay the trade deficit with a lower standard of living in our country.

It is a threat to this country, and we must deal with it, not by shutting our borders, but by dealing with those countries with whom we have large trade deficits, dealing with those circumstances where it is resulting in a substantial export of American jobs. We have a $170 billion merchandise trade deficit, and this country has to begin to confront the question of why do we have that and what do we do about it.

I wanted to mention one additional item today on the floor of the Senate. There was a story in the Washington Post this week that says, "Federal Reserve policymakers are watching wages for clues to whether they need to raise interest rates again." Now, the point of this is that Federal Reserve policymakers are watching wages. What is the message there? The message is that we better not see an increase in wages, we better not see something that is good for American families, or we will clamp down. That is the message.

Now, what does this mean? It is because the financial markets took it on the chin last week. They said, "A key factor was the report from the Labor Department that average hourly earnings jumped .8 of a percent last month, the largest increase since 1982."

What John Berry, the reporter, does not say, and they never say, is that the increase in wages last month, which was a large jump, only takes wages back to where they were last December. You do not get a report in the Washington Post by Mr. Berry, month after month, that talks about how far wages have come down, and if you take a look at the drop of American wages month after month after month in real purchasing power, you do not see many stories or much in the headlines about that. But have a spike up in wages in 1 month, only to take us back to where it was in December of last year, and all of a sudden the market and all those who write about the market have an apoplectic seizure.

Every time you get a bit of good news for the family that maybe wages are stabilizing or going to start to come up just a little bit, what happens? Wall Street does a somersault. Wall Street looks for a window to jump out of. The unemployment rate drops to its lowest level in 6 years, a July 6 headline, "Stocks, Bonds, Plunge on Jobs Report." Unemployment goes down, more people are working, it means the economy is better, and Wall Street says, "Oh, my God, look what is happening to America. Woe are us. What on Earth is going to happen to our country? More people are working, and they are getting higher wages. America must be going to hell in a handbasket. What on Earth is going to happen to our economy next?"

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. WYDEN. This issue is really an interesting issue. I say, it seems to me, in today's economy we can have more noninflationary economic growth than you could in the past. You look at technology, for example, and technology is driving so much of today's economy. I think the Senator is making a very important point with respect to the role of growth and the Fed and the issues that, frankly, are not getting the kind of attention they ought to receive.

My sense has been the Government does not even really measure today's modern economy in an accurate kind of way. I served on the Joint Economic Committee for a period of time, and I was concerned that the Bureau of Labor Statistics was not in a position to have the resources, it was not in a position to have the tools to really measure the modern economy.

This whole idea about the relationship of inflation and growth, I think, really needs a fresh look. My sense is that because of technology, we can have a higher degree of noninflationary economic growth than we could in the past. I look forward to working with the Senator on these issues.

I also say, once again, we are talking about something that is not a partisan kind of issue. Everybody in this body wants to make sure that we grow the economy, that we incent the private sector in a way to have good-paying jobs, and we do not want to fan the fires of inflation.

These are not partisan kinds of issues. The Senator, talking about wages and the Fed, he did not mention Democrats, he did not mention Republicans. We are talking about kinds of approaches this body ought to be looking at in terms of the modern economy.

When I talk about noninflationary economic growth, I submit that what is driving it is the technological revolution, which, again, is not the special prerogative of Democrats or Republicans.

I thank the Senator for yielding.

Mr. DORGAN. I agree. There are two things that drive it. One is the technological revolution and the second is the global economy. Two or 3 billion new workers in the world are now eligible and able to compete in an open market, especially with the lower skilled American workers, the bottom two-thirds of the American work force, and those 2 or 3 billion people living elsewhere can make 10 cents an hour, 20 cents an hour, or 60 cents an hour. In many cases, what you have is 12-year-olds making 12 cents an hour, working 12 hours a day, competing against American workers, which drives down American wages. When American wages start to firm up a little bit, we simply climb back out of the hole to where we were last December, the stock market has a heart attack.

Let me go through a couple other headlines: "Job and Wage Data Put Pressure on Fed," July 8; "Unemployment Rate Hits 6-Year Level While Pay Posts Big Monthly Gains." Again, it just crawled back up to where it was the previous December. If you read this all in the Wall Street Journal, it would give you great cause for alarm if you are on Wall Street and have another agenda. So what happens is the stock market and the bond market has a seizure.

July 8, "Jobs Data Sparks 115-Point Plunge." You would think maybe the jobs data was that it showed America was in deep trouble, deep unemployment, headed toward a massive recession. That is not what the jobs data was. The jobs data showed that fewer people were unemployed, more people were employed and the economy was getting better. What happens? A deep plunge in the stock market. News that even unemployment is at a 6-year low is not good news for Wall Street. NBC nightly news lead: "The Economy Is Too Good for Markets."

The data in February and March. "Employment revealed increases in jobs prompting steep sell-offs on Wall Street."

"Economy Surge Hailed by President, but Markets Fall."

"Wall Street plummeted Friday"—this is March—"and major sell-off triggered by what seemed to be splendid economic news, a drop in unemployment, and the biggest jobs gain in more than a decade."

February. "When Federal Reserve Board Chairman Alan Greenspan hinted in testimony that the economy could grow at a 2.5 percent rate this year, the market gulped. The ensuing speculation sent the Dow Jones down 45 points."

Just to show that it is not all irrational, some of it is politics, this says, "GINGRICH blames White House for stock market plunge." But that is an aberration.

"U.S. Stocks Make Steep One-Day Drop." This is October of last year, on good economic news. But it is not all clearly irrational on that side. You get good economic news, and Wall Street looks for a window to jump out of. It happens the other way as well. "Last year, bonds rose after the Labor Department said Friday morning that unemployment claims had risen by 5,000 last week." So you had some bad economic news, and Wall Street goes, "Thank God, we got some bad economic news. That is good news for us on Wall Street."

What kind of twisted logic is this? Felix Rohatyn wrote a piece that I will send to my colleagues, in which he said that many corporate leaders agree and believe that it is a false choice in this country now. Wall Street and the Fed, especially, have led us to believe that it is a false choice that we must choose between economic growth and inflation—a fundamentally false choice. But those who believe we must choose between either growing as a country or inflation are the ones who are causing us to drop anchor at the first hint of wind that gets in the sales of this economy. The first time the economy starts moving a bit, it is time to drop anchor.

What does all that mean? It means that the ups and downs—this casino in which there is daily betting with trillions of dollars, where people make money going up and make money going down, and people buy what they will never get from people who never had it, and they make money on both sides of the transaction—is all at the expense of working families, who sit around eating supper asking themselves: Well, what is our life like? What about us? What is the situation in my job? Am I being paid more or less? Am I making progress or falling behind? Is my wage up, or is it deteriorating? Is my job more or less secure? What about my child, who is ready to go to college? Is the economy expanding sufficiently so that that child is going to have an opportunity to get some interviews and maybe have a choice of a job or two?

That is the central question. Those who believe they should scare this country into accepting a rate of economic growth of 2 or 2.5 percent, and decide that the standard practice in this country is to revel in bad economic news and despair in good economic news, have done a real disservice to the potential of this country's economy. Felix Rohatyn is fundamentally right. It is a false choice for us now in the global economy when wages have been going down, not up, to say that we must choose between economic growth or more inflation.

I do not want more inflation. I do not think it serves this country's interest. Inflation has been coming down for 5 years in a row. If you believe Alan Greenspan, that the consumer price index overstates inflation by a percent and a half, we have almost no inflation in America today. Yet, we have all these micromanagers who see themselves in the hold or the engine room of a ship of state, operating the controls to try to slow the ship down. My Uncle Joe could slow the ship down. If that is the job description of the Fed for serving on Wall Street, my Uncle Joe can do that job. I want this country to have an economy that expands and produces more jobs and better wages.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WYDEN. I share the Senator's interest in this Rohatyn analysis. What is interesting is that there really is a link between the growth issue and those concerns of working families that the Senator from North Dakota is right to zero in on.

There was a study a couple of weeks ago, a Census Bureau study, that showed that the gap between those at the very top and those at the bottom is widening again and, well, it confirms what a lot of us suspected. But there was also another study that did not get the attention, frankly, it should have, which said that the education gap is widening between folks at the top and folks at the bottom.

So there really is a link, a kind of interdependence between the issues that the Senator is talking about. We ought to be looking at a noninflationary economic growth rate that I think is increased beyond where we are today. I think we can get it if Democrats and Republicans in this body come together and pass the kind of policies that will complement that.

For example, if you want to attack that education gap, which was the study I mentioned last week, which complemented what the Census Department said, education is really the key. A lot of us here have said that what we ought to do, on a bipartisan basis, is say that when working families are making payments for college or vocational education, let us make that tax deductible. Let us let them write that off, so that we have a tax cut geared directly toward working families trying to deal with that wage crunch that the Senator from North Dakota is talking about. It gives us an opportunity to have the kind of growth that Felix Rohatyn and others are talking about.

I think the Senator is very much on target in bringing these issues up. There certainly is not anything partisan about these kinds of questions. I hope that as we go into the last few weeks of the session, this is the kind of approach we should take. I thank the Senator for letting me work with him on this morning's discussion.

Mr. DORGAN. Mr. President, I thank the Senator from Oregon, Senator WYDEN, for coming this morning, as well as Senator CONRAD and Senator FORD. Again, what he said last is, I think, most important. The Senate will work its will on issues. But we cannot have a circumstance where we are told we have made the decision in some room someplace, and we are bringing it to the floor, and we are cutting off your right to debate it and accept it, or else. That is not the way the Senate can work.

Most of us are anxious to work with the majority to get things done. I say that, despite the anxiety of the end of the week on the legislation that was pending, this was actually a pretty productive week in the Senate. We passed some very substantial pieces of legislation dealing with the minimum wage, with small business regulatory issues, and tax issues that will be very helpful to small business. The Defense authorization bill was passed on final passage. This was actually a productive week. I hope future weeks will be as productive. Our intention is to work, in a serious and conscientious way, with the majority. But we will not be rolled over by people who insist on doing things that prevent us from being part of the debate. That is a message that they need to understand, and I hope they will understand.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

IN REMEMBRANCE OF LEE SCHOENHARD

Mr. DASCHLE. Mr. President, I rise today to honor the memory of Leland "Lee" Schoenhard, a good friend and one of the most charitable men South Dakota has ever known.

At the age of 4, Lee Schoenhard moved with his family to South Dakota in 1924. At the young age of 17, he moved to Chamberlain, SD, to begin a career in farming. He would change careers often in life. At different times, he made a living in the construction, trucking, and the lumber businesses. In 1965, he built and opened Lee's Motor Inn, a 60-unit motel that is still one of the finest places to stay in Central South Dakota. From 1973 to 1977, he owned and operated the Missouri Valley Grain Co. as well as a feed lot in central South Dakota that fed over 80,000 cattle. Lee's hard work and keen sense of business turned almost every opportunity he encountered into a success. Despite having attained only a sixth grade education, he became one of the most successful and wealthy businessmen in the State of South Dakota.

But, Lee Schoenhard's wealth extended far beyond his earnings.

After he passed away last month, Lee was remembered, not as a man of riches but rather as a man of compassion, and the fond recollections of the people he helped will forever remain the most powerful public statement that can be made about his life. People will remember him driving over 18,000 miles in 4 months to raise money for a hospital in Lyman County. They will remember the 22 carloads of scrap iron and the 500 carloads of wheat straw that he bought and delivered to the Army for material purposes in World War II. They will remember the $9,000 he gave every year in scholarships for area school children, and the $1 million foundation he created to fund community projects in his hometown and surrounding areas. Through these and other numerous gifts, his wealth will continue to help South Dakotans into the next century, and it is in these acts of kindness that the memory of Lee Schoenhard will continue to live.

I will remember Lee Schoenhard as a dear friend, and can truly say he was among the wisest and most caring men I have known. He embodied the South Dakota spirit with a kind and honest heart, and we will all miss him greatly.

SAUDI ARABIA BOMBING

Mr. KERREY. Mr. President, I rise to comment on a disturbing trend I see arising in the aftermath of the terrorist killing of our military personnel in Saudi Arabia. I am concerned because I believe we may be developing a response that plays right into the terrorists' hands.

I frankly question some of the responses coming out of the Congress. Some of these responses neglect answering the fundamental question: Why did the terrorists choose to kill Americans in Dhahran on June 25, 1996? This question is fundamental because if you answer it, you will immediately reach some conclusions about the right and wrong response to the bombing.

I say to my colleagues, in order to understand the next steps we should be taking as a nation, you must try to put yourself in the mind of the terrorists to determine what they want. Based on all of the rhetoric and the history of terrorism in this region, there are, in my view, as least three things the terrorists want to have happen as a result of their attacks. First, they want to divide Saudi Arabia from the United States. Second, they want to force the United States out of Saudi Arabia. Third, they want to make it more difficult for the United States to deploy its forces overseas.

If these are in fact the goals of the terrorists, and I believe they are, some reactions in Congress and the media are playing right into the terrorists' hands. I have heard implications that cast doubt on the competence of the military chain of command to protect the troops. I have heard doubt cast on the sincerity and willingness of an important ally to cooperate with the United States. I have heard speculation about the stability of the government of that important ally. If I were the terrorist, I'd be pleased at these reactions and be confident that one more spectacular attack might just be good enough to finish the job and drive the Americans out of the region.

I say to my colleagues, these are not the appropriate responses when we are at war. And believe me, whoever they may be, the terrorists have declared war on the United States. And I think we can all agree, when we are at war, the appropriate response is not to do what your enemy wants.

The appropriate response is to support our military and its commanders. The appropriate response is to praise the airmen at Al Khobar Towers for the dedication and alertness which prevented greater casualties in the attack. The appropriate response is to pile on all of the intelligence and war-fighting resources we can marshal so as to put the perpetrators out of business and to punish their state sponsor, if we find one. The appropriate response is to be sure our troops enjoy the maximum protection consistent with the mission. The appropriate response is to continue with our vital mission in Saudi Arabia.

Mr. President, we should be making it clear, right now, the United States is angry. But we are not angry because a barrier was too close to a building. We should be making it very clear we are angry because someone attacked us. That someone should understand they are the focus of our anger, not our military commanders. We should be confirming our commitment the United States will not leave Saudi Arabia. We should make sure our enemy understands they will be punished and their organization will be destroyed. And this will happen to them no matter how far we have to go our how long it takes.

We Americans proved during Desert Storm that we will support a 72-hour war. We now need to prove we will support a war that lasts 72 weeks—or however long it takes to defeat this enemy.

The nervousness over vulnerabilities, the second-guessing of the chain of command, the search for an exit strategy should be going on in the terrorists' lair—not in the United States. Let's focus the anger where it belongs.

FLAWED ELECTIONS IN NIGER

Mrs. KASSEBAUM. Mr. President, early this week, the people of the Republic of Niger were denied their right to choose their own leadership and control their destiny. I want to express my deep disappointment in the Nigerian elections and in the military regime that chose to retain power through fraud and intimidation rather than honor its word to hold free and fair elections.

In January, immediately after Gen. Ibrahim Barre Mainassara deposed Niger's democratically elected president in a military coup, he pledged to return the country to democracy as soon as possible. At that time, the United States rejected the use of military solutions for political problems by suspending bilateral development and military assistance, as well as support for Niger in multilateral financial institutions. We urged Barre to keep his word and encouraged the military government to reestablish democracy quickly and transparently.

Balloting started on Sunday, despite the fact that the Independent Electoral Commission had twice requested a postponement in order to ensure that accurate voter lists and voter cares were in place. General Barre rejected these requests and, instead, extended the voting through Monday. On this second day of balloting, the general deployed security forces to the homes of his opponents, shut down private radio stations—including the Voice of America affiliate—and dissolved the Independent Electoral Commission.

Barre appointed a new commission which declared him the winner only hours later. Quickly after that declaration all demonstrations and public assemblies were banned. Political leaders are under house arrest, and political activists are being detained.

Mr. President, I join with the administration and other members of the international community in condemning these recent events. The age of accepting military coups and authoritarian regimes in Africa is over. France, with its unique influence in Niger, can have an especially powerful voice in articulating this message. For this reason, it is particularly disturbing that the bilateral French delegation on the ground claimed that, by Nigerian standards, this weekend's election was a sound one.

In this era of change and growth throughout much of the African Continent, Niger now stands out as a country moving against the tide of openness and progress. Development and economic growth cannot be achieved in a climate of instability, and human potential cannot be realized in an atmosphere of fear. If the people of Niger are to find their much-deserved place among the emerging markets and developing nations of Africa, Niger must return to democracy.

REPUBLICAN BUDGET SUPPORTS STUDENT AID

Mr. PRESSLER. Mr. President, today I would like to express my continued support for Federal student financial aid programs. I relied on student loans to fund my college education at the University of South Dakota, so I understand the importance of these loans for students and families. Low income levels should not deny young people the opportunity to achieve their dream of a college education. Programs such as Stafford loans, Pell Grants, and work study programs enable young people to fulfill that dream and pursue their ultimate dreams of personal and professional success.

One of the great challenges for American families is the rising cost of a college education. For the past two decades, tuition costs have risen twice as fast as inflation. Financial aid has not kept pace with these soaring price increases. The result? More and more students and their families are struggling to pay for college today. In my home State of South Dakota, 83 percent of students attending public colleges receive some type of Federal financial aid. As the number of students receiving loans continues to grow, the overall student aid debt accumulates along with it. Even more of a concern, the rising cost of tuition increases the size of the debt students pay off after college. South Dakota students now graduate with an average debt of more than $10,000. This means that college graduates are forced to divert a higher share of their earnings in order to pay off their student debts.

Students struggle to find ways to pay off these huge debts. Increasingly, they work while attending school. This trend tends to deflate the student's educational experience.

I am pleased the Republican budget that passed Congress earlier this year would respond to these trends. The budget includes responsible, cost-efficient reforms to student financial aid programs. These programs can be improved without harming the actual aid levels that students depend on. Reform can be achieved by eliminating small, specialized scholarship programs and Federal bureaucracy.

Unfortunately, liberal interests have tried to use the issue of student financial aid to their benefit. They have used false propaganda to scare young people and their parents. I urge Americans to look at the facts, not the falsehoods. The Republican plan for student aid would increase the amount of aid available to students, while downsizing inefficient Federal bureaucracy.

The Republican budget for student financial aid would do three things. First, it would increase the maximum Pell Grant level to $2,470—the highest level ever. Second, it would maintain current funding levels for the Federal Work-Study Program and the supplemental education opportunity grants. Lastly, it would maintain the in-school interest subsidy and postgraduation grace period for all students. I am proud we were able to maintain this funding during these tough budget times. Student aid is a priority in this Congress.

We could provide more for student aid if we abolished the Clinton administration's wasteful, expensive direct lending program. The Congressional Budget Office estimates that taxpayers would save more than $1.5 billion over 7 years if the direct lending program were abolished.

Faceless bureaucrats in Washington are not able to provide students and families in South Dakota with the same personal service offered by hometown banks and credit unions. This is just common sense. The people of South Dakota greatly prefer one-on-one consultation with a small bank or credit union in their hometown, not the endless maze of redtape that accompanies the direct-lending program. This is another example of how the Clinton administration believes big government is the answer and should be involved in our daily lives.

Frankly the single best way to show our support for student financial aid programs and most importantly, for our children, is to balance the budget and reduce the massive national debt. These issues are entwined. Young people today stand to inherit the responsibility of the national debt, which now totals $5 trillion. Interest payments on the debt alone are a considerable burden—more than $200 billion each year and rising. As the interest grows, it diverts Federal resources from programs like student financial aid. A balanced budget would protect worthwhile Government programs, reduce the debt and the size of interest payments. Just as important, it would lower overall interest rates, and increase more jobs. This means college graduates would have an easier time to find that first job, buy that first home, pay off their student loans, and provide for their children.

I believe the continuation of student financial aid programs is vital. These programs not only give students the opportunity to receive an education that is essential in today's society, but they also allow America to keep a competitive edge in competition in our increasingly global economy. It is essential that the U.S. work force be an educated one that is ready to compete with other countries of the world. Providing adequate financial support for students will achieve this essential goal. Young people should have the opportunity to fulfill their potential and achieve their dreams.

I will continue fighting for affordable, accessible student financial aid programs and to secure a better future for the young people of South Dakota.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 11, 1996, the Federal debt stood at $5,152,639,995,932.57.

On a per capita basis, every man, woman, and child in America owes $19,423.80 as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3755. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes.

At 12:44 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1861. An act to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3341. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Capitol Preservation Fund; to the Committee on Rules and Administration.

EC–3342. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries of the Northeastern United States," (RIN0648–AI21) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3343. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the interstate average schedules; to the Committee on Commerce, Science, and Transportation.

EC–3344. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Bering Sea and Aleutian Islands Area," received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3345. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap; to the Committee on Commerce, Science, and Transportation.

EC–3346. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the growth of the Univeral Service Fund; to the Committee on Commerce, Science, and Transportation.

EC–3347. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

EC–3348. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

EC–3349. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Reestablishing Rulemaking Procedures," (RIN2900–AI32) received on June 27, 1996; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–652. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

"LEGISLATIVE RESOLVE NO. 54

"Whereas the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

"Whereas the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and the federal territories, possessions, and protectorates in the Pacific; and

"Whereas United States Representatives Bunn and White of Oregon, Representative Dunn of Washington, and Representative Young of Alaska have introduced H.R. 2935, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the "Ninth Circuit Court of Appeals Reorganization Act of 1996"; and

"Whereas H.R. 2935 proposes to remove the states of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon; and

"Whereas H.R. 2935 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

"Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

"Whereas the Court of Appeals for the Ninth Circuit's case filings are greater than any other federal circuit; and

"Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

"Whereas, in the so-called "Katie John" subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth Circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; this expedited decision is now under reconsideration by the court; and

"Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

"Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth Circuit exist in regard to those states; and

"Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington have endorsed S. 956, the United States Senate counterpart to H.R. 2935; and

"Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington by H.R. 2935 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region;

"*Be it Resolved*, That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner."

POM–653. A joint resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION

"Whereas, Improving patient access to qualify health care is a paramount national goal; and

"Whereas, The key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

"Whereas, Minimizing the delay between discovery and eventual approval of a new drug, biological produce, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

"Whereas, Current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

"Whereas, The current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

"*Resolved*, That this general assembly of the state of Rhode Island and Providence Plantations hereby respectfully urges the President and the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness;

"*Resolved*, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Rhode Island delegation in Congress.

POM-654. A resolution adopted by the Council of the City and County of Honolulu, Hawaii relative to the draft of proposed legislation entitled "Private Storage Facility Authorization Act of 1996"; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. BIDEN):

S. 1952. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 278. A resolution to authorize testimony, production of documents, and representation of Senate employee in State of Florida v. Kathleen Bush; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

THE BEACHES ENVIRONMENT ASSESSMENT, CLOSURE AND HEALTH ACT OF 1996

Mr. LAUTENBERG. Mr. President, I rise to introduce the Beaches Environmental Assessment, Closure, and Health [BEACH] Act of 1996.

Mr. President, coastal tourism generates billions of dollars every year for local communities nationwide. Moreover, our coastal areas provide immeasurable benefits for millions of Americans who want to build sand castles, cool off in the water, take a walk with that special someone, or just relax. New Jersey's tourism sector is the second largest revenue-producing industry in the State. Without a doubt, the lure of my State's beaches generates most of this revenue—over $7 billion annually.

Mr. President, alarmingly, this heavily used natural resource can actually pose a threat to human health if it is not properly managed. Studies conducted during the past two decades show a definite relationship between the amount of indicator bacteria in coastal waters and the incidence of swimming-associated illnesses.

Viruses are believed to be the major cause of swimming-associated diseases—gastroenteritis and hepatitis are the most common ones worldwide. And because an individual afflicted with these diseases is contagious to others in his or her household, the risk of sewage-borne illness does not end with the bather. Additional diseases that can be contracted by swimmers include an infection caused by the toxigenic bacteria E. coli—the bacteria found in Jack-in-the-Box hamburgers which caused an outbreak of illnesses a few years ago.

Yet many current, EPA approved techniques to measure marine water quality appear to underestimate the true number of viable pathogens that are entering the marine environment. Existing EPA guidelines allow States to decide whether their beach waters are safe for swimming based on monthly averages. Waters may appear safe in the long term, but short-term violations of the public health standard go unrecognized.

The existing EPA guidelines are not useful for decisionmakers, who need to decide whether they should allow people to swim at the beach tomorrow or during the coming weekend. Using monthly water quality averages to determine if the beach is safe for swimming is like taking a patient's temperature average over a week to see if the patient is sick. The patient's average temperature could be just about normal. But in the meantime, the patient could die. EPA must develop new standards because existing EPA guidelines simply fall short.

While some States use these inadequate EPA guidelines, others have no programs for regularly monitoring their beachwater for swimmer safety. In a report released today, Testing the Waters: Who Knows What You're Getting Into, the Natural Resources Defense Council [NRDC] found that only five States—New Jersey, Connecticut, Delaware, Illinois, and Indiana—comprehensively monitor their beaches, and a mere five States consistently close beaches every time bacteria water quality standards are violated. Additionally, NRDC found that a high-bacteria level can cause a beach closure in one State while in another State people may be allowed to swim in the water despite equal health risks. This discrepancy among coastal States threatens public health.

The NRDC report also found that high levels of bacteria in coastal waters—primarily from raw human sewage—are responsible for the overwhelming majority of beach closures and advisories in the United States. In 1995, U.S. ocean, bay, and Great Lakes beaches were closed, or advisories were issued against swimming, on more than 3,522 occasions.

New Jersey has been aggressive when it comes to protecting public health at the beach. New Jersey is the only State to have a mandatory beach protection program that includes a bacteria standard, a monitoring program, and mandatory beach closure requirements when the bacteria standard is exceeded. The program is designed to address water quality from both a health and an environmental perspective. Beaches are closed when bacteria levels exceed the standard regardless of the pollution source.

Ironically, New Jersey suffers because it does more to protect public health. In some years, annual losses from beach closures in New Jersey have ranged from $800 million to $1 billion.

The bill that I am introducing today will address the uneven coastal commitment to protect beach goers by establishing uniform testing and monitoring procedures for pathogens and floatables in marine recreation waters. This bill also requires EPA to establish a nationwide public health standard for determining when States should notify the public of health risks due to pathogen contaminated waters.

This bill requires the EPA to establish procedures to monitor coastal waters to detect short-term increases in pathogenicity and to set minimum standards to protect the public from pathogen contaminated beach waters. And it will assure that the public is notified when beach waters exceed the standards and public health may be at risk.

Whether they're in the Carolinas or in California, in New Jersey or New York, people across the country have a right to know when the water is and is not safe to swim in. Beach goers should be able to wade or swim in the surf without the fear of getting sick. Going to the beach should be a healthy and rejuvenating experience. A day at the beach shouldn't be followed by a day at the doctor.

Mr. President, I urge my colleagues to join me in recognizing the importance of protecting public health at our Nation's beaches by cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beaches Environmental Assessment, Closure, and Health Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Nation's beaches are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) each coastal State has its own method of testing the quality of its coastal recreation waters, providing varying degrees of protection to the public; and

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety.

(b) PURPOSE.—The purpose of this Act is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter, but in no event less than once every 5 years) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

"(i) be based on the best available scientific information;

"(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

"(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

"(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.".

(b) STANDARDS.—

(1) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)). A State shall incorporate such standards into all appropriate programs into which such State would incorporate other water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, the water quality criteria issued by the Administrator under such section shall become applicable as the water quality standards for coastal recreational waters for the State. The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341-1345) is amended by adding at the end thereof the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

"(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(9), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

"(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

"(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

"(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

"(4) specify methods for detecting levels of pathogens and for identifying short-term increases in pathogens in coastal recreation waters; and

"(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

"(A) compliance with the applicable water quality standards for those waters; and

"(B) protection of the public safety.

"(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

"(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

"(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

"(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

"(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

"(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

"(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

"(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically, but in no event less than once every 5 years.

"(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

"(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

"(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.".

SEC. 5. STUDIES TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDIES.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct studies to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the studies under this section, including—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(3) an evaluation of State efforts to implement this Act, including the amendments made by this Act.

SEC. 6. GRANTS TO STATES.

(a) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to section 3 and 4.

(b) COST SHARING.—The total amount of grants to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to section 3 and 4.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term "coastal recreation waters" means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term "floatable materials" means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator—

(1) for use in making grants to States under section 6 not more than $4,000,000 for each of the fiscal years 1997 and 1998; and

(2) for carrying out the other provisions of this Act not more than $1,500,000 for each of the fiscal years 1997 and 1998.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

THE CUSTOMS ENFORCEMENT AND MARKET ACCESS ACT OF 1996

Mr. FORD. Mr. President, today I am introducing legislation that is badly needed by the American textile and apparel industry and its workers. It complements an effort in the other body spearheaded by JOHN SPRATT of South Carolina and supported by over 100 Members of the House. My legislation is aimed at opening markets around the world and at enforcing the rules of the road that govern trade in textile goods. Broadly speaking, it will do so in four ways.

First, by extending the same authority that now exists for enforcing intellectual property rights to opening markets for U.S. textile and apparel products. Second, by supporting U.S. textile and apparel producers in their ongoing efforts to modernize and become more internationally competitive. Third, by strengthening U.S. laws against illegal trading practices like piracy, undervaluation, and transshipment in the textile and apparel area. And lastly, by beefing up the ability of the U.S. Government to enforce its trade laws and trade agreements.

Mr. President, 2 years ago, Congress passed the GATT implementing bill which will end all limits on textile imports by the year 2005. Our textile and apparel industry, which argued for a longer phase-out period, very reluctantly accepted this outcome.

The industry accepted this outcome because it had already made a commitment to compete in the global economy. Our textile and apparel industry has invested billions of dollars in becoming more competitive—about $12 billion just since the GATT implementing bill was passed.

They've supported the aggressive efforts of the President and USTR to open markets to American products. And our industry has committed to exporting.

But what happens when American textile and apparel producers go to foreign markets to sell their products? Too often, they find a closed door. Worse still, those same countries that ship the most to the United States are often the ones whose markets are closed to U.S. products. China, for example, which is our No. 1 source of textile and apparel imports, shipped $6.6 billion worth of textile and apparel goods in 1995, but allowed the sale of only $63 million of United States goods. Likewise, our textile and apparel exports to India and Pakistan were just $19 million last year, while those two countries sent us $2.8 billion worth of textile goods.

Clearly, we can't tell our industry to sell its products overseas if overseas markets are closed to American goods. My bill will help by requiring that textile agreements include specific market-access commitments and by providing for a regular evaluation of the market access given to U.S. products.

Mr. President, nearly 1.5 million Americans are employed directly in the textile and apparel industries, about 40,000 of them in my State of Kentucky. American textile and apparel workers are among the most productive in the world and make some of the finest goods anywhere. Unfortunately, during 1995, 150,000 of those workers lost their jobs, due in large part to surging levels of textile imports. Most of these workers live in rural areas where jobs, particularly good jobs, are not always easy to come by. For those workers, when the local textile mill or apparel facility closes, there simply aren't other jobs.

Now, it's bad enough that many of those imports and lost jobs are due to trade agreements that we should not have passed, like the NAFTA. But what's much worse is the fact that thousands upon thousands of jobs are lost because of illegal textile imports. This bill will give the Customs Service badly needed tools to fight against textile and apparel transshipments and counterfeit textile goods. And, it will raise the penalty for those who break our laws in textile trade.

Mr. President, I want to thank those Senators who have agreed to join me in introducing this important legislation. I am particularly pleased that we have been able to work on this in a bipartisan fashion, as we have so many times in the past on the issues that affect our textile and apparel workers.

This bill is not about protectionism. It's not about special favors for a particular industry. It's about basic fairness in how we trade with other nations. It's about enforcing our trade laws and standing up for American textile and apparel workers.

Mr. President, my bill's message is a simple one: Our textile and apparel industry and its workers are ready to compete. We should pass the Customs Enforcement and Market Access Act this year to make sure they can compete, both here in the United States and in markets around the world.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this time, along with the cosponsorship of Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, Mr. COHEN, and Mr. BYRD, and that it be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open until the close of business today so that other Senators may add their names to the bill as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs Enforcement and Market Access Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the textile and apparel industry is a key part of the United States manufacturing base and the third largest manufacturing sector in the United States economy;

(2) textile and apparel facilities are often located in economically sensitive regions;

(3) the industry has demonstrated an ability to compete in the global economy where market access is available;

(4) the domestic textile and apparel industry has committed significant resources to be competitive and productive;

(5) workers in the industry make the highest quality textile and apparel goods in the world and are the world's most productive;

(6) the industry is preparing to compete in the world market without the protection of import quotas authorized by the Multifiber Arrangement; and

(7) United States trade policy should be oriented toward expanding exports and ensuring that United States trade laws are vigorously enforced.

(8) The Committee for the Implementation of Textile Agreements, the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce, and the Ambassador for Textiles and Apparel in the Office of the United States Trade Representative—

(A) play central and indispensable roles in administering the laws governing trade in textile and apparel goods;

(B) have diligently carried out laws enacted by the Congress and under powers delegated to them by the President; and

(C) have acted in accordance with United States and international law.

SEC. 3. MARKET ACCESS FOR UNITED STATES TEXTILE AND APPAREL PRODUCTS.

(a) ACCESSION PROTOCOLS.—In any case in which the United States negotiates a protocol for accession of a country to the World Trade Organization, the Trade Representative shall negotiate for inclusion in that protocol, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions allowing the suspension or revocation of the provisions of paragraph 14 (relating to increasing import levels based on growth rates) of the Agreement on Textiles and Clothing if the United States determines that the country has failed to enforce the provisions referred to in paragraph (1).

(b) BILATERAL AGREEMENTS WITH COUNTRIES THAT ARE NOT WTO MEMBERS.—In any case in which the United States negotiates a textile agreement with a country that is not a WTO member, including any agreement negotiated pursuant to section 5 of this Act, the Trade Representative shall negotiate for inclusion in that textile agreement, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions that recognize the right of the United States to pursue remedies under United States law, including section 301 of the Trade Act of 1974, to respond to the denial of market access described in paragraph (1).

(c) REVIEW OF TEXTILE AGREEMENTS.—The Trade Representative shall take into account the compliance of countries with the provisions negotiated under subsections (a) and (b) in identifying countries for purposes of section 183 of the Trade Act of 1974, as added by subsection (d) of this section.

(d) PRIORITY FOREIGN COUNTRIES.—

(1) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 and following) is amended by adding at the end the following new section:

"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR TEXTILE AND APPAREL PRODUCTS.

"(a) IN GENERAL.—By no later than the date that is 30 days after the date on which the annual report is submitted to congressional committees under section 181(b), the United States Trade Representative (hereafter referred to as the 'Trade Representative') shall identify—

"(1) those foreign countries that deny fair and equitable market access to United States persons that produce or sell textile or apparel products, and

"(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

"(b) SPECIAL RULES FOR IDENTIFICATIONS.—In identifying priority foreign countries under subsection (a), the following shall apply:

"(1) In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall identify only those foreign countries—

"(A) that have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States persons that sell or produce textile or apparel products,

"(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

"(C) that are not—

"(i) entering into good faith negotiations, or

"(ii) making significant progress in bilateral or multilateral negotiations,

to provide adequate and effective market access for textile and apparel products of the United States.

"(2) In identifying foreign countries under subsection (a)(2), the Trade Representative shall—

"(A) consult with the Chair of the Committee for the Implementation of Textile Agreements and other appropriate officers of the Federal Government, and

"(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative in reports submitted under section 181(b) and petitions submitted under section 302.

"(3) The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or an international agreement, or the existence of barriers referred to in subsection (d)(1).

"(4) In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

"(A) the history of market access laws and practices of the foreign country, including any previous identification under subsection (a)(2); and

"(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for textile and apparel products.

"(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

"(1) IN GENERAL.—The Trade Representative may at any time—

"(A) revoke the identification of any foreign country as a priority foreign country under this section, or

"(B) identify a foreign country as a priority foreign country under this section,

if information available to the Trade Representative indicates that such action is appropriate.

"(2) REPORTS TO CONGRESS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the identification of any foreign country as a priority foreign country under this section.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) a foreign country denies fair and equitable market access if the foreign country effectively denies access for textile or apparel products of the United States through the use of laws, procedures, practices, or regulations which—

"(A) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

"(B) constitute discriminatory nontariff trade barriers;

"(2) a foreign country may be determined to deny fair and equitable market access for textile or apparel products, notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act; and

"(3) fair and equitable market access is not demonstrated only by access for those textile and apparel products that are subsequently reexported to the United States as finished textile or apparel products.

In determining whether a foreign country denies fair and equitable market access, the Trade Representative shall consider whether the foreign country has enacted and is enforcing laws which prevent and punish the manufacture, sale, or exportation of counterfeit textile and apparel goods.

"(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of action under subsection (c).".

(2) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following new item:

"Sec. 183. Identification of countries that deny market access for textile and apparel products.".

(3) TITLE III ACTION.—Section 302(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(A)) is amended by inserting "or section 183(a)(2)" after "182(a)(2)".

SEC. 4. TEXTILE GLOBAL COMPETITIVENESS RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the United States Treasury a Textile Global Competitiveness Research Fund (hereafter in this Act referred to as the "Fund").

(b) USE OF FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, in accordance with subsection (c)—

(1) for programs aimed at enhancing the international competitiveness of the United States textile and apparel manufacturers; and

(2) to the Customs Service for the enforcement of laws governing trade in textile and apparel goods.

(c) FUNDING.—

(1) DEPOSITS.—There shall be deposited in the Fund in each fiscal year the amount, if any, by which—

(A) the amount collected in fines by virtue of the amendments made by section 9 exceed

(B) the total amount collected for violations involving textile and apparel goods during fiscal year 1996 under section 592 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act, adjusted in accordance with paragraph (2).

(2) ADJUSTMENT.—(A) The amount referred to in paragraph (1)(B) shall be increased in each fiscal year beginning in fiscal year 1998 by an amount equal to the amount described in paragraph (1)(B) multiplied by the cost-of-living adjustment.

(B) For purposes of subparagraph (A), the cost-of-living adjustment for any fiscal year is the percentage (if any) by which—

(i) the CPI for the preceding fiscal year, exceeds

(ii) the CPI for the fiscal year 1996.

(C) For purposes of subparagraph (B), the CPI for any fiscal year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such fiscal year.

(D) For purposes of subparagraph (C), the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(E) If any increase determined under this paragraph is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

(3) ALLOCATIONS.—(A) 25 percent of the amounts deposited in the Fund in each fiscal year shall be made available to the Customs Service under subsection (b)(2).

(B) 75 percent of the amounts deposited in the Fund in each fiscal year shall be made available for programs designated pursuant to subsection (b)(1).

(d) ANNUAL REPORT TO CONGRESS.—The Secretary of Commerce shall submit to the

Congress, not later than April 1 of each year, a report on the contribution to the United States economy of the domestic textile and apparel industry.

SEC. 5. TEXTILE AND APPAREL QUOTA LEVELS.

(a) For Countries That Are Not WTO Members and Do Not Have Textile Agreements With the United States.—

(1) If exports to the united states exceed $100,000,000 annually or are creating serious damage or actual threat thereof.—The Trade Representative shall take the necessary steps to negotiate an agreement, in accordance with paragraph (2), between the United States and any country that—

(A) is not a WTO member and is not a country to which section 3(a) applies,

(B) is not a party to a textile agreement with the United States, and

(C) whose exports to the United States of textile and apparel goods—

(i) are valued at more than $100,000,000 in the most recent 12-month period ending on the last day of the preceding month; or

(ii) are creating serious damage or actual threat thereof to the domestic industry in the United States in any textile category established by CITA.

(2) Contents of agreements.—It is the sense of the Congress that an agreement negotiated with a country under paragraph (1) should establish maximum amounts of textile and apparel products of that country that may be imported into the United States that do not exceed—

(A) in the first 12-month period that the agreement is in effect, an increase of more than 8 percent of the total volume in square meter equivalents of all textile and apparel products of that country imported in the 12-month period ending on the date the negotiations began; and

(B) in each subsequent 12-month period that the agreement is in effect, an increase of not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(3) Inclusion of other provisions.—Those provisions required to be included in an agreement under section 3(b) may be included in the agreement negotiated under this subsection.

(4) Determinations of serious damage or actual threat thereof.—CITA shall make the determinations of serious damage or actual threat thereof referred to in paragraph (2), using the criteria set forth in paragraph 3 of Article 6 of the Agreement on Textiles and Clothing.

(b) For Countries That Are Not WTO Members and Have Textile Agreements With the United States.—In the case of a country that is not a WTO member but is a party to a textile agreement with the United States, the Trade Representative shall take the necessary steps to negotiate a textile agreement to go into effect when the current agreement expires, that allows imports of textile and apparel products of that country, during each 12-month period that the agreement is in effect, to increase by not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(c) For Countries That Are Acceding To the WTO.—In any case in which the United States negotiates a protocol for accession to the WTO under section 3(a), the Trade Representative shall negotiate for inclusion in that protocol provisions that require that the 10-year period provided in the Agreement on Textiles and Clothing for phasing out of quotas under that Agreement begin, with respect to that country, on the day on which that country accedes to the WTO.

SEC. 6. CIRCUMVENTION OF TEXTILE AGREEMENTS.

(a) Policy for Countries That Are Not WTO Members.—In the case of any country that is not a WTO member and—

(1) is negotiating a protocol with the United States for that country's accession to the World Trade Organization,

(2) is a party to a bilateral agreement with the United States that governs imports into the United States of textile and apparel products of that country, or

(3) is a country with which the United States is negotiating an agreement under section 5(a),

the Trade Representative shall ensure that the protocol under paragraph (1), a subsequent agreement to replace the agreement under paragraph (2) when it expires, or the agreement described in paragraph (3), as the case may be, provides for a reduction in the quantity of textile and apparel goods of that country that may be imported into the United States if CITA determines that the agreement is being circumvented and that no, or inadequate measures, are being applied by that country to take action against such circumvention. Any determination by CITA under the preceding sentence shall be made in accordance with the standards set forth in section 8.

(b) Definitions.—For purposes of this section, a reduction in a country's textile and apparel quotas is a reduction in quantitative limitations otherwise applicable to imports into the United States of that country's textile and apparel products that is equal to—

(1) the quantity of the goods involved in the circumvention if the circumvention is the first within the most recent 36-month period;

(2) twice the quantity of goods involved in the circumvention if the circumvention is the second in the most recent 36-month period; or

(3) three times the quantity of goods involved in the circumvention if the circumvention is the third or more in the most recent 36-month period.

(c) Policy for WTO Members.—In any case in which a WTO member is found by CITA to have circumvented the Agreement on Textiles and Clothing or any other textile agreement, CITA shall pursue the maximum penalty consistent with the WTO.

SEC. 7. CUSTOMS ENFORCEMENT ACTION.

(a) Sharing of Customs Information With CITA.—The Customs Service shall, upon initiating an investigation relating to a violation of the laws of the United States governing international trade in textile and apparel goods, inform CITA of the investigation in any case in which the alleged violation, if true, would constitute a circumvention of any textile agreement. In any such case, the Customs Service shall provide to CITA—

(1) all information CITA requests that is relevant to the alleged violation and required in order for CITA to pursue a charge against the quotas on imports of textile and apparel products of that country as a result of the violation; and

(2) notification, at least every 30 days until the investigation is referred to the Department of Justice or the Customs Service closes the investigation, of the progress of the investigation.

(b) Factors in Proceeding With Charges Against Quotas.—In deciding whether to pursue a charge described in subsection (a) as a result of an alleged violation described in subsection (a), CITA, in addition to any other relevant factors which CITA may consider, shall weigh the impact of proceeding with such charge on potential prosecutions or civil penalties and future enforcement of textile agreements, and shall consider the amount of the alleged violation, the probability of successful criminal prosecution, the degree of compliance by the true country of origin with textile agreements, and the damage the alleged violation would inflict on the domestic textile and apparel industry.

(c) Decision Not To Pursue a Charge.—In any case in which CITA decides under subsection (b) not to pursue a charge, the Customs Service shall, as long as that decision is in effect, report to CITA, in lieu of the reports under subsection (a)(2)—

(1) at least once every 6 months from the date on which the Customs Service initiated the case, on the status of the investigation; and

(2) within 10 business days after the Customs Service obtains new information or evidence materially relevant to the alleged violation.

(d) Standing Not Provided.—Nothing in this Act shall be construed to provide standing in any court or administrative proceeding for legal action against the United States arising from actions taken in carrying out the laws governing trade in textile or apparel goods.

(e) Referral of Cases to Department of Justice.—In any case in which—

(1) the Customs Service refers an alleged violation described in subsection (a) to the Department of Justice for prosecution, and

(2) no indictment has been brought in the case within 6 months after the referral,

the Attorney General shall provide to CITA all information relevant to imposing a charge against the quotas on imports of textile and apparel products of the country concerned as a result of the violation. CITA may extend the 6-month period referred to in paragraph (2) if requested to do so by the Attorney General.

(f) Disclosure of Certain Confidential Information Not Required.—Nothing in this section shall be construed to require the disclosure by the Customs Service or the Department of Justice of confidential information relevant to possible imposition of criminal or civil penalties when that information is not relevant to the imposition of a charge by CITA against the quotas on imports of textile and apparel products of a country.

(g) Initiation of Investigations.—

(1) Basis for initiation.—Subject to paragraph (2), whenever the Customs Service receives credible evidence that circumvention of a textile agreement has occurred, the Customs Service shall initiate an investigation, to which a customs officer shall be assigned, to determine if such circumvention has occurred, unless such evidence is directly related to an open investigation commenced prior to the receipt of such evidence.

(2) Waiver.—The head of the Division of Textile Enforcement established under section 10 may determine not to initiate an investigation under paragraph (1) if he or she transmits to CITA a report setting forth the reasons for that determination.

SEC. 8. STANDARDS OF PROOF.

(a) In General.—CITA may determine that a country has circumvented a textile agreement if CITA determines, after consultations with the country concerned, that there is a substantial likelihood that the circumvention occurred.

(b) Failure of Country to Cooperate.—

(1) RELIANCE ON BEST AVAILABLE INFORMATION.—If a country fails to cooperate with CITA in an investigation to determine if a textile agreement has been circumvented, CITA shall base its determination on the best available information.

(2) ACTS CONSTITUTING FAILURE TO COOPERATE.—Acts indicating failure of a country to cooperate under paragraph (1) include, but are not limited to—

(A) denying entry of officials of the Customs Service to investigate violations of, or promote compliance with, any textile agreement;

(B) providing appropriate United States officials with inaccurate or incomplete information, including information demonstrating compliance with United States rules of origin for textile and apparel products; and

(C) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers within the country.

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

"(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

"(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

"(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

"(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

"(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) involving textile and apparel goods—

"(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

"(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

"(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.".

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever", and

(2) by adding at the end the following new subsection:

"(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 involving textile or apparel goods only if—

"(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

"(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

"(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.".

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking "or" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (F) the following:

"(G) consists of textile or apparel goods introduced into the United States for entry, transit, or exportation, and

"(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise; or

"(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

"(I) circumventing any quota that applies to the merchandise, or

"(II) undervaluing the merchandise.".

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. DIVISION ON TEXTILE ENFORCEMENT.

(a) ESTABLISHMENT.—The Commissioner of Customs shall, not later than 6 months after the date of the enactment of this Act, establish in the Customs Service a Division on Textile Enforcement (hereafter in this section referred to as the "DTE"), using existing resources available to the Customs Service. The head of the DTE shall be an officer of the Customs Service in a position at the level of an Assistant Commissioner of Customs.

(b) FUNCTIONS.—The DTE shall be responsible for enforcing all laws of the United States, and all bilateral and multilateral treaties and agreements, governing the importation of textile and apparel goods, that the Customs Service is responsible for enforcing.

(c) PERSONNEL.—The Commissioner of Customs shall assign personnel to the DTE who have expertise in textile and apparel goods, including, but not limited to, import specialists, investigators, attorneys, accountants, laboratory technicians, and members of the textile production verification teams.

(d) SUBDIVISIONS.—The DTE shall establish a separate subdivision for each geographic region which is a major source of textile and apparel goods imported into the United States, including a subdivision for each of the following:

(1) The Far East.

(2) South Asia.

(3) South America.

(4) Central America and the Caribbean.

(5) The Middle East and Africa.

(e) ASSIGNMENTS ABROAD.—

(1) TO CERTAIN COUNTRIES.—If permitted by the host country, at least 1 customs officer shall be assigned in each country, other than Canada or Mexico, whose annual exports to the United States of textile and apparel goods equal or exceed 500,000,000 square meter equivalents. Each such customs officer shall be responsible only for matters relating to exports to the United States of textile and apparel goods.

(2) RESPONSIBILITY OF SECRETARY OF STATE.—The Secretary of State shall take the necessary steps to facilitate the assignment abroad of customs officers under paragraph (1), by seeking to obtain the approval of the foreign governments concerned for such assignments.

(f) REPORTS.—

(1) REPORTS BY CUSTOMS OFFICERS.—Each customs officer assigned under subsection (e)(1) shall prepare and submit to the Commissioner of Customs, at least monthly, reports summarizing his or her activities, assessing the compliance with applicable textile agreements by the country concerned, and assessing the intellectual property protection provided to textile and apparel goods in that country.

(2) REPORTS BY DTE.—The DTE shall prepare and submit to the Commissioner an annual report—

(A) evaluating the extent of circumvention of textile agreements with the United States, the extent of compliance with the rules of origin of the United States relating to textile and apparel goods, the extent to which countries act in compliance with Article XX of the GATT 1994 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) with respect to textile and apparel goods, and the adequacy of intellectual property protection provided to textile and apparel goods; and

(B) recommending new methods, if necessary, to address the matters evaluated under subparagraph (A).

(3) AVAILABILITY OF REPORTS.—Each report submitted under this subsection shall be made available to appropriate agencies of the executive branch, including the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce.

SEC. 11. WITHDRAWAL OF UNILATERAL TRADE CONCESSIONS.

(a) WITHDRAWAL OF CONCESSIONS.—In any case in which—

(1) CITA determines that a country—

(A) has demonstrated a consistent pattern of circumventing textile agreements with the United States,

(B) refuses to cooperate with investigations by the United States of any such alleged circumvention,

(C) fails to provide adequate enforcement of intellectual property rights with respect to textile and apparel goods, or

(D) fails to provide fair and equitable market access for textile and apparel products of the United States, and

(2) the United States extends to the products of that country preferential tariff or quota treatment other than pursuant to a bilateral or multilateral agreement,

then such preferential treatment shall be withdrawn from the textile and apparel goods that are products of that country for such period as shall be determined by the Trade Representative, in consultation with CITA.

(b) NATIONAL INTEREST WAIVER.—The President may waive the application of subsection (a) with respect to a country if the President determines that the waiver will allow the United States to secure effective commitments from that country to prevent future circumvention of textile agreements with the United States, or is otherwise in the national interest. The President shall publish any such waiver, and the reasons for the waiver, in the Federal Register.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CIRCUMVENT AND CIRCUMVENTION.—The terms "circumvent" and "circumvention" refer to a situation in which a country—

(A) takes no, or inadequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means; or

(B) takes no or inadequate measures to prevent being used as a transit point for the shipment of goods in violation of an applicable textile agreement.

(3) CITA.—The term "CITA" means the Committee for the Implementation of Textile Agreements established under Executive Order 11651 of March 3, 1972 (7 U.S.C. 1854 note), or any successor entity or officer performing functions of that committee after the date of the enactment of this Act.

(4) COUNTRY.—The term "country" includes a separate customs territory, within the meaning of Article XII of the WTO Agreement or other applicable international agreement.

(5) CUSTOMS SERVICE.—The term "Customs Service" means the United States Customs Service.

(6) MULTIFIBER ARRANGEMENT.—The term "Multifiber Arrangement" means the Arrangement Regarding International Trade in Textiles referred to in Article 1(3) of the Agreement on Textiles and Clothing.

(7) TEXTILE AGREEMENT; TEXTILE AGREEMENT WITH THE UNITED STATES.—The terms "textile agreement" and "textile agreement with the United States" mean an agreement relating to textile and apparel goods that is negotiated under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), including the Agreement on Textiles and Clothing.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) WORLD TRADE ORGANIZATION AND WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(10) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(11) WTO MEMBER.—The term "WTO member" means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1996.

Mr. HOLLINGS. Mr. President, I rise today to support the efforts of my good friend from Kentucky, Senator FORD, and the tireless efforts of my colleague in the House, Congressman JOHN SPRATT. Mr. President, in the last year alone we have lost over 150,000 jobs in the textile and apparel industry. Just last week, Springs Industries announced it would close several plants and lay off 850 employees.

Our trade deficit in textiles and apparel stands at an appalling $35 billion.

As bad as that number is, the sad fact is that $35 billion underestimates the true size of the trade deficit. Because of the massive amounts of transhipment that have flooded our shores, the actual trade deficit is some $6 billion larger. What is left of the quota system has become a porous sieve, subject to the manipulation of shady importers and retailers who look the other way at fraudulent schemes designed to evade our quota system, and steal jobs from the American worker.

The legislation being introduced will shut down the illegal evasion of our quotas. It slaps harsh penalties on customs offenders, and it provides customs with adequate resources to enforce our textile agreements.

Mr. President, the time has come for the administration to crack down on this lawless behavior and stand up for the American worker.

Mr. HELMS. Mr. President, this is important legislation that will be beneficial to an enormous number of Americans because it will open foreign markets to U.S. products and countries that engage in dishonest activities in international trade. Those that violate trade laws and trade agreements will pay for it. This bill establishes a level playing field for U.S. textile companies and takes an unmistakable stand for American workers. If foreign markets can be opened, and U.S. trade with countries overseas increased, it will be a tremendous boost for U.S. jobs.

Mr. President, the economic name of the game as we approach the 21st century lies in increasing our exports.

This bill addresses a pressing need. American workers, as matters now stand, are being squeezed from every direction. Many countries, especially Mainland China, are deliberately violating their trade agreements; they are transshipping their goods through other nations deliberately to circumvent United States textile import laws. American workers should not be forced to compete against foreign companies that deliberately engage in illegal and immoral trade practices.

Such countries—Communist China, India, Macau, Hong Kong, to name a few—pump billions of dollars of products into our markets, cheating every step of the way. The Winston-Salem Journal pointed out the other day that the United States Customs Service estimates that China alone illegally transships $4 to $6 billion per year. This banditry costs American businesses—and, therefore, consumers—up to $4 billion a year, not to mention the loss of countless thousands of American jobs.

Mr. President, S. 1951—the Textile and Apparel Global Competitiveness Act of 1996—will, when it becomes law, impose stiff sanctions on countries that transship textile products into the United States. Current penalties will be doubled—in some cases tripled—and more reliable proof of the country of origin will be required for textile imports entering the United States. S. 1951 enables the Customs Service to seize goods imported illegally by the use of false or misleading statements or acts.

So, Mr. President, this bill S. 1951, of which I am a principal cosponsor, is about fair trade and reciprocity. Since U.S. markets are open, it is only fair to demand that other countries open their markets. As matters now stand countless countries close their markets to American products while pouring their exports through our open doors. China, Pakistan, and India together ship 9.4 billion dollars' worth of goods to United States markets—more than 100 times the $92 million in United States goods that were, at last reports, allowed into their countries.

S. 1951, when enacted, will require United States negotiators to secure effective access to foreign markets for United States textile and apparel products; in other words, it will press open markets of countries that have shut their doors in Uncle Sam's face. If we are going to be hospitable to foreign imports, it's only fair to require the same of them. One specific benefit of this bill is that it will deny to China the free trade benefits of the World Trade Organization until China dismantles her iron fence against United

States textiles. China must not be permitted to hold membership in the WTO until China removes her arrogant trade barriers.

Moreover, Mr. President, Communist China competes with American workers with unspeakable use of slave labor and child labor. Chinese slave laborers are often political prisoners. Exploitation of children as workers is rampant, especially in Asia.

Mr. President, the United States must never forget that we become a part of what we condone. Therefore, the need for this bill is obvious in the light of the tremendous loss of U.S. jobs inflicted on American workers—particularly in North Carolina—by the illegal practices of foreign countries. The United States lost 53,000 textile jobs last year. North Carolina lost as many as in the 3 previous years combined, with plant shutdowns and layoffs costing 11,316 North Carolina jobs. Fruit of the Loom alone was forced to abolish 3,200 jobs in 1995, and a Fruit of the Loom spokesman blamed it on "the cumulative impact of NAFTA and GATT" trade agreements.

Headline after headline has announced major company shutdowns or job layoffs. An eye-popping review article in the Winston-Salem Journal provided a long list of companies—including, among others, Sara Lee, Fieldcrest Cannon, Dupont, and Tultex—that have closed plants and laid off workers in North Carolina in the first part of this year. Overall, 2,918 layoffs in 26 North Carolina cities and towns were announced in the first 4 months of 1996.

Mr. President, I ask unanimous consent that the aforementioned Winston-Salem Journal article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, while foreign imports are pouring in like a tidal wave, North Carolina workers are being forced onto the unemployment lines. This obviously is having a devastating impact on families and communities across America. Mr. President, this bill isn't "protectionism," it's "survivalism." United States business should—and must—demand access to the international market so that American workers can have a fair shot in world competition.

EXHIBIT 1

[From Winston-Salem Journal, July 7, 1996]

SOCK IT TO 'EM?

CONGRESS TAKES AIM AT ASIA IN TEXTILE BILL

(By John Hoeffel)

WASHINGTON.—Stories of textile plants closing and laid-off workers scrambling to find scarce low-skilled jobs in this high-tech world have been commonplace for at least 20 years. The number of textile employees has been in a steady slide.

But the news appears to be getting worse.

Last year, North Carolina lost as many textile jobs as in the previous three years combined. Plant closing and layoffs cost the state 11,316 jobs.

In the first four months of this year, 22 companies announced 2,918 layoffs in 26 North Carolina cities and towns.

North Carolina is the nation's No. 1 textile-producing state, and it has almost a third of the employees.

Nationwide, 53,500 textile jobs were lost in 1995.

Even with those stunning losses, textiles and apparel are still the top manufacturing industry in North Carolina, with annual sales averaging about $25 billion. Three of the state's top five employers are textile companies, including Sara Lee Corp., which has several divisions based in Winston-Salem.

At the end of last year, 261,641 North Carolinians still worked in the industry, which is concentrated in the Piedmont. Forsyth, Guilford and Surry counties all rank in the top 10 counties for textile and apparel employment.

The politically powerful companies have a long record of looking to Washington for help, and the South's congressmen have an equally long record of hastening to erect barriers to cheap imports.

But this is a new economic era.

Free trade is now the mantra of centrists in both the Republican and Democratic parties. The North American Free Trade Agreement and the General Agreement on Tariffs and Trade dismantled many trade barriers, including protectionist textile quotas that will be completely eliminated by 2005.

Faced with mounting job losses, congressmen from the South cast about for another avenue and found it with a bill that was introduced last month.

That bill, called the Textile and Apparel Global Competitiveness Act, aims not at keeping imports out, but at cracking open foreign markets that are closed to American exports. "We expect their door to be more than slightly ajar," said Rep. Howard Coble, the 6th District Republican who is the chairman of the House textile caucus and an original co-sponsor of the bill. "We're not building a wall around ourselves and trying to block imports."

The bill also aims at ending transshipments, the illegal practice of sneaking textiles from one country into the United States under another country's quota by diverting them through that third country. The bill is targeted at Asia in general and China in particular.

The United States exported $1.96 billion in textiles to the top 14 textile producing countries in Asia. Those countries exported $24.79 billion in textiles to the United States.

A source with the U.S. Customs Service says that China transships $4 billion to $6 billion through such places as Hong Kong and Macau, where the products are relabeled "Made in Hong Kong" or "Made in Macau."

Sen. Jesse Helms, R–N.C., who is no fan of China and has railed against transshipping, plans to sponsor a version of the bill in the Senate. "It requires retaliation against countries that just flout honest and decency in international trade and countries that are closed to us and do business in our country," he said. "It's time for us to stand up for American workers."

The bill strengthens the roles of the U.S. trade representative in negotiating agreements and the Customs Service in investigating illegal shipments. It establishes steep penalties for violations. It doubles some fines and reduces quotas by an amount equal to three times the volume of transshipped goods when a country is caught transshipping for the third time.

Textile importers, who could be socked with stiff penalties for importing illegal products, oppose the bill.

"It's the same industry coming back after many, many years of protection wanting more special favors from government," said Laura E. Jones, the executive director of the U.S. Association of Importers of Textiles and Apparel. "They still don't want to compete."

The bill's supporters, sensitive about their protectionist past, react defensively, bringing up the subject of protectionism on their own. "We're going to have to do a good marketing job in making it clear that this is not a protectionist proposal," Coble said.

But Jones said that the bill amounts to back-door protectionism, making it easier for a select industry to pursue sanctions against importers and foreign countries. "They do not need to have standards lowered for them so they can go around harassing our industry," she said.

As with the old protectionist legislation, Jones said, the consumers lose. "I just think the consumers end up paying more in the end," she said.

She also charged that Customs has not discovered massive transshipment because they don't exist. "The Customs Service can find cocaine and heroin, but they can't find bras and underpants," she said sarcastically. "If they can't find it now, this isn't going to be an incentive to them to find it later."

The bill is not expected to pass this session because the schedule is too crowded.

"We just don't want this shoved off the table," Coble said.

Rep. John Spratt, D–S.C., was the main author and introduced the bill. But in an election-year press release, Rep. Richard Burr, the 5th District Republican and an original co-sponsor, claimed credit for introducing it.

By all accounts, Burr worked hard to collect co-sponsors to help demonstrate wide support for the bill. It has more than 100.

Some in the industry have criticized the Clinton administration, arguing that it has done little to enforce textile treaties. Helms, though, was more expansive in directing his criticism. "I have got to be honest and say that previous administrations and the present administration have not done enough. It's a bipartisan folly," he said.

Work on the bill seemed to rattle the administration's cage.

Customs announced last month that it was taking measures designed to stem Chinese transhipments through Macau and Hong Kong, requiring greater verification that textiles shipped from those countries were made there. Customs just this month received the power to block shipments from factories that won't allow Customs investigators inside.

Whether the bill and this Customs effort, will half the job losses is unclear. Burr said that it is imperative to introduced the bill because of continuing plant closings, citing the two that Sara Lee Knit Products announced in Sparta, costing 250 jobs, and in Jefferson, costing 589.

But Sara Lee officials said that both plants closed because of weak domestic sales and that opening foreign markets would not have prevented the move. "It's really completely unrelated," Nancy Young said.

Textile and apparel companies are suffering through an extended retail slowdown. But the companies are also cutting jobs, as Gordon A. Berkstresser III notes, because of continuing automation and other efficiencies.

And Berkstresser, a professor of textile and apparel management at N.C. State University, also questioned whether the companies are prepared to sell in Indonesia or Malaysia.

"We haven't gone over and done the kind of market research to see what kind of products we can sell in Asia," he said.

But Dennis M. Julian the executive vice president of the N.C. Textile Manufacturers Association, said he thinks that the bill would help stabilize the industry.

Jerry Cook, the director of international trade for Sara Lee Knit Products, said: "Anything that helps open market access, I think we'd be really supportive of. It's a tough market out there."

TEXTILE TRADE WITH ASIA

[In millions of dollars]

U.S. Exports to:	
Bangladesh	
China	63.0
Taiwan	93.5
Hong Kong	268.3
India	14.9
Indonesia	21.4
Japan	145.6
South Korea	136.7
Macau	
Malaysia	23.0
Pakistan	
Philippines	53.1
Singapore	103.6
Thailand	41.3
Total	1,964.4
U.S. Imports from:	
Bangladesh	1,114.5
China	4,802.5
Taiwan	2,757.8
Hong Kong	4,390.8
India	1,614.9
Indonesia	1,336.2
Japan	481.1
South Korea	2,271.1
Macau	764.3
Malaysia	745.2
Pakistan	964.8
Philippines	1,704.0
Singapore	425.5
Thailand	1,419.8
Total	24,792.5

TEXTILE AND APPAREL PLANT CLOSINGS AND LAYOFFS IN NORTH CAROLINA—ANNOUNCED IN THE FIRST FOUR MONTHS OF THIS YEAR

Company	Location	Jobs lost	Reason given
Champion Products	Weaverville	200	Cutting costs
CMI Industries	Elkin, Boonville	100	Slow sales
Comar industries	Monroe	105	Decreased demand
Dupont	Kinston	200	Cutting costs
	Wilmington	50	Cutting costs
Fieldcrest Cannon	Concord	150	Relocating operations
Ithaca Industries	Gastonia	70	Reduction in force
	Wilkesboro	50	Reduction in force
Jaspar Textiles	Angler	75	Consolidation
Jonbil	Henderson	62	Import competition
Lucia	Winston-Salem	55	Restructuring
	Elkin	13	Restructuring
N.C. Garment Co.	High Point	32	Import competition
Oxford industries	Burgaw	90	Import competition
Rocky Mount Mills	Monroe	320	Competition
Royals	Skyland	50	Import competition
Sarah Lee Hosiery	Winston-Salem	45	Slow sales
Sare Lee Knit Products	Lumberton	370	Cutting costs
SCT Yarns	Cherryville	180	Foreign competition
SOft Care Apparel Co.	Fuquay-Varina	100	Economics
Southern Apparel Co.	Robersonville	80	Lost contract
The Bibb Co.	Rockingham	250	Downsizing
Tultex	Marion	141	Production moved overseas
U.S. Colors	Rocky Mount	50	Ceased product line
Whisper Soft Mills	Kenansville	80	Decreased profits
Total jobs lost to closings and layoffs		2,918	

Source: Newspaper articles supplied to the N.C. Employment Security Commission.

Mr. BYRD. Mr. President, I wholeheartedly support the bill that the Senator from Kentucky [Mr. FORD] has just introduced. The Textile and Apparel Global Competitiveness Act of 1996 will provide needed protections for struggling U.S. textile and apparel producers from unfair competition caused by overseas producers who seek to exceed U.S. quotas. These overseas producers ship excess goods through circuitous routes so that they appear to originate in third countries whose U.S. import quotas have not been met. The Customs Service and industry estimates put the cost of this practice to American industry and its workers at $2 to $4 billion.

The Textile and Apparel Global Competitiveness Act requires more equitable trade negotiations on textile and apparel goods, with greater access to foreign markets for U.S.-produced textile and apparel goods. It also provides for increased enforcement of existing trade laws, with higher fines providing additional trade adjustment assistance to U.S. textile and apparel producers.

In West Virginia, two companies that sew clothing proudly bearing "Made in the USA" labels, Hodges Apparel and Safety Stitch, have been feeling the squeeze created by that kind of overseas competition. This spring, both manufacturers were notified that their major supplier would be forced to move its work offshore in order to regain profitability. Unless these West Virginia firms can garner other orders, the last 200 talented and dedicated garment workers in Harrisville will be out of work. In this economically challenged area, job losses on this scale constitute more than a minor unravelling of the economic fabric of Ritchie County—they are a tear in the very fabric of American society.

Mr. President, these potential job losses are not occurring because the quality of clothing produced in the United States is poor; quite the contrary. U.S.-made clothing and textiles are competitive with their overseas competitors on the basis of design, quality, and any standard other than cost. But U.S. production costs must include pension and health care payments for workers, and costs to meet workplace safety and environmental standards. Overseas producers are not required to cover these costs and meet these standards. They may overwork and underpay their workers, forcing them to labor in unsafe factories that pollute the air and water around them.

The United States is proud of its laws protecting workers and the environment. The Senate this week voted to increase the minimum wage, so that working men and women can provide an adequate standard of living for their families. None of us wants to reduce that standard of living, or give up workplace safety or clean air and water in order to "compete" with inexpensive goods produced by workers paid just pennies a day before they return to squalid homes under skies laden with pollutants. But if we are to preserve our jobs in the face of such undercutting competition, we must ensure that U.S. producers are needed in order to meet the demand for clothing and textile goods. That is, in part, why quotas exist—to prevent overseas producers from saturating the market for U.S. goods, undercutting U.S. products produced at higher cost.

Attempts by these overseas producers to evade U.S. import quotas, or to evade other U.S. trade laws and treaties, must be firmly and effectively halted. Enforcement, fines and other remedies must be sufficient to deter this kind of behavior. The bill introduced by the Senator from Kentucky accurately targets these problems. It also provides a source of additional revenue for trade adjustment assistance for U.S. textile and apparel producers, helping them to modernize and more effectively compete on a cost basis with overseas competitors, both here and in foreign markets. I am proud to be a cosponsor, and I thank Senator FORD for his leadership in introducing this bill.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague from Kentucky and others in introducing the Textile and Apparel Global Competitiveness Act. This important legislation addresses a problem of grave consequence in my State and others where the textile and apparel industry has been hurt dramatically in recent years due to job relocation and factors resulting from the enactment of NAFTA and GATT. This bill does nothing to undo these agreements, but it does go a long way toward strengthening protections for the textile and wearing apparel sector of the economy and the millions of workers affected by the changes which are occurring.

This legislation requires the U.S. Trade Representative, when negotiating textile agreements with nations who are not members of the World Trade Organization to secure effective market access for American textile and apparel producers. It includes provisions allowing penalties for noncompliance with these market-access agreements under WTO rules and U.S. law. Furthermore, it creates a special 301 list for market access for these products and requires the Secretary of Commerce to issue a report to Congress each year that outlines the economic contribution of the American textile and apparel industries.

While the industry enjoys broad support in Congress and in the administration, it has been the target of aggressive attacks during the last several years. Most of these attacks have been thwarted, but they have come at a time when the textile and apparel industry is undergoing major transformation as it pushes to increase productivity and to become more global in its perspective and methods of operation.

The American textile and apparel industry is seeking to make a successful transition to a quota-free environment within a 10-year timeframe. This transition must have the safeguards provided by this measure in order to allow the industry to realize that success.

I congratulate Senator FORD for his leadership on this issue and urge my colleagues to join us in supporting the Textile and Apparel Global Competitiveness Act.

Mr. THURMOND. Mr. President, I rise today to join with several of my colleagues to sponsor the Customs Enforcement Act of 1996. This legislation is designed to strengthen our laws which fight illegal trade in textile and apparel items and open foreign markets to more American products. A companion measure, H.R. 3654, was recently introduced in the House of Representatives.

Mr. President, I have often stated that trade with other countries should be fair, as opposed to free. This means that when exporters from another country seek unlimited access to our markets, then our U.S. producers should likewise have open access to their country's markets. Many examples exist where the United States has given another country access to our marketplace, only to have our access limited in their country. The legislation we are introducing today attempts to mitigate this practice. This measure will require the USTR to secure effective market access for U.S. produced textile and apparel products. Further, if these markets are not opened, the USTR has the ability to impose penalties in an attempt to force these markets open.

Mr. President, another major concern this legislation attempts to address is transshipping. This is a practice where an exporter ships goods through a third country to avoid U.S. import quotas. The worst offenders in the area of transshipment countries are China, India, and Pakistan. It is estimated that transshipments account for at to least 4 billion dollars' worth of the textile and apparel items shipped into the United States in a year and this figure could be as high as $8 billion. This bill, Mr. President, tightens the requirements for importing items into this country and provides for better documentation so that transshipping can be more easily traced. Further, penalties are increased for each transshipping violation.

Mr. President, this is not a protectionist bill. Nor does it limit textile imports. This measure attempts to level the playing field for the domestic textile and apparel industry. I hope my colleagues will support this measure and move it expeditiously through the legislative process.

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1868

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1868, a bill to amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

S. 1938

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1938, a bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes.

S. 1943

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1943, a bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes.

SENATE RESOLUTION 278—TO AUTHORIZE TESTIMONY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96-6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush*.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

NUNN (AND OTHERS) AMENDMENT NO. 4453

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be $2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000.

NUNN AMENDMENTS NOS. 4454–4459

(Ordered to lie on the table.)

Mr. NUNN submitted six amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4454

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000: *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000.

AMENDMENT NO. 4455

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000: *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4456

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amounts appropriated under the heading "Operation and Maintenance, Defense-Wide", $150,000,000 is available only for matters related to defense against weapons of mass destruction: *Provided*, That the total amount available for other purposes under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4457

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000.

AMENDMENT NO. 4458

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by $150,000,000.

AMENDMENT NO. 4459

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

DORGAN AMENDMENT NO. 4460

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, strike lines 12 through 13 and insert in lieu thereof: "$8,890,092,000, to remain available for obligation until September 30, 1998: *Provided*, That, of the amount appropriated under this heading, not more than $508,437,000 shall be available for national missile defense."

FEINSTEIN AMENDMENTS NOS. 4461–4462

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4461

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this paragraph, $18,000,000 shall be available for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system.".

AMENDMENT NO. 4462

On page 29, line 10, strike out "1998." and insert in lieu thereof "1998: *Provided further*, That of the funds available under this paragraph, $4,000,000 shall be available for the procurement of a real-time, automatic cargo tracking and control system.".

GRASSLEY AMENDMENT NO. 4463

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps.

PELL AMENDMENT NO. 4464

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the amount appropriated or otherwise made available for the Department of Defense under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for the National Oceanographic Partnership Program, there shall be available such funds as the Secretary of the Navy shall require for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.

GRASSLEY AMENDMENT NO. 4465

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps until—

(1) the Inspector General of the Department of Defense—

(A) has conducted a comprehensive review of all headquarters within the department and all general and flag officer positions that involves—

(i) an evaluation of the structure of headquarters within the department and the general and flag officer positions in relation to past, current, and future changes in the force structure of the Armed Forces, including consideration of the increasing importance of joint headquarters since enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the roles and missions of the headquarters in the headquarters structure; and

(ii) a determination of the adjustments in such headquarters and positions that are necessary to provide an appropriate relationship between the headquarters structure and the force structure and between the number of general and flag officer positions and the force structure; and

(B) has submitted to the Secretary of Defense a report on the results of the review, including the Inspector General's recommendations for eliminating any headquarters and general and flag officer positions that the Inspector General considers redundant or otherwise unnecessary;

(2) the Secretary of Defense—

(A) after considering the Inspector General's report (including the recommendations), has developed a plan, including a schedule, for a phased elimination of excess headquarters and general and flag officer positions; and

(B) has submitted the plan to Congress; and

(3) Congress has enacted a joint resolution the matter after the enacting clause states only the following: "Congress approves the plan for elimination of headquarters and general and flag officer positions in the Armed Forces that was submitted to Congress by the Secretary of Defense on .", the blank being filled in with the date on which the Secretary submits the report to Congress.

INOUYE AMENDMENT NO. 4466

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, on line 15 after the words "Transaction Fund" insert the following:

"*Provided*, That from funds available for the Asia-Pacific Center for Security Studies, such sums as may be necessary may be made available to reimburse the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian official of foreign nations if the Secretary of Defense determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States".

STEVENS AMENDMENTS NOS. 4467–4477

(Ordered to lie on the table.)

Mr. STEVENS submitted 11 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4467

On page 8, line 1, strike the number "$17,700,859,000" and insert in lieu thereof "$17,696,659,000".

AMENDMENT NO. 4468

On page 9, line 11, strike the number "$9,953,142,000" and insert in lieu thereof "$9,887,142,000".

AMENDMENT NO. 4469

On page 12, line 22, strike the number "$1,069,957,000" and insert in lieu thereof "$1,140,157,000".

AMENDMENT NO. 4470

On page 32, line 18, strike the number "$10,256,108,000" and insert in lieu thereof "$10,251,208,000".

AMENDMENT NO. 4471

On page 32, line 19, strike the number "$9,936,638,000" and insert in lieu thereof "$9,931,738,000".

AMENDMENT NO. 4472

On page 9, line 4, strike the number "$17,331,309,000" and insert in lieu thereof "$17,326,909,000".

AMENDMENT NO. 4473

On page 4, line 3, strike the number "$17,021,810,000" and insert in lieu thereof "$17,026,210,000".

AMENDMENT NO. 4474

On page 3, line 3, strike the number "$16,943,581,000" and insert in lieu thereof "$16,948,481,000".

AMENDMENT NO. 4475

On page 32, line 18, strike the number "$10,256,108,000" and insert in lieu thereof "$10,251,208,000";

On page 32, line 19, strike the number "$9,936,638,000" and insert in lieu thereof "$9,931,738,000";

On page 9, line 4, strike the number "$17,331,309,000" and insert in lieu thereof "$17,326,909,000";

On page 3, line 3, strike the number "$16,943,581,000" and insert in lieu thereof "$16,948,481,000";

On page 4, line 3, strike the number "$17,021,810,000" and insert in lieu thereof "$17,026,210,000".

AMENDMENT NO. 4476

On page 26, line 11, before the period, insert:

": *Provided*, That of the funds appropriated under this heading, $11,500,000 shall be made available only for modifications to B-52 bomber aircraft".

AMENDMENT NO. 4477

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lakeland Air Force Base, Texas.

(b) Subject to subsection (c), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c)(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

CRAIG (AND KEMPTHORNE) AMENDMENT NO. 4478

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CRAIG, for himself, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

Before the period on page 20, line 29, insert: ": *Provided further*, That of the funds appropriated under this heading, $2,000,000 shall be available for titanium processing technology".

HELMS AMENDMENT NO. 4479

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina".

SPECTER AMENDMENT NO. 4480

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 29, line 20, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading $46,600,000 shall be made available only for the Intercooled Recuperated Gas Turbine Engine program".

STEVENS AMENDMENT NO. 4481

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, line 15, before the period, insert: ": *Provided*, That advance billing for services provided or work performed by the Navy's defense business operating funds activities is prohibited; *Provided further*, That of the funds appropriated under this heading, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities".

LIEBERMAN AMENDMENT NO. 4482

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, line 13, before the period, insert: ": *Provided*, That of the funds appropriated under this heading, $56,200,000 shall be available for the Corps Surface-to-Air Missile (CORPS SAM) program and $515,743,000 shall be available for the Other Theater Missile Defense/Follow-On TMD Activities program".

KEMPTHORNE (AND CRAIG) AMENDMENT NO. 4483

(Ordered to lie on the table.)

Mr. SEVENS (for Mr. KEMPTHORNE, for himself, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: ": *Provided*, That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System".

STEVENS AMENDMENTS NOS. 4484–4488

(Ordered to lie on the table.)

Mr. STEVENS submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4484

On page 8, line 3 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4485

On page 8, line 15 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4486

On page 8, line 19 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4487

On page 9, line 6 before the period, insert: ": *Provided*, That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further*, That for the purpose of this section, supervision and administration costs includes all in-house government costs".

AMENDMENT NO. 4488

At an appropriate place in the bill, insert:

SEC. . Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house government costs.

BINGAMAN AMENDMENT NO. 4489

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 70, line 8, strike out "$1,218,000,000" and insert in lieu thereof "$1,118,000,000".

BINGAMAN (AND OTHERS) AMENDMENT NO. 4490

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 30, line 13, insert before the period the following: ": *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program".

HARKIN AMENDMENTS NOS. 4491–4492

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4491

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

AMENDMENT NO. 4492

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than February 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense and the Director of the Office of Management and Budget, submit to Congress a report which shall set forth recommendations regarding the revisions of statute or regulation necessary—

(A) to assure that the amount paid by the Department of Defense for restructuring costs associated with a business combination does not exceed the expected net financial benefit to the Federal Government of the business combination;

(B) to assure that such expected net financial benefit accrues to the Federal Government; and

(C) in the event that the amount paid exceeds the actual net financial benefit, to permit the Federal Government to recoup the difference between the amount paid and the actual net financial benefit.

(2) For purposes of determining the net financial benefit to the Federal Government of a business combination under this subsection, the Comptroller General shall utilize a 5-year time period and take into account all costs anticipated to be incurred by the Federal Government as a result of the business combination, including costs associated with the payment of unemployment compensation and costs associated with the retraining of workers.

(b) No funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to process or pay any claim for restructuring costs associated with a business combination under the following:

(1) Any contract, advance agreement, or novation agreement entered into on or after July 12, 1996.

(2) Any contract, advance agreement, or novation agreement entered into before that date unless the contract or agreement specifies that payment for costs associated with a business combination shall be made under the contract using funds appropriated or otherwise made available for the Department by this Act.

HELMS AMENDMENT NO. 4493

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina".

SIMON AMENDMENT NO. 4494

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 35, line 18, before the period, insert the following: ": *Provided*, That any individual accepting a scholarship or fellowship from this program agrees to work for and make their language skills available to any agency or office of the Federal Government having national security responsibilities, unless the award recipient demonstrates, in accordance with guidelines developed by the Secretary, that no such position is available in which case the recipient may work in the field of higher education in a discipline relating to the foreign country, foreign language, area study or international field of study for which the scholarship or fellowship was awarded, for a period specified by the Secretary".

BRYAN AMENDMENTS NOS. 4495–4508

(Ordered to lie on the table.)

Mr. BRYAN submitted 14 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4495

On page 30, line 1, strike "$14,778,540,000" and insert "$10,778,540,000".

AMENDMENT NO. 4496

On page 29, line 16, strike "$8,067,543,000" and insert "$6,067,543,000".

AMENDMENT NO. 4497

On page 30, line 1, strike "$14,778,540,000" and insert "$11,778,540,000".

AMENDMENT NO. 4498

On page 29, line 16, strike "$8,067,543,000" and insert "$7,067,543,000".

AMENDMENT NO. 4499

On page 21, line 10, strike "$3,295,486,000" and insert "$2,295,486,000".

AMENDMENT NO. 4500

On page 21, line 10, strike "$3,295,486,000" and insert "$2,795,486,000".

AMENDMENT NO. 4501

On page 22, line 3, strike "$7,239,704,000" and insert "$5,239,704,000".

AMENDMENT NO. 4502

On page 22, line 3, strike "$7,239,704,000" and insert "$6,239,704,000".

AMENDMENT NO. 4503

On page 26, line 10, strike "$6,630,370,000" and insert "$4,630,370,000".

AMENDMENT NO. 4504

On page 27, line 19, strike "$5,577,787,000" and insert "$3,577,787,000".

AMENDMENT NO. 4505

On page 27, line 19, strike "$5,577,787,000" and insert "$4,577,787,000".

AMENDMENT NO. 4506

On page 23, line 19, strike "$3,909,072,000" and insert "$2,509,072,000".

AMENDMENT NO. 4507

On page 23, line 19, strike "$3,909,072,000" and insert "$2,909,072,000".

AMENDMENT NO. 4508

On page 26, line 10, strike "$6,630,370,000" and insert "$5,630,370,000".

GRAMM AMENDMENTS NOS. 4509–4510

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4509

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 12, 1996, the Secretary of defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the TRICARE program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) As assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 10, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

AMENDMENT NO. 4510

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 6, 1996, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the Tricare program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) An assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

CHAFEE AMENDMENT NO. 4511

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program".

NUNN (AND OTHERS) AMENDMENTS NOS. 4512–4513

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, Mr. DOMENICI, and Mr. HARKIN) submitted two amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4512

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be $2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000.

AMENDMENT NO. 4513

On page 17, line 24, strike out "$327,900,000" and insert in lieu thereof "$477,900,000".

On page 9, line 11, strike out $9,953,142,000" and insert in lieu thereof "$9,815,142,000".

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,178,092,000".

NUNN AMENDMENTS NOS. 4514–4522

(Ordered to lie on the table.)

Mr. NUNN submitted nine amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4514

On page 17, line 24, strike out "$327,900,000" and insert in lieu thereof "$477,900,000".

AMENDMENT NO. 4515

On page 9, line 11, strike out "$9,953,142,000" and insert in lieu thereof "$9,815,142,000".

AMENDMENT NO. 4516

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,178,092,000".

AMENDMENT NO. 4517

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Treat Reduction" is hereby increased by $150,000,000; *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000; *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000.

AMENDMENT NO. 4518

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000; *Provided*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4519

At the appropriate place in the bill, insert the following new section:

SEC. . Of the amounts appropriated under the heading "Operation and Maintenance, Defense-Wide", $150,000,000 is available only for matters related to defense against weapons of mass destruction; *Provided*, That the total amount available for other purposes under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

AMENDMENT NO. 4520

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Former Soviet Union Threat Reduction" is hereby increased by $150,000,000.

AMENDMENT NO. 4521

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by $150,000,000.

AMENDMENT NO. 4522

At the appropriate place in the bill, insert the following new section:

SEC. . The total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $150,000,000.

D'AMATO AMENDMENT NO. 4523

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the unobligated funds made available before the date of enactment of this Act for activities under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) may be expended until all such funds available on the day before the date of enactment of this Act to carry out the aluminum metal matrix composite program (approved as recorded in the purchases, purchase commitments, and cost sharing letter and notification of the President dated October 5, 1995) are fully obligated for such purchases, purchase commitments, and cost sharing arrangement for discontinuously reinforced aluminum.

BUMPERS (AND OTHERS) AMENDMENTS NOS. 4524–4526

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4524

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$5,394,948,000, to remain available for obligation until September 30, 1999: *Provided*, That no funds provided under this heading shall be expended or obligated for F/A–18E/F aircraft."

AMENDMENT NO. 4525

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$6,372,948,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds made available under this heading $1,467,000,000 shall be made available for procurement of 36 F/A–18C/D aircraft, and no funds shall be expended or obligated for F/A–18E/F aircraft."

AMENDMENT NO. 4526

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$7,005,704,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds made available under this heading, no more than $255,000,000 shall be expended or obligated for F/A–18C/D aircraft."

KEMPTHORNE AMENDMENT NO. 4527

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. KEMPTHORNE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: ": *Provided*, That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System".

FRAHM AMENDMENT NO. 4528

(Ordered to lie on the table.)

Mrs. FRAHM submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following:

None of the funds provided for the purchase of the T–39N may be obligated until the Under Secretary of Defense for Acquisition certifies to the defense committees that the contract was awarded on the basis of and following a full and open competition consistent with current federal acquisition statutes.

WELLSTONE AMENDMENTS NOS. 4529–4530

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4529

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

AMENDMENT NO. 4530

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

(b) The Secretary of Defense shall allocate reductions in appropriations under subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

LEVIN AMENDMENTS NOS. 4531–4533

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4531

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,238,092,000".

AMENDMENT NO. 4532

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

AMENDMENT NO. 4533

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 30, line 12, strike out "$9,190,092,000" and insert in lieu thereof "$9,238,092,000".

On page 88, between lines 6 and 7, insert the following:

"SEC. 8099. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F–16 aircraft.

MURKOWSKI AMENDMENT NO. 4534

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Not later than six months after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites.

REID AMENDMENTS NOS. 4535–4544

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4535

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,226,014,000".

AMENDMENT NO. 4536

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,287,014,000".

AMENDMENT NO. 4537

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,322,514,000".

AMENDMENT NO. 4538

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,342,514,000".

AMENDMENT NO. 4539

On page 19, line 22, strike out "$1,449,714,000" and insert in lieu thereof "$1,392,514,000".

AMENDMENT NO. 4540

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$565,507,000".

AMENDMENT NO. 4541

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$590,507,000".

AMENDMENT NO. 4542

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$630,507,000".

AMENDMENT NO. 4543

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$650,507,000".

AMENDMENT NO. 4544

On page 25, line 19, strike out "$660,507,000" and insert in lieu thereof "$655,507,000".

FEINGOLD (AND OTHERS) AMENDMENTS NOS. 4545–4547

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. BUMPERS, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4545

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(2) The report shall contain the following:

(A) A review of the F/A–18E/F aircraft program.

(B) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

(C) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(b)(1) None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

(2) If the Secretary of Defense has not submitted the report required by subsection (a) by the end of the period referred to in paragraph (1), not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft after the period until the date that is 45 days after the date on which the congressional defense committees receive the report.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

(d) Not later than 30 days after the Secretary of Defense has submitted the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an analysis of the report submitted by the Secretary.

(e) None of the funds appropriated or otherwise made available by this Act for the procurement of the F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft if the Congress within the forty-five calendar days after receiving the report required by subsection (a) enacts a joint resolution prohibiting the obligation or expenditure of funds for such purpose.

AMENDMENT NO. 4546

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

AMENDMENT NO. 4547

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until 30 days after the Secretary of Defense has submitted to the congressional defense committees a report on the F/A–18E/F aircraft which contains the following:

(A) A review of the F/A–18E/F aircraft program.

(B) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

(C) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(b) In this section, the term "congressional defense committees" means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

BINGAMAN AMENDMENTS NOS. 4548–4549

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4548

On page 70, line 8, strike out "$1,218,000,000" and insert in lieu thereof "$1,118,000,000".

AMENDMENT NO. 4549

On page 30, line 13, insert before the period the following: ": *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program".

LAUTENBERG AMENDMENT NO. 4550

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the Defense Committees a report on Department of Defense procurements of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-operated facilities, contractor-owned and -operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor-owned and -operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulose in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense than such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

REID AMENDMENTS NOS. 4551–4560

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4551

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,897,119,000".

AMENDMENT NO. 4552

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,909,619,000".

AMENDMENT NO. 4553

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,917,619,000".

AMENDMENT NO. 4554

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,934,519,000".

AMENDMENT NO. 4555

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$5,955,132,000".

AMENDMENT NO. 4556

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,027,132,000".

AMENDMENT NO. 4557

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,237,132,000".

AMENDMENT NO. 4558

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,441,632,000".

AMENDMENT NO. 4559

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,522,970,000".

AMENDMENT NO. 4560

On page 25, line 5, strike out "$2,944,519,000" and insert in lieu thereof "$2,888,119,000".

GREGG AMENDMENT NO. 4561

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

"(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).".

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B).".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.".

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved

August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2), each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

"(C) the offense is punishable by imprisonment for more than 1 year.".

GREGG AMENDMENT NO. 4562

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to proposed by him to the bill, S. 1894, supra; as follows:

In the pending amendment, strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation of Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).".

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesigning subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B).".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(3) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) if the individual was convicted of an offense named by section 8312(d) of this title for the period after the conviction of the violation.".

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2) each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

"(C) the offense is punishable by imprisonment for more than 1 year.".

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4563

On page 30, line 2, before the period, insert: ": *Provided*, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F–22B two-seat training variant of the F-22 advanced tactical fighter: *Provided further*, That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the Congressional defense committees not later than February 15, 1997".

AMENDMENT NO. 4564

At the appropriate place in the bill, add the following general provision:

SEC. . (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

CHAFEE AMENDMENT NO. 4565

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program".

LOTT AMENDMENT NO. 4566

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $50,000,000 shall be available for the Maritime Technology program and $3,580,000 shall be available for the Focused Research Initiatives program".

PELL AMENDMENT NO. 4567

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. PELL) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following: "*Provided further*, That of the funds appropriated under this heading, $4,000,000 of the available funds shall be available only for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997."

MOSELEY-BRAUN AMENDMENT NO. 4568

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following: Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

BRADLEY AMENDMENT NO. 4569

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combination since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

HEFLIN (AND SHELBY) AMENDMENTS NO. 4570–4572

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT No. 4570

On page 23, between lines 21 and 22, insert the following:

Procurement of new main feed pump turbines for the Constellation (CV–64), $4,200,000;

AMENDMENT No. 4571

On page 31, line 5, strike "$21,968,000" and insert "$31,218,000".

AMENDMENT No. 4572

On page 88, lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantages businesses, and women owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

SIMON AMENDMENT NO. 4573

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

(b) A debarment, as described in subsection (a), may apply to any person or entity, or to a subsidiary or division thereof, that has engaged in a clear pattern and practice of violating the provisions of the National Labor Relations Act.

(c) A debarment, as described in subsections (a) and (b), may be waived or removed by the Secretary of Defense upon the submission of an application to the Secretary of Defense that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment waiver or removal, including reasons such as compliance with the final orders that are found to have been willfully violated, a bona fide change of ownership or management, or fraud or misrepresentation by the charging party. The Secretary of Defense may also waive or remove an order of debarment for reasons of national security, or if alternative and timely sources of procurement are not available.

SIMON AMENDMENT NO. 4574

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

SPECTER (AND JOHNSTON) AMENDMENT NO. 4575

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 19, line 7, insert the following: "; *Provided*, That of the funds provided in this paragraph and not withstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $25,000,000 is appropriated for the benefit of the Army National Guard to complete the remaining design and development of the upgrade and to increase gunner survivability, range, accuracy, and lethality for the fully modernized Super Dragon Missile System, including pre-production engineering and systems qualification."

STEVENS AMENDMENT NO. 4576

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number for Military Personnel, Navy in shall be $16,948,481,000, the number for Military Personnel, Air Force shall be $17,026,210,000, the number for Operation and Maintenance, Army shall be $17,696,659,000, the number for Operation and Maintenance, Air Force shall be $17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be $9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be $1,140,157,000, the number for Defense Health Program shall be $10,251,208,000, and the number for Defense Health Program Operation and maintenance shall be $9,931,738,000.

(b) Advanced billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated for Operation and Maintenance, Navy, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities.

(c) Of the funds appropriated in this Act, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina.

(d) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this subsection, supervision and administration costs includes all in-house government costs.

(e) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States: *Provided*, That the report required by this subsection shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

LEVIN AMENDMENT NO. 4577

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof $6,582,370,000".

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and research, development, test, and evaluation: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. The Secretary of Defense shall establish, beginning in fiscal year 1997, a program element in the Office of the Secretary of Defense, for the purposes of funding emergency anti-terrorism activities. The fund shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the Commanders, of the Unified Combatant Commands or Joint Task Force Commanders that arise in response to a change in threat level.

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

LEVIN AMENDMENT NO. 4578

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 34, between lines 14 and 20 insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000, for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. It is the sense of the Congress that (1) the Secretary of Defense should establish, beginning in fiscal year 1997, program element in the Office of the Secretary of Defense for the purposes of funding emergency anti-terrorism activities, (2) funds appropriated for the program element should be in addition to other funds available under this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the commanders of the unified combatant commands or Joint Task Force Commanders that arise in response to a change in threat level."

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. THOMAS J. BALSHI

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to a constituent and fellow Pennsylvanian, Dr. Thomas J. Balshi. For almost a quarter of a century, Thomas J. Balshi, a fellow of the American College of Prosthodontists, has enhanced the health of thousands of individuals worldwide by contributions to research, education, and the clinical practice of prosthetic dentistry.

Dr. Balshi is a pioneer in the field of implant prosthodontics and operates a state-of-the-art dental clinic in Fort Washington, PA. Dr. Balshi and his staff of 23 have touched the lives of many, replacing countless lost, damaged, or diseased teeth with secure, permanent prosthetic smiles. Dr. Balshi specializes in saving dental cases diagnosed as hopeless and has renewed dental health, nutritional health, and self-confidence for many.

Dr. Balshi is a recent recipient of the prestigious George Washington Medal of Honor from the National Freedoms Foundation at Valley Forge, PA. This award was bestowed to honor Dr. Balshi's contributions to dental science through education. The Freedoms Foundation honors Americans whose lives reinforce and exhibit the patriotic values of our country's Founding Fathers.

In his youth, Thomas Balshi was an Eagle Scout. He later graduated from the Villanova University in 1968, and, following graduation from Temple University School of Dentistry in 1972, became a fellow of the American College of Prosthodontists [FACP] in 1976.

A former captain in the U.S. Army, Dr. Balshi was chief, Department of Fixed Prosthetics, Mills Army Dental Clinic, Fort Dix, NJ. He received the Army Commendation Medal for Extraordinary Service.

Today, he is a clinician, teacher, mentor, researcher, public educator, and devotee of health care. He welcomes students from around the world to his clinic, teaching them not only his clinical skills, but also his business skills as well. He is committed to making the public aware of quality dental care.

Dr. Balshi has trained a specialist from Bosnia-Herzogovina to bring healing and restoration to the war-torn population where United States military service personnel are now keeping the peace. He has championed the benefits of prosthetic care throughout India, Uruguay, and Colombia, and has spoken before the Royal Society of Medicine in London.

Serving as editor of the International College of Prosthodontists Newsletter for its inaugural 10 years, Dr. Balshi actively participated in establishing worldwide communication among practitioners of his specialty. He recently published a cookbook for dental patients entitled "From Soup to Nuts." The book offers soft and nutritious gourmet recipes for healing patients, as well as keys to returning to dental fitness and the recipes that accompany that opportunity.

Dr. Balshi continues a very giving and philanthropic presence in the community awarding scholarships as the chair of educational foundations as well as giving countless time and dental care resources to charity.

Mr. President, I wanted to share Dr. Balshi's background and experiences with my Senate colleagues today. I hope you will all join me in honoring and recognizing his presence and contributions.•

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 278) to authorize testimony, production of documents and representation of Senate employee in State of Florida versus Kathleen Bush.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of State of Florida versus Kathleen Bush is a criminal prosecution brought by the State attorney for Broward County, FL, alleging aggravated child abuse and organized fraud. The case, which has received significant publicity, presents allegations that the defendant deliberately made her child ill to obtain attention from medical personnel, the media, and others. The State asserts that the defendant engaged in a letter-writing campaign to numerous government officials as part of her fraudulent and abusive activities. Indeed, the public record reflects that, through the defendant's efforts, the defendant and her daughter had personal meetings with Mrs. Clinton and Senator GRAHAM, among others.

The State intends to introduce into evidence at trial the letters that the defendant wrote to government officials about her daughter. The prosecutor has requested that Senator GRAHAM's office provide testimony to authenticate the correspondence between the defendant and the office. This resolution would authorize an employee on Senator GRAHAM's staff to testify and produce documents in this case, with representation from the Senate Legal Counsel.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 278) and its preamble are as follows:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96-6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush*.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 248 received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 248) to amend the Public Health Service Act to provide for the conduct, expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 248) was deemed to have been read three times and passed.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS

Mr. GORTON. I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1757 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1757) to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1757) was deemed to have been read three times and passed, as follows:

S. 1757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996".

SEC. 2. REAUTHORIZATION OF ALLOTMENTS FOR STATES.

Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 3. REAUTHORIZATION OF AUTHORITIES RELATING TO PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 4. REAUTHORIZATION OF AUTHORITIES RELATING TO UNIVERSITY AFFILIATED PROGRAM.

Section 156(a) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6066(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

SEC. 5. REAUTHORIZATION OF AUTHORITIES RELATING TO PROJECTS OF NATIONAL SIGNIFICANCE.

Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 590, the nomination of W. Craig Broadwater, of West Virginia, to be U.S. district judge for the Northern District of West Virginia; No. 681, Andrew Effron, to be a judge of the U.S. Court of Appeals for the Armed Forces.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

W. Craig Broadwater, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

STATEMENT ON NOMINATION OF CRAIG BROADWATER

Mr. BYRD. Mr. President, during my years as a United States Senator, I have had the opportunity to speak in support of the confirmation of many outstanding West Virginians who have sought to serve on our Federal judiciary. On this occasion, I am pleased to urge my colleagues to swiftly confirm W. Craig Broadwater to serve as a Federal District Judge for the Northern District of West Virginia.

Since 1983, Craig Broadwater has served on the First Judicial Circuit of West Virginia, most recently as Chief Judge. His path to the state judiciary included experience with a general law practice, service as a special prosecuting attorney, and a stint as a hearing examiner for state government.

Craig Broadwater has also demonstrated a special concern for children and families in distress. He chaired the Committee formed to develop child abuse and neglect rules for the West Virginia Supreme Court of Appeals, as well as guidelines for family law masters in West Virginia. He has written articles and taught on the subject of domestic violence and prevention, and he is widely regarded and respected for the expertise and sensitivity he has demonstrated in this particularly poignant area of the law.

After graduating Phi Beta Kappa from West Virginia University in 1972, Craig Broadwater entered the United States Army and even today continues to serve his country as a Lieutenant Colonel in the West Virginia Army National Guard.

Mr. President, I am proud to lend my support to this exceptional West Virginian. I believe Craig Broadwater's experience, keen legal mind, and personal integrity embody the qualities envisioned by the first Senate when the Judiciary Act created the third branch of Government. I am confident these talents will serve him well on the Federal bench.

Mr. ROCKEFELLER. Mr. President, I am proud to recommend a very distinguished West Virginian be confirmed today to the post of Federal district judge for northern West Virginia. I'm honored to have joined with my senior colleague, Senator BYRD, in recommending that the President present this nomination.

Senator BYRD and I have recommended Judge Craig Broadwater to this important post because he represents the very best of our State. He is the perfect blend of talent, energy, strength, and commitment to his fellow human beings—and, Mr. President, his life and his career are evidence of this fact.

I had the privilege of appointing Judge Broadwater to the West Virginia First Judicial Circuit in 1993, when I was Governor. He was thereafter elected to the post in 1984. Since then, he was rated by the West Virginia State Bar as the No. 1 judge in the circuit, became chairman of the West Virginia Judicial Investigation Commission, and then chief judge for the first circuit in 1987, 1988, and 1995. To fully appreciate this remarkable man, you need to understand that Judge Broadwater is only 45 years old, and he has already had a outstanding judicial career.

Craig's career is rooted in a lifetime of incredible service to this country and his community. Craig was born and raised in Paden City, WV, along the Ohio River. He graduated magna cum laude, Phi Beta Kappa, and was a Distinguished Military Graduate, Army ROTC, from West Virginia University in 1972. He received his law degree from West Virginia University in 1977.

He served in the U.S. Army as a second lieutenant, from 1972 to 1974, and is still an active reservist in the West Virginia Army National Guard. He has been awarded a Special Forces tab, master parachutist badge, Meritorious Service Medal, Army Commendation Medal, Armed Forces Expeditionary Medal for Korea in 1973 and 1974, the Humanitarian Service Medal, and the West Virginia Emergency Service Medal.

Yet, I also know that Judge Brodwater may be most proud of his outstanding record on behalf of West Virginia's children. He has been a great leader in our State in the area of child abuse and neglect laws and has been a longtime member of the executive board of the Boy Scouts of America.

I am also fortunate to know Craig's family—his wife, Chong, two beautiful daughters, Chandra and Taeja, and son, Shane. They, too, are testament to his deep commitment and values.

Everywhere you turn in our State's northern panhandle, you see the imprint of Judge Broadwater's intellect and commitment. He knows the importance of family. A close examination of his record as a judge will reveal a very tough, yet fair man, whose life experience have prepared him to sit on the Federal bench as a judge before his fellow citizens.

Mr. President, Senator J. William Fulbright said in 1961:

> It is not our affluence, or our plumbing, or our clogged freeways that grip the imagination of others. Rather, it is the values upon which our system is built. These values imply our adherence not only to liberty and individual freedom, but also to international peace, law and order and constructive social purpose. When we depart from these values, we do so at our own peril.

Every American, and certainly every West Virginia, should be comfortable knowing that Craig Broadwater and the values upon which his life has been built will be a part of our judicial system. As his U.S. Senator and his friend, I'm proud to recommend his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. GORTON. I ask unanimous consent that notwithstanding the adjournment of the Senate today, Senators have until the hour of 1 p.m. in order to file first-degree amendments to the defense appropriations bill. I further ask that the RECORD remain open until 1 p.m. to allow Senators to submit statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will shortly adjourn over until 9 a.m. on Tuesday, July 16. There will be no session of the Senate on Monday. When the Senate reconvenes on Tuesday, in accordance with the provisions of rule XXII, a live quorum will begin at 10, and upon the establishment of the quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect a rollcall vote to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate would be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill.

I announce to all of my colleagues that I hope next week we will receive the cooperation of all Members in allowing the Senate to move forward with both of these issues.

ADJOURNMENT UNTIL 9 A.M., TUESDAY, JULY 16, 1996

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:48 p.m., adjourned until Tuesday, July 16, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1996:

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE.

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2001, VICE IVAN SELIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 1996:

THE JUDICIARY

ANDREW S. EFFRON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

W. CRAIG BROADWATER, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

HOUSE OF REPRESENTATIVES—*Friday, July 12, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 1996.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom has come all the gifts that make us whole and make us human, we pray that Your Spirit will so live in our spirits that our thoughts and vision, our words and deeds will be strengthened and made right by Your blessings to us. For all Your good gifts that come to us and grace our lives with cleansing and new life, that point us on the way and accompany us along the path, for these gifts and all the wonders of Your Spirit, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Thursday, July 11, 1996, I move to suspend the rules and pass the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Donation Act the full force and effect of law, as amended.

The Clerk read as follows:

H.R. 2428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION TO PERMANENT LAW OF MODEL GOOD SAMARITAN FOOD DONATION ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.

(a) CONVERSION TO PERMANENT LAW.—Title IV of the National and Community Service Act of 1990 is amended—

(1) by striking sections 401 and 403 (42 U.S.C. 12671 and 12673); and

(2) in section 402 (42 U.S.C. 12672)—

(A) in the section heading, by striking "**MODEL**" and inserting "**BILL EMERSON**";

(B) in subsection (a), by striking "Good Samaritan" and inserting "Bill Emerson Good Samaritan"; and

(C) in subsection (c)—

(i) by striking "A person or gleaner" and inserting the following:

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner";

(ii) by striking "needy individuals," and inserting "needy individuals.";

(iii) by inserting after "needy individuals." (as added by clause (ii)) the following:

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals."; and

(iv) by striking "except that this paragraph" and inserting the following:

"(3) EXCEPTION.—Paragraphs (1) and (2)".

(b) TRANSFER TO CHILD NUTRITION ACT OF 1966.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) (as amended by subsection (a))—

(1) is transferred from the National and Community Service Act of 1990 to the Child Nutrition Act of 1966;

(2) is redesignated as section 22 of the Child Nutrition Act of 1966; and

(3) is added at the end of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering legislation which will have the effect of increasing the donation of food products to needy individuals and their families and paying tribute to one of the finest Members of this body, with whom I have had the privilege to serve, Bill Emerson.

Many times individuals and corporations are interested in donating food to feed the needy. However, the fear of liability prevents them from doing so. According to the executive director of the South Central Pennsylvania Food Bank, "We need to mitigate the risk and liability so this nutritious food can go to those in great need."

H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, would encourage the donation of food products by freeing those who, in good faith, donate such products from the threat of civil and criminal liability should such products cause harm to the recipients of their generosity. It does not, however, in any way free such individuals from liability in cases of gross negligence or intentional harm.

Mr. Speaker, I am a strong supporter of our Federal nutrition programs and believe they go a long way toward providing the nutritional needs to low-income families. This legislation encourages communities to get involved in efforts to feed the hungry and improves our ability to ensure that citizens of this country do not go to bed hungry.

Since this bill is all about bringing people together to promote the greater good for their communities, it is only fitting that we name it in honor of Bill Emerson. This is exactly what the career of our late beloved colleague Bill Emerson was all about. That is why we have named this legislation the Bill Emerson Good Samaritan Food Donation Act as a tribute to this fine man and his commitment to improving our Nation's nutrition programs.

Bill Emerson was a true patriot and great Member of Congress. He was a Member of the highest character, who devoted himself to the cause of reducing hunger and to making this country and this House a better place. I know I speak for all of the members of this committee in expressing our sadness over his loss and express our heartfelt sympathy to his family.

While we are renaming this bill for Bill Emerson, I would like to point out that the gentlewoman from Missouri, Ms. PAT DANNER, the key sponsor of H.R. 2428, deserves an enormous amount of credit for introducing this legislation and championing this cause. Despite all the time and effort she has personally invested in this effort, she has graciously given her support for our effort to rename this bill to recognize Bill Emerson.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In summary, I urge my colleagues to support this important piece of legislation, which will go a long way toward ensuring that our Nation's low-income families will receive the nutrition they require to lead healthy, productive lives.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act. The purpose of this bill is to encourage the donation of wholesome, surplus food to nonprofit organizations, who in turn, distribute the food to our Nation's poor and hungry.

Last year the Food Research and Action Center [FRAC] reported that 13.6 million children in America below the age of 12 go hungry each month. Similarly, the Administration on Aging estimates that hunger plagues hundreds of thousands of our elderly each year.

My late colleague, Bill Emerson, was alarmed by the prevalence of hunger in a nation that throws away 20 percent of the food it produces each year. Bill Emerson considered it his mission to search for ways to combat hunger, and so he enthusiastically became a cosponsor of the Good Samaritan Food Donation Act introduced by my colleague from Missouri, Congresswoman PAT DANNER. We all owe a great deal of gratitude to Representative DANNER for her vision and compassion in developing this legislation.

By establishing national liability standards, this bill will encourage and enable restaurants, grocers, and other donors to feed the hungry. In urging support for this bill, Congressman Emerson stated:

> Private companies are too often faced with different State laws governing food donations. These differences can stand between a willing donor and a needy family.

Bill Emerson's efforts to fight hunger throughout his career in Congress make passage of this bill a fitting tribute to his legacy.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the State of Missouri, Ms. PAT DANNER.

Ms. DANNER. Mr. Speaker, often, we hear about the importance of timeliness of legislation.

As we discuss today's bill, the Bill Emerson Good Samaritan Food Donation Act, I will be constantly mindful of the article that appeared only yesterday in the Kansas City Star—my hometown newspaper. The Star carried the article that I have had partially reproduced and which is behind me.

For the first time ever, Project Hunger, the annual summer food drive, ran out of supplies while people still waited in line to secure food. This year, the contributions were only one-third of the amount collected last year.

Mr. Speaker, this is but a single chapter in a much larger story. The U.S. Conference of Mayors has reported that 18 percent of all requests for food assistance went unmet last year in the Nation's cities.

And the Federal Government has estimated that some 14 billion pounds of food are discarded by businesses each year.

These incredible figures were troubling for Bill Emerson, they are troubling for me—and I'm confident that other Members of the House will agree that we must act now to address this issue.

Mr. Speaker, the Biblical passage from Leviticus reminds us that: "When you reap the harvest of your land, do not reap the corners of your field, and do not glean the fallen ears of your crop * * * you must leave them for the poor and the stranger."

Bill Emerson, as a student of the Scriptures and a tireless advocate in the war against hunger, brought both life and meaning to that verse.

Bill heard those words in Leviticus and at the same time he heard the voices of the hungry—not only in our Nation—but around the world.

He knew that the rich gift of fertile soil in his beloved Missouri carried with it a great responsibility, a responsibility to produce, provide, and share. Bill embraced that challenge in the way he did so much else in life—with an unrelenting desire to help others.

Bill Emerson was an important voice for countless noble causes in Congress and this body is immeasurably better today because of his service.

As his funeral procession moved from Cape Girardeau to Hillsboro, a most heartfelt scene unfolded as men, women, and children, with American flags held high, lined the road—in honor of Bill's service to them—and to our Nation.

And it is a most impressive record of service, indeed.

Bill had moved through the ranks—from congressional page at the age of 15 to chief of staff for Congressman Bob Ellsworth of Kansas and later Senator Bob Mathias of Maryland. In 1980, Bill was elected to Congress from Missouri's 8th District, where he soon became one of the most influential Members of Congress.

But as Bill gained new, more significant responsibilities he always remained, first and foremost, true to himself. He was universally regarded as a man of the people who never strayed from public-minded service to our country.

Three of the most important interests in Bill Emerson's life were—family, religion, and feeding the hungry.

He was a devoted family man, the leader of a prayer breakfast group, and a giant on the Agriculture Committee when it came to hunger issues, whether at home or abroad.

In fact, he served as chair of the Select Committee on Hunger, and in that capacity he traveled worldwide in his effort to fight hunger and improve nutrition.

I know that all here will agree with me that there is no more fitting tribute to Bill's memory than the passage of this legislation that will provide, by some estimates, 50 million additional pounds of food annually to the hungry.

Today, as the House of Representatives considers the Bill Emerson Good Samaritan Food Donation Act, we are, in effect, saying: "Bill, your voice will not be forgotten, the course you charted will be followed and your legacy will endure."

I might also mention that although this legislation is first and foremost a fitting testament to a wonderful man, it is also a testament to another man who has made feeding the hungry his No. 1 priority.

May I, briefly, tell the story of how the Good Samaritan bill evolved from a local concern in St. Joseph, MO, to legislation in the U.S. Congress.

As an aside, I think if we had more such stories, it would restore the American people's faith that their concerns really can make a difference.

Last summer, Herald Martin—an active community volunteer who for 20 years has gleaned food for the Patee Park Baptist Church Pantry and others in St. Joseph—contacted me.

Mr. Martin had worked tirelessly—at his own expense, I might add—to pick up and distribute leftover food.

He was understandably frustrated because a major national corporation in St. Joseph, which had made food donations in the past, had changed its policy and decided to dispose of its day-old bread and other foods rather than donate them.

The corporation had explained to Mr. Martin, and others, that there were just too many different State laws governing food donations.

After speaking with Mr. Martin and doing some research, I learned that the current patchwork of State laws has been cited by many potential donors as the principal reason so much food is thrown away rather than given to food banks and food pantries for distribution to the hungry.

Quite literally, Mr. Martin proved that a single voice that is heard can make a difference for the millions of voices that are not heard.

It is, as a result of that research, that I decided to introduce the Good Samaritan Food Donation Act.

Recognizing Bill Emerson's longstanding support of issues relating to the hungry I sought and received his enthusiastic support for the legislation.

It was Bill's tireless effort in talking to members of the leadership, committee and subcommittee chairmen, and other members of the Republican Party that made this legislation a reality. Once again, as so often in the past, Bill

Emerson would be responsible for seeing that additional food would be made available to the hungry.

What started with but a single voice almost a year ago has now grown into a chorus of support for the legislation—from organizations such as Second Harvest, Foodchain, and Forgotten Harvest.

Simply put, we need a reasonable nationwide law that eliminates confusion and forges a stronger alliance between the public and private sectors in this Nation. That is exactly what this bill delivers.

The Bill Emerson Good Samaritan Food Donation Act will establish a uniform national law to protect organizations and individuals when they donate food in good faith.

A business should not have to hire a legal team to interpret numerous State laws so that it feels comfortable in contributing food to the hungry.

In the final analysis, perhaps the ultimate tragedy of hunger is that it is preventable. There is simply no excuse for any man, woman, or child in our country to suffer the pangs of hunger.

Toward that end, this legislation will bring some long overdue common sense into the system of laws governing food donations.

I think we all agree, we can provide a better tribute to our dear, departed friend and colleague, Bill Emerson than to pass, in his memory, the Bill Emerson Good Samaritan Food Donation Act.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the Bill Emerson Good Samaritan Food Donation Act. I want to commend our chairman, the gentleman from Pennsylvania [Mr. GOODLING], and I want to commend our ranking member, the gentleman from Missouri [Mr. CLAY], and I certainly want to commend our colleague and Bill's colleague, the gentlewoman from Missouri [Ms. DANNER], for the leadership all three of them have shown in bringing this bill before us today.

This bill epitomizes the life and the service and the philosophy of Bill Emerson. This bill encourages charity with a touch of common sense. We too often in this House divide ourselves into deep political and ideological conflicts. On some things there cannot or at least there ought to be any partisan debate. The facts of poverty are one of those.

Some 38 million Americans lived in poverty in 1995. Half of those are children or senior citizens. One out of every four children in American society today lives in poverty. The United States ranks 24th among all nations in infant mortality.

Bill Emerson was a conservative, but Bill Emerson did not believe that conservatives ought to be insensitive to the pain, the reality, and the needs of the less fortunate among us. As a result, Bill Emerson has had a history during his 16-year service in the U.S. Congress of pushing programs to deal with hunger and to deal with poverty. Whether it be the oceanic shores of Africa or it be the river of Cape Girardeau, Bill Emerson pursued the fight to end hunger wherever he saw it.

Many of us will know him as one of the ardent warriors on behalf of commodity donation programs. As he sat next to me on the House Committee on Agriculture, he would often lean over to his left, because that is the side I sat on, and say, "GUNDERSON, can't you get the Education and Labor Committee to just agree with us Agies on this commodity issue?"

And of course when it came time to reauthorize the Emergency Food Assistance Program, Bill Emerson was the leader in seeing that it was there. When it came time to deal with food stamps, and many of us remember in the debate last year on welfare reform and on the budget reconciliation when we talked about sending everything back home, Bill Emerson said, "I am for sending it home, but there are certain places where there has to be a national safety net." Because of Bill Emerson, there is no partisan debate anymore about sending food stamps back home.

Now, one of Bill Emerson's last fights is the legislation in front of us that he introduced with his colleague. The Food Donation Act, as all of us know and as we have heard, is intended to encourage the donation of food from grocery stores, catering companies, or food distributors to whatever food pantries, soup kitchens, or other food service community organizations that might be there.

□ 1020

Bill, because of his health, was unable to testify at that hearing we held on this legislation. That did not stop him from submitting testimony to the committee.

And so today, even in his death, the life and the legacy of Bill Emerson lives on as we pass this important piece of legislation. I commend it to all of my colleagues. I thank my colleagues here for their leadership, and I thank Bill Emerson for giving all of us a touch of sensitivity of the heart to those in America and around the world who are hungry.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

This is an important piece of legislation and so appropriately named for our dear friend, Bill Emerson.

H.R. 2428 is designed to encourage the donation of food and grocery products to nonprofit organizations engaged in distribution of such items to the needy. The bill will relieve concerns over liability that currently exist and that deter companies and individuals from donating as freely as they would like.

Bill Emerson had a keen interest in nutrition programs and spent a considerable amount of time focusing and working to improve nutrition programs during his congressional career. The Bill Emerson Good Samaritan Food Donation Act compliments the existing programs nicely by encouraging community involvement in the effort to feed those in need.

Again, this bill is a fitting tribute to Bill Emerson who is already greatly missed by this body. Enactment of this legislation will ensure that his work will continue to be recognized, especially by those involved in efforts to feed the needy, for many, many years to come.

Mr. Speaker, I urge support for H.R. 2428, the Bill Emerson Good Samaritan Act.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, again, I commend the gracious gentlewoman from Missouri [Mr. DANNER] not only for offering this legislation, but also for honoring Bill Emerson and for her very moving message this morning, not only in memory of Bill, but I think a very moving message for the American people. I ask all to support the legislation.

Mr. CONYERS. Mr. Speaker, I have a number of serious reservations concerning H.R. 2428. Although I am supportive of the impetus behind the legislation—encouraging private entities to donate food to nonprofit organizations who distribute food to the needy—I question whether preempting traditional State law prerogatives in this area is desirable.

For more than 200 years tort law has been considered to be a State law prerogative. The States are in the best position to weigh competing considerations and adopt negligence laws which best protect their citizens from harm. The area of food donations is a good illustration of this dynamic. According to the Congressional Research Service's American Law Division, all 50 States have enacted special statutory rights concerning food donations. Not surprisingly, the States have crafted a variety of liability rules—ranging from those who subject all negligent parties to liability, to those who limit liability only to grossly negligent or intentional acts.

Unfortunately, with adoption of this bill, the House will be seeking to impose a one-size-fists-all legal standard for food donors based on the Model Good Samaritan Food Donation Act, 42 U.S.C. Secs. 12671–12673, despite the fact that since its enaction in 1990, only one State has adopted the Model Act's language. This is exactly the type of reckless federalism so many in Congress purport to oppose. Worse yet, in federalizing this standard, Congress will be selecting the most lenient possible standard of negligence. In particular, I would note that the term "gross negligence" is so narrowly defined that it may not include a failure to act which one should have known would be harmful. I believe a standard so loosely drawn constitutes an open invitation to harm to our poorest citizens.

I would also note that Congress is acting on this measure at a time when there has been no demonstrated legal problem. There is no outbreak in frivolous litigation. The proponents arguments for a uniform Federal standard are more based on anecdote than fact.

I am also concerned that to date the legislative process has completely bypassed the Judiciary Committee, which traditionally has had primary jurisdiction for any tort law matters. We should not be in such a rush to pass legislation that we fail to consider the opinions of those Members with relevant expertise.

It is because of concerns such as these that the conference committee on H.R. 2854, the Federal Agriculture Improvement and Reform Act of 1996, determined to reject adopting legislation similar to that before us today. The managers' statement to that legislation wrote:

> [t]he Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law. . . . While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. See House Report 104-94 at 405.

It is my hope that as the process moves forward these and other problems can be addressed.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 2428, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina) at 11 o'clock and 12 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. LUNDREGAN, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3230) "An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs. HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1004) "An Act to authorize appropriations for the United States Coast Guard, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, and Mr. WYDEN; and from the Committee on Environment and Public Works for consideration of Oil Pollution Act issues: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 1745. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1762. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1763. An act to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes; and

S. 1764. An act to authorize appropriations for fiscal year 1997 for military construction and for other purposes.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3396.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, July 11, 1996, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3396 is as follows:

H.R. 3396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act".

SEC. 2. POWERS RESERVED TO THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"§1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1748C. Certain acts, records, and proceedings and the effect thereof.".

SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'.".

The CHAIRMAN. No amendments shall be in order except those specified in House Report 140–666, which shall be considered in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 104–666.

□ 1115

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts: Strike section 3 (page 3, line 9 and all that follows through the matter following line 24).

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] each shall control 37½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Hawaii [Mrs. MINK] because this amendment deals with the section of the bill which would have a particularly negative impact on the State of Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to state that I believe that the word marriage should be reserved to man and woman. But I rise to state my unequivocal opposition to H.R. 3396. It goes far beyond the defense of the institution of marriage. It attacks the U.S. Constitution by allowing States to ignore the "full faith and credit" clause. If same sex marriages are to be excluded from this protection it must be done by a constitutional amendment. It cannot be done by statute.

First, I would like to point out that marriage is not only a religious ceremony. A marriage is also a ceremony presided over by a judge or a justice of the peace. After the marriage ceremony in a church the minister has the married couple sign a marriage certificate in order to have it registered in the State Bureau of Registrations. A marriage therefor is a State recognized decree. A duly valid marriage in any State is a marriage that is duly recognized in every other State. And despite the minister's statement during the wedding that this union is "until death do us part," marriages are broken by the court, not by a church ceremony. Marriage is an instrument of the State. It may be ordained by the church, but it is a decree of the State, and it is dissolved by the State.

If in Hawaii the Hawaii Supreme Court decrees that the State of Hawaii Constitution requires that gays and lesbians be allowed to have a marriage recorded as a State decree, because to do otherwise constitutes discrimination, then same sex marriage will be the law of the State of Hawaii.

Under the U.S. Constitution, laws of one State must be given "full faith and credit" by every other State. Congress should not be enacting any bill to declare otherwise. If a State decides not to honor the Hawaii Supreme Court decision it must justify its decision before a court of law. This congressional bill can not answer questions as to whether this refusal by one State violates the "full faith and credit" of the U.S. Constitution. Congress can not pass a generic law to declare that every State may chose to ignore a duly decreed State court ordered decision.

We all know that Congress cannot amend the U.S. Constitution. It is a sham to pass a bill that purports to amend the Constitution. When we took our oath of office here in the well of the House, we swore to defend the Constitution from all enemies.

The full faith and credit clause of the U.S. Constitution was written by the framers of the Constitution explicitly to prevent the 50 States from acting as "independent sovereign States" and instead require that they recognize each other's laws particularly as they set up contractual obligations and to act as a nation.

If the State of Hawaii Supreme Court decrees that same sex marriages must be registered in the State, then, notwithstanding my contrary view, I shall defend it as the law.

I would have preferred the enactment of a domestic partner law. It would have provided all the protections that gays and lesbians have been seeking over the years. Failure of the State to assure gays and lesbians all the protections under the law require that we pass a domestic partner law. Unfortunately the State of Hawaii Legislature chose not to pass a domestic partner law and in doing so left this matter for the courts to decide.

Under this bill, H.R. 3396, same sex marriages, if and when allowed in Hawaii, will be denied equal protection of the laws insofar as the Federal Government is concerned. Even though it is a valid marriage in Hawaii as decided by the Hawaii Supreme Court, these couples will not be allowed to be considered as "spouses" when deciding such things as Federal retirement benefits, health benefits under Federal programs, Federal housing benefits, burial rights, privilege against testifying against partner in Federal trials, visitation rights at hospitals by partners, rights to family and medical leave to care for a partner, and many more programs which allow special rights to spouses. This exclusion would be extremely destructive of the principle of States rights in determining status.

Mr. Chairman, it is my regret that this issue has had to be raised before this body. It seems to me quite apparent that our court system is going to yield a decision which will validate same-sex marriages. It may take several years. It may require several more legislative sessions in orders to define this issue. But the court, in its previous decisions, said to the Attorney General of my State unless there is a compelling State interest to rule otherwise, this is what they intended to do.

Now, this is not a debate about religion. It is a debate about a State process which has been in place in all of the 50 States, granting to the States the right to issue licenses. It is not a matter of invasion of the prerogatives of religion or the churches because long ago judges and justices of the peace were granted the power to also ordain a marriage.

What happens after the marriage ceremony is that all parties must sign a marriage certificate application which is then certified by the State. So it has become a matter which is implicitly and explicitly a matter of interpretation under our Constitution, and our Constitution accords the rights of civil rights to all parties. Under that interpretation, our State undoubtedly in several years will find itself having to issue a ruling which authenticates same-sex marriages.

What is an affront by this legislation is an effort to try to clarify and declare by edict what the other 49 States shall or shall not do under the full faith and credit clues. I believe that that is an invasion of the Constitution, if not an outright effort to amend the constitutional guarantees of full faith and credit, which was an effort by our Founding Fathers to do away with this idea of 50 sovereign States and try to develop a concept of a Nation.

Mr. Chairman, what we are doing today is to nullify that full faith and credit clause to allow the State in its own deliberations how it is to deal with this issue once it is determined by my State.

But the further gravity of this situation is that this body, is being asked, beyond that, this body is being asked to take away rights that are accorded every other citizen by Federal law in determining retirement benefits, health benefits, the rights to burial in a Federal cemetery, the rights to privilege in a Federal trial which is accorded married couples not to have to provide testimony against each other. It is defining in a way contrary to the citizens of my State rights that will be accorded to every other citizen in this country. It is a deprivation of the concept of equal protection.

We hear constantly in this body the need for States to be left alone to determine the rights of their citizens and the programs that they are is to endure. Here we have legislation, before anything is done in my State, that will deliberately deny all of these rights that are characterized by Federal law by determining that what my courts have decided does not apply under Federal legislation, and that is an extreme travesty against the whole principle of equal protection.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as Rome burned, Nero fiddled, and that is exactly what the gentlewoman and others on her side who spoke yesterday and last night would have us do. Mr. Chairman, we ain't going to be fooled.

The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit.

The courts in Hawaii have rendered a decision loud and clear. They have told the lower court: You shall recognize same-sex marriages. What more does it take, America? What more does it take, my colleagues, to wake up and see that this is an issue being shouted at us by extremists intent, bent on forcing a tortured view of morality on the rest of the country?

Yet, I suppose only in the Congress would we have people take the well and say that a provision that guarantees by law that each State retains its right to decide this issue is taking something away from the States. I suppose only in the Congress would we have people take the well and say that a law that simply guarantees the status quo in terms of the definition of marriage for Federal purposes is taking something away from somebody.

Yet here we have it. The red herrings are flying. Yet we must be resolute. This is an issue of fundamental importance to this country, to our families, to our children, and I would strongly urge all of our colleagues to reject this killer amendment which guts a very important piece of legislation.

We all must stand up and say we support this. Enough is enough. We must maintain a moral foundation, an ethical foundation for our families and ultimately for the United States of America.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first a word on this amendment. What this amendment aims at is the anti-States' rights portion of this bill. This bill has been grossly misadvertised in several ways. One, it says that it is a defense of marriage, and I will return to that. But it is a defense against a nonattack.

Nothing in what Hawaii is about to say, namely probably sometime late next year or early in 1998 allowing same-sex marriages, nothing in that by any rational explanation would impinge on marriages between men and women. Nothing whatsoever.

The factors that erode marriages, the factors that lead to divorce, the factors that lead to abandonment and spousal abuse, none of them have ever been attributed to, in any significant degree, same-sex marriage.

But there is another misadvertisement. Proponents of the bill say it is necessary to keep other States from having to do what Hawaii does. Now we should make clear that none of them think that is true. None of them believe that, absent this bill, any other State would be compelled to do what Hawaii does. I stress that again. Every single sponsor of this bill believes as I do that the States already have the right that this bill gives them.

Mr. Chairman, this is a bill which conveys on the press the right to write articles. This is a bill which conveys on individuals the right to go to synagogues on Saturday, church on Sunday, mosques on Friday. This is a bill to do what the people in charge of the bill think is already there. That is why we understand it to be purely political. That is why a Supreme Court decision in Hawaii from 1993 which will not be made final probably until 1998 comes up in 1996. It is a declaration that the States have the rights that they already have coming a few months before the Presidential election.

But there is another place of it. They say this is a States' rights bill and it is to prevent another State from having to do what Hawaii does. It has a second and only operative section, and that section says if Hawaii or any other State decides to allow same-sex marriage by whatever means, whether they do it by court decision or by popular referendum or whether they do it by legislation, the Federal Government will say to the State: Wrong, you cannot do that as far as we are concerned. We, the Federal Government, will disallow that. While you can make a decision for your State's processes to allow same-sex marriage, we, the Federal Government, will substantially overrule that because we will say that is not a marriage as far as Federal law is concerned.

As people understand, given today's rule, Federal law has a lot to do with their lives, so as far as Federal income tax is concerned and Social Security and pensions and other things, they will not be covered.

Now, let me talk a little bit personally. We have had some personal talks. I would feel uncomfortable if I thought I was up here advocating something that I thought would be directly benefitting me.

I should say that Herb Moses, the man I live with, already has my pension rights. He has exactly the same pension rights I have. Zero. I do not pay into the pension. I am not a member of the congressional pension system, so Herb already has those pension rights.

That is not what I am talking about. I am talking about people less well favored in society than I and other Members. I am talking about working people, people who are working together, pooling their incomes as many Americans do that today in difficult situations and economic circumstances, trying to get back, and feeling a strong emotional bond to each other, deciding they would like to pool their resources in a binding legal way. Hawaii says: We allow you to do that. This bill says: We overrule Hawaii. This bill says there will be no States' rights here.

Mr. Chairman, what the other side of the aisle believes on the whole is the right of the States to follow what they think is correct. There is nothing new about this. When it comes to tort reform, they will tell the States what to do. When it comes to a whole range of areas, they will tell the States what to do.

I do not think there is any principle I have ever seen more frequently enunciated and less frequently followed than States' rights from the Republicans. What they mean is that the States will do whatever they tell them to do.

Mr. Chairman, I do not claim to be a States' rights advocate. I think there are times, given a national economy, when a national uniform solution is the only sensible one, but this is not one of them. I want to be particularly clear now. People talk about their marriages being threatened. I find it implausible that two men deciding to commit themselves to each other threatens the marriage of people a couple of blocks away. I find it bizarre, even by the standards that my Republican colleagues are using for this political argument here, to tell me that two women falling in love in Hawaii, as far away as you can get and still be within the United States, threatens the marriage of people in other States.

That is what this bill says: Do not worry, you people in Massachusetts and Nebraska and Wyoming and Texas and California. The Federal Government is running to the rescue. You say your marriage is in trouble? You say there are problems with divorce?

It would seem to be clear that divorce does more to dissolve marriages than gay marriages. It is extraordinary to have people talking about how marriage is in peril. When the gentlewoman from Colorado [Mrs. SCHROEDER] wanted to offer amendments dealing with divorce, she was ruled out of order.

The gentleman from Oklahoma said the Bible speaks ill of homosexuality, and it does. There are also strong passages in the Bible that say if couples get a divorce and remarry, they have violated the rules. There are religions that do not allow people who have been divorced to remarry. There are religions that make divorce very, very difficult: Roman Catholics, Orthodox Jews, and others.

I believe that those religions have every right to say if couples get divorced, if they take this oath and say it is a lifetime solemn oath and then they dissolve, for whatever reason, they find someone else more attractive, they get tired of each other, we will make it difficult for them to dissolve those bonds as we put them on and we will not allow them to remarry.

That is a right we should fight for every religion to have, but there are clearly Members in this Chamber, supporters of this bill, who do not think that biblical injunction should be civil law. There are people who believe that that biblical injunction that says if couples divorce, they shall not remarry, should be disregarded by those who wish to disregard it; that the religion should not have the right to enforce them, but individuals should have the right under civil law to make alternate choices. That is all we are talking about here.

People say, well, we do not want to have State sanctions. Let me talk about that. I am very puzzled by the antilimited Government notion that brings out.

□ 1130

I have not had people come to me and say, I am in love with another woman, I want to get married because I really want to have State sanction. I want to know that the gentleman from Florida, the gentleman from Georgia, that they really like me. No one has come forward and said, can you please arrange so that the Republican Party and the House of Representatives will express their approval of my lifestyle. That is not a request I have ever gotten nor expect to get.

What people have said is, can I regularize this relationship so we are legally responsible for each other. Can I get to the point where if one of us gets very ill we will be protected in our ability to undertake financial responsibilities? Can we buy property jointly? Can we do the other things that people do? Can we decide that one will work and one might be in child rearing, there are people who have children in these relationships. That is what they are asking for.

What kind of an almost totalitarian notion is it to say that whatever the Government permits, it sanctions and approves? That is what is clear. Yes, there is a role for morality in Government. Of course there is. The Government has an absolute overriding duty to enforce morality in interpersonal relations. We have a moral duty to protect innocent people from those who would impose on them. That is a very important moral duty.

But is it the Government's duty to say, divorce is wrong and there are strong biblical arguments that say if you are divorced, you should not remarry. And should the Government then put obstacles in the way? No. What we say in this society is, religion has its place. If you want a religious ceremony, if you want to be married as Roman Catholic, if you want to be married by orthodox Jewish rabbis, if you want to be married by other groups, you better abide by their rules. But if you as an individual say, I do not love that person anymore, I am walking out, I am tired, I want a new husband, I want a new wife and, therefore, I dissolve it, no fault divorce, leave me out, and I want to remarry, civil law allows you to do that.

Does civil law say that is a good thing? Does civil law, by allowing you to divorce and remarry, say, good, we approve of that, we sanction your walking out on that marriage and starting a new one? No, what civil law says is, in a free society that is a choice you can make. We will require, I hope, that you pay up any obligation you have to the children who were the product of the first marriage. We do not do that well enough.

But beyond that we leave that choice. And that is all we are talking about. No one is asking for sanctioning. In particular, what we are saying is, if the State of Hawaii and, by the way, if you were going to pick a State less likely to infect others, I am still trying to understand, I said, what is it about two men living together that threatens marriage? The people who denigrate marriage are the people who argue that marital bonds are so fragile between man and woman that knowing that two men can marry each other will somehow erode them. How could that be?

We heard one argument about it yesterday. He said, well, it might lead to polygamy. I am a student of legislative debate. Let me make one very clear point. When people get off the subject, allowing Hawaii to have gay marriages without penalizing them federally, and on to something wholly unrelated, polygamy, and attack the unrelated one, it is because they cannot think of any arguments to attack the first one.

Yes, it is true polygamy as an option for heterosexuals would weaken the current option of monogamous heterosexual marriage. That is why I do not know anyone who is advocating polygamy. Why are they then debating polygamy? Because they are cannot argue over here.

There is a story about a guy who is on his hands and knees under the streetlight, and he is walking around, looking around. Somebody stops to help him, says, what is the matter. He said, I lost my watch. He said, I will help you. After 5 minutes, he said, gee, I do not think your watch is here. He said, I know, I did not lose it over here.

He said, why are we looking here under the streetlight. He said, well, the light is better. They want to debate polygamy because the argument is better. But there are no arguments about same-sex marriage.

I have asked Member after Member who is an advocate of this bill, how does the fact that two men live together in a loving relationship and commit themselves in Hawaii threaten your marriage in Florida or Georgia or wherever? And the answer is always, well, it does not threaten my marriage, it threatens the institution of marriage. That, of course, baffles me some. Institutions do not marry. They may merge, but they do not marry. People marry, human beings. Men and women who love each other marry. And no one who understands human nature thinks that allowing two other people who love each other interferes.

Is there some emanation that is given off that ruins it for you? Gee, Hawaii is pretty far away. Will not the ocean stop it? Are those waves that undercut your marriages? People who are divorced, I had one of my colleagues say to me, I have been divorced a couple of times. I was feeling guilty about it, but now I know it was your fault, he told me. He said, the Republicans have explained it to me. That is why I have been married three times. You did it to me.

He said, the next time I have an argument with my wife, I am going to blame you. And I guess that is what we do because it has got to be some mysterious emanation. And apparently it is such a powerful emanation that it crosses oceans.

Hawaii, let me ask my friend, how many miles, 3,000? How many miles is Hawaii from here? It is 5,000 from here, 5,000 miles away. My friend, the gentleman from Hawaii, my friend, the gentlewoman from Hawaii, what power they have. They allow same sex marriage in Hawaii and 5,000 miles away, marital bonds will crumble. That seems pretty silly, but that is what the bill says.

All I am saying here is, and by the way, I agree each State ought to be able to decide for itself. That is not what this amendment is about. I believe the States already have that right. I am not even touching in this amendment the part of the bill that does it.

This amendment says, if the State of Hawaii by any reason whatsoever decides to allow gay marriage, we, the Federal Government, will treat marriages that Hawaii validates the same as we treat others. The answer is, that will be sanctioning gay marriage, as if the Federal Government sanctions, what, many divorces and remarriages. We have no-fault divorces. People walk out for no good reason. That is an unfortunate trend. We ought to try and change it. But scapegoating gay men and lesbians for the failure of marriages in this society is very good politics but very terrible social analysis. That is what we are talking about.

I am simply saying here, I do not know of another State that is even close to Hawaii in doing this. Hawaii will probably do it in about a year. No other State is doing it. Are you that desperate for a political issue that you reach out this far? We have in the law something called long-arm statutes. This is a real long-arm statute. This reaches from the politics of Washington, DC, 5,000 miles out to Hawaii, and says, how dare you let two women express the love they feel for each other in a legally binding way because that is all we are talking about. We are talking about nothing that undercuts heterosexual marriage. We are talking about nothing that promotes divorce, nothing that would encourage spousal abuse, nothing that would encourage neglect of children. None of that.

We are talking about an entirely unrelated subject. The arguments are, therefore, so weak that, as I said, we get into polygamy and other unrelated issues.

If Members are really telling me they do not understand the difference between a polygamous heterosexual relationship and a monogamous homosexual relationship, then they are confessing a degree of confusion that I guess I would be embarrassed to confess.

All this amendment says is, and let us be clear on this amendment, no argument about protecting one State from another State is relevant. To the extent that this bill has any role in protecting one State from another State, this amendment leaves it detached.

What this says is simply, if Hawaii does it, we will recognize what Hawaii does. And we will not falsely claim that multiple divorces and remarriages, spousal abuse, child neglect, all of those problems, and economic stress and others things that cause stress in marriages, nobody will argue that letting two women love each other in Hawaii in any way, shape, or form threatens that. That is the vote I will be asking Members to take.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts, [Mr. FRANK]. This is not a States rights amendment. This amendment would allow the will of Congress to be usurped by three justices on a divided Hawaii Supreme Court.

In rebuttal to the argument made by the gentlewoman from Hawaii [Mrs. MINK], the Justice Department, headed by Janet Reno, not one of ours but one of yours, has twice said that the Defense of Marriage Act is constitutional. It is time for the Congress to define the full faith and credit clause, what the Constitution allows us to do, and that is what this bill proposes.

As was stated several times during the debate yesterday, this act is necessary because of a concerted effort on the part of homosexual activities to win the Hawaii case and then to impose the decision on every other State by a lawsuit invoking the full faith and credit clause. My colleagues do not have to take my word for it. I would like to reiterate the words from a memo written by the director of the Marriage Project of the Lambda Legal Defense and Education fund, a gay rights group. This memo is entitled, "Winning and Keeping Equal Marriage Rights: What will Follow Victory in Baehr v. Levin," unquote. On page 2 of this memorandum it is written, "Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full recognition of their unions."

It is important to remember that this gay activist scheme may not only affect every other State but the Federal Government as well. The Federal Government currently extends benefits, rights, obligations and privileges on the basis of marital status. These include Social Security survivor and Medicare benefits, veterans' benefits, Federal health, life insurance and pension benefits and immigration privileges.

In fact, the word marriage appears more than 800 times in Federal statutes and regulations, and the word spouse appears over 3,100 times. However, these terms are never defined in the statutes and regulations. This bill proposes to do so.

Because this United States Code does not contain a definition of marriage, a State's definition of marriage is regularly utilized in the implementation of Federal laws and regulations. Such deference is possible now because of the differences, because the difference in State marriage laws, although numerous, are relatively minor. Every State concurs in the most basic marital qualification, that a valid marriage must be between one man and one woman. There never has been any reason to make this implicit understanding explicit until now. If Hawaii legalizes same-sex marriage, which the gentlewoman from Hawaii [Mrs. MINK], says is going to happen, then the basic qualification is altered.

Consequently, section 3 of the Defense of Marriage Act amends the United States Code to make it clear for purposes of Federal law marriage means what Congress intended it to mean, that is, a legal union between one man and one woman as husband and wife.

Congress certainly has the authority to define qualifications, conditions and obligations surrounding the application of Federal law and the disbursement of Federal benefits. Exercising such authority is not uncommon. When Congress voted on Federal laws that conferred benefits on married persons, I do not think that Congress ever contemplated their application to same-sex couples. I do not think the American people did either. Should we not let the American people and their elected Representatives, as opposed to a sharply divided Hawaii court, decide whether we should alter the fundamental definition of marriage recognized by civilizations for thousands of years and always presumed by the U.S. Congress?

Gay rights groups are scheming to manipulate the full faith and credit clause to achieve through the judicial system what they cannot obtain through the democratic process. I do not think that Congress should be forced by Hawaii's State court to recognize a marriage between two males or between two females. Congress did not pick that fight. The groups that filed suit in Hawaii did.

We are simply responding to an unprecedented overt effort to impose one State's marital rules on the rest of the Nation.

We have enough problems financing our Social Security trust funds. If the amendment of the gentleman from Massachusetts [Mr. FRANK] is adopted, there will be a huge expansion of the number of people eligible to receive Medicare survivor benefits. We should decide that by ourselves, not by Hawaii court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to address one point on what the gentleman from Wisconsin said. He made a point a couple of times to the effect that this is a Hawaii Supreme Court decision. He said it should be elected representatives.

The second version of this amendment says that we will recognize marriages so declared by States if they are done democratically by legislation or by referenda.

I would yield to the gentleman. Would that make any difference in his argument?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, at least in terms of Federal benefits, to me, no.

Mr. FRANK of Massachusetts. Mr. Chairman, I thought so.

Mr. SENSENBRENNER. I think Congress should decide whether the domestic spouses of gays and lesbians should get Social Security survivor benefits.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, one point on legislative debate, when people use arguments they do not really mean, that is an indicator. The gentleman from Wisconsin made a big point of saying, we cannot do it if Hawaii does it by court, if they do not do it democratically.

□ 1145

When I mentioned an amendment that would allow that, it is, oh, never mind. Do not use arguments you do not mean. Do not make up arguments. That does not help the debate.

Mr. SENSENBRENNER. Mr. Chairman, I demand the gentleman's words be taken down. He has impugned my motives.

The CHAIRMAN. The gentleman from Massachusetts will be seated.

□ 1152

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, in a spirit of conciliation, even though my plane is not until Sunday, but I know others have quicker ones, I would make it clear that my point was that I believe when Members are debating, they should be careful to use arguments which are genuinely central to their point. And I was admonishing people about what I think is the tendency to use arguments that are not central, and particularly, I think it is a mistake for people to use an argument and then, when that argument is met by a change in the legislation, disregard it. That is what I was intending to imply

I believe that the second amendment that I have offered meets part of the argument that was made, and I always find it frustrating when people make an argument and an amendment is then offered which meets that argument and that is disregarded.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. SENSENBRENNER] seek recognition?

Mr. SENSENBRENNER. With that explanation, Mr. Chairman, I withdraw my demand that the gentleman's words be taken down.

The CHAIRMAN. The gentleman withdraws his demand.

The gentleman from Massachusetts may proceed in order.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I realize that my views are likely to be in the minority, as well as unpopular, but this is not the first time I have come to the well to stand up for what I believe in, and it will not be the last.

Mr. Chairman, our Nation faces many pressing and critical problems: The size of the Federal deficit and its effect on our international competitiveness; threats from rogue nations and terrorists armed with chemical, biological, and small nuclear weapons; a deteriorating public infrastructure; the decline in the quality of public education, to name just a few. Yet, this body is embarked today on an extended debate of a nonproblem, an issue which the States themselves are fully capable of handling without the interjection of the views of Congress.

In fact, this issue already has been carefully considered by the legislatures, the legislatures of 34 States. Today, we debate legislation of questionable constitutionality, legislation in which we "authorize" the States to ignore the dictates of the full faith and credit clause of the Constitution. Yet what is clear from the sparse history on the full faith and credit clause is that whatever powers the States have to have to reject the decision by another State are directly derived from the Constitution. Nothing Congress can do by statute either adds to or detracts from that power. Congress cannot grant a power to the States which, under the Constitution, the Congress itself does not have or control.

In addition, Mr. Chairman, today, we debate legislation designed to divide and ostracize individuals and to advance or protect interests which are hardly threatened. As some of my colleagues have already said, what is by far the weakest part of this bill is its title. But that is not accidental. This bill reflects a calculated political judgment that wedge issues can be used to paint individuals in our society, as well as Members of this Chamber. This bill's accelerated consideration in this House was, unfortunately, part of that political agenda. Whatever Hawaii finally decides will be years off, so what is the rush?

This is a sad day when partisan political considerations once again upstage careful deliberations designed to address the Nation's important challenges.

I urge my colleagues to stand up and reject this divisive, untimely, and possibly unconstitutional bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Defense of Marriage Act. As a cosponsor of this bill, I believe it reinforces the traditional definition of marriage without subjecting same-sex couples to bias or harassment. It is our duty in this Congress to affirm what is good in our society. We need this so much. As special interest pressure increasingly demands a tolerant and fluid definition of marriage, we progressively attempt to redefine marriage to fit social trends.

Traditional marriage, however, is a house built on a rock. As shifting sands of public opinion and prevailing winds of compromise damage other institutions, marriage endures, and so must its historically legal definition. This bill will fortify marriage against the storm of revisionism, so I urge all of my colleagues to support this very good bill, the defense of marriage act.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to batten down, because I yield 4 minutes and 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE], and we all know what power Hawaii has, so get ready.

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as long as Hawaii has this incredible power to be able to mandate whatever it decides on the rest of the Nation, I wan thinking that perhaps we could mandate the Hawaii health care system for the other 49 States, so that we would not have to worry about national health care, and we would mandate the weather, if we could, but I think that is even beyond our powers.

There is a serious note to be engaged in here, because the amendment offered by the gentleman from Massachusetts [Mr. FRANK] has to do with the definition. If Members are in fact intending to define marriage nationally in the terms that have been related in the debate so far, they have indicated it is an institution in which we have a secular, sacred duty to maintain the union between a man and a woman.

If that is the case, and Members really intend to do this, and we are sincere about covering this as a national definition of marriage, then why do Members not have a national divorce clause in here as well, forbidding it? Where are the criminal penalties associated with adultery? I have heard a continuous drumbeat from some Members here about this union of a man and a woman. If that is the case, I presume, then, Members are going to forbid divorce and most certainly impose penalties with adultery. But I do not see it in here.

There appear to be circumstances in which this union of a man and woman can take place in the context of marriage again and again and again. I am not quite sure how the transition is made in Members' definitions, but that is what takes place, all of this within the context that this deficition has to be made in a national context, because of what may or may not happen in Hawaii.

But what is left out of this is that the Federal law over and over again, as stated as recently as 1992, and I am quoting the Supreme Court, "Without exceptions, domestic relations have been a matter of State, not Federal, concern and control since the founding of the Republic."

In this particular instance, it is the State constitution in Hawaii that is the grounds for the suit in Hawaii. The State constitution in Hawaii has particular references to the right of privacy and equal protection that are not found in other constitutions in other States. Therefore, it does not apply.

Members should vote for the amendment offered by the gentleman from Massachusetts [Mr. FRANK] because even if there is a ruling in Hawaii, it does not therefore follow that Pennsylvania or Florida or Illinois or any of the other States have to follow it at all, unless there are similar provisions, and there are judges that would make decisions based on similar interpretations of similar provisions in Members' own State constitutions.

The attorneys for the couples that came into court in Hawaii have stated again and again that it is the particular provisions of the Hawaii State Constitution that they are refering to, so it is disingenuous at best for those who want to maintain that this amendment is something that should be voted for to indicate that unless we have this bill today, and unless we defeat the amendment of the gentleman from Massachusetts [Mr. FRANK], Members are going to be forced to accept what was a result of a court decision in Hawaii, if it happens to go that way.

The State is disputing this at the present time, and may prevail. So unless someone who is in favor of the bill can tell me how the U.S. Constitution reflects the specific provisions in the Hawaii State Constitution, which extend beyond the Federal Constitution the right of privacy and the equal protection based on gender, unless they can explain that, I do not see how Members can deny the validity of the amendment offered by the gentleman from Massachusetts.

I would yield to anybody who can explain to me how the U.S. Constitution, which only deals by implication with the Hawaii State Constitution, will somebody please tell me how the U.S. Constitution and the Hawaii State Constitution are comparable in these two respects, which is the basis for the suit in Hawaii?

There are constitutional experts. Do not look puzzled. Members know perfectly well what I am talking about. There is a right to privacy in Hawaii, there is no discrimination based on gender in the Hawaii State Constitution, which does not appear in the U.S. Constitution except by implication, if Members make the argument. In other words, I get no response.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, permit me to be theological and philosophical, for a moment. I believe that as a people, as a people, as a God-fearing people, at times, that there are what are viewed, what I believe are called depraved judgments by people in our society. They come in all forms of sin. We learn that early on.

I believe that the first creature of God and the words of the first days was the light of sense. We refer to it as God-given common sense. The last, perhaps, was the light of reason. His Sabbath work ever since has been the illumination of his spirit, the Holy Spirit.

Above me it reads, "In God we trust." It says, "In God we trust." I believe that God breatheth light into the face of chaos and into the face of mankind to deliver his word to others who do not see the light of day, who do not follow the word of God.

Mr. Chairman, we are a nation of people, a society based upon very strong Biblical principles. To lead a Nation at moments of chaos through the storm, you rely on God-given principles for that. He shineth the light into our face.

We as legislators and leaders for the country are in the midst of a chaos, an attack upon God's principles. God laid down that one man and one woman is a legal union. That is marriage, known for thousands of years. That God-given principle is under attack. It is under attack. There are those in our society that try to shift us away from a society based on religious principles to humanistic principles; that the human being can do whatever they want, as long as it feels good and does not hurt others.

When one State wants to move towards the recognition of same-sex marriages, it is wrong. The full faith and credit of the Constitution would force States like Indiana to abide by it. We as a Federal Government have a responsibility to act, and we will act.

□ 1205

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

The CHAIRMAN. I might advise the Members, the gentleman from Massachusetts [Mr. FRANK] has 11 minutes remaining and the gentleman from Florida [Mr. CANADY] has 27 minutes remaining.

Mr. MEEHAN. Mr. Chairman, today we are debating a bill that purports to defend marriage. I have been thinking a lot about this legislation this week because tomorrow, I am getting married. My finance and I are going to vow to spend the rest of our lives together—no matter what lies ahead. For that commitment, we will enjoy all the rights and privileges the Government bestows on married couples—from tax breaks to Social Security benefits.

I can't imagine that my fiance and I could make such a momentous decision to wed—and then have the Government step in and say no, you can't do that. I can't imagine that two people who simply want to exercise a basic human right to marry, a right our society encourages could be denied. I can't imagine that two people could make a commitment to spend the rest of their lives together—and never be allowed to have that commitment recognized under the law.

Because, you see, for many years, gay couples have made a commitment to spend their lives together. They have spent years building a life together, through good times and bad. Yet, if a gay man becomes gravely ill, his partner is not allowed to visit him in the hospital. A gay couple can share houses, cars, bank accounts, yet one partner cannot inherit a single thing if the other dies without a will. Furthermore, no matter how long they are together, a gay couple cannot share medical and pension benefits.

This bill denies a group of Americans a basic right because they lead a different lifestyle. We must be careful when we make legislative determinations on who is different. If gay people are considered "different" today, who is to say your lifestyle or my lifestyle will not be considered different tomorrow?

This bill also challenges one of the most basic tenets of the Constitution: the "full faith and credit" clause. This country is great because people take for granted that the laws of one State are honored by the other States—regardless of whether or not one State likes another State's laws. We have not been able to pick and choose for the past two centuries and now is not the time to start.

Our society encourages and values a commitment to long-term monogamous relationships—and we honor those commitments by creating the legal institution of marriage.

If we then deny the right of marriage to a segment of our population, we devalue their commitment without compelling reasons but simply because we don't like their choice of partners. We can't have it both ways.

Protecting everyone's right to make a legal commitment to another is a defense of marriage. This bill denies certain persons that right. It is an attack on gay men and women. Therefore, I urge my colleagues to vote against it.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I want to offer my congratulations to the gentleman from Massachusetts on his upcoming wedding tomorrow. I did not know he was getting married tomorrow. I think that is wonderful. I wish him all the best and a wonderful future.

Mr. Chairman, I think this piece of legislation is very timely and very important, and I commend the gentleman from Florida [Mr. CANADY] and the gentleman from Georgia [Mr. BARR] for bringing it to the floor.

Many people are questioning why we are bringing it to the floor today but, Mr. Chairman, to me the answer is very clear. Polls in Hawaii and across this country show that the majority of the people of this country do not support legalizing same-sex marriage. However, despite the will of the legislature in Hawaii, three judges are about to rule otherwise. Now the Lambda Legal Defense Fund, an organization that is pushing very hard for the legalization of gay and lesbian marriage, is advertising their intent to use the Hawaiian Supreme Court ruling to force other States to recognize gay and lesbian marriages.

I would just like to read the quote, and this is from a publication of Lambda Legal Defense Fund:

> Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their home in the rest of the country expecting full legal recognition of their union.

This is not a partisan issue, Mr. Chairman. The threat posed by the ruling in Hawaii is recognized by Members of both sides of the aisle.

The bill before us is very simple. First it honors the State's right to decide its own position on the legalization of same-sex marriage. Second, it says that for Federal purposes, marriage is the legal union between one man and one woman. The Frank amendment strikes that. This bill does not tell people what they can or cannot do in the privacy of their own homes. It simply says it is not right to ask the American people to condone it.

As a father and an observer of this culture, I look ahead to the future of my daughter and wonder what building a family will be like for her. We saw startling statistics in 1992 that told us that Dan Quayle was right. Children do best in a family with a mom and a dad. We need to protect our social and moral foundations.

We should not be forced to send a message to our children that undermines the definition of marriage as the union between one man and one woman. Such attacks on the institution of marriage will only take us further down the road of social deterioration. Vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds. I do this with trepidation because I underestimated to some extent the sensitivity on the other side when I point this out, but the gentleman from Texas made a point of the fact that three judges did this in Hawaii, and not the legislature and not a referendum.

I have a subsequent amendment which would allow a State to get Federal recognition of marriages only when it is done by the legislature or by referendum or in other ways by the people, and it will probably make no difference. But I just want to say that that argument that this is only the judges in Hawaii does not appear to me to be one that the Members who make it attach a great deal of weight to because when I offer an amendment which obviates it, it would not make any difference.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, there were times and there may still be times in this country today where there are States where you can get married if you are 14 or 15. In my State that is statutory rape. There were times in this country where in many States it took years to get a divorce, sometimes almost impossible. People could fly to I think Las Vegas and other places and get a divorce almost overnight. We did not rush to the floor to ban those actions, to make them not apply to the State where the individual is a resident.

What we face here is a challenge of the majority party, the Republicans, and the failure of their entire agenda, and they need a new scapegoat. To try to salvage their political tailspin, we are here on the floor today trying to pick on the powerless. The politics works very well. It is not popular out in the countryside. It is a difficult issue for most Americans to deal with.

But if we want to protect families, then we ought to give families health care. If we want to protect families, we need to protect their pensions. If we want to protect families, we ought not be raiding Medicare to give tax breaks to billionaires. If we want to protect families, we need to protect their pensions, not to come here today with a show-stopper that does very little to protect families and I doubt will get the political gain that many are seeking in this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Chairman, the overwhelming majority of my constituents favor the bill that we are presenting to the Congress today, and for concomitant reasons oppose the amendment offered by the gentleman from Massachusetts.

If I were not sure of a numerical count of my constituents to determine what I have just said, that the majority opposes the Frank amendment and supports the underlying bill, I would now have the action of the Pennsylvania House of Representatives to bolster that count on my part. Recently the Pennsylvania House, only about 2 weeks ago, supported a similar bill by a tune of 177–16. In it they endorsed and reendorsed, both in the speeches on the floor and the matters of record that were included finally in their legislative record, the notion that marriage has to be, for the sake of family values, marriage between members of the opposite sex.

So, with all of that, I am guided by the frank expression of the Pennsylvania legislature rather than the Frank amendment. I oppose the amendment and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, people in my district in North Carolina are outraged by the possibility that our State might be forced to recognize same sex marriages performed in other States. They are outraged that their tax money could be spent paying veteran's benefits or Social Security based on the recognition of same-sex marriages. Homosexuals have been saying they only want tolerance—now it is clear they have been less than honest. They already have tolerance but are aiming for government and corporate mandated acceptance. The Boy Scouts of America are under legal attack in the States which have special rights for sexual orientation. The Scouts, a private group, are being told to abandon their moral code of 80 years and to place young boys under homosexual men on camping trips—or face financial ruin. If homosexuals achieve the power to pretend that their unions are marriages, then people of conscience will be told to ignore their God-given beliefs and support what they regard as immoral and destructive.

As the Family Research Council points out: Homosexuality has been discouraged in all cultures because it is inherently wrong and harmful to individuals, families, and societies. The only reason it has been able to gain such prominence in America today is the near blackout on information about homosexual behavior itself. We are being treated to a steady drumbeat of propaganda echoing the stolen rhetoric of the black civil rights movement and misrepresenting science. Now activists are demanding that society elevate homosexuality to the moral level of marriage. If you are a devout Christian or Jew, or merely someone who believes homosexuality is immoral and harmful, and the law declares homosexuality a protected status, then your personal beliefs are now outside civil law. This has very serious implications, for if the law declares opposition to homosexuality as bigotry, then the entire power of the civil rights apparatus can be brought against you. Businessmen would have to subsidize homosexuality or face legal sanctions; schoolchildren will have to be taught that homosexuality is the equivalent of marital love; and religious people will be told their beliefs are no longer valid.

Mr. Chairman, let's do what is right and good for America today. Let's pass the Defense of Marriage Act and turn down both Frank amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just want to read the portion of the bill that is being stricken by this amendment. It is called definition of "marriage" and "spouse."

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

The proponents of the amendment before the House now want to strike that provision of the bill. They do not agree with that definition of marriage. That is what is at issue here. I think the Members need to focus on that. Is this House unwilling to take a stand in defining marriage in this way?

We are talking about for purposes of the Federal statute. We have a responsibility as the Congress to make a determination on this matter. We have a responsibility as the elected representatives of the various States to take a stand against what one State is attempting to do.

This bill does that, as has been discussed and debated at great length, and there is nothing offensive about this definition. It has been described in many ways, this bill has been described in many ways, I will talk about that somewhat later. But if the Members would focus on what is in this amendment, I think they will have to come to the conclusion that all we are doing in this amendment is reaffirming what everyone has always understood by marriage, what everyone has always understood by the term "spouse," and we are simply resisting a change which is being advanced by a small minority in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I am not going to stand here and take up a minute to tell people on the floor how to vote. I think and I hope earnestly that this debate will result in a positive picture for the values of all Americans. But what I want to do is quote from two historical figures to show that none of us, none of us, have all the right answers to all the questions.

The first one is a figure that changed Catholicism and evolved it into the Protestant movement, Martin Luther, in which he said, "We are all weak and ignorant creatures trying to probe and understand the incomprehensible majesty of the unfathomable light of the wonder of God." He was saying each of us do not have all the answers.

The second historical figure gave a sermon on the side of a mountain. He said, and I cannot repeat all of that sermon because there is not enough time, but I encourage people in the room and my colleagues to read the Sermon on the Mount and especially chapter 7 in Matthew which starts off, "Judge not lest ye be judged."

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Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to address all of our colleagues here in the House, those listening as well as those that are on the floor, on both sides of the aisle, because this clearly is a nonpartisan matter. One merely has to look at the long list of cosponsors from both sides of the aisle. One has to look no further than the thousands of communications to Members of Congress on this legislation and recognize it is very much bipartisan.

The issue is clear and not even remotely complex. With this amendment, with the Frank amendment, if Members believe that one State can now define "spouse" or "marriage" for all Federal purposes, if you believe that it is fiscally responsible to throw open the doors of the U.S. Treasury, and if you believe that the will of the vast majority of the American citizens has no meaning, no importance whatsoever, then vote for the Frank amendment because it represents and does all three of those things.

But if Members believe that the views of a vast majority of American citizens are important, do have meaning and ought to be listened to, and if Members believe that the Congress of the United States of America and not an individual State has the authority and the sole jurisdiction and responsibility to decide the use of Federal taxpayer benefits, and if you do not believe it is fiscally responsible to throw open the doors of the U.S. Treasury to be raided by the homosexual movement, then the choice is very clear, oppose the Frank amendment.

It is a gutting amendment. It is a killing amendment. That is why this opponent of the bill is proposing it. It is not complex. It is crystal clear. This amendment must be defeated so that the underlying bill can go forward, as we believe it will, through both Houses of Congress and get to the President's desk so that he, as he has said, will sign this important piece of legislation. Let us give him that opportunity and not deny him that opportunity by supporting the Frank amendment. I urge my colleagues to vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining, and the gentleman from Florida [Mr. CANADY] has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would like to say to my colleagues in the House, this is a defining issue. I believe it even goes further than what we have talked about. It is defining in terms of Republicans and Democrats. On this side of the aisle so many people have lined up to speak, so many people feel so passionately about this, we do not even have enough time.

But you know, one thing I would like to talk about just to be clear and not emotional about this, the gentleman from Massachusetts [Mr. FRANK] mentions the fact that, he mentions that the Defense of Marriage Act preempts States' rights. This is wrong. This is not correct. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State, nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States.

This legislation merely provides that States who do not sanction this distortion of marriage do not have to recognize it. Sixty-seven percent of the people in America agree with this legislation.

I would like to respond to what I think are Mr. FRANK'S main arguments against the Defense of Marriage Act.

Mr. FRANK says by abandoning the true definition of marriage, traditional marriages are not threatened. You are right, Mr. FRANK, you are not threatening my marriage. You do not threaten my marriage but you do threaten the moral fiber that keeps this Nation together. You threaten the future of families which have traditional marriage at their very heart. If traditional marriage is thrown by the wayside, brought down by your manipulation of the definition that has been accepted since the beginning of civilized society, children will suffer because family will lose its very essence. Instead of trying to ruin families we should be preserving them for future generations.

You say if we pass the Defense of Marriage Act we are preempting States rights. You are wrong, Mr. FRANK. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State; nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States. This legislation merely provides States who do not sanction this distortion of marriage do not have to recognize it. With at least 67 percent of people polled opposing the legalization of same-sex marriages, we are doing the right thing.

Mr. FRANK may not agree with this also but he is here today pushing a definition of marriage which the majority of Americans don't agree with. He may use debaters' techniques to divert our attention on this matter, but the facts remain.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, I wanted to point out to the Members that the reason I have not asked for time during this debate is that I will be doing an hour this afternoon following an hour by Mr. FRANK, be plenty of time for me to discuss that midafternoon, morning in Hawaii.

This is a defining issue. I did not believe when I came here 20 years ago we would ever be discussing homosexuals have the same rights as the sacrament of holy matrimony, and I predict, that within 3 or 4 years we are going to be discussing pedophilia only for males and that will be the subject of my discussion this afternoon.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 45 seconds to say first, if people on the other side are content to have the last comment stand as representative of their viewpoint, so am I. I would say to the gentleman from Florida, he totally misstated this amendment. We are on an amendment that appears to have escaped him. He said I said it preempts States' rights and then talked about the section of the bill not relevant to the amendment. He just got it totally wrong. Yes, there is a section that purports to give the States rights that I believe the States already have. But there is another section which is what this amendment was about, and this second section says that if a State does allow such a marriage, the Federal Government would recognize it.

So he was talking about the first section, not about the second section. The second section is the subject of the amendment, and I did want to point out that he was, therefore, totally inaccurate in his representation of what I had said.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, 220 years of history in this Nation where we have not had to define what marriage is. It has been pretty common knowledge and it has been understood by most people. But now we have reached a period in our history when we are going to have to define what marriage actually is. We have to allow the States to define and Hawaii is going to be making that decision and I think in order to allow the other States to have that opportunity, then we must proceed with this Defense of Marriage Act to make sure that they are not bound by the full faith and credit clause to accept something that would not be acceptable to the majority of the people in those particular States, or in this Nation for that matter. But again, I think it is a sad day that we have to stand here in the Capitol of the United States and define what marriage actually is.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

I was looking for that long list of Republicans, which has apparently dwindled, that the gentleman was talking about.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, I rise in support of this amendment because I support the U.S. Constitution and particularly the 10th amendment to the Constitution.

As you know, the 10th amendment was designed to prevent us from preempting States' right. Yet for this purpose, we are willing to federalize the one area of law that has been under State control for the last 200 years. What is worse is that it is the Subcommittee on the Constitution of our full Committee on the Judiciary that is willing to limit for the first time in history the full faith and credit clause of the Constitution. The term that the Subcommittee on the Constitution uses is that it wants "to free the States from a constitutional compulsion."

If we want "to free the States from a constitutional compulsion," we ought to do it with a constitutional amendment, not through this kind of a statute.

This bill in fact is both unnecessary and premature. The Hawaii appeals court is not expected to reach a final decision until 1997. There is no reason to act before that. But by rushing to judgment, Congress is preventing the States from free and open deliberation and failing to allow them to come to their own determinations.

States already have the power to refuse to honor same-sex marriages conducted in other States under the public policy exemption to the full faith and credit clause. This is the law right now. So why are we debating an unnecessary bill? I am afraid that the real answer is that it is political exploitation of prejudicial attitudes.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Illinois.

Mr. HYDE. The Chairman, I would just like to ask the gentleman from Virginia [Mr. MORAN], what effect on your last statement that the States have the power to do this, what effect does the Romer versus Evans case, decided May 20 of this year, have on that power of the States, or are you aware of that case?

Mr. MORAN. Mr. Chairman, reclaiming my time, I would submit to the gentleman from Illinois [Mr. HYDE] that any State can pass a law now under the public policy exemption that makes it clear that whatever Hawaii's decision might be, they do not have to recognize it. They have that right.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, does the gentleman know the Romer case? Because the Romer case directly vitiates what the gentleman just said.

Mr. MORAN. The gentleman and I have a difference of opinion.

Mr. HYDE. Mr. Chairman, is the gentleman familiar with the case?

Mr. MORAN. Mr. Chairman, I do not perceive it in the same way the gentleman does. If the gentleman would like to explain why it does, then I would be happy to yield the time that I have. I do not interpret it as accomplishing what the gentleman said.

Mr. HYDE. Mr. Chairman, I will send the gentleman a copy of the opinion and dissent by Justice Scalia.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard quite a bit about the full faith and credit clause, I think it might be helpful to read it. It is contained in article IV, section 1 of the Constitution, and I will read it in its entirety.

> Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State, and the Congress may by general laws prescribe the manner in which such Act, Records and Proceedings shall be approved and the effect thereof.

The full faith and credit clause, which I have just read, recognizes a role for the Congress to play in circumstances just such as those that are now before us arising from the situation in Hawaii.

Now, that is one element of this bill. On the other hand, there is an element in this bill which deals with Federal law, Federal benefits, and the interpretation of the Federal statutes and regulations that use the terms "marriage" and "spouse."

We have a responsibility as the Congress to determine how Federal funds will be spent, and I believe that it is certainly within our prerogative to determine that those funds will not be used to support an institution which is rejected by the vast majority of the American people. We, as their representatives, can take that position. That is not in derogation of States' rights. That is simply in fulfillment of our responsibilities, and that is what we are doing through this bill.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I simply want to point out with respect to the constant allusions to other States being forced to do what may be decided in Hawaii that the case in Hawaii is based on the Hawaii State Constitution, which has an expansive provision for the right of privacy and a provision against sex discrimination, which by definition of the attorneys in the case is stated as only being implied at best in the Constitution of the United States. Therefore, they are not making any such claim.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman has made his point. With all due respect to the gentleman from Hawaii, the gentleman has not gotten the point here.

I would point out to the gentleman that there is available for him and all the other Members a memorandum prepared by the Lambda Legal Defense Fund which indicates the clear strategy that is being pursued here. The idea of the gay rights legal advocacy community is that they will have same-sex marriages recognized in the State of Hawaii, and then folks will go there from around the country, be married under the laws of the State of Hawaii, and then go back to where they came from and attempt to use the full faith and credit clause to force those States to which they have returned to recognize the legality of that same-sex union contracted in the State of Hawaii.

That is what is at stake in that part of the bill. That is very clear. That is why we are here. How Hawaii happens to get to the point of deciding that is a subsidiary issue.

Now, do I think the courts around the country should be required to recognize those same-sex marriages that may be contracted in Hawaii? No, I do not think they should be required to. But I do believe that there is substantial doubt about that question, and I am concerned that there is uncertainty, and this bill is motivated by that uncertainty. We are trying to do what we can to put that uncertainty to rest, to bring more certainty to the issue. That is the motivation here. That is not hard to discern.

Mr. Chairman, I understand and I respect those people who say, "We think same-sex marriage is a good thing and we think that they should be able to go there and then have it recognized elsewhere." That is a principle position. I disagree with the principle. I vehemently disagree with it. We have heard that expressed. But you know, it is clear what is going on here. There is a real issue that we are trying to deal with.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, that is not the position of the State of Hawaii, that this is a good thing. What is trying to be determined now is what is imperative based on the Hawaii State Constitution. As for the recitation about the Lambda Defense Fund, the Lambda Defense Fund turned down the people in Hawaii. They did not want to participate in this.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman will have to continue that on his own time. I would suggest to the gentleman that the documents provided by the Lambda Legal Defense Fund are very clear, and I do not think there is much mistaking what the objective is behind this whole effort.

It may not turn out that way, even in the absence of this bill, but there is a risk that it would and we are trying to address that risk. That is very clear. There is no reason to be confused about it. We are trying to deal with that uncertainty.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in support of the Frank amendment and in opposition to this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I rise in support of the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I rise in opposition to the bill and in support of this particular amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Frank amendment and oppose this bill.

Mr. Chairman, once again, the Republican leadership is seeking to divide the American people by appealing to our emotions and fears.

Rather than working to protect middle-class families in this changing economy, the GOP prefers to divert everyone's attention from Republican efforts to cripple Medicare and cut taxes for the rich.

Why, Mr. Chairman, are we targeting gays and lesbians, blacks, and immigrants this year, now, today? The answer, pure and simple, is politics—election year politics. The Republicans will stop at nothing to win the White House and the Congress. They will fan the flames of intolerance and bigotry right up to November. And if the result is an election won—at the expense of national unity—their attitude is, so be it.

By the time my Republican colleagues are done, this country will be a boiling cauldron. This bill doesn't prevent a single divorce, a single case of spousal abuse, or protect the institution of marriage.

Mr. Chairman, America was settled by people fleeing the intolerance and bigotry prevalent in Europe. Our Nation has always been a haven for those seeking peace, tolerance, and justice.

The real issues are extremist Republican values versus American values. Health care for the elderly and needy versus tax breaks for the wealthy. Money for children and education versus money for corporate welfare. More police on the streets versus assault weapons in the hands of dope dealers.

In short, the real issue is the kind of America we want—one of hope and fairness, or one of division and hate.

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Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 3¼ minutes remaining and the gentleman from Florida [Mr. CANADY] has 6 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in support of this bill.

Obviously, as one of the original cosponsors of this bill, I feel like it is a bill that we ought to pass and I would oppose, as such, any amendment to it.

I think it is very important that we remember much of our history lessons, that I am sure have already been discussed here before. Without our action, this would be the first time that any religious or civil marriage ceremony recognized this type of marriage. It would be against the traditional marriage of husband and wife. At some point I think this bill recognizes, the underlying bill recognizes the need to make this distinction, to draw this line, to clarify it, for it, unfortunately at this time, appears to be necessary in this country.

It is important we accomplish the two things that are contained in this bill. First of all, again for the purposes of Federal law, Social Security, tax and so forth, it clarifies what the definition of a marriage is. A marriage is between one man and one woman. Not more, not less, not anything else out there, but, clearly, for the first time, it defines for the purposes of Federal law only.

Certainly we should not allow one State, whether it be Hawaii or any other State, to, in effect, establish what the Federal law will be in regards to what a marriage is.

Second, as we discussed already today, it gives the States the right to recognize or not to recognize these types of marriages. it does not prohibit marriages of same sex but it gives the States those rights to do it. And once again it would not be appropriate and it would not be fair and it would not be right to those other States out there to have their laws controlled in this type of very nontraditional sense by one small State, whichever it might be.

Again I urge my colleagues to vote against this and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Massachusetts [Mr. STUDDS].

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] is recognized for 3¼ minutes.

Mr. STUDDS. Mr. Chairman, earlier this morning, I think somewhere around a quarter of two, I observed with some sadness that there was an imbalance between the two aisles in this debate.

Words have been thrown around. Although they have not been taken down or requested to be taken down, today I wrote down so far promiscuity, perversion, hedonism, narcissism, well, that may be in this House, depravity and sin. All, I regret to say, from the same side of the aisle.

I also thought for a moment I was in some kind of a revival meeting and was about to be preached at from Leviticus. The particular chapter which was implicitly cited from Leviticus is not very popular in my district because the next verse forbids the eating of shellfish, and I would caution people in citing that.

Let me also just ask my Republican colleagues. One of them even boasted a moment ago and asked people to notice the partisan divisions here. If ever there was a nonpartisan issue here, this is it. Sexual orientation is the same in Republican families as in Democratic families, in Republican Members as in Democratic Members, as in the general population. It is a sad and tragic political mistake, never mind a moral mistake, for a party to do this. I think that lesson should have been learned 4 years ago.

I observed last night, Mr. Chairman, that it is a mistake sometimes to say this is the way things have always been and, therefore, that is good and they should always be that way. When this country was founded our revered Constitution was written in part by men who owned slaves. Women themselves were, in most of these States of ours, were virtually chattel. They did not have the right to own property. People of color were property for many years after this country was founded. And even thereafter, for many years, the different races were not allowed to marry.

I wish Members were here last night to hear our distinguished colleague from Georgia, Mr. LEWIS, because through him came the words and the spirit of a very great American, Dr. King. And this is, whether Members like to hear it or not, the last unfinished chapter of civil rights in this country.

Although I have no doubt, I do not think anybody in this room has any doubt, about the outcome of the vote today, I have equally no doubt about the final resolution of this chapter. We are going to prevail, Mr. Chairman. And we are going to prevail just as every other component of the civil rights movement in this country has prevailed. In the words of the great Dr. King, as echoed so eloquently last night by the distinguished gentleman from Georgia, this country is going to rise up and live out the true meaning of its creed.

There is nothing any of us can do today to stop that. We can embrace it warmly, as some of us do; we can resist it bitterly, as some of us do; but there is no power on earth that can stop it.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

In the course of the debate last evening and today we have heard many things from the opponents of the Defense of Marriage Act. They have said much about those who support this bill and those who oppose same-sex marriage. They have described opposition to same-sex marriage and support for this bill as laughable, prejudiced, mean spirited, cruel, bigoted, despicable, hateful, disgusting, and ignorant.

One of the leading opponents of the bill has described opposition to same-sex marriage as being based on the morality of the club. In the course of this debate those making these assertions have congratulated themselves on the quality of the debate they have engaged in.

In my view, all of this is an insult to the American people, 70 percent of whom oppose same-sex marriages. Seventy percent of the American people are not bigots, 70 percent of the American people are not prejudiced, 70 percent of the American people are not mean spirited, cruel, and hateful. It is a slander against the American people themselves to assert that opposition to same-sex marriage is immoral.

All of this rhetoric is simply designed to divert attention from what is really at stake here. It is designed to obscure the fundamental question that is raised by this bill. It is calculated as a distraction. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here.

Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman?

Should this Congress tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should this Congress tell the children of America that we as a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Should this Congress tell the children of America that in the eyes of the law the parties to a homosexual union are entitled to all the rights and privileges that have always been reserved for a man and woman united in marriage?

To all these questions the opponents of this bill say yes. They say a resounding yes. They support homosexual marriage. They believe that it is a good thing. They believe that opposition to same-sex marriage is immoral. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex; that the law of this land is indifferent to such matters.

Those of us who support this bill reject the view that such choices are a matter of indifference. We reject the view that the law should be indifferent on such matters, and in doing so I think it is unquestionable that we have the overwhelming support of the American people.

I would urge my colleagues to listen to the American people, defeat this amendment and pass this bill.

Mr. SKAGGS. Mr. Chairman, first, let me say that this has been one of the toughest votes I've had to cast in Congress. I fully embrace the idea that marriage is an institution that historically, culturally, and morally is set aside to recognize and respect the union of a man and a woman. If this bill were a resolution affirming that proposition, I'd gladly have voted for it.

Unfortunately, this bill went far beyond that simple affirmation, entering uncharted and very troubling constitutional territory, as well as being motivated on the part of some of its advocates by a gratuitous hostility toward gays and lesbians. At best, it is unnecessary—for reasons I'll explain; at worst, it is dangerous—for reasons I'll explain.

Much has been made of the argument that Hawaii is about to legalize same-sex marriage. The truth is, nobody knows what decision the courts in Hawaii may make or when they will make it. The Hawaii Supreme Court has remanded to a trial court, for a trial on the merits, a case brought asserting the claim that the Hawaii State Constitution requires recognition of same-sex marriage because that Constitution prohibits gender discrimination. That trial is scheduled for later this year; with inevitable appeals, no final, appellate decision is likely before late 1997 or early 1998. In other words, there's no crisis; no imminent threat of same-sex couples from Hawaii presenting themselves as married in other States. And so, there's nothing that demands precipitous action by Congress on this question.

In addition to borrowing trouble in assuming the Hawaii case may turn out adversely with respect to the traditional view of marriage—a view I share—this legislation is most likely completely unnecessary insofar as it purports to grant States powers the States already possess to reject recognition of same-sex marriages. This point involves an examination of an obscure provision of the U.S. Constitution, article IV, section 1, known as the full faith and credit clause. That provision reads as follows:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effects thereof.

The Framers included this clause, borrowed from the Articles of Confederation and then expanded significantly, to make sure these States were truly united, and not a mere legal patchwork. The gist of the clause is that each State must honor the official acts and judicial proceedings of the others.

However, there soon grew up, in judicial interpretation of this clause, what's known as the public policy exception. Related primarily to the very question of the circumstances under which one State must recognize a marriage performed in another State, the courts have held that a State can assert its own overriding public policy in refusing to recognize an out-of-State marriage that runs counter to its public policy. The cases here have dealt with such factors as under-age marriages, incestuous marriages, and polygamous marriages. But the principle is well established and can certainly be extended by any State to the matter of same-sex marriages. In fact, some 14 States have already acted to assert such a public-policy position, in anticipation of the possibility that they'll face the question.

There is broad consensus among constitutional scholars that the full faith and credit clause already permits such State initiative in behalf of protecting the supremacy of one State's public policy as against another's attempt to legalize same-sex marriage. Therefore, no need exists for Congress to enact a law granting States the power or discretion they already enjoy under the public-policy exception to the full faith and credit clause. Or, put differently, this legislation is unnecessary. Certainly, we've got enough legitimate work to do around here without passing laws telling the States they have powers that they are already known to have.

But wait a minute. Perhaps, the States don't have quite all the powers this bill would give them, because it also apparently would grant States the power to ignore certain final judicial proceedings concluded in another State. The public-policy exception has not previously been construed to go that far.

What does that really mean? Where does it come from? I believe that dimension of this legislation can only be rationalized constitutionally as falling under the scope of the last three words of the full faith and credit clause, which provide that "Congress may by general Laws prescribe * * * *the Effect thereof.*" (Emphasis added.)

We have no explicit Supreme Court interpretation of these words to rely on. One possibility is a fairly limited meaning, consistent with the notion that Congress can figure out how best to implement and give effect to the interstate rights and responsibilities already prescribed by the earlier words in the clause. If this is correct, "the effect thereof" can't be the basis for expanding the public-policy exception beyond the bounds that already exist. And, if that's the case, then again, this legislation is merely redundant and unnecessary.

The other possible reading of these words, and the one evidently asserted by the proponents of this legislation, is that they provide back-door authority for Congress by law to greatly expand the now very-limited public-policy exception to full faith and credit. But think about that.

If you can believe it, we have here an allegedly State's-rights-minded Congress offering up new constitutional theory to justify a whole new basis on which to nationalize and centralize vast areas of law heretofore left to the States. If this rational is sound in this instance as to same-sex marriages—and I don't believe it is—then what are the bounds of this new Congressional power to preempt State law under the guise of "by general Laws prescrib[ing] * * * the Effect thereof"? I this legislation permits State A to ignore the final judgment of the courts of State B as to any claim derived from a same-sex marriage, then there is no constitutional bar to our passing a law authorizing State A to ignore State B's no-fault divorce decrees, or anything else.

It should be self-evident that this is an extraordinarily dangerous constitutional precedent. It takes the objective of the full faith and credit clause in unifying the States and assuring interstate comity, and turns it on its head. The potential for mischief and invidious intrusion of the Federal Government into State affairs boggles the mind.

I wish to preserve the institution of marriage for the honorable and traditional relationship between a man and women. But reserving that word for that institution means just that.

I also recognize that gay and lesbian couples seek legal recognition and permanence for their relationships and the rights and responsibilities that flow from those relationships. I hope this society, and its political and legal institutions, can move to accommodate the legitimate needs of gay and lesbian citizens in this respect. No one, I believe, would want, for example, to deny a claim of inheritance, or of participation in terminal health care decisions, for the life-long partner of a gay man or lesbian woman. Yet, by refusing as part of this legislation even to permit a formal study of disparate treatment of domestic partnerships in these areas, the proponents of this legislation may reveal their real motivation.

Because there is no imminent problem of same-sex marriage-being legalized, because, even if there were, the full faith and credit clause's public-policy exception already gives States the power not to recognize such a marriage, because this legislation is therefore unnecessary, because in its insinuation of new and constitutionally suspect congressional power under "the Effects thereof" phrase this legislation is unwise, and because so many advocates of the legislation, by their approach, seem primarily moved to demonstrate a gratuitous disrespect for some citizens based on their sexual orientation, I cannot support it and will vote against it.

My faith in the fair-mindedness of the American people is unshakable. This legislation is not true to that wonderful American virtue.

Mr. GUNDERSON. Mr. Chairman, I am a traditionalist. My entire life's environment and upbringing have created within me a respect for traditional values. Theology interprets marriage as a union between one man and one woman. Random House Dictionary defines marriage as a union between man and woman.

Accordingly, tho I am a gay man in a 13-year relationship, I was fully prepared to reach out to my colleagues in reaffirming the institution of marriage as we know and understand it. Throughout these discussions, I have suggested to my gay and lesbian friends that we should not resort to some semantic debate about the word "marriage."

As this issue evolved, I went to Chairman HYDE and to Speaker GINGRICH. I said to them, "I am willing to join with you in reaffirming the definition of marriage, tho I am a gay man. All I ask in return is that you remove the 'meanness, prejudice, and hatred' surrounding this issue."

I went further.

The debate fails to recognize the painful reality thrown on many innocent people who happen to be in long-term relationships outside of marriage. For example, if I should get sick, should not my partner have automatic visitation rights? Should he not have automatic consultation rights with the attending physician? I think most would say "yes." But I have letters from many people in my office indicating that from cancer to AIDS, they have been denied this basic right.

Second, a close friend of ours recently lost his partner of 16 years to AIDS. While the hospital in Washington respected the relationship and gave him visitation—something worse happened after his partner's death. The funeral home would not allow him to sign any of the documents or arrangement forms.

Third, I have a 13-year relationship with my partner. Yet, while some of my congressional colleagues are in their second or third marriage—their spouse receives the benefits of their health insurance, and automatically receives their survivor benefits should that occur. Why should they be given these benefits, when my partner—in a relationship much longer than theirs—is denied the same?

Many corporations would like to extend such benefits to the domestic partners of their employees. The problem is that there is no agreement on a civil process to recognize legitimate long-term relationships from those who would simple seek to fraud the system.

These are just some of the basic questions that our society must and should ask. If we seek civility, mutual respect, and the promotion of long-term relationships—in marriage or otherwise—then we have no choice. Accordingly, I asked my leadership to accept an amendment I or others would offer creating a commission to look at such questions.

Chairman HYDE responded that while he could not support a commission, he would support a GAO study of such questions. Based upon this act of goodwill, I developed an amendment to accomplish this goal. We created an amendment which would call upon GAO to look at the question of the differences in benefits, rights, and privileges available to persons in marriage versus those in a domestic partnership. The study would look at State laws on these questions, Federal differences in benefits, and even how other nations responded to such relationships. The study would be complete by October 1997. It would not change any policy. Rather, it would simply provide the basis of information necessary for rational discussions in the future.

To their credit, both Mr. HYDE and Speaker GINGRICH told me personally they believed there was merit in my proposal. However, when this amendment was offered to the Rules Committee for consideration—it was denied recognition before the full House.

Unfortunately, this action exposes those who advance this legislation for their real goals. There is no sincere attempt to simply reaffirm marriage. There is certainly no attempt to respond to legitimate and real issues facing many Americans in 1996. There is, unfortunately, every attempt to pursue a mean, political-wedge issue at the expense of the gay and lesbian community in this country. And it hurts me deeply to say that about my own party.

This legislation will do nothing to defend marriage. May I suggest that no gay man is after your wives, and no lesbian is after your husbands. If marriage is at risk in this country, and it may be—there are other more real factors at the heart of this problem. May I suggest that alcohol abuse, spousal abuse, and even Sunday football are far more likely to destroy marriage. Perhaps if people really meant it when they said their marital vows, marriage would be more stable. Perhaps if people were more willing to pursue marriage counseling, when necessary, the institution of marriage would be better off. There may be a problem, but we ought to go after the legitimate cause of that problem, not some scapegoat for political gain.

Is this legislation necessary? No. There is not a single State in the Union today where gay and lesbian marriages are legal. There exists only one State in the Nation that even is debating such an issue in the courts—and that State's court will not decide the issue for at least 2 years.

Is this legislation constitutional? I am not a lawyer, but the constitutional scholars I have spoken with and whose opinions I have read say that, ultimately, it will be declared unconstitutional. Simply stated, the second sentence of the full faith and credit clause of the Constitution permits Congress only to specify the conditions under which one State must recognize the public acts and records of another State. Congress is not given the authority to override the mandate of the first sentence which requires one State to give full faith and credit to the laws of another State. Similarly, to the extent that the legislation creates a status-based classification of persons for its own sake, it violates the recently articulated principle in the landmark case of Romer versus Evans which was decided on May 20 of this year.

Is this legislation morally principled? Perhaps, more than anything else, my colleagues advancing this legislation believe they are advancing the basic Judeo-Christian ethics of our Nation. I would encourage them to pursue a closer analysis of the Bible. No where in the Bible does Jesus condemn homosexuality. There are many places where Jesus condemns divorce. How can people, who have been divorced, suggest that they can defend marriage by condemning hoe involved in single-sex relationships?

Mr. Chairman, this legislation before us it not a priority in the eyes of the American people. We are not responding to some public demand or crisis. Rather, this legislation was designed, pure and simple, to drive some political wedge for political gain. The first hope, was that the President would veto this legislation—and it would be used against him. When the President announced that he would sign the bill, the focus then was directed on finding some Democrat in a marginal district that would vote against the bill on principle, only to then lose the political debate back home.

If there was a legitimate desire to reaffirm marriage in a civil, respectful, and realistic way that recognized the reality of long-term relationships in America today. I reached out to my leadership to find a common middle ground—achieving their goals, without the hatred, prejudice, meanness, and insensitivity directed to those who happen to be gay or lesbian. That good faith effort was intentionally rejected.

I am willing to reach out, listen to, and work with all elements of society to find common ground upon which we as a diverse nation might go forward. I am not willing, however, to participate in a blatant attempt to score political points at the expense of those in our society who might be gay or lesbian. Therefore, I must oppose this bill.

Mr. WELDON of Florida. Mr. Chairman, as a cosponsor of H.R. 3396, the Defense of Marriage Act, I rise in strong support of the bill. We must work to strengthen the American family, which is the bedrock of our society. And, marriage of a man and woman is the foundation of the family. The marriage relationship provides children with the best environment in which to grow and learn. We need to work to restore marriage, and it is vital that we protect marriage against attempts to redefine it in a way that causes the family to lose its special meaning. In the 1885 case of Murphy v. Ramsey, the U.S. Supreme Court defined marriage as the "union for life of one man and one woman in the holy estate of matrimony."

Unfortunately, the courts of Hawaii are in the process of deciding if the State is going to sanction marriages between people of the same sex despite the Hawaiian people's clear rejection of such a policy change. The repercussions could be felt by the Federal Government and the other 49 States almost immediately. The full faith and credit provisions of the Constitution, article IV, require recognition of the "public Acts, Records, and judicial Proceedings" of each State. However, Congress has the authority to prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Federal policies could be dramatically affected by the Hawaii decision since the Federal Government generally recognizes State documents in granting benefits and privileges to married individuals. Veterans' benefits, labor policies, Federal health and pension benefits, and Social Security benefits are just a few of the areas that would be subjected to substantive revision if Congress does not act soon. I think it would be wrong to take money out of the pockets of working families across America and use those tax dollars to give Federal acceptance and financial support to same sex-marriages. Without the passage of the Defense of Marriage Act, this would be the case.

The American people clearly recognize the importance of protecting the sanctity of marriage. We should not be forced to give public sanction to relationships that clearly fall outside the scope of our Nation's traditional understanding of marriage as the legal union between one man and one woman as husband and wife. This act will protect the institution of marriage which has been and will remain the foundation of Western civilization.

Mr. COYNE. Mr. Chairman, H.R. 3396, the Defense of Marriage Act, presently before the House is unnecessary, untimely, purports to solve a problem that does not exist, professes to defend an institution—marriage—that is not under attack in the manner suggested by the legislation, and violates the full faith and credit clause of the Constitution. This legislation is before us as part of a political agenda and for no other reason. It is a proposed solution looking for a problem.

This legislation is simply yet another attempt by the Republican majority to shift the Nation's attention away from their extreme agenda that hurts children, the elderly, and the poor. Under current law, States will continue to be free to decline to recognize same-sex marriages if they choose. To date, nearly 80 percent of the States—37—have already addressed the issue of same-sex marriages in their legislatures. Eighteen States thus far have had legislation banning same-sex marriages either fail or die in the legislative process and 13 States have passed legislation that would deny recognition to same-sex marriages. In fact, the House of Representatives in my State of Pennsylvania voted on June 28th of this year to prohibit same-sex marriages. These statistics hardly present a compelling mandate for the Federal Government to step in and rescue the States.

Unlike the future solvency of the Medicare Program or the problems associated with ensuring that all Americans have the opportunity to earn a living wage and enjoy a decent retirement, establishing a Federal definition of marriage, when every State has already addressed this issue, is not the most pressing item of business before Congress. There is no clear and compelling reason to address this issue at this time.

I oppose this legislation because I believe that States should continue to have the freedom to define their own policies toward marriage as they have had for the past 220 years.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, the Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that State. According to the full faith and credit clause of the Constitution, unless Congress says otherwise, the other 49 States in the Union would be required to abide by the Hawaii decision. Requiring the entire Nation to discard the will of the clear majority of Americans undermines our democracy and would deny other States the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that States should determine their own policy and that the Federal Government has a right to define who is entitled to benefits as a spouse. This legislation is consistent with the need to return power and decisionmaking to the States where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all States must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two-parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task of raising their children.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of H.R. 3396, the "Defense of Marriage Act."

Many of my colleagues today will give eloquent legal arguments in favor of this legislation. Rather than focus on the legal need for this legislation, I would like to discuss some of the reasons why I feel it is morally necessary.

Same-sex "marriages" demean the fundamental institution of marriage. They legitimize unnatural and immoral behavior. And they trivialize marriage as a mere "lifestyle choice."

The institution of marriage sets a necessary and high standard. Anything that lowers this standard, as same-sex "marriages" do, inevitably belittles marriage.

Traditional marriage has served across the majority of cultures as a foundation for a stable society. Undermining traditional marriage by forcing States to legalize same-sex "marriages" will have far-reaching social consequences. The attempt to legitimize same-sex "marriages" threatens our cultural values that have proved their worth down the centuries.

Those who seek to overturn our system of values are attempting to achieve not just toleration of their behavior, but full social acceptance as well. We should not undermine the standards that elevate civilization.

We must act now to preserve traditional marriage as the foundation of American society. I urge my colleagues to defend the institution of marriage by voting "yes" on H.R. 3396.

[From the National Review, June 3, 1996]

THE MISANTHROPE'S CORNER

(By Florence King)

Gay marriage is a consummation devoutly to be missed, but it's a dead cert. If you doubt it, try to remember the last time America turned down a vocal minority. In the Sixties we were the Girl Who Can't Say No, but she was a font of virtue compared to what we are now. Overcome by miasmic gases of diversity and inclusion wafting from the Nineties swamp, we have turned into the Punchdrunk Kid, a twitching lummox with cauliflower ears who mumbles "Sure, Jake, sure" to everybody.

The preliminary stage of brainwashing is already underway. "Husband" and "wife" are yielding to "spouse," a vague usage that benefits no one but gays. Gov. Roy Romer recently vetoed Colorado's proposed anti-gay marriage law, calling it "mean-spirited," a word that functions in America like the bell in Pavlov's laboratory. And now Bill Clinton has announced, through his gay-liaison office, that he is "personally opposed" to homosexual marriage. This phraseology, a staple of the abortion debate, is a reminder not to let our premises stand in the way of our conclusions.

The major brainwashing, soon to begin, will proceed as follows.

Magazines will run cover stories that thinking Americans—all 17 of us—recognize as that brand of persuasion called "nibbled to death by a duck." Time does "Debating Same-Sex Marriage" and Newsweek does "Rethinking Gay Marriage." Lofty opinion journals weight in with "A Symposium on," "In Defense of," and "Voices from," while Parade does "If They Say I do' . . . Will We Say 'You Can't'" Cover art consists of a pair of wedding rings sporting identical biological signs: two arrow-shooting circles for men, two mirror-handle circles for women. We will start seeing these logos in our sleep.

Next, the pundits. Molly Ivins writes "Bubba, Hold Yore Peace." Ellen Goodman waxes earnest about tradition *versus* change in "Something Old, Something New," Ruth Shalit writes something borrowed, and Richard Cohen, Victim America's identifier-in-chief, does a column called "We're All Single."

Arianna Huffington will figure out a compassionate way to be against gay marriage, but most conservatives stand to fare badly in this debate. Will Durant wrote, "When religion submits to reason it begins to die." In a media-saturated society teeming with talk-show producers casting dragnets over think tanks, proponents of gay marriage, win merely by being scheduled. By contrast, the conservative instinctively recoils from analyzing eternal verities. He may know the words to legal arguments such as "the need to show a compelling state interest, etc," but he doesn't know the tune. In the final analysis he believes in the sanctity of marriage "just because."

To liberals, the just-because mindset betokens racism. Therefore, anyone who opposes gay marriage must hate blacks. Anti-gay marriage laws will be equated with the old anti-miscegenation laws, producing tortured sophistry about "the difference between race and sex." The liberal will claim that all differences are the same, forcing the conservative to claim that some differences are more different than others. Caught in an Orwellian trap, terrified of being called a racist, he will seek safety in a soundbite of chortling folksiness.

"When a baby is born, people don't say 'it's white' or 'it's black,' they say 'it's boy' or 'it's girl.'"

Because this makes no sense, it becomes instantly popular. Repeated incessantly on talk shows, it starts running through our heads like the beat-beat-beat of the tom-toms in "Begin the Beguine," intensifying when Bob Dole soundbites it into a back-to-basics vision of blood and sex and whatever in a prime-time press conference.

Then Jesse Jackson and the feminists change the word order, ostentatiously placing "black" before "white" and "girl" before "boy". Remembering to say it the PC way becomes such an overriding obsession that we forget what it has to do with gay marriage, especially after Clarence Page points out that in slave days the color of a baby was indeed the first thing people noticed.

Soon, Republicans panicked by mounting accusations of racism suggest that gay couples be allowed to register their unions and establish common-law marriages based on seven years of cohabitation. But gays reject these half measures, comparing them to the irregular marriages of slavery, when couples "jumped over the broom."

All attempts at compromise elicit cries of "Second-class marriage!" and lead to lawsuits under the Americans with Disabilities Act. Calling themselves "connubially challenged," gays will sue the Christian Coalition for forcing them to lead immoral lives. Arguing that marriage will keep them from promiscuity, which will keep them from getting AIDS, they will equate prohibition of same-sex marriage with capital punishment. A Clinton judicial appointee will find the "right" to gay marriage lurking under a constitutional penumbra, and CNN will give a

900 number so viewers can vote yes to prove they aren't racists.

I find it ironic that gays are now singing the praises of wedded bliss in terms that were the bane of my existence forty years ago, when "settling down" proved you were "mature and responsible." If they keep it up, they will corroborate the English prostitute who plied her trade in the States and wound up in a book about American sexual attitudes. A great many of her clients, she said, showed her photos of their wives and children. Clearly bemused, her sign almost audible on the page, she added: "Yanks are born married."

My personal opinion of marriage reflects my status as a pariah in the Fifties snuggery of joined-at-the-hip Togetherness. "Rather a beggar woman and single be, than Queen and married," said Elizabeth I, and so say I. My objective opinion, however, conforms with Timothy Dwight: "It is incomparably better that individuals should suffer than that an institution, which is the basis of all human good, should be shaken or endangered."

[From the Washington Post, May 21, 1996]

NOT A VERY GOOD IDEA

(By William J. Bennett)

We are engaged in a debate which, in a less confused time, would be considered pointless and even oxymoronic: the question of same-sex marriage.

But we are where we are. The Hawaii Supreme Court has discovered a new state constitutional "right"—the legal union of same-sex couples. Unless a "compelling state interest" can be shown against them, Hawaii will become the first state to sanction such unions. And if Hawaii legalizes same-sex marriages, other states might well have to recognize them because of the Constitution's Full Faith and Credit Clause. Some in Congress recently introduced legislation to prevent this from happening.

Now, anyone who has known someone who has struggled with his homosexuality can appreciate the poignancy, human pain and sense of exclusion that are often involved. One can therefore understand the effort to achieve for homosexual unions both legal recognition and social acceptance. Advocates of homosexual marriages even make what appears to be a sound conservative argument: Allow marriage in order to promote faithfulness and monogamy. This is an intelligent and politically shrewd argument. One can even concede that it might benefit some people. But I believe that overall, allowing same-sex marriages would do significant, long-term social damage.

Recognizing the legal union of gay and lesbian couples would represent a profound change in the meaning and definition of marriage. Indeed, it would be the most radical step ever taken in the deconstruction of society's most important institution. It is not a step we ought to take.

The function of marriage is not elastic; the institution is already fragile enough. Broadening its definition to include same-sex marriages would stretch it almost beyond recognition—and new attempts to broaden the definition still further would surely follow. On what principled grounds could the advocates of same-sex marriage oppose the marriage of two consenting brothers? How could they explain why we ought to deny a marriage license to a bisexual who wants to marry two people? After all, doing so would be a denial of that person's sexuality. In our time, there are more (not fewer) reasons than ever to preserve the essence of marriage.

Marriage is not an arbitrary constrict; it is an "honorable estate" based on the different, complementary nature of men and women—and how they refine, support, encourage and complete one another. To insist that we maintain this traditional understanding of marriage is not an attempt to put others down. It is simply an acknowledgment and celebration of our most precious and important social act.

Nor is this view arbitrary or idiosyncratic. It mirrors the accumulated wisdom of millennia and the teaching of every major religion. Among worldwide cultures, where there are so few common threads, it is not a coincidence that marriage is almost universally recognized as an act meant to unite a man and a woman.

To say that same-sex unions are not comparable to heterosexual marriages is not an argument for intolerance, bigotry or lack of compassion (although I am fully aware that it will be considered so by some). But it is an argument for making distinctions in law about relationships that are themselves distinct. Even Andrew Sullivan, among the most intelligent advocates of same-sex marriage, has admitted that a homosexual marriage contract will entail a greater understanding of the need for "extramarital outlets." He argues that gay male relationships are served by the "openness of the contract," and he has written that homosexuals should resist allowing their "varied and complicated lives" to be flattened into a "single, moralistic model."

But this "single, moralistic model" is precisely the point. The marriage commitment between a man and a woman does not—it cannot—countenance extramarital outlets. By definition it is not an open contract; its essential idea is fidelity. Obviously that is not always honored in practice. But it is normative, the ideal to which we aspire precisely because we believe some things are right (faithfulness in marriage) and others are wrong (adultery). In insisting that marriage accommodate the less restrained sexual practices of homosexuals, Sullivan and his allies destroy the very thing that supposedly has drawn them to marriage in the first place.

There are other arguments to consider against same-sex marriage—for example, the signals it would send, and the impact of such signals on the shaping of human sexuality, particularly among the young. Former Harvard professor E.L. Pattullo has written that "a very substantial number of people are born with the potential to live either straight or gay lives." Societal indifference about heterosexuality and homosexuality would cause a lot of confusion. A remarkable 1993 article in The Post supports this point. Fifty teenagers and dozens of school counselors and parents from the local area were interviewed. According to the article, teenagers said it has become "cool" for students to proclaim they are gay or bisexual—even for some who are not. Not surprisingly, the caseload of teenagers in "sexual identity crisis" doubled in one year. "Everything is front page, gay and homosexual," according to one psychologist who works with the schools. "Kids are jumping on it . . . [counselors] are saying, 'What are we going to do with all these kids proclaiming they are bisexual or homosexual when we know they are not?'"

If the law recognizes homosexual marriages as the legal equivalent of heterosexual marriages, it will have enormous repercussions in many areas. Consider just two: sex education in the school and adoption. The sex education curriculum of public schools would have to teach that heterosexual and homosexual marriage are equivalent. "Heather Has Two Mommies" would no longer be regarded as an anomaly; it would more likely become a staple of sex education curriculum. Parents who want their children to be taught (for both moral and utilitarian reasons) the privileged status of heterosexual marriage will be portrayed as intolerant bigots; they will necessarily be at odds with the new law of matrimony and its derivative curriculum.

Homosexual couples will also have equal claim with heterosexual couples in adopting children, forcing us (in law at least) to deny what we know to be true: that it is far better for a child to be raised by a mother and a father than by, say, two male homosexuals.

The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested and inherently flawed social experiment on an institution that is the keystone in the arch of civilization. That we have to debate this issue at all tells us that the arch has slipped. Getting it firmly back in place is, as the lawyers say, a "compelling state interest."

Mr. LIPINSKI. Mr. Chairman, I rise today to express my full support of the Defense of Marriage Act. The issue of homosexual marriage is a major concern to many Americans, and I feel that the time has come for Congress to take a stand. What we say today and how we vote on this bill have both legal and moral ramifications for years to come. We cannot sit by and do nothing.

Legally, the Defense of Marriage Act is what its title states. It will define the act of marriage for Federal purposes and preserve its sanctity. Currently, Federal law has no definition of the words "marriage" or "spouse," even though the Federal Government uses those terms frequently. Traditionally, it has relied upon the relevant State's law when applying those terms. However, today we are at a crossroads with this practice, and it is time to make a choice. Right now a lawsuit in Hawaii may lead to the legalization of homosexual marriages in that State. The repercussions of such a decision would legally affect us all. The full faith and credit clause of the Constitution requires that every State honor the "Public Acts, Records and Judicial Proceedings of [every other] State unless specified by Congress." By this clause, all 49 other States would then be required by law to recognize a marriage between members of the same sex as legal for all State purposes. Further, because we currently have no definition of marriage on the rule books, the Federal Government would be forced to recognize such homosexual marriages for Federal benefit purposes.

The Defense of Marriage Act would safeguard the rest of the country from the decision made by one State. The American people might be surprised to learn that this bill would not outlaw homosexual marriages; although I believe it should—it would simply exempt a State from legally recognizing a marriage that did not fit it's own definition of marriage. States would still be free to recognize gay marriages if they so choose. However, and most importantly, this act would define "marriage" as "only a legal union between one man and one woman as husband and wife" at the Federal level. This Federal definition would ensure that a State could not define a "marriage" that the Federal Government would have to recognize. If the Federal Government does not act now, and Hawaii legalizes homosexual marriage, the Federal Government would then be obliged to provide the same benefits that heterosexual marriages currently receive. Unless this bill is passed establishing a Federal definition of marriage, all Americans will then be paying for benefits for homosexual marriages.

Yes, we must put our foot down. Unless we pass the Defense of Marriage Act, we will putting our stamp of approval on gay marriages, forcing the rest of the Nation to follow the whim of one State. This bill simply preserves the sanctity of the act of marriage between a man and a woman. It is a bill which will ensure that each State will not have to follow the lead of another on this issue. This bill will give each State the leverage it deserves to decide for itself whether or not to legalize gay marriages.

However, as we all know, this is more than just a legal discussion. We are here because the issue of gay marriages is a moral one. Marriage, no matter what your religious belief, is a sacred act. It is the joining of a man and a woman in a unity that is officially recognized by the State. Marriage is the foundation of our society; families are built on it and values are passed on through it. In our current age, where the sanctity of marriage is constantly being compromised, I feel that we must seize this rare opportunity to strengthen it. Homosexual marriages are not necessary; gays can legally achieve the same legal ends as marriage through draft wills, medical powers of attorney, and contractual agreements in the event that the relationship should end. Therefore, asking the rest of the country to recognize such marriages does nothing that the law cannot currently do, it is simply asking for special privileges.

I feel that marriage is not an area where the law should bend. Our Nation's moral fabric is based on this sacred institution. Homosexual marriages would destroy thousands of years of tradition which has upheld our society. Marriage has already been undermined by no-fault divorce, pregnancies out of wedlock, and sexual promiscuity. Allowing for gay marriages would be the final straw, it would devalue the love between a man and a woman and weaken us as a Nation. I have received numerous letters and calls from constituents asking me to vote for this legislation. Literally thousands of churches across the country have asked us for our support. The American people have spoken, and now we have the responsibility to answer them. My fellow Congressmen and Congresswomen, I hope that you have the moral strength to vote with me for this bill so that it may be passed. Our country's moral future depends on it.

Mr. JACKSON of Illinois. Thank you, Mr. Chairman, for the opportunity to address what I fear to be the serious constitutional implications implicit in H.R. 3396, "Defense of Marriage Act." Specifically, I am concerned that this bill poses serious constitutional questions on two grounds: First, the full faith and credit clause of the U.S. Constitution, and second, the equal protection clause of the U.S. Constitution.

Upon hearing proponents of this bill argue that this bill does not violate the full faith and credit clause of the U.S. Constitution, and after studying the analysis of constitutional experts, and in particular, Prof. Chai Feldblum of the Georgetown University Law Center, I feel compelled to express my serious concerns on this point.

IMPLICATIONS FOR THE FULL FAITH AND CREDIT CLAUSE

While the Supreme Court has not specifically applied the full faith and credit clause to the status of marriage, we do know that there is absolutely no legal precedent for Congress to invite some States to ignore the official acts of others. Mr. Chairman, section 2 of this bill adds a section to the Federal full faith and credit statute, which is no doubt an unconstitutional attempt to do just this.

The full faith and credit clause of the U.S. Constitution, article IV, clause 1, provides, and I quote:

Sentence One:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

Sentence Two:

> And the Congress may by general Laws prescribe the manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

In other words, each State must give "full faith and credit" to other State laws, and must fully recognize the acts and proceedings of other States. For example, in the case of *Williams* v. *North Carolina,* 317 U.S. 287, 295 (1942), the Supreme Court interpreted the clause as serving the purpose of "alter[ing] the status of the several states as independent foreign sovereignties, each free to ignore the obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation."

Never once has Congress implemented laws allowing States not to recognize certain "Acts, Records, and judicial Proceedings" of another State. In fact, Congress has heightened each State's recognition responsibilities under the clause by enacting the following pieces of legislation:

First, the Parental Kidnapping Prevention Act of 1990 requires States to enforce, not ignore, other States' child custody determinations;

Second, the Full Faith and Credit for Child Support Orders of 1994 requires that other States enforce, not ignore, child support determinations of other States; and

Third, the Safe Homes of Women Act of 1994 requires that States recognize, not ignore, the protective orders of other States to protect victims of domestic violence.

Thus, Congress has only passed legislation strengthening, not weakening, requirements on States to recognize the "Acts, Records and judicial Proceedings" of another. Therefore, it is undoubtedly clear why many constitutional scholars have concluded that Congress would go beyond the scope of its legislative powers under the Constitution in passing H.R. 3396.

It is noteworthy that during the subcommittee consideration of this bill, Representative SENSENBRENNER stated that Utah's admission to the Union was delayed for several years because of "the fear of the Congress over a hundred years ago was that polygamous marriages that were polemized in Utah would have to be recognized in the other States." This statement suggests that Congress contemplated over one hundred years ago that the drafters of the Constitution intended that all States, not only those which choose to, must give "full faith and credit" to the "Acts, Records and judicial Proceedings" of all other States, including the recognition of out-of-State marriage, and interpreted that requirement to its most literal meaning.

Proponents of this bill argue that allowing States to not recognize the public acts of another is a constitutional exercise of Congress' power under sentence two of the clause. Mr. Chairman, How can this be if this bill directly contravenes sentence one's mandate that every State is required to recognize the official public acts and judicial proceedings of other States?

If we are to follow the flawed logic of this argument, it would follow that sentence two of the clause must be read to say that States must recognize the official acts of other States except when Congress passes a law that says they don't have to. Mr. Chairman, this not only flies in the face of every States rights argument I have heard from the majority since I began serving in this body, but it also has the unconstitutional effect of amending the full faith and credit clause of the Constitution without actually going through the very cumbersome and challenging process of amending the Constitution through a two-thirds majority vote in both houses of Congress and ratification by the States.

IMPLICATIONS FOR THE EQUAL PROTECTION CLAUSE

Additionally, H.R. 3396 could engender equal protection challenges because the law may not survive the rational basis test adopted by the Supreme Court with respect to legislation establishing certain types of classifications. H.R. 3396 would allow a State not to recognize same-sex marriages legalized in other States if it so chooses. Therefore, it is necessary to determine whether there is rational connection between this law and the intended governmental purpose it seeks to further.

In the case of *Baehr* v. *Lewin,* 852 P. 2d 44 (Haw. 1993) the Hawaii State Supreme Court rejected the arguments made to deny the right of two individuals of the same sex to marry on the basis that Hawaii's State Constitution considers classifications on the basis of sex to be suspect in nature and subject to strict scrutiny analysis. However, for purposes of Federal constitutional challenge, legal experts have come to the conclusion that the rational basis test would probably be used to consider the constitutionality of the H.R. 3396.

The authors content that H.R. 3396 is necessary for the preservation of the institution of marriage, hence the title of the bill. However, would H.R. 3396 in fact allow the United States to further its interest in the preservation of the institution of marriage? Or put differently, I have not yet heard of any empirical data which may even mildly suggest the rational and logical connection between H.R. 3396 and its intended governmental purpose.

Considering that one in two marriages result in divorce in the U.S., and that many children of heterosexual marriages are suffering from family-unit-debacle, it is safe to conclude that H.R. 3396 is by far not the most appropriate form of legislation with respect to achieving the perceived governmental purpose of "protect[ing] the institution of marriage" by defining a marriage only as "a legal union between one man and one woman as husband and wife." It thus follows that there does not seem to be a rational basis between H.R. 3396 and the intended governmental purpose.

Moreover, the Supreme Court this term in the case of *Romer* v. *Evans* 64 U.S.L.W. 4353 (1996) rejected amendment No. 2 of the Colorado State Constitution on the grounds that there was no rational basis between amendment No. 2's repudiation of special protection for homosexuals and the State's articulated governmental purpose.

Approximately 17 areas of federally enacted legislation and programs would be affected if this bill were to become law, specifically banking; bankruptcy; civil service; consumer credit; copyright; education' Federal lands and resources; housing; immigration; judiciary; labor; military; social security; taxation; veterans; the Soldiers' and Civil Relief Act; and, welfare.

In effect, this bill would deny gay men and women hospital visitation rights, health coverage, and other forms of insurance, inheritance and taxation rights, government benefits for spouses, immigration rights for spouses, and other rights. Just as the States should not interfere in any way with religious ceremonies, religious groups may not govern who receives a civil marriage license. This would in fact pose serious problems for the fundamental principle of the separation of church and state implicitly established in the first amendment of the U.S. Constitution.

Mr. Chairman, when I came to Congress, I placed my hand on the Bible and swore to uphold the Constitution; now, I am being asked to place my hand on the Constitution and uphold the Bible, the Koran, the Torah, and other religious doctrine. The U.S. Constitution must remain the supreme law of the land. This document protects the rights of all to believe and worship as they choose.

I swore to uphold the Constitution against enemies foreign and domestic, to protect minorities and minority viewpoints from the tyranny of the majority, to protect African-Americans from racism, Jews from anti-Semitism, Arabs from anti-Arabism, women from sexism, and gays and lesbians from homophobia and discrimination.

With this vote, I am sending a message to all coalitions that those who have sworn to protect the Constitution will do just that. We will protect their rights.

If defense of marriage meant a job in every household and adequate education for all children; if defense of marriage meant a single-family home for all Americans; if defense of marriage meant universal health care for all Americans, then we would be truly addressing the moral crisis confronting the institution of marriage.

We know, however, that the Defense of Marriage Act compels this Congress to exceed the boundaries of its constitutional authority. This bill offends the Constitution, by violating both the full faith and credit and equal protection clauses of this sacred document.

Whether churches choose to perform ceremonies is within the domain of the churches to decide. Under the Constitution, our national government must uphold the wall between church and state. We know that we cannot dictate the churches' activities.

It is also clear that the church cannot instruct the government to restrict the rights of the church, their followers, or their faith; nor can the church call upon Congress to contravene or undermine the Constitution.

Both the Bible and the Constitution have a role, but they are different roles. The Bible did not free African-Americans, it saved African-Americans and it saved me. The Emancipation Proclamation and the 13th amendment did not save me, but it did outlaw slavery. I am saved today because of the Bible, but I am in Congress today because of the 14th amendment and the Constitution as amended.

Mr. Chairman, in light of the foregoing, I caution my colleagues to look closely at these issues before supporting this bill.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to what I view as an unfair, unnecessary and unconstitutional bill. This measure will federally codify discrimination against a group of Americans striking a blow to justice and equal treatment for all people.

Mr. Chairman, less than 30 years ago many in this Nation believed that allowing interracial couples to marry would seriously denigrate American society, and many State laws reflected that. The U.S. Supreme Court invalidated these laws, recognizing the freedom to marry as "one of the vital personal rights essential to the orderly pursuit of happiness by free men." Should the Federal Government step in and dictate to States, it would be an abrogation of States' rights.

Currently, no State permits same-sex marriages. Hawaii is debating the issue, but the final decision is not expected for another 2 years. Furthermore, States already have the capacity to determine whether they will recognize marriages performed in other States. Most importantly, in the entire history of this Nation—for over 200 years—never has the Federal Government intervened in the State regulation of marriage. Never. The 10th amendment to our Constitution—which we are sworn to uphold—states that powers not enumerated to the Federal Government are reserved to the States. So, I ask my colleagues, why are we getting involved?

This brings me to my final point. This measure is unconstitutional. Article four, section one of the U.S. Constitution states that the "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." We cannot alter the U.S. Constitution with a simple act of Congress. In addition, the 14th amendment provides for "equal protection of the laws" for all citizens. Clearly the rights of gay and lesbian citizens would be abridged by this bill. Just as the Supreme Court found in 1967 that racial distinctions between citizens are "odious to a free people whose institutions are founded upon the doctrine of equality," the Court would again, I believe, invalidate this bill. The Court most recently ruled that targeting a segment of society with animus must be unconstitutional.

Lastly, there is clearly a political agenda driving this legislation. Barely 30 legislative days remain before the election and we have yet to complete our constitutionally mandated responsibility of funding the government. Yet we are debating this election-year ploy by a party attempting to divide the Nation. We are not debating the granting of a sacrament of marriage: Congress can't do that. We are debating States' rights and the rights of privacy. I recognize the general, pervasive discrimination gay men and lesbians face in society and in this House. I also recognize that many will disagree with me, but by advocating discrimination, we're breaking down the bonds which hold this Nation together when we should be strengthening them. I urge all my colleagues to oppose this unfair, unnecessary and unconstitutional legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the gentleman from Massachusetts' amendment that suspends the definition of marriage for any State that adopts a different definition through its normal democratic process.

Mr. Chairman, the so-called Defense of Marriage Act should really be called the Republican Offense on People Who are Different Act because it is nothing more than blatant homophobic gay-bashing.

The conservative elements of our American society have often discriminated against and tried to prevent whatever they didn't like or didn't understand. It hasn't been so long ago that blacks and whites weren't allowed to marry in any State. So, devoted couples pledged their commitment to caring for each other in private ceremonies, their children were considered illegitimate, and the spouses were not legally entitled to inherit from their partners, nor share in any public benefits.

And, not so long ago, 50 States and the District of Columbia had very different laws about who could marry, the age the partners had to be, the length of the waiting period between applying for a marriage license and the ceremony—and they still do. Even now there are different laws about divorce, about residency requirements to obtain a divorce, about the kind of alimony or support one spouse has to pay to another, and many other differences. The Federal Government sorts out who is eligible to benefit from public support from these spouses and former spouses, even as people move from one State to another; and the Federal Government can and will continue to sort these issues out as they become timely, which this Offense on Marriage Act is not.

The issue of who should marry within a State are the proper jurisdiction of the individual States. My grandmother probably couldn't envision a time when interracial marriages would be legal in America, but today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States rights.

This bill should be defeated and I urge my colleagues to use their common sense and leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Frank amendments to H.R. 3396, the Defense of Marriage Act.

This has been a Congress that has repeatedly talked about sending power back to the States.

But now, all of a sudden, the Federal Government must step in on the issue of marriage, an issue which has always been decided by the States.

Hawaii is now examining this issue, but the court case is not expected to be settled for about 2 more years.

From a legal perspective, because same-sex marriage is not legal, this bill is not necessary except as a direct attack on gays and lesbians.

Constitutionally, this bill is also not necessary. According to the "full faith and credit" provision of the Constitution, States already have the power not to recognize same-sex marriages.

There is no clear, compelling reason for the Federal Government to step in now—except a purely political one.

But this issue is more than a legal one—it is about civil rights, it is about fairness, and it is about equal rights for all citizens.

Despite the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking lesbian and gay people or their relationships.

This issue is important to me because it is important to my constituents.

Over 1,000 of my constituents have contacted me to express their opposition to this blatant form of discrimination.

I agree with one writer who said—this legislation is "nothing more than an attempt to divide the country by beating up on gay men and lesbians."

Another constituent added, "Congress should be attending to the business of the country, not attacking American citizens."

I couldn't have said it better.

This bill is about discrimination, pure and simple.

I urge my colleagues to support the Frank amendments.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was rejected.

PREFERENTIAL MOTION

Mr. GUNDERSON. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. GUNDERSON moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 5 minutes in support of his motion.

Mr. GUNDERSON. Mr. Chairman, I offer this motion today so that I might ask a question.

Why are we so mean? Why are we so motivated by prejudice, intolerance and, unfortunately in some cases, bigotry? Why must we attack one element of our society for some cheap political gain? Why must we pursue the politics of division, of fear, and of hate?

Yes, marriage is under attack in our society today, but may I suggest to my colleagues it is not because of same-sex relationships. In all due respect, lesbians have no interest in making anyone their husband and gay men have no interest in pursuing anyone's wife. Rather, marriage might be under attack because of alcohol abuse, because of spousal abuse and, might I suggest, even Sunday afternoon football.

Like most of my colleagues, I too grew up with basical traditional values. My religion and my heritage also define marriage as a union between one man and one woman. So I went to my party's leadership and I went to the distinguished gentleman from Illinois, Chairman HYDE, and I went to Speaker GINGRICH, and I said I am willing, as a gay man, to support your efforts to reaffirm that the word marriage represents a union between a man and a woman. All I ask in return is that we take the meanness out of this legislative initiative.

I ask my leadership to recognize that those of us who happen to be in long-term loving relationships also might be considered or at least studied for the potential of legitimate benefits and privileges. For example, if I were to get sick, why should my partner not have automatic visitation rights and automatic consultation with the doctor?

I have letters in my office of people from cancer to AIDS who have been denied that basic privilege. When a friend of mine died last year of AIDS, his partner of 16 years could not sign the documents at the funeral home. Must we impose such indignities upon people even upon the death of their very best friend in life?

And frankly, I want to ask my colleagues, why should my partner of 13 years not be entitled to the same health insurance and survivor benefits that individuals around here, my colleagues with second and third wives, are able to give to them?

So I asked my leadership, can we at least put together a commission to compare the privileges, rights and benefits given to those in marriage but denied to those in long-term relationships? We will not change any policy; we will not change anything in the bill, rather we would seek simply to look at Federal, State and international law so that we might have a body of accurate information upon which to deliberate in the future.

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In so doing, we would not only reaffirm the traditional definition of marriage, but we would also send the signal of our sensitivity and respect to those who happen to be gay or lesbian.

The gentleman from Illinois [Mr. HYDE] and I want to thank him for his decency and sensitivity in discussing this with me, suggested that while he could not support a commission he could support a GAO study. So I drafted an amendment which calls for such a GAO study to be a part of this bill, and I shared it with the gentleman from Illinois and Chairman GINGRICH. Unfortunately, others in my party insisted that this small step of basic decency and respect not be included in this bill.

Unfortunately such action, I think, exposes this legislative initiative for the mean political game it is. And I am truly sorry about that.

I stand here today with respect and with love for each of you as fellow Members of the human race. All I ask in return is that you do not intentionally make me any less worthy than you.

Mr. Chairman, I ask unanimous consent that the motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsion [Mr. GUNDERSON]?

There was no objection.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts: Page 3, after line 20, insert:

(b) APPLICATION.—

(1) Subsection (a) shall not apply if the State in which the persons affected by such application of subsection (a) has determined that the definition of "marriage" or "spouse", or both, shall be different than that in subsection (a), provided such State determination is in the form of—

(A) legislation; or

(B) citizen initiative or referendum.

(2) In the case where such a determination is made by judicial decision interpreting a State constitution, subsection (a) shall cease to apply if the minimum time necessary in that State for an amendment to the State constitution elapses and the State's determination remains in effect.

(3) In the case where such a determination is made by judicial decision interpreting a State statute, subsection (a) shall cease to apply with the adjournment of the next session of the State legislature.

Page 3, line 21, strike "(b)" and insert "(c)".

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from

Massachusetts [Mr. FRANK] and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, let me reassure those Members with "rollcall envy" that they can have one on this one.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I rise in support of the amendment and in opposition to the bill.

Mr. Chairman, I rise in opposition to H.R. 3396, the Defense of Marriage Act. This bill is unnecessary, discriminatory and possibly unconstitutional. There is no question that we have real problems with family disintegration in this country, but this legislation is not intended to defend or improve the success of marriage, rather it is intended to further divide the country over the issue of gay rights.

I'm saddened that, at a time when so many important issues face this country we are taking up valuable time discussing a bill that truly is a solution in search of a problem.

Same sex marriage is not currently legal anywhere in the United States. And in over 200 years, the Federal Government has never attempted to develop a Federal definition of marriage. That right and responsibility has been left to the States.

The Federal Government recognizes any State sanctioned marriage. However, States do not have to give full faith and credit to marriages sanctioned in other States. For instance, my home State of Oregon does not recognize marriages of 12-year-olds, but the State of Massachusetts allows 12-year-old females to marry, and the State of Alabama allows 14-year-olds to marry. In fact, several States even allow first cousins to marry.

So if States can already refuse to recognize certain kinds of marriages performed in other States, what is the point of this legislation?

If, as the proponents of this legislation claim, States do not have the authority to claim exemption from the full faith and credit clause, then a simple statue is not adequate to circumvent the Constitution's full faith and credit clause—we would need to pass a constitutional amendment.

So, again, what is the point of this legislation?

And where would this type of legislation lead us? We risk setting a dangerous precedent by crossing the threshold of preempting States by establishing a Federal definition of marriage. Once we cross that threshold, what is to prevent the Federal Government from setting a national age of majority for marriage and preempting all States as in China where the legal marriage age has been set as high as 28 years old, and changes almost annually. Furthermore, what is to prevent the Federal Government from setting new and rigorous standards for divorces preempting all State laws?

I have long supported the ability of long-term committed domestic partners to receive some sort of legal recognition. There are a host of areas where family members need legal standing—hospital visitations when someone is critically ill or injured, to be at a loved one's side when they die, decisions about medical care and guardianship for someone who is ill or incapacitated, and the authority to carry out someone's last wishes, to name a few.

A number of local jurisdictions around the country have extended legal rights to domestic partners. That is exactly where these types of decisions should be made—by local communities and States, not by the Federal Government dictating and mandating these issues for them.

This is not serious legislation to address a real need in this country. It is a cynical political gesture, which has more to do with Presidential election year politics than addressing the needs of the American people.

I urge my colleagues to oppose this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I rise in support of this slimmed-down revision of section 3 to allow the States, which enact their own same-sex marriage laws, to have those marriages respected by the Federal Government. Surely, Members on the other side of the aisle can support this amendment. I hope they can.

Mr. Chairman, I hope that the excellent job of whipping up the populace into a frenzy will subside somewhat and we can consider what we are dealing with.

For my good friend, the gentleman from Florida [Mr. CANADY], the subcommittee chairman who keeps laying this 70-percent population figure on us, may I remind the gentleman that 70 percent of the population was against ending segregation when the civil rights laws passed in the United States of America in the sixties. The gentleman shakes his head negatively, but he is incorrect.

Now, I wish my good friend from Wisconsin who made his very impassioned remarks would have included in the reasons for marriage being in trouble in America, if it is, that it is because of joblessness. I do not know what is going on between all the spouses, but joblessness is a huge driving force.

And finally, for ex-Senator Bob Dole, who I give advice on occasion, why is he so angry that President Clinton agrees with him on this issue? What is the beef, Bob? I mean, after all, you forced him to do this.

Mr. Chairman, we are going to stick with the gentleman from Georgia [Mr. LEWIS]. Eventually we will all come around and realize where this is going. I thank the Members for their kind attention.

I rise in strong support of the gentleman's amendment revising section 3 of the bill to allow States, which enact their own same sex marriage laws, to have those marriages respected by the Federal Government.

Around this body we hear a lot of talk about States rights. Well this amendment gives all of the Members a chance to back up their rhetoric. For more than 200 years Congress has allowed determinations of marriage status to be a purely State matter. Yet, unless this amendment is adopted, we in the Congress will be telling the States how to run their business. We will be saying a marriage that they have blessed is not good enough for Federal recognition.

This amendment serves to illustrate the blatant hypocrisy which characterizes the entire legislation. The entire matter has very little to do with the Federal Government. It is black-letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will, by implication, be limiting the States authority to reject other types of marriage which may be contrary to public policy.

It seems clear to me that the only reason we are here even debating this issue is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract With America has been a flop, the Repubican Party is behind in the polls, and their leadership is desperately trying to manufacture widge political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunatley, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. We can begin doing so by voting for this amendment and returning power back to the States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would note that remarks in debate should be addressed to the chair.

Mr. CANADY of Florida. Mr. Chairman, I rise to claim the time in opposition to the Frank amendment.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] is recognized for 7½ minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I deeply regret that my colleague from Wisconsin, Mr. GUNDERSON, left before we could respond to his remarks. And I regret that he was not here when I made my remarks on why this legislation is in front of us.

Mr. Chairman, this legislation is not mean-spirited. It is not divisive. It is not cynical. It is a legitimate response to a well-publicized legal move to try to expand a decision in Hawaii to the rest of the country and to Federal law.

Now, the question is not whether or not we are compassionate. I think we all are compassionate because uncompassionate people do not get elected to Congress. But the question is how these issues should be debated and how the decision should be made.

I believe in the power of the people and the power of the Congress to make the right decisions and to do the right thing. And we ought to have an open debate on the issue of whether Federal benefits should be expanded to couples who get involved in gay marriages. The place for that debate, I would submit, is in the forum of public opinion, and the greatest deliberative legislative body in the world, the Congress of the United States, rather than having judges that are not elected and judges that are not responsible to the people bootstrap a decision in one State to national policy.

Mr. Chairman, I am sorry the gentleman from Wisconsin does not understand that. I think the rest of the House does.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the consummate cleverness of the amendment's proponent is obvious once again. His first amendment was a killer amendment, pure and simple. It trained its cross hairs on the heart of the bill and made no bones about it. This one is a little bit different. It trains its cross hairs on the heart of the bill, but it kills it with a silencer. Yet the result would be the same.

The fact of the matter is, Mr. Chairman, it is the prerogative, the authority, the responsibility, and the sole jurisdictional power of the Congress of the United States to determine the reach of Federal laws, Federal benefits, Federal regulations.

I matters not whether that power is attempted to be usurped by a State court, a State legislature, or the citizens of a State by referendum. The fact of the matter is they cannot do so. They should not be allowed to do so. And for any Member of this body to stand up and say on behalf of my 20 constituents, I am going to abrogate that responsibility to the citizens of a State, is an absolute outrage and an irresponsibility. It is a derogation of their duty as a representative of the people to protect the integrity of Federal powers, Federal jurisdiction, Federal laws, benefits and responsibilities.

This amendment is a killer amendment. It may be sugar coated, it may have a silencer on it, but the effect is just as deadly. This amendment deserves to be defeated because if it is not, the underlying bill will not be enacted into law, and I urge my colleagues to defeat this second Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, so much for block grants. We heard the gentleman from Georgia. How dare we think that those State-elected officials ought to decide how to spend Federal money. Do not let them usurp and preempt. I could not have heard a better denunciation of block grants from the staunchest federalizing liberal around, because that is what is at issue.

Mr. Chairman, I do appreciate the reference of the gentleman from Georgia [Mr. BARR] to my consummate cleverness. There are circles in which I will have to explain away having received that compliment from him, but I am willing to take on that burden.

Mr. Chairman, the point is that the gentleman is upset because the amendment is not stupid. And I apologize. There is nothing in the rules that says our amendments have to be stupid. I anticipated some of their arguments.

They have been arguing, and let us be clear what this amendment says. This amendment leaves alone that part of the bill that purports to protect other States from having to do what Hawaii does. I do not think they have to anyway, but this double protects them. That is not an issue.

This amendment says, and it says it clearly. Indeed, let me say immodestly, citing as authority the gentleman from Georgia, it says it "consummately cleverly" or "cleverly consummately," that if a State by democratic procedures, by involvement of its electorate, either directly in a referendum or through its legislature or by decision to allow a court decision to stand after the time has gone by, if a State makes a democratic decision that says if two men in this State are in love or two women in this State are in love and they are prepared to undertake the obligations of marriage, they are prepared to live together and commit to each other, they are prepared to make legal, binding representations to each other, the Federal Government will treat them in that State as it treats anybody else. The Federal Government will treat them as the beneficiaries of that democratic decision.

Mr. Chairman, what the bill says is if there is a referendum in a State, if there is a unanimous vote in the legislature to allow two people to love each other, we the Federal Government will say no. Why? We heard the gentleman from Georgia. Because we, the Federal Government, will decide.

Again, let us not have any of this block grant nonsense. Let us not talk about State autonomy. We will sit here in Washington and tell Hawaii who can love each other and who cannot. Of course, they can make a law in Hawaii, but it will not be a real marriage. It will not have Federal tax benefits; it will not have pension benefits; it will not have testimonial privilege.

Let us be very clear, Mr. Chairman. I appreciate the candor of the gentleman. Let us not have any of this nonsense about State autonomy. That is what this amendment says. It says if the Hawaii Supreme Court does it, it still would not take effect. But if the Hawaii Supreme Court makes a decision and enough time goes by under the Hawaii constitution, the legislature let it stand, there was a referendum in favor of it, we will then allow it.

So here is what we are being told. Do not let the democratic processes of a single State allow same-sex marriage in that State to be a federally valid marriage, even though it means it will have no effect on any other State. We are not attacking that point.

If my amendment passes, the bill will say what one State does has no effect on any other State. Another State does not have to have it. If a State makes a democratic decision to let two women love each other in a loving relationship, that cannot be because it will dissolve marriage, and we get back to that.

There are people in this society, heterosexuals who are married, who have been accused of spousal abuse; who have been accused of and have acknowledged not supporting their children; who have had multiple divorces and remarriages. Those are serious problems. We need to help people with that.

But implicitly to blame those on the fact that two men love each other is extraordinarily unfair and that is why we heard the eloquent, passionate statement of the gentleman from Wisconsin who proceeded me. He and I and others are willing to take on the burden of working out the difficulties of two human beings becoming mutually committed.

Mr. Chairman, we are talking about two human beings. And for those who pretend not to know the difference between a monogamous relationship between two human beings and polygamy, I must say that I think they debase and debate when they use that kind of analogy. Everyone knows the real difference.

We are talking about mutuality; about two people loving each other and committing to each other. Do Members know what they are saying if they vote down this amendment? "No, you cannot do that. How dare you have a democratic vote in a State to allow two people to show love and commitment and affection. We cannot allow that, because it threatens our marriages."

Mr. Chairman, I do not believe anyone really thinks it threatens their marriages. I do not understand what motivates them. In one case someone said: Do not allow them the sacrament of matrimony. We have no power to give anyone any sacraments. We are not in the business of dispensing sacraments, and I hope we never get there.

Mr. Chairman, we are creating an institution called civil marriage. People in this Chamber have taken full advantage of their right legally to divorce. People have had several divorces. That is not a sacrament. We did not create the sacrament of "holy divorce." We allow this, in society, in a sensible society with personal freedom, individuals to make choices in a civil society. Those who find that religiously offensive are free to do nothing about it. They are free not to participate in it.

We are talking here about creating an institution of civil society. In fact we are not talking about creating it. We are saying if the Federal Government sees a State by democratic means in this amendment create an institution of civil society that allows two people to love each other, the Federal Government will do what it can to stop it. Why? My colleagues heard the gentleman from Georgia. Because how dare they preempt and usurp the State.

Who is preempting and usurping? The legislature. How dare the legislature of Hawaii preempt our imperial right to decide who is married and who is not married. How dare the people of Hawaii presume to think that they can define love in an effective way.

Mr. Chairman, I hope the amendment is adopted.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman from Florida [Mr. CANADY] and my colleagues.

Mr. Chairman, I can tell you this is one of the most uncomfortable issues I can think of to debate. It is something I really shrink from because there is no gentle easy way, if we are to be honest and candid, to discuss the objections to same-sex marriage, the disapprobation of homosexual conduct, without offending and affronting an ever-widening group of people who have come to accept homosexual conduct.

But, Mr. Chairman, we are driven to this debate. We are driven to this debate by the courts. The Romer versus Evans case which was decided May 20 of this year is a fascinating case, and it provides really a preferred status for homosexual people, and may very well invalidate a State's heretofore unquestioned power to reject the conduct in another State on public policy grounds.

If a marriage was incestuous and it was celebrated in one State, another State did not have to accept that on public policy grounds. Now, there is a real question because of Romer versus Evans, a Supreme Court case.

The fascinating thing is that the Bowers versus Hardwick case was not even discussed in Romer versus Evans. Bowers versus Hardwick is a 1986 case which said a State may criminalize the act of sodomy. Twenty-five States have laws criminalizing homosexual conduct. The defining act of homosexuality is a crime in 25 States. It used to be in all the States, but many of the States have reversed their laws because they cannot enforce them. There is no way to enforce them.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. If the gentleman's interpretation, I mean this seriously, if the gentleman's interpretation of Romer versus Evans is correct, and we do not know whether it is or not, would that not also apply then to the section here? In other words, if the court were to hold under Romer versus Evans——

Mr. HYDE. Yes, it could.

Mr. FRANK of Massachusetts. So that this could also apply to this section equally.

Mr. HYDE. It could. But that is why we need this statute in my judgment, to give a little more leverage to the States.

Mr. FRANK of Massachusetts. If the gentleman would continue to yield for 10 seconds, if in fact it is unconstitutional because of an interpretation of parts of the Constitution, no statute would hold against that.

□ 1315

Mr. HYDE. Well, maybe, maybe not. Maybe, maybe not is all. You cannot speculate about the court.

The gentleman from Massachusetts [Mr. STUDDS] said that the unfinished business of the civil rights movement is homosexual acceptability. There is no power on Earth to stop it. Maybe and maybe not. He has something, when I look around and see the entertainment stars in our country are Michael Jackson and Madonna, he could be right. The homosexual movement has been very successful in intimidating the psychiatric profession. Now people who object to sodomy, to two men penetrating each other are homophobic. They have the phobia, not the people doing this act. That is a magnificent accomplishment for public relations.

Let us talk about this bill. This is the most delicate and limited measure that Congress could possibly produce on this subject. First of all, as to defining marriage in the Federal code, who else should define it except this Congress, the Federal legislature. Not the courts, the courts are usurping legislative functions. It is appropriate that Congress define marriage. You may not like the definition the majority of us want, but most people do not approve of homosexual conduct. They do not approve of incest. They do not approve of polygamy, and they express their disapprobation through the law. It is that simple. It is not mean spirited. It is not bigoted. It is the way it is, the only way possible to express this disapprobation.

Now, two men loving each other does not hurt anybody else's marriage, but it demeans, it lowers the concept of marriage by making it something that it should not be and is not, celebrating conduct that is not approved by the majority of the people.

Defeat the amendment. Vote for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 311, not voting 19, as follows:

[Roll No. 314]

AYES—103

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Berman
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
Dellums
Dingell
Dixon
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Lantos
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Nadler
Neal
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Torres
Torricelli
Towns
Velazquez
Vento
Ward
Waters
Waxman
Woolsey
Yates

NOES—311

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro

DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fields (TX)
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—19

Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Morella
Roberts
Thompson
Thornton
Watt (NC)
Wilson
Young (FL)

□ 1335

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

Messrs. ALLARD, SMITH of New Jersey, and GENE GREEN of Texas changed their vote from "aye" to "no."

Mrs. KENNELLY and Mr. RUSH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Ms. GREENE of Utah) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, pursuant to House Resolution 474, he reported the bill back to the House.

The SPEAKER pro tempore (Ms. GREENE of Utah). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. Yes, I am, Madam Speaker, in its present form.

Mr. CANADY of Florida. Madam Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. CANADY] reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new sections to the legislation:

SEC. 4. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1996".

SEC. 5. DISCRIMINATION PROHIBITED.

A covered entity, in connection with employment or employment opportunities, shall not—

(1) subject an individual to different standards or treatment on the basis of sexual orientation,

(2) discriminate against an individual based on the sexual orientation of persons with whom such individual is believed to associate or to have associated, or

(3) otherwise discriminate against an individual on the basis of sexual orientation.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of his or her partner.

SEC. 7. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(A) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to religious organizations.

(b) FOR-PROFIT ACTIVITIES.—This Act shall apply with respect to employment and employment opportunities that relate to any employment position that pertains solely to a religious organization's for-profit activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—(1) For purposes of this Act, the term "employment or employment opportunities" does not apply to the relationship between the United States and members of the Armed Forces.

(2) As used in paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating special rights or preferences for veterans.

SEC. 11. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204), in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively,

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act,

(4) the Attorney General of the United States shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204),

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively, and

(5) the courts of the United States shall have the same jurisdiction and powers as such courts have to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act, and

(C) the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section, and

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to claims alleged by covered employees (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3)) for violations of this Act, title III of the Congressional Accountability Act of 1995 shall apply in the same manner as such title applies with respect to a claims alleged by such covered employees for violations of section 201(a)(1) of such Act.

SEC. 12. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the eleventh article of amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this Act. In an action against a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) LIABILITY OF THE UNITED STATES.—The United States shall be liable for all remedies (excluding punitive damages) under this Act to the same extent as a private person and shall be liable to the same extent as a nonpublic party for interest to compensate for delay in payment.

SEC. 13. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this Act, the court or the Commission, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the foregoing the same as a private person.

SEC. 14. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this Act or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e—10).

SEC. 16. REGULATIONS.

The Commission shall have authority to issue regulations to carry out this Act.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 19. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act and shall not apply to conduct occurring before such effective date.

SEC. 20. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Equal Employment Opportunity Commission.

(2) The term "covered entity" means an employer, employment agency, labor organization, joint labor management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing authority to which section 201(a) of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat.3) applies.

(3) The term "employer" has the meaning given such term in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)).

(4) The term "employment agency" has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) The term "employment or employment opportunities" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment.

(6) The term "labor organization" has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) The term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) The term "religious organization" means—

(A) a religious corporation, association, or society, or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(i) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society, or

(ii) its curriculum is directed toward the propagation of a particular religion.

(9) The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.

(10) The term "State" has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(ii)).

Ms. JACKSON-LEE of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes in support of her motion to recommit.

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask for the attention of the House because, as many of us have entered houses of worship, this debate has been wrapped more in whether one's belief in the Scriptures and Bible will carry the day.

Let me say, Madam Speaker, that I am a Bible believer and a Bible reader, but all of God's children have rights. I believe that we have over these last 24 hours lifted up and increased discrimination as opposed to decreasing discrimination. The Employment Nondiscrimination Act is biblical in nature as well, for it gives human dignity to all of God's children.

I will speak to the issue of germaneness, and I appreciate the gentleman from Florida, but in fact this amendment and motion to recommit is germane. It increases the opportunity for all citizens to be treated equally. It takes away the sting of denying people their rights. This subject matter is, in fact, appropriate, for it seems that the legislation that is now on the floor deals with gays and lesbians and separates them out from the Constitution of the United States. This Employment Nondiscrimination Act says that we will not be a gestapo, that we will respect and we will lift up the rights of all citizens.

□ 1345

Yes, the Committee on the Judiciary, from which this bill has come out, also has jurisdiction over the Employment Nondiscrimination Act of 1996. Therefore, Madam Speaker, I am not running away from germaneness, but I do understand that we have been discussing over these last 2 days legislation that is to respond and control perversion that characterizes many individuals.

I would simply say that this is the appropriate way for a nation like ours to go, one that embodies in this House the word "union," stick together; the word "justice," justice for all; the word "tolerance," to tolerate those citizens who have given their lives for this flag and this country; and yes, the word "liberty," liberty for all; and yes, the word "peace." We should go in peace and harmony.

So I believe that the subject matter that deals with gay and lesbian rights in the workplace is more than appropriate for a motion to recommit, for this body to stand equal with America in responding to the good aspects, to the goodness of what this country stands for; for the reason we have lost men and women overseas, for liberty and equality for all. How can we not today stand with America and the flag and acknowledge the human dignity of all of god's children? How can we not?

So I ask my colleagues if they would accept this motion to recommit so we do not leave this place this day; so we, like Esther, will acknowledge that if I perish, I perish, for I must stand for what is right.

It is important that we allow this legislation, the Employment Nondiscrimination Act of 1996, to give human dignity to all of our citizens. It is important, it is germane. It provides the criteria of germaneness, for it deals, as I said, with increasing the opportunities and decreasing discrimination.

Likewise, it deals with gays and lesbians, and yes, the subject matter is relevant. I would hope the subject matter of equality and the dignity of all and the respect for the words of this Chamber of justice and tolerance and peace and liberty is the way that we should go.

Madam Speaker, I would ask my colleagues, can we not, can we not, can we not acknowledge freedom in America goes to all of our citizens, all of our citizens?

POINT OF ORDER

The SPEAKER pro tempore. (Ms. GREENE of Utah). Does the gentleman from Florida [Mr. CANADY] insist on his point of order?

Mr. CANADY of Florida. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CANADY of Florida. the motion to recommit is not germane to the bill. The bill relates solely to the subject of marriage. The motion to recommit seeks to add language which relates to employment discrimination to a bill dealing with marriage. Clearly, this is a proposition on a subject different from that under consideration, in violation of clause 7 of rule XVI, and I ask the chair to rule the motion to recommit out of order.

Ms. JACKSON-LEE of Texas. Madam Speaker, with great pain in my heart, I would maintain that we are germane, and it is with deepest regrets and great pain that I hear that human dignity is not germane. But at this point, Madam Speaker, with this pain and this disappointment, I will not contest the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained.

The motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. BERMAN

Mr. BERMAN. Madam Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BERMAN. I am in its present form, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BERMAN of California moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new section to the legislation:

"SEC. 4. STUDY OF THE DIFFERENCES IN BENEFITS, RIGHTS AND PRIVILEGES AVAILABLE TO PERSONS IN A MARRIAGE AND TO PERSONS IN A DOMESTIC PARTNERSHIP.

"(a) GENERAL ACCOUNTING OFFICE STUDY.—The General Accounting Office shall undertake a study of the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in a domestic partnership resulting from the nonrecognition of domestic partnerships as legal unions by State and Federal laws.

"(b) REQUIREMENTS OF STUDY.—The General Accounting Office shall—

"(1) conduct a comprehensive review of Federal statutes and administrative regulations, rulings, and determinations to compile an inventory of Federal benefits, rights and privileges available to persons in a marriage and to determine whether such Federal benefits, rights, and privileges are also available to persons in a domestic partnership;

"(2) analyze the impact of Federal statutes and administrative regulations, rulings, and determinations on the private sector to determine whether those statutes, rules, regulations, and determinations influence the private sector to make benefits, rights, and privileges available to persons in a marriage which are not available to persons in a domestic partnership;

"(3) survey State property, testamentary, probate, insurance, credit, and contract laws to determine whether a difference exists in their usefulness to address the legal needs of persons in a marriage and their usefulness to address the legal needs of persons in a domestic partnership;

"(4) survey the laws of other major industrialized countries to determine whether there is a difference in those countries between the government benefits, rights and privileges available to persons in a marriage and the governmental benefits, rights and privileges available to persons in a domestic partnership; and

"(5) conduct such further investigation and analysis as it deems necessary to study the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in domestic partnerships resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

"(c) REPORT.—Not later than October 1, 1997, the General Accounting Office shall submit to the President and to the Congress a report of its findings pursuant to the study conducted under this section.

"(d) ASSISTANCE IN COMPLETING THE STUDY AND REPORT.—

"(1) ASSISTANCE FROM OTHER AGENCIES.—The General Accounting Office may secure directly from any Federal department or agency such information as may be necessary to complete the study and report required by this section.

"(2) DETAILED PERSONNEL.—On the request of the Comptroller General, the head of any Federal department or agency is authorized to detail, without reimbursement, any personnel of that department or agency to the General Accounting Office to assist it in carrying out its duties under this section. The detail of any individual may not result in the interruption or loss of civil services status or other privilege of the individual.

"(3) ASSISTANCE FROM ATTORNEY GENERAL.—The Attorney General of the United States shall provide the General Accounting Office with such administrative and support services as the Comptroller General may request to complete the study and report required by this section.

"(e) DEFINITION.—For the purposes of this section, the term 'domestic partnership' means two persons committed to an interpersonal relationship with each other, other than marriage, which has been acknowledged through a publicly established governmental procedure, through a privately enforceable written agreement, or through other documents executed by those persons which evidence their intention to commit to an interpersonal relationship with each other.".

Mr. BERMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. BERMAN. Madam Speaker, this is a motion to recommit with instructions. This motion to recommit is simply adding an amendment to the bill and asking that the bill be reported back forthwith. If this motion to recommit passes, the body will still be voting on the bill immediately after the vote on the motion to recommit.

The motion to recommit is very simple: It simply asks for a GAO study to look at the differences in benefits, rights, and privileges available to persons in a marriage and to persons in a domestic partnership resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

Once again, the passage of this motion to recommit will not send the bill to a committee, it will not bury this bill. The bill will come back immediately for a vote on final passage.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in support of this motion to recommit. Clearly there is a need to understand how we enable people who are committed to one another to have appropriate legal rights and responsibilities with regard to each other. All this study does is to ask the GAO to look at the rights and responsibilities one has under a marriage contract and the rights and responsibilities that domestic partners have under current State and Federal law. We simply need to know this information.

Without question, marriage has been the pillar of social organization over time in every society, because marriage helps to sustain the development of love, loyalty, commitment, and responsibility. Domestic partner relationships are not marriage, and that is what this bill says. But domestic partner relationships do encourage commitment, responsibility, love, and loyalty, and I think it is important that our society rise to the challenge of finding what legal entitles we need to develop to allow people who want to take responsibility for one another, who want to, over time, legally share responsibilities for health care, share responsibilities for planning funerals and so on and so forth, how we help them do that. This is just a study to get the information. We are proposing it in a legal form because we want to acknowledge that this information is important to us as a society; that all relationships of commitment are important to a stable society. And in the passage of this bill, which I intend to support, we do not intend to denigrate other relationships of integrity.

Mr. UPTON. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. UPTON. Madam Speaker, I support the base bill, and I would say that I also support this motion to recommit, which does not delete, eliminate, or change anything in the present bill, as we will vote on final passage on this measure whether or not this motion to recommit passes or fails.

If Members are like me, a very happily married man with two wonderful kids, this issue does not come up a lot in my household. But what this motion to recommit does is it simply adds a section calling upon the GAO to conduct a study determining the benefits, rights, and privileges given to those in marriage but not those in long-term domestic partnerships. As part of the study it will also look at how other countries have legally dealt with the long-term relationships outside of marriage.

It changes no law. It only asks the GAO to give us the information requested by October 1, 1997. Then we are free to use such information to decide what if any policy changes we want to make. Let us affirm our commitment to traditional marriage, but let us do so in a way that respects and is sensitive to those in long-term domestic partnerships.

For example, if our colleague, the gentleman from Wisconsin, STEVE GUNDERSON, were sick or injured, why should his partner not have automatic visitation privileges or automatic doctoral consultations, which many today have been denied?

Madam Speaker, when the former committee staff director, Matt Fletcher, of the gentleman from Pennsylvania, BILL CLINGER, lost his partner of 16 years to AIDS, Matt could not sign the documents at the funeral home. All this motion to recommit does is ask for a study, ask for a study, so when the study is completed in 1½ years from now or so, we can have better information with which to deal with this issue.

I ask Members to vote to recommit the bill, and I also ask that Members vote for final passage, whether or not the motion to recommit passes.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the motion to recommit with instructions.

Madam Speaker, the purpose of the instruction is to require by statute that which the chairman of the Committee on the Judiciary has the authority to do by letter. The chairman of the committee, the gentleman from Illinois [Mr. HYDE], during the Committee on Rules meeting when this issue came up offered to write to the GAO for the study requested by the proposed instruction.

This motion represents a transparent attempt to give some statutory recognition to domestic partnerships. I do not think this is necessary to encumber the statute with language which is superfluous outside. Therefore, I oppose the motion to recommit with instructions.

Mr. HYDE. Madam Speaker, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Speaker, really, this request for a GAO study does not belong in the statute. I agreed a long time ago to request it as chairman of the Committee on the Judiciary. We should go forward with that. I pledge to do so. I have assured the gentleman that I will ask for a study of the instances in which the inability of domestic partners to form a legal union causes a disparity of entitlement to Federal benefits, rights, or privileges. So to amend this bill is not necessary.

The study mandated by the Gunderson amendment is overly broad. It includes all State laws, it includes other majority industrialized countries, in addition to the Federal law. We think our interest should be limited to the benefits conferred under Federal law, and it should be tailored to that interest.

There are other objections to it, but suffice it to say putting it in the statute gives it an equivalence to the marriage institution that we do not think is appropriate now. I will write the letter, I will do it Monday, I will request the study, and that should suffice. I would ask that this motion to recommit be defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 164, nays 249, not voting 20, as follows:

[Roll No. 315]

YEAS—164

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Foglietta
Foley
Forbes
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pryce
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thomas
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Ward
Waters
Waxman
Williams
Wilson
Woolsey
Wynn
Yates
Zimmer

NAYS—249

Allard
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fields (TX)
Flake
Fowler
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Zeliff

NOT VOTING—20

Archer
Brewster
Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Meehan
Roberts
Thompson
Thornton
Watt (NC)
Young (FL)

□ 1414

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 342, nays 67, answered "present" 2, not voting 22, as follows:

[Roll No. 316]

YEAS—342

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—67

Abercrombie
Ackerman
Becerra
Beilenson
Berman
Brown (CA)
Brown (OH)
Collins (MI)
Conyers
Coyne
DeFazio
Dellums
Dixon
Engel
Eshoo
Farr
Fattah
Foglietta
Frank (MA)
Gejdenson
Gunderson
Gutierrez
Harman
Hastings (FL)
Hinchey
Jackson (IL)
Kennedy (MA)
Kennedy (RI)
Lantos
Lewis (GA)
Lofgren
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Millender-McDonald
Miller (CA)
Mink
Moran
Nadler
Olver
Pallone
Payne (NJ)
Pelosi
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Torres
Towns
Velazquez
Waters
Waxman
Williams
Woolsey

ANSWERED "PRESENT"—2

Jackson-Lee (TX)
Owens

NOT VOTING—22

Brewster
Clay
Dickey
Dunn
Ensign
Fields (LA)
Flanagan
Ford
Gibbons
Greenwood
Hall (OH)
Johnston
LaFalce
Lincoln
Longley
McDade
Meehan
Roberts
Thompson
Thornton
Watt (NC)
Young (FL)

□ 1421

The Clerk announced the following pairs:

On this vote:

Mr. Flanagan for, with Mr. Clay against.

Mr. Longley for, with Mr. Johnston of Florida against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. CLAY. Madam Speaker, I missed the last rollcall vote, rollcall 316, because I was trapped in the elevator. Had I been here I would have voted "no."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, my present vote on H.R. 3396, the Defense of Marriage Act, respects the rights of all of my constituents. Those constituents who are members of the vast, believing and proud religious community along with those constituents who simply seek human dignity. This vote fulfills my commitment on behalf of my constituents to be accessible, accountable and responsible.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall No. 316 on H.R. 3396, the Defense of Marriage Act, which the House passed on July 12, 1996, I had intended to vote "no" and thought that I had voted "no." I found out later that I am recorded as having voted "aye."

Mr. Speaker, I would like the RECORD to show that I had intended to vote "no" on the bill.

DEFENSE OF MARRIAGE ACT—PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, on July 12, 1996, there was a vote for final passage of H.R. 3396, the Defense of Marriage Act. On rollcall vote No. 316, as you can see from my statement on this issue, which is attached, I intended to vote against that bill, but in my haste to get to the airport so that I could get my plane to Chicago and my district, I inadvertently pushed the green button and was, therefore, recorded as having voted for the bill.

I want my constituents to know I intended to vote against that bill:

Mr. Chairman, I rise in support of the gentleman from Massachusetts' amendment that suspends the definition of marriage for any State that adopts a different definition through its normal democratic process.

Mr. Chairman, the so-called Defense of Marriage Act should really be called the Republican Offense on People Who are Different Act because it is nothing more than blatant homophobic gay-bashing.

The conservative elements of our American society have often discriminated against and tried to prevent whatever they didn't like or didn't understand, it hasn't been so long ago that blacks and whites weren't allowed to marry in any State. So, devoted couples pledged their commitment to caring for each other in private ceremonies, their children were considered illegitimate, and the spouses were not legally entitled to inherit from their partners, nor share in any public benefits.

And, not so long ago, 50 States and the District of Columbia had very different laws about who could marry, the age the partners had to be, the length of the waiting period between applying for a marriage license and the ceremony—and they still do. Even now there are different laws about divorce, about residency requirements to obtain a divorce, about the kind of alimony or support one spouse has to pay to another, and many other differences. The Federal Government sorts out who is eligible to benefit from public support from these spouses and former spouses, even as people move from one State to another; and the Federal Government can and will continue to sort these issues out as they become timely, which this Offense on Marriage Act is not.

The issue of who should marry within a State are the proper jurisdiction of the individual States. My grandmother probably couldn't envision a time when interracial marriages would be legal in America, but today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States' rights.

This bill should be defeated and I urge my colleagues to use their common sense and leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Madam Speaker, I ask for this time for the purpose of asking the distinguished majority whip the schedule for the remainder of the week and next week.

Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, I thank the distinguished minority whip for yielding.

Madam Speaker, I am pleased to announce that the House has concluded its legislative business for the week. We will next meet on Tuesday, July 16, at 10:30 a.m. for morning hour and 12 noon for legislative business. Members should note that the House will postpone recorded votes until 5 p.m. in accordance with an agreement with the minority to voice vote the rule on Treasury, Postal appropriations bill.

On Tuesday, Madam Speaker, the House will consider the following seven bills under suspension of the rules: H.R. 3166, The Government Accountability Act of 1996; H.R. 3458, the Veterans' Compensation Cost-of-Living Adjustment Act of 1996; H.R. 3643, Extending Benefits to Veterans Exposed to Agent Orange; H.R. 3673, The Veterans' Compensation and Readjustment Benefits Amendments of 1996; H.R. 3674, The Veterans' Education and Compensation Benefits Amendments of 1996; H.R. 361, The Omnibus Export Administration Act of 1995; and H.R. 3161, Extending Most-Favored-Nation Status to Romania.

After suspensions, we will take up under an open rule H.R. 3756, the Treasury, Postal Service and General Government appropriations bill.

On Wednesday, July 17, the House will turn to the Commerce, Justice, State and Judiciary appropriations bill, also subject to a rule.

On Thursday, July 18, we will consider H.R. 3760, Campaign Finance Reform and H.R. 3734, the Balanced Budget Reconciliation Act. Both bills, of course, will be subject to rules.

Members should note that next week will be a very busy week. We have a lot of important business to cover and it will probably be necessary to work very late on Tuesday and Wednesday evenings. However, we will finish legislative business by 6 p.m. on Thursday, July 18.

Mr. BONIOR. Madam Speaker, I thank my colleague for his information, and I would ask my friend a couple of questions here. Will the welfare reform proposal be considered separately from Medicaid or will they be considered together as my colleague previously had planned?

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DELAY. We anticipate bringing welfare reform to the floor as a freestanding bill separate from Medicaid.

Mr. BONIOR. Reclaiming my time, I thank the gentleman for that answer.

The second question I have is on the rule and on debate time. Can my colleague or the gentleman from New York [Mr. SOLOMON], if he is here, give us any indication on how long we will have for debate in this particular rule or any information about the rule itself?

Mr. DELAY. If the gentleman will continue to yield, the Committee on Rules has not met yet on the welfare reform bill. We certainly want to work with the minority to make sure ample amount of debate time on this very important piece of legislation will be held, plus the fact that we want to make sure that every opportunity for the minority to have a substitute will be available to the minority.

Mr. BONIOR. Well, I thank my colleague for that assurance, because as we know, there are Members, most of the Members on our side, in fact, all the Members on our side have been deeply interested in the principle of getting people off welfare and into work. We are very much interested in assurance from my colleague, which I would believe we have just received, that we will have the opportunity to present a Democratic alternative to this body when the bill comes to the floor.

Mr. DELAY. If the gentleman would yield, I appreciate it, and I concur with the distinguished whip. I do point out that under the budget resolution, though, any substitute that would be allowed on the floor must conform to the budget resolution and therefore have to conform to the savings outlined in the budget resolution in the underlying bill.

Mr. BONIOR. I would ask my colleague from Texas about the reform week that was announced earlier in the summer by the majority. Several press reports have outlined six or seven reform bills which would be considered, and I am wondering what happened to that list of reforms. Are we going to have just the campaign finance reform bill next week? Is the majority going to have some additional suspension bills that were not listed in those that he read to us just a few minutes ago? What does the gentleman have in store beyond the campaign finance piece next week in terms of reform?

□ 1430

Mr. DELAY. If the gentleman will continue yielding, I appreciate the whip asking the question because it allows me the opportunity to point out that this is the reform Congress; that on the first day of this Congress we went until 1:30 the next day reforming this House, reforms that we are all very proud of and voted for, to open this House and give it back, and finished the day with the Congressional Accountability Act that is now law that makes all of us live under the same laws that we have passed. We have passed the gift ban and lobby reforms, and many reforms over the course of the year.

Because of the problem of floor time, what we are bringing next week is the campaign finance reform, and I believe one other on suspension. Well, just campaign finance reform next week, to continue the efforts and the accomplishments of this reform Congress, the 104th Congress.

Mr. BONIOR. Madam Speaker, I thank my colleague. I do not intend to debate, at 2:30 on Friday, how much reform this Congress has achieved. We will have a good go at that for I suspect about 3 hours next week, and we obviously have a different point of view than my friend from Texas on this issue.

But I thank him for his information and we wish him a good weekend.

Mr. DELAY. Madam Speaker, if the gentleman would yield further, I also wish everyone a good weekend and urge them to get rest, because of the short week and an intense week. And I wish my friend a good weekend also.

ADJOURNMENT TO TUESDAY, JULY 16, 1996

Mr. DELAY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, July 16, 1996, for morning hour debates.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR FIRST ANNUAL CONGRESSIONAL FAMILY PICNIC

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that the House be considered to have agreed to the concurrent resolution (H. Con. Res. 198), authorizing the use of the Capitol Grounds for the first annual Congressional Family Picnic.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of House Concurrent Resolution 198 is as follows:

H. CON. RES. 198

Whereas as the Member's and Family Room is an official entity of the House of Representatives, administratively under the Office of the Clerk of the House;

Whereas the purpose of the Member's and Family Room is to facilitate family life in congressional families, and to promote collegial relationships among the sitting Members of Congress; and

Whereas a family picnic on the Capitol grounds would promote the purposes of the Member's and Family Room: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF FIRST ANNUAL CONGRESSIONAL FAMILY PICNIC ON CAPITOL GROUNDS.

The Advisory Board of the Member's and Family Room (in this resolution referred to as the "Advisory Board") shall be permitted to sponsor an event, the first annual Congressional Family Picnic, on the Capitol grounds on July 30, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be arranged under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Advisory Board is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such structures and equipment (including cooking equipment) as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MINIMUM WAGE BILL HELD HOSTAGE IN SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Madam Speaker, it is day 3 and the Republican Senate continues to hold the minimum wage hostage. Does this make any sense? The Senate passed an increase in the minimum wage by a vote of 74 to 24, and yet this legislation is not on its way to the President for signature.

Why? Because Senate Republicans are holding the minimum wage hostage to special interests. In exchange for releasing their hold on the minimum wage, Republican Senators want medical savings accounts added to health care reform as a ransom for its release.

MSAs, the Republican payoff to special interests and big donor insurance companies. The same MSAs that Consumers Union, Consumers Union is the group that puts out Consumer Report that tells you what kind of a car it makes sense to buy, what kind of an appliance so that you do not buy a lemon. The same MSAs Consumers Union called a time bomb that will make health insurance less accessible and less affordable for many Americans; the same MSAs that will make us take a step backward in our quest for health care coverage for the majority of Americans.

This is an outrage. Over 80 percent of the American people support a minimum wage increase. Let me repeat that. Over 80 percent of the American people support a minimum wage increase. The Republican leadership understands that figure. In fact, the Senate Republican aide told the New York Times that "Republicans do not believe in raising the minimum wage. We voted for it because it was killing us."

Talk about political expediency. And because they truly believe that they do not believe in raising that minimum wage and they do not believe in helping American families by increasing their economic earning power, and because they were forced to vote for it, they are now holding the minimum wage increase hostage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that under the rules and precedence of the House it is not in order to cast reflections on the Senate or its Members, either individually or collectively.

Ms. DELAURO. Madam Speaker, a 90-cent increase is all that we are asking for, 90-cent increase. But the Republicans are firm in their opposition. The Republican whip, the gentleman from Texas, TOM DELAY, who was well compensated as a Member of Congress, as we all are, to the tune of $133,600 a year, he has said that "Families trying to get by on $4.25 an hour do not really exist."

He should get out of Washington more and meet the 12 million Americans, most of them, by the way, who are women, who would benefit from the wage increase.

This extra pay may seem small but would mean 7 months of groceries, a year of health care costs, 9 months of utility bills or 4 months of housing.

In the State of Connecticut, 87,158 hardworking people earn between $4.25 and $5.14 an hour. Each one of those people would benefit by passing a minimum wage increase.

In the Republican Whip TOM DELAY's State of Texas, 1.1 million people would benefit. That is 14.7 percent of the Texas work force, not an insignificant number.

But these hardworking Americans in Connecticut and Texas and their 12 million fellow Americans continue to wait for a boost in their wages because the Republican Party continues to find new ways to block the increase.

This is legislation that has passed both the House and the Senate and is now being held hostage by extremists, people who would rather protect special interests than to help ordinary working Americans. All the while, America's workers struggle and they scramble to pay their bills, to put food on their tables, to clothe their kids, to get them to school and to maintain their standard of living.

A minimum wage worker makes about $8,500 a year. That is it. Two-thirds of these workers are adults and almost 60 percent are women. Over 40 percent are the sole breadwinners in their family. The Department of Health and Human Services estimates that the minimum wage increase could lift 300,000 families out of poverty, including 100,000 children.

A great American once said, and I quote:

> No man can be a good citizen unless he has a living wage more than sufficient to cover the bare cost of living * * * so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.

Which great American said that? Theodore Roosevelt. A Republican President of the United States. Unlike the Republicans in the Senate, President Roosevelt understood that Americans deserve to be treated fairly and to be honored for their work.

Day 3 of the Republicans holding hostage the minimum wage. Day 3, and the American people continue to wait for something they support overwhelmingly. Day 3, and the special interests continue to control the Republican agenda. It is time to free the minimum wage.

DOMESTIC VIOLENCE/WELFARE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, we are all aware of the fact that domestic violence is at epidemic levels and rising.

What was not known until recently however, is the relationship between domestic violence and welfare dependency: namely, that for victims of abuse, the welfare system is often the only hope they have for escape and survival.

A recent study by the Taylor Institute of Chicago offers insights as to why so many women become trapped in the cycle of violence and dependency. The study found that 50 percent to 80 percent of women on AFDC are current or past victims of domestic violence.

It also documents how abusers keep women financially and psychologically dependent by deliberately sabotaging their efforts to succeed in education and job training programs. For example, the study found that abusers have been known to destroy their victims' books and homework, hide their clothing, inflict visible and embarrassing injuries, and engage in abusive behavior before important events such as high school equivalency examinations and job interviews.

These findings underscore the importance of ensuring that any welfare reform legislation enacted by Congress maintains this critical safety net.

Toward this end, Senator WELLSTONE and I have introduced resolutions expressing the sense of Congress that any welfare reform proposals shall not further endanger women and children who are victims of domestic abuse by denying them access to their last source of support and means of escape.

I urge all of my colleagues to support this important resolution.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. GUTKNECHT. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana [Mr. MCINTOSH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MESSAGE FROM THE VOTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I am one of those Members of the freshman class in the 104th Congress, and I do believe that 2 years ago the American people sent a very clear message and they sent 73 new Members to this Congress for a very important reason. In fact, I think there were three or four major things they wanted us to do.

First of all, I think they wanted us to put the Federal Government on a diet. Second, I think they really wanted us to pass term limits. Third, I think they want commonsense regulatory reform. And finally, and perhaps most importantly, I think the American people want us to change the way Washington does business.

Well, Madam Speaker, I think we have made real progress. As a matter of fact, we passed the balanced budget amendment out of this House. Unfortunately, it failed by one vote over in the Senate. We went on to pass the first balanced budget plan in over 25 years. We have eliminated over 270 programs and, as a matter of fact, we have saved the taxpayers, this Congress, over $43 billion.

The budget is moving in the right direction, and we are moving towards balancing the people's books. On the very first day we began to change the way Washington does business, the way we work. We passed the Shays Act.

We said that Congress is going to have to live by the same laws as everybody else. That was a very important change. For many years Congress would pass new rules and new laws that everybody else had to live by, but at the bottom of that bill it would say something to the effect that nothing in this enactment requires the Congress or the Federal Government to live by the same rules.

□ 1445

Also, on the first day we opened the committee meetings to the public for the first time. We ended proxy voting, and this Congress passed the toughest gift ban in the history of the United States.

Madam Speaker, there was one area where this Congress failed, and that is on the very important issue of term limits. We can dress it any way we want, but I think that is one thing the American people want from this Congress, and that is to limit our own terms. They have been too long where Members who have served for years and years and years are no longer accountable to them and they begin to believe that all wisdom emanates from here in Washington, rather than from back in the districts which they are supposed to serve.

Madam Speaker, I have held over 75 town meet meetings in my district. Frankly, at virtually every one of them the issue of term limits has come up.

Another issue that people are concerned about is the whole concern about congressional pensions. As a matter of fact, almost monthly we read about some Member of Congress who is receiving a six-figure income after they retire from this body. We have read recently, just in the last year, that a former Speaker, and I will not mention names, but a former Speaker is getting $123,804 per year; that a former minority leader of this body is getting $110,538 per year; and another gentleman who served as the Chair of one of the more powerful committees, who will soon become a constituent of mine, will receive a pension of $96,462 per year.

The public is saying enough is enough. They did not get term limits. There is one way that we can perhaps kill two birds with one stone. That is by passing a bill that would limit pension accrual for Members to 12 years. If we cannot force Members to retire after 12 years, at least we can take some of the money out of it.

To that end, I have introduced H.R. 1618, and we have a companion bill which is much easier to remember in the Senate. It is Senate bill 1776. So Members watching on TV and those on C–SPAN, if they remember Senate bill 1776, they can remember the bill.

What this bill says is that Members would limit their pensions accrual. After they had served for 12 years, their pensions would stop adding up. What that would mean is that at the current level of salary for a Member of Congress, the maximum level of pension that a Member of Congress could get would be $27,254.

Now, under this plan, if this bill were in law today, the total savings to the taxpayer per year would be $7,892,140. But, more importantly, we would take some of the incentive away for Members staying years and years and literally beginning to grow roots here in Washington.

I think the American people are speaking loudly and clearly that they support this basic notion. There was some polling done recently by the Luntz Research Company, and what it demonstrates is this: Would you be more or less likely to vote for a Member who voted to reduce the growth in congressional pension? Sixty-five percent of the people in the United States said they would be more likely to vote for those candidates.

I think the American people are speaking loudly and clearly. They would like to see term limits and they would like to see limits on the amount of pensions that Members of Congress can collect.

I think the bill that we have introduced, and my sponsor over in the Senate is Senator JIM INHOFE from Oklahoma, I think we have introduced a bill that makes sense. It is fair. It is reasonable. It is responsible, and it is long overdue.

Madam Speaker, everywhere I go, and as I say, I have had 75 town meetings, people ask me, "GIL, why are you not doing more in terms of reform of Washington?" And they ask me, "GIL, are you going to pass term limits? When are you going to pass congressional pension limits, so that we do not see Members retiring with six-figure parachutes?"

We did not get term limits through, but saying "Sorry, we tried" is not good enough. Working families in America want us to change the way Washington does business. They want Congressional reform. I hope we can get it in the next several weeks.

VETERANS ARE AT A CROSSROADS

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, there are two issues I wish to talk about today. First of all is veterans.

Madam Speaker, I think it is important that we recognize that veterans are at a crossroads right now and this Congress is at a crossroads, and it is important to reestablish that commitment and to reaffirm commitment to our veterans.

The budget plan that was proposed in this House just last year would have cut veterans' programs, VA programs, by $6.4 billion to the year 2002, and yet at the same time there would have been over $2 billion in tax cuts, many of which went to the wealthiest individuals.

This proposal, had it gone through, would have meant the VA medical system would have had to reduce employment by 9,500 employees, denying care to 165,000 veterans that it was planning to take care of. This also means that they would have had to have reduced their workforce by the year 2002 by 61,000 workers or about 30 percent of their work force.

I am happy to say that we beat this back, Madam Speaker, but yet even under the appropriation bills veterans were going to be asked to increase prescription copayments, to double the copayment that veterans pay for prescription drugs, and to deny 150,000 veterans Medicaid coverage in 2002, most of whom could not afford private insurance and would have been ineligible for VA medical care.

We were able to beat that back, as well, and I am happy to say that I supported on the floor recently the Stump amendment, a bipartisan amendment to increase VA medical care by $40 million over both the President's request and the committee bill. Indeed, there was almost $1 billion of increased funding for veterans health care in that bill. I also supported permitting Medicare to reimburse for veterans' care, particularly in military hospitals. I am sorry that that was defeated, but we will be back again.

CAMPAIGN REFORM

Madam Speaker, I also want to talk about campaign reform, because next week is billed as reform week by the Republican leadership in this House. What kind of reform are we looking at for campaign reform? It is interesting. My constituents tell me, "BOB, the problem is there in too much money in politics, and you ought to get it out."

What does this campaign reform bill that the Speaker is bringing to the floor do? It does not take money out. It puts more money into campaigns. In fact, the Speaker himself said in November, and I quote, "One of the greatest myths of modern politics is that campaigns are too expensive. The political process in fact is underfunded. It is not overfunded." That is not what my constituents are telling me.

First of all, this bill would reduce political action committees, what they can contribute, by one-half, perhaps worthwhile. But it would permit individual contributions to go up from $1,000 to $2,500, what an individual can give to a candidate. That does not sound like reform to me.

Whereas the bill that has been talked about for the Democratic side would limit political action committee contributions to one-third of what a candidate could receive, this would increase and take the limits off what

PAC's could contribute. There would be no limitation in the Speaker's bill on soft money, which is one of the most egregious offenses that either party can commit, funneling large amounts of money into State parties without any accounting.

Also, this bill does nothing to take on the recent Supreme Court decision that in effect says a political party, Republican or Democrat, can make an unlimited independent expenditure in behalf of a candidate, one of the greatest loopholes going.

So what this bill does that they are going to bring to the floor does not begin to cut down to the flow of money going into campaigns. It only takes the limits off and makes the situation far worse than it is.

What we need, in order to deal with the Supreme Court decisions as well as other actions, we are going to have a constitutional amendment that says that free speech and expenditure of money are not the same thing; that simply because we can spend more money, that is not equated to free speech.

I am greatly concerned because I see the cost of campaigns going up, I see outside groups coming in, I see independent expenditures steadily rising, all of which is taking control farther and farther away from the everyday voter and constituent. Yet this bill, branded as reform, only takes us further in that direction. It does not take money out of the electoral system, it puts more money in, and it makes candidates more responsive to large individual contributors.

The interesting thing is, a family of four could contribute up to $2.4 million. If they have got it, folks could contribute up to $2.4 million under this bill. That is not campaign reform, and I do not think anybody in my district thinks that it is.

Another interesting provision in this bill is that it was suggested no money could be raised within 50 miles of Washington. I ought to be happy with that provision because the eastern Panhandle, which is just 50 to 60 miles from West Virginia, could become the mecca. This could become a boon to the hotel and catering industries. But the reality is that this bill is not good for West Virginia and it is not good for voters across the country. This is not reform.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. ROHRABACHER. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Virginia [Mr. WOLF].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ATTACK ON THE AMERICAN PATENT SYSTEM

The SPEAKER pro tempre. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognize for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, during election years we hear a lot of people who are steamed on this issue or that issue. They are very upset about it. The fact is that many times it is just because it is an election year, and we have to remember that.

For example, the other party did control both Houses of Congress and the Presidency for 2 years just prior to when Republicans took control of both Houses of Congress. During that 2-year time period, if indeed it had been important for the Democratic Party to pass an increase in the minimum wage, they would have passed that increase in the minimum wage because they had control of both Houses of Congress and the Presidency, but they did not.

If, indeed, there is something where Republicans in the Senate are holding back on an increase in minimum wage in order to get something else that they want, I think we have to remember that if we call that holding it hostage, the liberal Democrats who controlled both Houses of Congress and the Presidency must have held the minimum wage hostage for 2 years because they had all the power in the world to do what they wanted to do.

Also, when we hear about other apsects that seem to be important now to the people on the other side of the aisle, campaign reform, for example, it should not be any surprise to anyone who is really paying attention that they could have also passed any type of campaign reform they wanted. After all, they did control both Houses of Congress and the Presidency. But they did not do that. Maybe they are upset now because they are suggesting that they want to do something that they did not do when they had the power to do it. That is sort of confusion.

Well, I would like to talk about something that I talked about long before it was a political year, something that really does cross political boundaries, because on this particular issue there is widespread bipartisan support from people who are sincerely concerned about an attack on a fundamental building block of American prosperity.

Both Democrats and Republicans have signed on to a bill that I have to restore the guaranteed patent term to Americans. I know this sounds like a yawner of an issue. I mean, patent law, after all. But what is happening right now, and most Americans do not understand it, is that there is an absolutely despicable underhanded attack on the American patent system. We have multinational corporations that are engaged in an effort to change the fundamental law that has permitted America to be the No. 1 technological power in the world.

Yes, patent law is such a yawn. Who is concerned about patent law? Well, long ago our economic adversaries and, yes, our military adversaries figured out what America's greatest strength is. It is not that our people work so hard, because our people do work hard, but people all over the world work hard.

But our people when they work, or our defenders when they defend our country, have superior technology. That gives us our edge. It always has. We have the technological edge. That is what has secured our country's security and has secured us a standard of living that has been admired and envied all over the world.

Is it any surprise, then, that our economic adversaries and countries that do not like the United States would look for our Achilles heel? What is it that gives us that power? What gave Samson that strength but his long locks? Our secret is the fact that we have had the best technology, and we have had the best technology because we have had the strongest patent system in the world.

Now, there is an underhanded effort, an effort that has been going on for about 2 years to try to change the fundamental patent law of this country so that it will undermine America's ability 10 years down the road to outcompete our economic adversaries.

Some people, of course, who are supporting the patent changes are doing so perfectly well-intentioned, and perhaps they bought into this or that argument. The fact is, what is the driving force behind those who want to change our patent law? The driving force is an idea that we should globalize all patent law, so all of the laws should be the same, and Americans who have had the strongest guaranteed patent rights of any people in the world will just have to live with fewer rights because we need a global harmonization of law.

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Well, that concept may appeal to some people. It certainly appeals to multinational corporations and big businessmen. But that is a threat to the American well-being. H.R. 3460 is about to be put to this floor, and it would steal America's technology. It should be defeated and the Rohrabacher amendment put in its place.

THE MINIMUM WAGE AND HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I am here today to talk for 5 minutes about 2 issues that I think are really crucial to the American people and that have a real chance of passing in this House and in the Senate and be signed into law by the President, if only the Republican leadership would allow the legislation to be voted on in, to be brought to the floor and voted on in a fashion that most Members agree on, whether they happen to be Republican or Democrat.

One is the minimum wage increase and the other is health care reform legislation that was originally sponsored in the Senate by Senator KASSEBAUM and Senator KENNEDY, again on a bipartisan basis.

The minimum wage hike is long overdue. I know that my colleague from California on the other side said, well, why did not the Democrats do it 2 years ago or why did not such-and-such do it whenever. I am not really concerned about the past.

The reality is that we know there are an overwhelming majority in the House and in the Senate, both Democrats and Republicans, that would vote for this very simple minimum wage hike if they were given an opportunity to do so. And once again, this week in the other body, in fact, there was a vote, and efforts by the Republican leadership over there to try to put in what I would call poison-pill amendments that would have delayed implementation of the minimum wage hike or would have excluded small businesses so that half the people who now benefit from the minimum wage would not have gotten the increase. Those amendments were defeated overwhelmingly, again, on a bipartisan basis.

The only thing that is holding up this bill right now is because the Republican leadership in the other body has decided that they will not appoint conferees and links the appointment of conferees to conferees being appointed on the health care reform bill, the other bill I mentioned today.

Well, some of you may, my colleagues certainly know but I am not sure that the public knows what we mean when we talk about appointing conferees. This is when there is basically a meeting or negotiation between the two Houses on different bills. If you do not appoint the conferees and you do not bring the bill to the floor, the bill does not pass.

That is what we face now. A concerted effort on the part of the Republican leadership in the other body to not let these two bills come to the floor and be passed. It is a shame.

The American people, those who are on the minimum wage need a hike. They have not had one for a long time. Many people would benefit from the Kennedy-Kassebaum health insurance reform because it would provide portability, the ability to take your health insurance with you when you lose a job or when you transfer jobs.

It would also allow for people to buy health insurance who now cannot because they have a preexisting medical condition.

Now, it is time for this legislation to move and be passed and be sent to the President. We only have a short amount of time here. I do not know, there is maybe 25, 30, possibly fewer legislative days. If the Republican leadership continues to put a hold on these bills——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must interrupt to repeat her earlier admonition concerning reflections on the Senate.

Mr. PALLONE. Madam Speaker, I just wanted to, if I could, in the time that remains to me, point out that the minimum wage right now is $4.25 an hour, which adds up to about $8,800 a year. It is a disgrace that someone in America can work a 40-hour week for 52 weeks a year and only earn $8,800. How can we as a country that was founded on principles that we all have the same opportunity to improve our quality of life to pull ourselves up from bootstraps only to deny those dreams to our working poor.

Every day that the Republican majority delays the vote to increase the minimum wage, another American dream is essentially shattered. The Republican leadership has talked about family values for many years, but I think its mere rhetoric when it comes to minimum wage. Minimum wage workers are forced to leave their families far beyond the 8-hour day just to provide a balanced meal for their children.

If a minimum wage earner worked a 16-hour day, they would only earn $68 for that day. Under the Democratic proposal, which again is really a bipartisan proposal, they would take home over $82 a day for their efforts, an extra $14. That means that maybe they can go out and buy a meal for their children or a healthier meal.

Right now many who live on the minimum wage do not have health insurance. They do not have the ability, basically, to provide for their family. My point is that if we increase the minimum wage, we make it possible for a lot of these people to not be so dependent upon government subsidies.

Again, there is going to be a bill coming to the floor next week on welfare reform. I think most of us on a bipartisan basis would like to see some kind of welfare reform. How can you have welfare reform if you do not have an increase in the minimum wage? You have to provide an incentive for people to get off of welfare, for people to not need government assistance.

If they do not make a fair-share wage that will not be possible. I want to point out that in my own State, on a State level we passed a minimum wage increase a few years ago somewhat similar to the one proposed on the Federal level. The result was that more jobs were created.

There was a study done by two Princeton University economists recently for New Jersey and basically what it pointed out was the minimum wage workers take that extra money and they go out and buy things, whether it is food or whatever it is that they need as basic necessities of life. That creates more jobs. It actually helps the economy. I know some have suggested that raising the minimum wage is going to lose jobs, but that is not the case. It actually increases economic activity. I urge that this bill move in both Houses and go to the President.

TRAGEDY IN CHECHNYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, yesterday's headline was "Russia pounds Chechens as election truce unravels." Today's headline tells us the "Chechen war escalates once more." Report after report details a growing number of casualties. Many people, both military and civilian, are being killed each day. No one seems to know exactly how many but the total is growing. So is the number of refugees trying to stay one step ahead of the fighting and destruction; moving like the tide, first here, then there. Fleeing, leaving the fighting and danger behind only to reencounter it up ahead.

The Russian military has taken off the gloves now that Boris Yeltsin has been safely reelected. With tough talking ex-General Alexander Lebed in his corner, President Yeltsin has unleashed an awesome array of brutal military might on tiny independent-minded Chechnya. The apparent goal is to crush the life out of any desire for independence, no matter what the price. The most recent down payment was the death of Russian Maj. Gen. Nikolai Skripnik and a number of other soldiers on one side and guerrilla fighters and innocent civilians on the other. The numbers grown each day now. And no one seems to have the will to stop this carnage.

Certainly no one in our White House. This administration continues to sit on its hands regarding Chechnya. It has not spoken out to condemn the brutality and the havoc. The Clinton policy on Chechnya has been to remain silent. Deathly silent. Webster's defines genocide as "the deliberate, systematic destruction of a group." Chechnya is a textbook example of genocide and we say nothing.

This administration—this President—has walked away from human rights at every turn. China, for example, where President Clinton delinked human rights from MFN trading status. After resounding denouncements of President Bush's policy to elevate trade matters above concerns for human rights Bill Clinton advanced the identical notion to the point where there are no longer even discussions on human rights with the Chinese. National Security Adviser Anthony Lake just returned from a round of high level talks with China. The topic of human rights was conspicuous by its absence from the agenda.

In Russia itself, anti-Semitism is cropping up more and more. Anti-Jewish rhetoric, if not commonplace, is at least being voiced by some mainstream officials. Presidents Carter, Reagan, and Bush condemned anti-Semitism and antihuman rights policies to every turn. Today's White House remains silent—to offend no one and thereby offend us all.

I visited Chechnya last year, met the people, Russian and Chechen, soldier and civilian, and saw first hand the results of this horror. I saw the burned out school of Shamanski. Heard about the grotesque and unspeakable acts drug-crazed soldiers committed on old men and women. Since returning, I have urged the President time and again to speak out against this war. I have asked him to offer to help by making available a high level person experienced and wise in diplomacy and negotiation to help both sides search for common ground. To search for a more humane way out. But this administration did nothing. This administration does nothing to advance human rights or to condemn the horrors taking place in Chechnya.

Here are copies of my exchanges of ideas with the President; with the administration. I insert these in the RECORD at this time.

My point in standing here is to advance the notion that America stands for something important. Like it or not we are the sole nation of sufficient stature, strength, and compassion which can, in the world court of public opinion, speak on the side of those with no voice. If we do not, they will not be heard. More will die and suffering will intensify.

But we remain silent. Mr. Speaker, we call on the President to condemn Russian brutality in Chechnya. Condemn those who ignore the basic human rights of others. And urge Vice President GORE to carry this important word to his Russian counterparts during his visit there next week.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 1996.

Hon. ALBERT GORE, Jr.,
The Vice President, The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: As you prepare for your meeting with Viktor Chernomyrdin this weekend in Moscow, I wanted to share with you the correspondence between the administration and myself on the brutal war in Chechnya. I also have enclosed an op-ed by Georgie Anne Geyer from the Washington Times with which I strongly agree.

It is time for the administration to publicly denounce the fighting in Chechnya and find a fair, honest mediator to help work out the differences between the two sides. The Russian people, the Chechens and, indeed, the world is waiting for a public statement of condemnation from the United States. While I believe it is way overdue, you now have the opportunity, at this, your first post-election meeting with your Russian counterpart, to make such a statement.

Mr. Vice President, this is your opportunity to publicly stand for human rights and peace in Chechnya. Please use the upcoming meeting to publicly, forcefully and unabashedly condemn the fighting in Russia and urge the Russian government to seek a peaceful settlement.

I also hope, now that the elections are over, that the administration will take a fresh look at offering the use of a tested and proven statesman to help resolve the conflict between the two sides. It would be a sign that the U.S. has advanced beyond a policy of watching the killing to actually doing something about it.

Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

THE WHITE HOUSE,
Washington, DC, June 25, 1996.

Hon. FRANK WOLF,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WOLF: I am writing in response to your letters regarding the appointment of a special American envoy to facilitate peace in Chechnya.

As I wrote to you previously, my Administration was prepared to consider a special American envoy had either the Russians or Chechens expressed an interest in such an intermediary; neither side did. In April, the Russians considered possible Russian mediators and expressed interest in the good offices of King Hassan II of Morocco. I spoke to the King about what role he might play.

Appointment of an unsolicited American mediator under such circumstances would have accomplished little for peace in Chechnya. Indeed, it might well have hindered and undercut the OSCE mission's efforts, which led to the May 27 meeting in Moscow between President Yeltsin and Chechen rebel leader Yandarbiyev. That meeting produced a cease-fire agreement and restarted direct Russian-Chechen negotiations. While tenuous, these negotiations appear to be making some progress toward resolving the Chechen situation.

I fully agree on the need to help bring peace to Chechnya. My Administration has pursued various means to promote a settlement in Chechnya and will continue to do so through every available path that does not interfere with or undermine a negotiating process that is ongoing.

I appreciate your concern about this issue.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a piece on Chechnya from today's Washington Times that I wanted you to see. With Russia's elections less than two weeks away, it may be too late to do anything about Chechnya. If it is not already midnight, we are dangerously close.

Mr. President, with all respect, I fear this country—your administration—has squandered a wonderful opportunity to cement tranquil relations with a Russia searching for peace and economic development. Rather we risk the emergence of a different Russia; a Russia not only disillusioned with unfulfilled promises of a more democratic form of government and a market based economy but now a Russia thoroughly embarrassed and angered by the inability of its military to quell the uprising of tiny Chechnya.

There is a saying about the devil you know being better than the devil you don't know. I sense the Russian people are approaching this point and a return to communism is looking better and better to them each day. Perhaps it is not too late. Perhaps there is still time for you to offer the services of an American statesman to help the warring parties in the search for common ground. Perhaps there is time to end the killing.

I urge you to try. What more is there to lose in this matter? At least let's get the bat off our shoulder and go down swinging. Mr. President, I do not mean to be disrespectful but this opportunity will not come again. Please.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Buried on page A-4 of this morning's New York Times was the enclosed article reporting 160 more killed in Chechnya. Dying there has, I suppose become so commonplace as to barely be newsworthy. Won't you at least consider appointing a special American envoy whose sole goal is to bring these two warring parties to the negotiating table to agree to stop shooting one another?

One can try to do good and fail or one can fail to try to do good. They are miles apart. I urge you, Mr. President, make this effort. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

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160 REPORTEDLY KILLED IN CHECHNYA BATTLE

MOSCOW, May 22 (AP).—Up to 40 Russian troops and 120 separatists were killed today in a fierce battle near Bamut, in western Chechnya, the Itar-Tass news agency reported.

Up to 1,000 rebels have been defending the hills around he village, which lies in ruin, against Russian artillery, tanks and warplanes, a high-ranking Defense Ministry official said.

The Russians suspect that a large rebel weapons cache is hidden at Bamut, a former Soviet missile base 35 miles southwest of Grozny, the capital.

But Defense Minister Pavel S. Grachev still said today that Moscow would reduce the number of regular army troops in Chechnya as part of a peace plan offered recently by President Boris N. Yeltsin.

Speaking to army officers in Yekaterinburg, Mr. Grachev said the withdrawals would be finished by Aug. 1, but he did not say how many units would be pulled out. He has announced withdrawals before that turned out to be only troop rotations.

Tens of thousands of soldiers from the Interior Ministry and the regular Russian Army have been in Chechnya since December 1994 trying to defeat the outmanned separatists.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am, once again, writing to point out that conditions for the men, women and children in Chechnya continue to deteriorate as hopelessness and hatred battle one another. Did you see the enclosed Washington Times piece reporting the views of Duma Member, Mr. Aoushev, who is also the deputy chairman of their parliament's national security committee? He makes several thoughtful points which should give us pause about a "see nothing—do nothing" policy.

He notes:

> . . . military action could spread from Chechnya to next door neighbor Ingushetia. Not only would this bring senseless killing, destruction, and misery to a new region that is, today, relatively tranquil, it would deny an existing haven to many Chechens who have fled from the daily terrors of their homeland. When I recently visited that region, I went to an Ingushetian refugee camp for Chechens, mostly women, children and the aged. They do not need another turn in a war zone.
>
> . . . the conflict in Chechnya will not continue at its present level. It cannot get better so it will only become worse. Not only will pain an suffering intensify with continued fighting but the opportunity for reconciliation or consensual peace will recede further into the realm of the improbable.
>
> . . . the Clinton Administration (Mr. Aoushev's term) is ignoring human rights violations by Russian military and has not done enough to use its influence to end the conflict.

I hope you will consider what Mr. Aoushev has to say and I reiterate my earlier and often made suggestion that you should offer to both sides an American negotiator of principle and stature whose task is to urge and prod the parties to this senseless conflict to stop it. How could it hurt? It might help. Continuing to do nothing is to accept or even to encourage more inhumane acts on helpless people.

Please work to stop this senselessness. Thank you for your time.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for your response to my last letter expressing concern over Chechnya. I have been in Chechnya, seen the results of the war, met with the people there and have a sense of their resolve, their bitterness and their anger. They are a hearty, robust and proud people. Chechens are good fighters and will not yield in this situation, not as long as even a few have the means to resist.

I believe more must be done and time is running out. Time has already run out for too many Chechen men, women and children as well as for too many Russian soldiers and their families. Though not intended, each time you meet with President Yeltsin or visit Russia . . . with the purpose of propping him up or lending stature to his presidency . . . the opposite and undesired outcome results. Before your meetings, he tries, once again, to clean up events in Chechnya with a renewed and vigorous military onslaught causing more Chechens and more Russian soldiers to die, and the two sides become even more deeply mired in the conflict. President Yeltsin's attempt to make Chechnya disappear from the radar screen before you meet has the opposite and unwanted result of more killing, more conflict and a diminished way out of this mess. He has apparently even found it necessary to lie to you. According to the enclosed Reuters report, the Russian military attacks which resulted in Dzhokhar Dudayev's death were occurring even as President Yeltsin assured you that he was pursuing a peaceful resolution in Chechnya.

President Yeltsin's history here is one of reacting badly in Chechnya each time you and he are to meet. The outcome inevitably is an even more difficult problem for him and may result in his downfall in the June elections. He may not win reelection without resolving this Chechnya situation.

I agree that our interests and Russia's as well are better served with Mr. Yeltsin as president when compared to other likely candidates. If he loses, Russia and their federation of states will take a giant stride backward. So I believe America must do all it can to bring resolution to the Chechen conflict, for them, certainly, but for us as well.

No one, least of all me, wants US involvement on the ground in that region. But America, as no other, is a respected and trusted force standing for freedom and justice. Our leadership alone can drive a peace solution. As I have asked before, and copies of all my earlier letters on this issue are enclosed to refresh your memory, please offer to President Yeltsin . . . and urge him to accept . . . the appointment of an American of considerable stature to negotiate and to search for a peaceful end to this tragedy in Chechnya. I know there are many good candidates, perhaps a retired flag or general officer or a statesman on the order of former Secretary Holbrooke.

Mr. President, when I first wrote on this issue, our interest was one of bringing a humanitarian end to a needless war in Chechnya. With the passing of time and evolving political fortunes in Russia, our own national interests could be also affected by fall-out from this matter, especially if it results in the return of communism to Russia. This would be bad for America and for the world.

I believe we must quickly do something here. I respectfully submit these recommendations and will do anything I can to help. If I can persuade you on this matter, I will come over on a moment's notice.

Please act, Mr. President. Thank you and best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From Reuters NewMedia, Apr. 25, 1996]

REPORT: RUSSIAN 'COPTERS ATTACK CHECHEN TOWN

MOSCOW (Reuter).—Russian helicopter gunships attacked rebel positions in the Chechen town of Shali on Thursday, a day after slain separatist leader Dzhokhar Dudayev was buried. General Vyacheslav Tikhomirov, commander of Russian forces in Chechnya, told Interfax news agency that the gunships had made two "pinpoint strikes" on guerrilla positions in Shali, about 25 miles southeast of the regional capital Grozny. The attacks were in response to rebel fighters firing on Wednesday at Russian helicopters which flew over Shali on a reconnaissance mission, he said.

Interfax said civilians had been killed and wounded in the attacks, though it gave no casualty figure. It said seven people were killed when Russian ground forces opened fire on a civilian convoy trying to flee the town which had been sealed off by Russian troops for six days. A Shali police official, quoted by Interfax, said the Russian attacks had caused considerable destruction. "People have been killed and wounded," he said.

The renewed Russian air raids followed the death of Dudayev last Sunday in a rocket attack from the air at Gekhi-Chu, about 20 miles south-west of Grozny, as he stood in an open field speaking by satellite telephone. Dudayev, 52, unchallenged leader of the rebellion against Russian rule, was buried on Wednesday at a secret location in the south of the territory. Russian military involvement in killing Dudayev, to whom President Boris Yeltsin had offered indirect talks to end the 16-month conflict, was mired in controversy.

Tikhomirov was quoted by Interfax as saying his troops had not conducted any special operation to assassinate Dudayev. But an Interior Ministry source said on Wednesday he had been killed in retribution for an ambush last week in which Chechen fighters killed up to 90 Russian soldiers.

In a more detailed report, Interfax quoted another source as saying Dudayev had been deliberately targeted by a rocket fired from the air which homed in on him by following the signal of his satellite telephone. This source said it was the fifth attempt in the past two or three months to destroy Dudayev by this means. The first four had failed, the source said, because the Chechen leader ended his telephone conversation before the rockets could target him.

Tikhomirov called the report of retribution "madness and an attempt to pass on to the federal troops the blame for a possible disruption of a peace settlement in Chechnya." He said his forces had stuck to Yeltsin's order to halt military operations and only responded to rebel attacks.

Yeltsin ordered troops into Chechnya in December 1994 to crush its independence drive. Over 30,000 people, mostly civilians, are believed to have died and Yeltsin is trying to end the conflict to boost his chances of winning a second term as president in a June poll. He unveiled a peace plan on March 31 which included a halt to Russia's military offensive, partial withdrawal of troops and indirect talks with Dudayev. But the plan allowed "special operations against terrorists."

It was not clear how the killing of Dudayev and his replacement by Zelimkhan Yandarbiyev, a hardline pro-independence ideologist, could affect peace efforts.

THE WHITE HOUSE,
Washington, May 11, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR FRANK WOLF: Thank you for sharing the article on Chechnya.

We have made our position on Chechnya clear to the Russians at the highest level. The President raised it with President Yeltsin in their April 21 bilateral in Moscow. He also addressed it in subsequent correspondence and in a May 7 phone conversation. In these exchanges, the President urged the Russians to seek a negotiated settlement and to restrain their military actions; he also made clear that we stand ready to do whatever we can to facilitate a settlement.

We have additionally approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution, and, in a demarche at the Russian Foreign Ministry, our Ambassador expressed in detail at the end of April our concern about ongoing Russian military actions.

President Yeltsin has indicated that he would like to get negotiations underway with the Chechens. Dudayev's death has changed the equation, but it is not yet clear whether this will facilitate or further complicate the search for peace.

I know you share our distress at the fighting. We will continue our strong advocacy for a peaceful end to this tragic conflict.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter on Chechnya. I fully share your concern about the Chechnya conflict.

I discussed the conflict with President Yeltsin on April 21 and urged, as I have in the past, that he seek a peaceful settlement. We have had other high-level communications regarding Chechnya with the Russian government since my return from Moscow and have urged a halt to Russian military actions. We have also approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution.

I have told President Yeltsin that the United States is prepared to do whatever it can to support a peaceful settlement. To date, neither side has asked for an American intermediary, but, if such a request were made, we would certainly consider it. As you know, the Organization on Security and Cooperation in Europe maintains a mission in Groznyy, which has in the past facilitated Russian-Chechen talks. And several prominent Russians, as well as King Hassan II of Morocco, have been approached by the Russian government to provide good offices.

We will continue to urge the Russians to seek a peaceful end to this tragic conflict. Thank you for your continued interest.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on the conflict in Chechnya. I share your concern; the fighting there has been a tragedy—for Chechens, for Russians and for friends of Russian democracy.

We do not believe that use of force can resolve this issue. I therefore welcomed the March 31 announcement by President Yeltsin of steps to halt the conflict and intensify the search for a negotiated solution. Unfortunately, fighting has continued. We have urged both the Russian and Chechen sides to seize the opportunity they now have to reach a peaceful resolution.

I have raised Chechnya regularly in my exchanges with President Yeltsin. I will do so again during my upcoming visit to Moscow, where I will continue to underscore the need for a negotiated settlement.

Thank you for your interest on this issue.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, April 20, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter concerning the conflict in Chechnya and my meeting with President Yeltsin. I also understand you have discussed this with Strobe Talbott and Sandy Berger, and I appreciate your views.

I accepted the invitation to participate in V-E Day ceremonies in Moscow and scheduled a bilateral meeting with President Yeltsin based on my conviction that continued engagement with Russia is vital to our own self-interest in seeing Moscow continue along the difficult transitional course it has charted. That engagement takes numerous forms, including the respect we convey to the Russian people by honoring their considerable sacrifices as our ally during the Second World War. As you have suggested, during my visit to Moscow, I plan to speak directly to the Russian people to underscore the long-term interest we share in building a stable and friendly relationship at all levels—and also to state what we expect from Russia if we are to achieve such a relationship. I also will meet with a range of Russian leaders.

Pragmatic engagement will be the theme of my meetings in Moscow with President Yeltsin and other Russian leaders. Russian and American interests coincide in a number of important areas: continuing the nuclear build-down, upgrading control and protection over fissile stockpiles, containing and resolving regional conflicts like the Middle East, and promoting Russia's integration into the global economic system. High-level meetings help advance our interests in these areas. It is equally important, at the same time, to remain engaged to work through areas where we and Moscow differ, such as European security, reactor sales to Iran, and Chechnya. I have stated my views on the Chechen conflict clearly, in public and in private contacts with Yeltsin: the humanitarian toll of the fighting is unacceptable and the search for a political solution must intensify, ideally through the good offices of the OSCE, with respect for Russia's territorial integrity. As you noted in your letter, continuation of the bloodshed threatens Russia's nascent democracy. However, it is my firm belief that rejecting dialogue with the Russian leadership to protest actions with which we disagree would minimize our chances of effecting a positive outcome, and would deal a serious blow to the forces of reform that find themselves increasingly challenged in Russia today.

I continue to view the maintenance of good relations with a stable, reforming Russia to be among my highest priorities as President. I genuinely value your perspectives on this question and thank you again for taking the time to share them with me and with my advisors.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, March 16, 1996.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on Chechnya. I know you have followed this issue closely, and I fully share your frustration at watching this conflict drag on; it is a tragedy for both the Chechens and Russians alike.

We have consistently encouraged the Russian government to end the cycle of violence and seek a peaceful solution to the conflict, including in my own conversations with President Yeltsin. President Yeltsin has said that he needs to end the conflict, and we have followed with interest reports that Moscow is developing a new peace plan. We will certainly do what we can to support such an effort.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, July 5, 1995.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the report of the House Subcommittee on Foreign Operations Appropriations suggesting that U.S. assistance to Chechnya be channeled through the OSCE and non-governmental organizations.

I understand from Tony Lake that you had a sobering visit to Chechnya several weeks ago. The conflict is a tragedy for all concerned. We hope the talks begun on June 19 under OSCE auspices succeed in bringing a political solution to the conflict and have urged all parties to take full advantage of the talks.

I also noted the report language on Fred Cuny. I raised our concern about him with President Yeltsin in Halifax; he assured me the Russians would do everything that they could.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, February 22, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the conflict in Chechnya. I agree that the violence in Chechnya is a tragedy for everyone involved.

While we have publicly stated that Chechnya is part of Russia, we have criticized the toll of death and suffering the military action has inflicted on innocent civilians. In our private discussions and in our public statements, we have strongly urged an end to the violence. We have also supported the positive role international organizations, such as the OSCE, can play in helping to bring about a lasting end to the bloodshed and in providing humanitarian assistance. I have been in close touch with President Yeltsin and am certain he understands these concerns.

The events in Chechnya are a reminder that the processes of reform and democratization underway in Russia—and throughout the former Soviet Union—will encounter setbacks. While no one can predict the final outcome, it is far too early to write off reform in Russia. Indeed, our policy seeks to maximize the chance that reform will be sustained and will succeed. It is important during these periods of uncertainty to recall the profound stake the United States has in promoting Russia's further progress on the path to reform.

Our assistance to Russia serves important U.S. interests: building democratic institutions, contributing to the safe dismantlement of the former Soviet nuclear arsenal, encouraging privatization and private enterprise and vastly broadening the access of the Russian people to Western ideas and methods. I hope I can count on your leadership in the new Congress to continue bipartisan support of the important interests.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 1996.
Hon. WARREN CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing to again raise the tragic situation in Chechnya. Some 40,000 civilians are dead, hundreds of thousands are homeless and, yet, this was not even a topic of discussion during your recent visit to Moscow. Why should the United States step in? Each time a high-level U.S. delegation has visited Moscow, President Yeltsin, seemingly in an attempt to put this issue aside, steps up the intensity of the military action and more Chechen civilians get pummeled.

President Yeltsin now seems to be making efforts to establish peace. He has called a cease-fire and the fighting has died down somewhat. We all hope his efforts are sincere, lasting and fruitful. But like a family trying to work out solutions to irreconcilable problems, sometimes the issues are too difficult to resolve alone. Feelings run too high and past wrongs have seared too vivid a memory to bring about resolution. Families often need to bring in outside help to provide counsel and objectivity, defuse tensions, arbitrate unresolvable differences and provide a fresh outlook. This is a mediation role only the United States can play in resolving this brutal conflict. I ask that you consider offering to both sides the use of a high-level negotiator of unquestionable stature: someone, perhaps, who has held at least a cabinet position in our government.

When I visited Grozny last May, there seemed little of the town left to destroy. Yet reports of death and destruction continue. What can we lose by offering to negotiate between the parties? Things could grow even worse after the June elections if the winner of the presidential race senses a mandate to end the conflict in Chechnya by any means.

I hope the U.S. will lend its weight to seek a speedy resolution. Please consider appointing a high-level negotiator to shuttle between the sides and push for peace. Our neutrality should cease to be indifference and we should use our voice, our experience and our economic power to stridently work for peace in Russia.

It's not too late. But too many have died. I urge you to take decisive action.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.
Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

It has been frustrating to see this conflict drag on for over a year and the fighting and hostage-taking flare up again in recent weeks. The Russians seem to be getting more militaristic, but I understand that President Yeltsin recently acknowledge the importance of dealing with the conflict before the elections. The U.S. should strongly support President Yeltsin in any of his efforts to bring peaceful resolution to the conflict and, if necessary, serve as the catalyst for peace in the region. Perhaps the U.S. could help bring the sides together or serve as a mediator.

The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1996.
Hon. ANTHONY LAKE,
National Security Advisor, National Security Council, The White House, Washington, DC.

DEAR TONY: I received the President's most recent letter outlining some actions he has taken to resolve the crisis in Chechnya.

I wanted to share a copy of a Special Order I gave on the House floor last week. We are really not doing enough over there. I think more could and should be done.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.
Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

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The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1995.
Hon. WILLAIM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The brutal conflict in Chechnya is now in its second month. Gruesome images of the fighting emerge day after day. Thousands of Chechnyans have died in the fighting, including many innocent women and children.

While the U.S. position has been that this is an "internal Russian affair," the American people certainly have an interest in bringing an end to the fighting. Besides the obvious human tragedy occurring as men, women and children continue to die, Russia is a major recipient of U.S. foreign aid. This war is causing many in the Congress to consider whether Russia is deserving of such aid and whether the entire U.S.-Russian relationship should be re-examined, particularly our close ties to President Yeltsin. Continuation of this conflict will have major implications for the future of the Yeltsin government, the Russian economy and Russia's already fragile relationship with its neighbors. I believe our government should use its diplomatic leverage now to help bring peace to the region.

I am writing to propose that you appoint former President George Bush, or possibly former Secretary of State James Baker, as special emissary for this purpose: to go to Moscow, meet with President Yeltsin and other Russian leaders, and present your viewpoint on the importance of quickly ending the Chechnyan conflict. I believe President Bush could be very helpful in ending the fighting and stopping the killing.

Mr. President, I hope you will give careful consideration to this proposal and move quickly in sending an emissary to Russia. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CHECHNYA—TERROR IN PROGRESS

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1996.

DEAR COLLEAGUE: There is a country song in which the singer pleads for one more last chance. Perhaps that is where civilized and compassionate people are with regard to bringing to an end the killing and destruction that have rained down upon the Chechen people for the past several years. Please read David Hoffman's report for The Washington Post talking about the new direction and the new intensity this 19 month war is taking following Russian President Boris Yeltsin's re-election victory. It is printed on the reverse.

With leadership struggles behind them, there is little reason for the Russian government to pursue a lasting cease fire or even a peaceful end to the conflict. Rather, many would now predict an intensified effort to pound the Chechens into the ground and into total submission.

It didn't have to be this way. Our government has mostly sat on its diplomatic hands as this conflict has raged. At the outset, statements by our officials likening this clash to our own civil war and setting forth a "hands off" policy were ill advised, provided Russian hard-liners with more backbone and destroyed the hopes of Chechens.

Each time the President, Secretary of State or other high official scheduled a meeting with President Yeltsin or his leadership, the Russian military would renew the fighting in hopes of ending the war before the issue could be raised between our governments thereby having the unintended effect of killing more people and ratchetting up the pain and suffering of everyone in that terrible place. They were never successful in ending the war but levels of killing, destruction, pain and hatred soared.

We could have . . . we should have pressed Boris Yeltsin and his government to restore peace to Chechnya. We should have encouraged him to negotiate a resolution and offered to provide a high level person, experienced and wise in diplomacy and international affairs, to help the sides find a settlement and end the horrors of war. But we did not. And the hour grows late.

Now the killing and destruction have resumed. And President Yeltsin does not feel pressed to end it. If nothing is done, more will die. But we have one more last chance. Vice President Gore soon leaves for high level meetings in Moscow. He can speak out against the continuation of this senseless slaughter. He can label these acts for what they are: genocide. He can offer to help bring about a negotiated peace; provide a top level negotiator to help both sides search for common ground.

Congress should expect the administration to stand firm on ending this havoc. Please encourage President Clinton and Vice President Gore to put America on the just side of this matter. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the Washington Post]

RUSSIA POUNDS CHECHENS AS ELECTION TRUCE UNRAVELS

(By David Hoffman)

MOSCOW, July 10.—Russia's pre-election truce with Chechen separatists continued to unravel today as Russian helicopter gunships and ground troops pounded two Chechen villages in the heaviest fighting since cease-fire agreements were reached on May 28 and June 10.

The strikes came against rebel positions in the villages of Gekhi, 20 miles southwest of the capital, Grozny, and Mahkety, 22 miles south of Grozny. The Chechen rebel leader, Zelimkhan Yandarbiyev, reportedly has a headquarters in Mahkety, and several hundred of his fighters are in Gekhi, which was attacked Tuesday and today. Russian troops were reported pulling back from Gekhi tonight.

Casualties were reported among Chechen civilians and Russian soldiers. The Interfax news agency said 15 to 30 civilians were killed in the assault on Gekhi; the Russian military said 20 were killed. Hundreds of villagers fled the assault on foot. Russia lost eight servicemen, news agencies said, and television reports said another 20 had been captured by the rebels. There were no reports on rebel casualties.

Interfax quoted a Russian military spokesman, Maj. Igor Melnikov, as saying that Russian commanders have ordered the capture of Yandarbiyev, but the report was later denied. Melnikov said the strikes were in response to the rebels' ignoring an ultimatum by the Russian commander, Gen. Vyacheslav Tikhomirov, who threatened to wipe them out if they failed to release all soldiers held captive by Tuesday night.

The cease-fire agreement included a deadline for Russia to remove its checkpoints in Chechnya and for an exchange of prisoners. Each side has accused the other of failing to honor its commitment, and they have been in a war of words since late June. The Organization for Security and Cooperation in Europe (OSCE), which brokered the peace talks, issued a statement in Grozny today warning that fighting could spread.

According to Interfax, the OSCE statement said that despite the ceasefire agreements, the "political settlement in Chechnya has practically been suspended." However, the organization's chief representative in Chechnya, Tim Guldimann, said a new meeting between Chechen and Russian negotiators is still possible.

The cease-fire was an important factor in Russian President Boris Yeltsin's victory, since it pointed toward an end to the 19-month-old war, which has claimed at least 30,000 lives, most of them civilians. The swift degeneration of the truce into another armed confrontation raised hackles in the lower house of parliament, the State Duma, which voted today to ask Prime Minister Viktor Chernomyrdin to explain the surge in fighting.

Sergei Yushenkov, a member of the Duma's defense committee, called on Chernomyrdin, who is head of a special government commission on Chechnya, to explain why the government was making improper use of the army to punish the rebels.

"I have to think it over," Chernomyrdin said of the Duma's request. Chernomyrdin told reporters while touring an art exhibit in Moscow that the situation is "under control" and that "there will be no war in Chechnya." Chernomyrdin said the Russian offensive was a response to "insolent" rebel commanders.

Alexander Lebed, Yeltsin's new security chief and a longtime critic of the war, blamed the rebels for the latest surge in fighting. Interfax quoted him as saying the responsibility is that of "Yandarbiyev and other leaders of armed gangs." Lebed is expected to visit Chechnya but said he would not do so until next week at the earliest.

Meanwhile, Yeltsin delivered a nationally televised speech from the Kremlin today after being certified as the official winner of the presidential contest. His inauguration has been set for Aug. 9 in the Kremlin's Cathedral Square.

Although his aides have predicted an imminent government shakeup, Yeltsin's address offered few clues to his second-term plans. He said "the reform course will continue," but he also said economic policy "requires serious correctives."

He added, "The main thing now is to impart a second wind to [industrial] production, to place orders with the enterprises and to give jobs to people," He also promised "full and timely payment of everything the people have earned," a reference to months-overdue wages and pensions.

Yeltsin has not appeared in public since he became ill before the July 3 runoff election, but he spoke confidently and without any outward sign of illness.

In a separate address to ethnic Russians in former Soviet republics that are now independent, Yeltsin vowed to provide "permanent care and support from your homeland."

UNION MEMBERS DUES USED FOR POLITICAL PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I think it is interesting with respect to my good friend and colleague who just spoke that in addressing the question as to why when the Members of his party controlled the House, the Senate and the White House during the 103d Congress, which was 2 years ago, they did not, if this was such an important initiative, undertake to in fact raise the minimum wage at that time. He just dismisses it very quickly and briefly by saying: Well, I am not interested in the past; I am only interested in now. I think that is unfortunate and predictable.

I want to address my comments today to the very hard-working rank and file union members of America whose dues are being used for political purposes and activities that they are probably both not aware of an almost undoubtedly do not agree with. Those are dues that should be put to work for those Members in the negotiation of labor contracts, in getting better working conditions, in getting higher wages, in getting better benefits packages and vacation plans. But they are in fact being used to further the political agenda of their labor bosses who are located not, for example, in Cleveland, OH, which I have the privilege of representing, but in Washington, DC.

What is happening is that through a mandatory payroll deduction scheme, union members dues are being used to fund a defamatory and demagogic attack on Members who have one fundamental problem as far as the unions are concerned. That is, as far as the Washington-based union bosses are concerned, and that is that there is an R next to their name. In other words, what this is really about is partisan politics. It is not about principles and the principles which different people believe in.

Mr. Speaker, let me give an example. There was a poll that was taken of over 1,000 union members about 6 or 8 weeks ago. One of the questions that was asked was, do you believe that the budget of the United States should be balanced and that we should have an amendment to the Constitution requiring a balanced budget? About 80 percent of the union members responded positively that we should. That is not surprising.

About 80 percent of all Americans believe that we ought to have an amendment to the Constitution requiring a balanced budget. And yet the AFL–CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution. It is funny, I had union reps from Cleveland in my office yesterday. They were talking about the union bylaws. And one of the fellows said very clearly that the bylaws prohibit the union from spending more than it takes in. That is a perfectly reasonable policy which is obviously practiced by American families as well. Yet his leadership in Washington opposes a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL–CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL–CIO bosses in Washington are opposed to a $500 per child tax credit, and that would fall primarily to the benefit of working families, union families. And yet they are opposed to that $500 per child tax credit although in polling the AFL-CIO members, the rank and file members are clearly in favor of it.

So here we have got a very similar situation to what is happening right now in a larger sense in America. That is that what we are trying to do with this Congress is send power out of Washington and back to local communities, because the problem that we have got is this massive centralization, bureaucratic centralization of power in Washington.

So one of the primary efforts besides reducing the size and scope of government as well as reducing the tax burden on the American people of this Congress has been to get more decisionmaking back to the local communities and the conviction that you are going to get better decisionmaking process about government.

The same needs to be done with respect to the unions as well. We need to get that power, the unions need to take that power out of Washington and back to their locals.

UNIONS AND POLITICAL ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Madam Speaker, I wanted to follow up on the gentleman from Ohio's comments. I think he makes a very, very important point regarding the unbelievably misleading tactics that are being used by the big labor bosses back here in Washington, DC, in what I think is a desperate and transparent attempt to help the Democratic minority in the Congress regain control of this institution. I think it is very telling and very significant because it is a clear indication of just how out of touch they are with average working Americans, the very people that they purport to represent.

Let me cite some basic statistical information at the beginning of my remarks. I think we know that the labor bosses here in Washington are opposed to fundamental reforms, the most significant changes that we have been trying to make back here in Washington over the last year and a half, since the Republican Party became the majority party in both the House of Representative and in the Senate.

These labor bosses, again, I am not talking about rank and file working men and women, but the labor bosses back here in Washington who have become the core constituency of the national Democratic Party and almost the campaign arm of the national Democratic Party. These labor bosses here in Washington are opposed to cutting spending to balance the Federal budget. We all know that we need to put our fiscal house in order. We all know that we need to balance the Federal budget to really preserve the future of our kids and our grandkids and to give them a future with more hope and opportunity than we have enjoyed.

I think it is important to remember the legacy that we do not inherit the world from our parents. We borrow it from our children. We are obligated to create a more promising future for our children and future generations. Yet those labor bosses are opposed to cutting Federal spending to balance the Federal budget, something that would, by virtue of simply bringing Federal revenues and expenditures into line, lower interest rates in this country and produce long-term economic benefits for every single American family and business.

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Now, why are they opposed to cutting spending to balance the Federal budget? Well, because the only sector, the only segment, of the union activity that has been growing in recent years is Government employees. In fact, union membership in the public sector has been increasing while union membership in the private sector has been declining over the last several years. So they are opposed to cutting Federal spending to balance the budget because that means that we may have to eliminate a certain number of positions, governmental employee positions, as we go about the process of consolidating and streamlining the Federal Government and eliminating those agencies which are duplicative in nature or which duplicate a function better performed or currently performed by State or local government.

These labor bosses are also opposed to welfare reform. They are opposed to tax cuts for families with children. But what makes their opposition so, I think, significant is that they are opposing the very changes that their own members want.

A recent poll of union members in America indicated that 82 percent of union members support a balanced budget, 87 percent support welfare reform, and 78 percent support tax cuts for families with children, and those percentages are higher than the general public.

So union members on average support the fundamental reforms we have been trying to enact back here in Washington over the last year at a greater percentage than the rest of the American public.

So why are the labor bosses attacking incumbent Republicans? Why have they targeted incumbent Republicans for defeat as part of a concerted effort by the National Democratic Party to regain control of the House and Senate? Well, it is very simple. They have a vested interest here. They do not want to see government downsized because that would mean the waning or the loss of power and influence for those very same labor union bosses.

So I think it is very important for the average American working men and women to realize that we are doing our utter best back here in Washington to protect their interests and to create a better future for America's families because we are not working for the labor bosses, we are working for those American families, for those working men and women, and they are the people who are the bosses.

So with that, Madam Speaker, I appreciate the opportunity to stress that point and follow up on the comments made by the gentleman from Ohio [Mr. HOKE].

U.S.S. "GARY GORDON"

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Well, Madam Speaker, I guess it is clear for the whole world to see there will not be an hour special order by the Member from Massachusetts followed by my special order. Mr. FRANK told me earlier in the week that he was going to critique my point of personal privilege from this well on June 27, and I said, "Well good I'll be there to critique your hour with my hour," because I said I would keep focused on the truth and I was not going to let go of this crude attempt which we saw again last night late and on the floor this morning and early afternoon to brand anybody who thinks there is something wrong with homosexual behavior as a bigot, as a hater, and, as Mr. CANADY of Florida pointed out, they added about 15 more sleazy words that we could have spent all day long taking peoples' words down to contest.

I would like to tell any people that came to visit us in the gallery today, through the Chair, that I will return to this subject after I do something very positive and upbeat to relate what I was privileged to behold on the Fourth of July, and I would hope that people would reflect on the positives about the United States over this weekend, but spend a little time thinking about this amazing vote that we just had, our last vote today, on the 12th of July, defeating a phony recommit bill with instructions to study homosexual, quote, marriage, unquote, when that study is going ahead anyway. So 30 Republicans, kind of threw—well 29 threw a vote in this direction and joined Mr. GUNDERSON so that they will be able to have begging rights not to have Act Up and other radical homosexual groups try and wreck their town hall meetings with rude demonstrations, and the Democratic vote did not shift that much, 133 for the phony recommit and 118 to back up—or, excuse me, only 65—let me back up; 53 voted against Democrats, that phony motion to recommit, and that jumped up to 65 going the other way and saying that they will go out on a limb for homosexual marriage.

The final vote is, in this Chamber, 118 Democrats in spite of the 2-day debate going with Clinton, that they are not going to sign off on homosexuals getting married civilly, although a few renegade Christian denominations that are splitting in pieces will go ahead and go through a mock marriage ceremony, but 118 Democrats joined Clinton and say no way. The one Independent from Vermont, 65 Democrats and only one Republican, Mr. GUNDERSON, that is 67 people today and 2 voting present, approve of homosexual marriage. There were 23 not voting; that is not unusual for a get-away Friday, although I noticed in the Democratic list here at least 3 Democrats that were participating in the debate right up through recommit and the final passage vote, which was only a 5-minute vote followed immediately thereafter, and they ditched, I will give them the benefit of the doubt, jump in a car and speed off to National Airport or Dulles to get out of town. But it looks very suspicious.

So there is the vote: 23 absent, 2 present, 67 with only one Republican, the sole Independent who usually votes in caucuses on the other side of the aisle, and 65 Democrats saying homosexual marriage is OK. On our side 224 Republicans out of 225 voting, and 118 Democrats, for a total of 342, say no way to homosexual marriage.

So, it looks like my opening remarks in the well June 27, when, as I recall, I said:

Mr. Speaker, I now move out into the evil mind fields of political correctness alone, but I pray and hope not alone on this uncomfortable issue of homosexuality. Well, it looks like I am not alone. Fifteen days later, on the 12th of July, 1996, 342 souls have joined me with varying degrees of commitment to principle and Judeo-Christian ethics.

Now to that positive note: On July 4, I had the honor of being invited by the families of Americans who lost their fighting men in the alleys of Mogadishu on October 3 and 4, 1993, not quite 3 years ago. It was the second ceremony, unprecedented, where a naval ship, a big naval ship, 956 feet of naval cargo ship, was being named after an army sergeant. The first one took place in San Diego where the U.S. Naval Ship *Randall Sugart* was named, with his mother and father and his wife presiding, and that was on May 13—excuse me, Jefferson's birthday, April 13—and then on July 4, the second commissioning of the U.S. Naval Ship *Gary Ivan Gordon*. Both of these army sergeants won the Medal of Honor, fulfilling to the letter of the scripture St. John 15:13, greater love than this no one has that he give his life for his friends. A biblical translation: that they lay down their life for another. They begged to have their helicopter crew get the authority to put them down at the crash site of CWO Michael Durant that ended up saving his life and giving up their own lives. On the night of October 3 the film was so brutal, a videotape on CNN, that they stopped running it by midnight because of people crying and calling in. The film, the videotape, was so brutal. These two Medal of Honor winners, the copilot and I got to meet his widow, Willie Frank, down there at Newport News at the commissioning of the *Gary Gordon*, the two door gunners, Tommy Fields and William David Cleveland. We saw their bodies being hacked apart by the crowds, desecrated, dragged through the streets, objects stuck in their gaping dead mouths. It was a pretty rough scene, the roughest Americans have seen since Vietnam, Korea, World War II, and now we have these 2 beautiful days, Jefferson's birthday and fourth of July, when as long as these ships are at sea and they have invited the families, the skippers of the two ships, they will be crewed by civilians, to come on board at any time.

I saw them invite Gary Gordon's two beautiful children, 8-year-old Ian and 5-year-old Brittany, to come on board any time to see this massive ship sitting next to our newest supercarrier, the U.S.S. *Stennis*, named after a U.S. Senator who was alive when the ship was commissioned, got to see a ship with his name on it when he is alive, the biggest moving object on the planet Earth.

These two big ships sat there, the *Stennis* and the *Gary Gordon*, and Golden Knight or Special Forces paratroopers came in, one from each service with American flags flying off their parachute gear, and landed. There was a small parade of World War II vehicles that went up the ramp onto the *Gary Gordon*, which will be a prepositioned ship with enough armored vehicles, backup vehicles, Humvees, trucks, tankers, supplies, ammunition to support a third of the division.

A full Army brigade will be ready to go at sea anywhere in the world to protect Americans or American interests, and M. Sgt. Gary Gordon's name; I visited his grave last November 5 or November 4, remember as the day Rabin was assassinated, and I stood at his grave with my son, Mark, and told Mark, beneath us are the remains torn apart of this handsome, tough, dedicated 33-year-old Army Delta Force sergeant, and I said, "And like Jesus at 33, he was torn apart giving his life for the literal life of Michael Durant and others."

Well, he has a wife about as beautiful as they come, reminded me of my own beautiful wife when she was a young Air Force wife, and I punched out of two jets, and she wondered if she was going to have a father for our five young kids.

But Carmen had such dignity. Before she broke the champagne bottle on this almost-thousand-foot ship named after her Gary, she said these words, and if she got through it, I get through it. July 4, Newport News, shipbuilding Newport News, Va, the naming ceremony for U.S. Naval Ship *Gordon*, T-A-K-R, 296; that is its formal number.

For you Navy buffs out there I found out what it means. Nobody knew. It took me all day. T means crewed by civilians, A means auxiliary, K means cargo because the C is used for cruisers, and R means rapid response.

□ 1530

Here are Carmen's beautiful words:

"Thank you for that kind introduction, and the opportunity to be with you today. I would like to tell you about Gary. Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him: The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, they are all there; the boots that took his dad through so many deserts, jungles, so many parachute jumps now lace up around Ian's small ankles. All these things are piled neatly together by a little boy's hands and sought out during quiet times.

"My daughter Brittany," and keep in mind they are both sitting in the front row, "My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of Gary smiling straight through to her. It is the first thing she packs whenever we leave home, and the first thing she unpacks when she arrives anywhere."

By the way, Gary Gordon's dad, who felt very uncomfortable receiving the Medal of Honor from Clinton, both he and Randy Shugert's father did not feel that Clinton had done right by these Medal of Honor-winning sons, that he did not understand the operation, did not back them up with armor to rescue the downed helicopters, did not back them up with enough wherewithal to capture the warlord that they were pursuing; warlords.

I have spoken to Gary's father, as I have spoken to Herb and Lois Shugert many times. Gary's dad died on the job the last day of June, 5 days before the naming ceremony for his son's ship. He died at the naming ceremony for his son's ship. He died at the mill where he had worked all his life, in Lincoln, Maine, unloading his truck, probably so proudly talking about how he was looking forward to going to Virginia to watch his daughter-in-law christen the Gary Gordon.

I looked up at the ship. I told this to Carmen later. I told her it was probably the Irish in me, but I looked up at the ship, its massive side, and at the railing, and I pictured Gary and his dad, with his armor, on it, the two of them looking down at Carmen so proudly, watching her deliver these stirring words.

Carmen says, "My daughter Brittany speaks of the photograph." Then she says, "These treasures are a comfort to my children and a source of pride, but more important, Gary's children can see and feel these reminders of their father to keep him close. In much the same way, the ship that we christen here today, the USNS *Gordon*, gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him, and the life he so willingly gave."

By the way, both the Medal of Honor winners were born in Lincoln; Lincoln, Nebraska, a little town, the very soul of America, that is Randy Shugert's birthplace; and Lincoln, Maine, where Gary's dad died a few days ago.

"The very first time I laid eyes on Gary Gordon was the second month of my 13th summer. I was staying with my grandparents in rural Maine, Lincoln. Every week we made a trip into town for supplies. One hot afternoon, in front of Newbury's department store," it is still there, and I saw it, madam Speaker, just in November when I went up to look at Gary's grave. By the way, there is a big monument at the end of the street, filled with dozens of names, I counted them all and recorded it for my record, from the Civil War, the War Between the States; a big memorial for World War I, my father's war; an even more massive memorial and placards in front of the little veterans' building for World War II.

Unlike a lot of wealthy American cities, my hometown of Beverly Hills has not one that I know of, certainly not a memorial; but killed in action fighting for freedom for strangers in Laos and Cambodia and Vietnam, dozens of names from this tiny little town, Lincoln, Maine. I will bet it is the same in Lincoln, Nebraska, which I will visit some day. There is that same Newbury store Carmen speaks of so movingly.

She says, "there, in front of Newbury's department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked up at me, and I knew this was no ordinary boy. This boy could win my heart. When he called my grandparents for permission to take me out, he was turned down flat. 'She is too young,' they told him. And so in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly.

"On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress."

You will recall when I read her beautiful letter to the editor of Newsweek magazine, she mentioned another vehicle of Gary's, how he was so proud of his red pickup down at Fort Bragg, where the Delta Force is headquartered; and when he would come home after a hard day of training he would pull into the driveway, and he and Ian, then 5, and Brittany, then 3, would run out to hug their handsome daddy.

Here he is on a motorcycle in Carmen's driveway. "A few hours of talk, a quick first kiss in the rec room, and Gary left to go back to his base many miles away. So began our slow dance of love, one that would give us so much in so short a time. We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time.

"On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee, folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups."

I watched my wife do that with our grandkids. She calls it "coffee talk."

"Gary's love for Brittany was just as strong. Every day when he arrived home from work Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice, and a timetable for leaving."

By the way, Madam Speaker, we never hear about the Delta Force successes, or how many tragedies have been averted over the years, terrorist tragedies, hostage takings that were thwarted before they took place. All that must remain secret in Gary's unit in Fort Bragg until some day, far in the future, 30, 40 years from now, when his grandchildren will probably learn of his courage.

Carmen continues: "I never worried when Gary left on a mission. As I cheerfully kissed him good-bye and waved confidently from my front porch, it never occurred to me to be afraid, because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of the fighting. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back safely. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, 'Carmen, don't worry about things we can't change.'

"I know that death often leaves us with the haunting question: Why? I know why Gary died. He died because he was true to his own code for living, trying to help someone else. Fear would not have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: I shall not fail those with whom I serve."

Greater love than this no man has, Carmen.

"Gary lies buried a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather, bordered by woods that change with the seasons. He is not alone now is that corner of the cemetery. His father, Dwayne, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the papermill where Dwayne gave so many years of hard work. A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there by Gary's military headstone," American Legion, Veterans of Foreign Wars, "below the chiseled words 'Beloved Husband and Father,' and the coin of his unit, the Delta Force coin, and his beret etched into the 39-inch beautiful alabaster marble.

"I hope that some gentle wind will always guide this ship to sea, and keep her on a safe, steady course. And when that wind strokes, the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS *Gordon* is striking under the stars, I can tell them, she is on the same course their father chose, headed for distant shores, answering the call of those in need."

Madam Speaker, a few years ago, September 1992 to be exact, when I was explaining why America should never elect a draft-dodger to be the Commander-in-Chief, I read a letter on this House floor of a young college professor from a sister New England State of Maine, the State of Rhode Island. His name was Sullivan Ballou. He was a major. He died just a few miles from here, due west out toward Dulles Airport, at the first Battle of Manassas, what the North called First Bull Run, or just Bull Run, then.

The letter was to his wife, Sarah. It was so beautiful I could hardly read it through. All of America became aware of it with the beautiful National Institutes of Heritage, the NIH TV series of the Civil War. When it was promoted on public broadcasting they would send to people the onionskin reprint of Major Sullivan Ballou's last letter to his wife, Sarah, and his two young boys. While Carmen was delivering here beautiful christening eulogy to Sergeant Gary Gordon, I thought of Sullivan Ballou's letter to his wife.

He died at First Manassas, and that was the last treasure his wife had of him. He talked about how dearly he wanted to see his two young sons rise up to manhood. He said, "But Sarah, I feel as though bound by chains to those who fought for our independence," referring to the Revolutionary War. "I cannot break faith with them and the lives and fortunes they gave up for our freedom. but I also feel so drawn to you."

And I do not know if Carmen Gordon has ever seen the exquisite letter from Sullivan Ballou, or how he talked about "some summer day, a cool breeze will touch your cheek, and oh, Sarah, Sarah, know that as I."

□ 1545

I meant to have Sullivan Ballou's letter here today and put them both in. So what I will do is put this again in the RECORD next week with Sullivan Ballou's letter next to it so young Americans like Ian and Brittany, and those a little older now, trying to decide what to do with their lives, will learn that in this big, wealthy, exuberant, wonderful country of ours, there are men—and now a lot of women—who put on a blue uniform, a khaki uniform, a firefighter's rugged clothing and give up their lives for us, and that there are people in the Transportation Department, called the U.S. Coast Guard under the Defense in wartime, they will die trying to rescue us in a hurricane like Hurricane Bertha, working her way up the coast, and that in my beloved Air Force, my dad's beloved Army—and he did love it—our incomparable Navy and their soldiers at sea, our unparalleled in the department of esprit and faithfulness, our U.S. Marine Corps, that there are young men—and now women—all around this world, from Arctic and Antarctic snows to still jungles, trying to feed people in oppressive heat of God-forsaken nations in Africa. God does not forsake anything. Forgive me that cliche term. And the 19 young men that died in the Khobar Barracks bombing or the 19 that died with Gary Gordon, if you include Sgt. Matt Rearson who was hit at the headquarters 3 days after Gary died, had been flying rescue missions in for hours. I met a helicopter pilot at the christening of the Gordon who flew 17½ hours nonstop. His wife came up to me proudly. She had seen me read the Sullivan Ballou. I had flown a flag for everyone in their unit who had been killed or injured on the roof of the Capitol. As a matter of fact, on July 4, 1994, and Veterans Day, November 11, 1993, I flew over 200 flags for everybody wounded or killed in Somalia. I will probably do the same next week for the 19 that died in Saudi Arabia.

Interesting. Nineteen killed in Khobar Barracks, 19 killed under Urgent Fury trying to rescue Grenada, and 19 killed on October 3 and 4 and October 6 in the filthy alleys of Mogadishu.

So young Americans do not have to be dispirited by tragic votes like the one that took place today, that cause a wonderful religious man like Rev. Billy Graham to say, in that rotunda, on May 2, just a few days before the commissioning of Medal of Honor winner Randy Shugart's ship in San Diego, in that rotunda, and I bet there is not one-fifth, one-tenth, one-twentieth of the people visiting with us in the gallery that know Billy Graham said this, Madam Speaker, because the major dominant liberal media culture blocked out his words. I happened to be watching ABC that night. A silent clip of him. Did not project his words across America. He said in this rotunda that this Nation is on the brink of self-destruction. The United States of America, that we love, is on the brink of self-destruction. No future for Ian or Brittany Gordon, because of discussions like this one today on sanctioning marriage for homosexuals. Unbelievable.

I hate to follow something so positive with something so negative, but I had a hard time getting time to speak this week, Madam Speaker. There are still mysteries around here in both parties that I am trying to figure out. But here is a column from a man whom God put in a wheelchair for the rest of his life with a civilian accident, brilliant psychiatrist, sorry he does not agree with me on people serving in the military with HIV, but you cannot get somebody to agree on everything and I still have not written to him and made my case. But Charles Krauthammer, handsome, vibrant, brilliant young student, I think at Yale, when he jumped in a swimming pool, which cost my brother his two front teeth and has cost a lot of people the rest of their lives in a wheelchair, a tragic accident all too common. In that wheelchair, most people who hear his brilliance, sitting in on Washington Week in Review and guesting sometimes on Nightline and other Sunday shows, unless a camera shot is very clear, you do not realize that his chair is a metal chair for life.

Charles Krauthammer gave up the practice of psychiatry, I guess temporarily, to be one of the better writers, one of the better sages, or what we sometimes say, disdainfully, pundits or talking heads in this country, and I want you to listen to this column.

Rush Limbaugh made reference to it the very same night that I told my wife that afternoon, or she told me, read this on the House floor, and unfortunately Rush Limbaugh only quoted a line from it. I think America should hear this July 5, Washington Post column. I think everyone should hear it.

Charles Krauthammer. A President for our time. The subheadline is a quote from the article. "A large number of Americans think their President crooked and yet ethically fit for the office."

"When the Gallup poll of June 18–19 asked whether the words "honest and trustworthy" apply to Bill Clinton, Clinton lost 49 percent to 46. Two weeks later in another national poll, same question, Clinton was losing 54 to 40. And when Gallup asked whether Clinton had the honesty and integrity to serve as President, Clinton won 62 to 36, a landslide bigger than Lyndon Johnson's 61" or, I might add, Nixon's 60, with even more people, a bigger plurality, more people voted in 1972 than in 1964.

"A milestone of sorts," Krauthammer says.

"A quarter century after Nixon, we have achieved the normalization of Nixonian ethics. A large number of Americans think their President crooked and yet ethically fit for the office.

"Whitewater gets worse. 49 to 42 think Clinton is not telling the truth about it. 46 to 44 percent think he did something illegal. Filegate grows. 50 to 36 percent think Clinton knew about it all along, something he has explicitly denied. All the while Clinton rides high in the polls with a strong 56 percent approval rating."

Is that not his highest ever, Madam Speaker?

"This is no Teflon presidency. This is Velcro. Everything sticks to this man. Gennifer Flowers, Paula Corbin Jones, Whitewater, Filegate, et cetera, et cetera, but it does not matter. Expectations of presidential character have fallen so low with Clinton that the people believe the worst about him and still want him right where he is."

"Republicans are at wits' end"—I admit it—"with frustration that as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle, 24 percent in California, claim it is a principle—they want clean government, but they obviously don't mean it."

"They don't mean it about character, either. And the ultimate Republican frustration is they don't mean it about policy, either."

Again, I tell my fellow Americans, you bet I am frustrated. I thought we were doing what you wanted us to do for a year and a half. I was not in on the decisions to close down the government. I knew that would backfire. Because I come out of the media. I won Emmys in my mid 30s. I know more about broadcasting, radio and television, than any member of my party and probably anybody on the other side. I knew how the media would spin this, with Smokey the Bear camp guards at Yellowstone and Yosemite, I predicted it, going to the little shops that sell beautiful little redwood and sequoia curios and saying to them, "What do you think about this?"

The whole Medicare thing. I could smell it coming, how this would be spun. You bet I am a frustrated Republican at the current polling. But I am an optimist. It is not going to last for long.

"On policy with few expectations, abortion being the most notable." This is one where I disagree with Mr. Krauthammer. He looks at the wrong polling. He is too smart, he should realize dirty-in/dirty-out. You ask phony polling questions: "Do you think a woman should have her choice to her own reproductive freedom in a free country?" Yeah, yeah, yeah.

Do you think a baby should be three-quarters delivered, its entire body out of the birth canal and scissors stuck into the base of its skull and its little brain sucked out, do you think we should have that? Clinton just signed off on that. They say, "Oh no. That's up in the air."

The SPEAKER pro tempore (Ms. GREENE of Utah). The gentleman will suspend. The Chair needs to remind the gentleman that he must refrain from referring to the President's personal character.

Mr. DORNAN. Well, let us see how rough Mr. Krauthammer gets here.

I want the Chair to be advised, I am against rule XVIII applying to the executive branch. I am against Clinton and GORE getting the protection and violating the separation of powers, but I will respect it because we passed it here. But we did now know what we were passing on. It was not debated. That is for the decorum of this Chamber or so that this House naturally in combat, particularly in this current conference period, do not say disparaging things about the U.S. Senators in here, but I can tear the face off any Supreme Court Justice, or Mrs. Clinton, which I have chosen not to do, or any of the cabinet people who are running up $150,000 on travel cards flying all around the world with huge staff and getting massages in exotic hotels, I can tear up anybody except under rule XVIII in some strange flush of generosity, we added those two offices. It was never respected with George Bush, certainly Nixon was savaged in this well for most of his career, Barry Goldwater as a U.S. Senator received some rough moments here. But I will try and work my way through it and next year in January try and take that out. Even if my friend Bob Dole is elected President, I will try and take out that rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman's difference of opinion. However, both the Chair and the Speaker are constrained to follow the rules of the House as they have traditionally been and are currently interpreted.

Mr. DORNAN. You bet we are. And I will begin to redact this statement, because I think it does get tougher.

"On policy, with few exceptions, abortion being the most notable, the country is conservative." Is that not a given? Even Ross Perot agrees with that.

"The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails."

That is what you all want up there in the gallery. We know that, Madam Speaker. Anybody who visits in the gallery. Let me phrase that correctly. I am not allowed to refer to you directly in the gallery. Anybody who comes and joins us in the gallery, Madam Speaker, they know that that is what they want.

I will say it again: Smaller government. Clinton said that standing right up there at that beautiful lectern in front of you.

"Balanced budgets, less welfare, more jails. It is no accident that no one campaigns for national office as a liberal."

Not quite true, Charles. A lot of people over here, you can see it in the vote today, 65 of them and the 1 independent. Well, the Republican is a lame duck and about 5 of the Democrats are lame ducks, maybe 10. So about 50 people are willing to go home and campaign that they are a flaming liberal who wants homosexuals to have full marriage rights.

"Anyone who can get away with it campaigns as a conservative. Clinton is campaigning as a conservative. Clinton is proving that anyone with high intelligence—and blank blank—can get away with it."

"Clinton, whose major presidential initiatives were gays in the military"—Charles, that is an adjective. Homosexuals is a fine word to use, Mr. Krauthammer—"homosexuals in the military, a stimulus package of more Federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative."

"In one of the most cynical and successful acts of election year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and for victims' rights. He's for the constitutional amendment on victims' rights. He's for Megan's law, 'to not have sexual predators, way more than 50 percent of them homosexual, being turned loose in a neighborhood.'"

"He's against homosexual marriage. Having slashed the staff of the White House Office of Drug Abuse by 80 percent"—this is all policy, so this is OK, Madam Speaker—"by 80 percent, he's now talking tough on crime. Having submitted a fiscal year 1997 budget with $200 billion worth of deficits as far as the eye can see"—that is a Clintonian quote—"he's now for a balanced budget."

"Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical Republican welfare plan." I do not think it is so radical.

"Clinton aides have since been hard at work watering down what he said to co-opt Dole. No matter. That's for page 38, probably the B section. The Saturday speech of Clinton's was page 1. Of course everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that doesn't matter."

□ 1600

The polls show that with these deliberate rhetorical moves to the center, Clinton has risen significantly in the polls, 13 points on the question of whether he reflects the values of the American people. Reflect he does, like a mirror.

Now remember, these are Krauthammer's words. They are kind of cynical. I do not know if I go along with this, but he sure made me think. He says, "He reflects you like a mirror. The Republicans are confounded," yes. "They were elected in 1994 on a detailed conservative agenda that they then tried to enact an era of sincerity and zeal for which they have been ever paying in the polls."

Liberal networks taking these polls. Dirty in, dirty out.

Krauthammer continues, "Clinton's political genius," that is a compliment, "is discerning and then becoming whatever the American people want him to."

"They want tough welfare reform, but they do not want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget but will crucify the politician who tampers with Medicare," which is busting the budget.

In other words, Americans are not serious and neither is Clinton. On every great issue they say yes and no, Clinton, the man that smoked but did not inhale, lives and breathes, yes and no. He talks right and governs when he can to the left. He talks tough and governs soft. He is, in short, the perfect President for our time, and if he cuts a few blank-blank ethical corners, so what?

Well, Madam Speaker, how much time do I have left on this rainy hurricane Bertha Friday afternoon?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. DORNAN. First I would like to put in the RECORD as a follow-up to my June 27 point of personal privilege letters from conservative groups across this country. I have been around long enough that they are all close friends. The incomparable, steady as she goes, Dr. James C. Dobson, founder and president of Focus on the Family, on the homosexual battle in our country.

I am not alone any longer, Madam Speaker, for my long-time friend of 20 years, Phyllis Schlafly, speaking for her great Eagle Forum, and she is also the director of a coalition group to keep our pro-life values in the Republican platform, she sends a beautiful letter.

Beverly LaHaye, great husband Tim LaHaye, good friend of mine. Beverly LaHaye for the largest woman's organization in America, Concerned Women for America, sends a letter of support.

The conscience on Capitol Hill from a small building over in the northeast by Union Station. What a fighter, what a brave heart he has, Paul M. Weyrich. He sends me a letter.

All five of these letters I want to put in, as there are about 10 more, and they are still coming in, that I want to put in next week.

One from Marc Morano of Electronic News Gathering, the reporter thanking me for doing the expose on Jefferson's birthday, interestingly, the same day we were commissioning one of those big ships for Medal of Honor winner Randy Shugart, 2,000 wild partying homosexuals, hundreds of them almost naked down here in our biggest, most beautiful taxpayer-owned and operated auditorium, the Andrew Mellon Auditorium, directly across the street from the actual star-spangled banner. The 30 by 40 foot flag that flew up at Fort McHenry up at Baltimore is on the north wall of the National Museum of American History, and directly across the street is this homosexual Cherry Jubilee. Unbelievable. He says I want to thank you for being the only Member of Congress with the courage to come forward.

No, no, no, I am not the only one now, Mr. Morano. Marc Morano says America needs new BOB DORNANS. Well, at least on the vote today there is 342 of us, including, that is, 118 Democrats. I am not alone on this any longer.

This marriage thing was a defining moment, as my pal CLIFF STEARNS from Florida called it today. He said my full uncensored report of the Cherry Jubilee weekend will appear, I did not know this, in the July 1996 issue of Chronicles Magazine, Madam Speaker, a solid mainstream Christian magazine under the title "Sex, Drugs and the Republican Party." Uh-oh. It will be available mid-month at newsstands or people can call their 800-number.

In my reply to Representative GUNDERSON I left out one point, and I did put Mr. Morano's reply in, I hope. Mr. GUNDERSON alleged that the security guards were stationed in the bathroom throughout the night. While it is true that guards periodically checked the bathrooms, they were not there until the lights kept repeatedly going out. Just made a correction.

I want to point out that I made my whole account of the Cherry Jubilee available to every major news outlet immediately following the so-called dance in April. I faxed CBS news, ABC news, UPI, the Washington Post, USA Today and many others, but no one even looked into it. If it were not for your efforts, courageous Armstrong Williams' efforts and talk show hosts and all the media, that is Rush and all the rest, this story would have faded away. Thank you for your efforts on this issue. Thank you. God bless you.

Put that in the RECORD, too.

ELECTRONIC NEWS GATHERING,
McLean, VA, June 11, 1996.

Memorandum for Congressman Robert K. Dornan.

From: Marc Morano.

I want to personally thank you for being the only member of Congress with the courage to come forth on the "Cherry Jubilee" events. America needs more Bob Dornans! Thank you for your eloquent defense of me and my reporting of the event.

My full, uncensored report of the "Cherry Jubilee" weekend will appear in the July 96 issue of Chronicles Magazine, under the title "Sex, Drugs, & A Republican Party." It will be available June 15 at newsstands or people can call 800–877–5459 for a copy.

In my reply to Rep. Gunderson, I left out one point. Rep. Gunderson alleged the security guards were stationed in the bathroom throughout the night. While it is true that the guards checked the bathrooms periodically, they were not permanently stationed in there until the lights kept repeatedly going out.

I also want to point out that I made my whole account of the "Cherry Jubilee" available to every major news outlet immediately following dance in April. I faxed CBS News, ABC News, UPI, Washington Post, Wall Street Journal, USA Today and many others, but not one outlet even looked into it. If it weren't for your efforts, Armstrong Williams, and the talk radio medium, this whole story would have faded away.

Once again, thank you for your crusade on this issue. May God bless you!

Sincerely,

MARC P. MORANO.

STATEMENT BY JAMES C. DOBSON, PH.D., FOUNDER AND PRESIDENT, FOCUS ON THE FAMILY

We feel strongly that as Christians, we are mandated to love and care for people from all walks of life, even those with whom we disagree or whose lifestyles we believe to be immoral. Thus, Focus on the Family has no interest in promoting "hatred" toward homosexuals or any other group of our fellow human beings. We have not supported, and will never support, legislation aimed at depriving gays and lesbians of their constitutional rights—rights they share with every citizen. More than that, we want to reach out to homosexuals whenever and wherever we can.

However, we do strongly disagree with the efforts of homosexual activists to redefine marriage and the family, qualify for adoption, and promote homosexual practices in the schools. We also oppose any attempts to equate a sexual lifestyle with immutable characteristics such as race in determining who is deserving of special legal protection.

We see no evidence that homosexuals as a class are oppressed and powerless today. According to recent surveys, the average homosexual earns $55,430 per year, compared to $32,144 for heterosexuals. Homosexuals are not only well-paid, but also highly educated: 59 percent of homosexuals hold college degrees, compared to just 18 percent among all Americans. If discrimination exists, it certainly doesn't appear to operate in education or employment.

And when it comes to political clout, how can homosexuals claim to be underrepresented? Virtually every political and cultural objective of the gay and lesbian community is being achieved today. Federal funding for AIDS research and treatment is only one example: The Department of Health and Human Services allocates 37 times more dollars per AIDS death than it does per heart-disease death. This is true despite the fact that heart disease kills more Americans than cancer, tuberculosis, strokes, diabetes and AIDS combined.

Even more illustrative, homosexual activists have distorted public-health law so that a woman who's been raped is not permitted to know the HIV status of the man who raped her.

My point is that the homosexual community is hardly a disadvantaged, powerless minority in need of special rights. Instead, it is rapidly becoming a privileged class that bitterly attacks those who dare criticize its political objectives. Our opposition to that community's political agenda is not an expression of hate toward homosexual individuals, but one of social justice and common sense.

Finally, homosexual promiscuity is a deadly practice, shortening life and creating painful psychological problems. We regret the political influences that would result in vulnerable children being taught to perceive this deviant behavior as just another equally healthy choice about one's sexuality. The Bible teaches us that all sin leads to death, and homosexuality, like heterosexual promiscuity, is an abomination in the eyes of God.

EAGLE FORUM,
Washington, DC.

DEAR BOB: As you prepare to respond to Representative Steve Gunderson's remarks through a point of personal privilege, I want to share with you several verses from the book of Ezekiel that I hope will give you encouragement and peace.

"The word of the Lord came to me: 'Son of man, speak to your countrymen and say to them. When I bring the sword against a land, and the people of the land choose one of their men and make him their watchman, and he sees the sword coming against the land and blows the trumpet to warn the people, then if anyone hears the trumpet but does not take warning and the sword comes and takes his life, his blood will be on his own head * * * If he had taken warning, he should have saved himself. But if the watchman sees the sword coming and does not blow the trumpet to warn the people and the sword comes and takes the life of one of them, that man will be taken away because of his sin, but I will hold the watchman accountable for his blood.

"Son of man, I have made you a watchman for the house of Israel; so hear the word I speak and give them warning from me. When I say to the wicked, 'O wicked man, you will surely die,' and you do not speak out to dissuade him from his ways, that wicked man will die for his sin, and I will hold you accountable for his blood. But if you do warn the wicked man to turn from his ways and he does not do so, he will die for his sin, but you will have saved yourself.

"Say to them, 'As surely as I live, declares the Sovereign Lord, I take no pleasure in the death of the wicked, but rather than they turn from their ways and live."—Ezekiel 33:1-11.

Bob, thank you for your commitment to the truth and your willingness to stand up for what is right. You are a real American hero!

Faithfully,

PHYLLIS SCHLAFLY.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, May 29, 1996.

Hon. ROBERT DORNAN,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DORNAN: The 600,000 members of Concerned Women for America want to thank you for your unfailing determination and leadership in protecting the traditional family against the assault of the homosexual agenda.

Over the last decade, we have see homosexual activism flood into mainstream society. No longer are homosexuals satisfied with a "live and let live" philosophy. They want society to endorse and encourage their behavior—a behavior most Americans deem immoral.

A recent Wirthlin poll, commissioned by CWA, found that 66 percent of American women believe it's important for government officials to promote traditional family values over tolerance for "alternative lifestyles."

Ignoring what America wants, homosexual activists have pushed their agenda into our schools, our media, and our public policy. Sanctioned by the National Education Association, now many sex education classes include segments that portray homosexuality as a perfectly healthy, normal lifestyle. And mainstream TV sitcoms reinforce this view.

Gay activists call this "progress." But such "progress" takes a heavy toll on America's youth. One former homosexual, Michael Johnson, explained the effect it had on him. "One of the things that had an impact on me is those in our society who would tell me it's okay to be [homosexual]," he said. And what that did to me as a young person struggling with the issue was not only to confuse me, but also to ultimately lead me to pursue the desires that God would have me reject." Although Mr. Johnson has left the gay lifestyle and now runs an ex-gay ministry in Alaska, his years living as a homosexual have quite literally cost him his life. He has been diagnosed HIV positive.

America's youth deserve better than this, and they certainly deserve a better model than a congressional defense of the outrageous behavior that took place at the Cherry Jubilee. I urge you to keep fighting the good fight for the sake of the next generation.

Sincerely,

BEVERLY LAHAYE,
Chairman.

PAUL M. WEYRICH,
Washington, DC, May 23, 1996.

Congressman BOB DORNAN,
Longworth House Office Building,
Washington, DC.

DEAR BOB: I want to commend you for having the courage to stand to answer Congressman Steve Gunderson.

It has never been my view that it is our business what lifestyles people privately choose. That is between themselves and God.

But when individuals, especially elected officials, insist that their lifestyles be validated by society that is where I draw the line.

That Rep. Gunderson, who openly flaunts his homosexuality, would lend his name and office to any event where there is immoral behavior is outrageous. That Gunderson would be supported in this endeavor by elements of the Republican party is reprehensible.

When any society through its leadership gives its stamp of approval to actions which are biblically condemned, it has started down the road to perdition.

No so called good intentions (i.e. raising money for AIDS) can mask the blatant attempt by those in leadership positions who seek an imprimatur for their immoral behavior.

I stand with you as you call the nation's attention to actions which are self destructive.

You know well you will be condemned by those who condone immorality for what you do. So much the greater your eternal reward will be for standing with the truth.

Sincerely,

PAUL WEYRICH.

REMARKS BY MRS. CARMEN GORDON AT THE NAMING CEREMONY FOR USNS "GORDON", JULY 4, 1996

Thank you for that kind introduction and the opportunity to be here with you today.

I'd like to tell you about Gary.

Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him. The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, are there. The boots that took his dad through desert and jungle now lace up around Ian's small ankles. They are all piled neatly together by a little boy's hands and sought out during quiet times.

My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of him smiling straight through to her. It is the first thing she packs when leaving home, and the first thing she unpacks when she arrives anywhere.

There are comfort to my children. And a source of pride. But most important, Gary's children can see and feel these reminders of their father to keep him close.

In much the same way, the ship that we christen here today—the USNS Gordon—gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him and the life he so willingly gave.

The very first time I laid eyes on Gary Gordon was the second month of my thirteenth summer. I was staying with my grandparents in rural Maine. Every week we made a trip into town for supplies. One hot afternoon in front of Newberry's Department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked at me, and I knew this was no ordinary boy. This boy could win my heart.

When he called my grandparents for permission to take me out, he was turned down flat. She's too young, they told him. And so, in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly. On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress. A few hours of talk, a quick first kiss in the rec room, and Gary left to be back at his base, miles away. So began our slow dance of love, one that would give us so much in so short a time.

We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time. On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee. Folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups. Gary's love for Brittany was just as strong, Every day when he arrived home from work, Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice and a timetable for leaving.

I never worried when Gary left on a mission. As I cheerfully kissed him goodbye and waved confidently from our front porch, it never occurred to me to be afraid. Because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of it. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back, safe. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, "Carmen don't worry about things we can't change."

I know that death often leaves us with the haunting question "Why?" I know why Gary died. He died because he was true to his own code for living—trying to help someone else. Fear would have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: "I shall not fail those with whom I serve."

Gary lies buried only a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather and bordered by woods that change with the seasons. He is not alone now in that corner of the cemetery. His father Duane, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the paper mill where he gave so many years of hard work.

A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there on Gary's military headstone, below the chiseled words "Beloved Husband and Father," and the coin of his unit pressed into white stone. I hope that same gentle wind will always guide this ship to sea and keep her on a safe and steady course.

And when that wind strokes the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS Gordon is striking under the stars, I can tell them that she is on the same course their father chose: Headed for distant shores, answering the call of those in need.

[From the Washington Post, July 5, 1996]

A PRESIDENT FOR OUR TIME

(By Charles Krauthammer)

When the Gallup Poll (June 18–19) asked whether the words "honest and trustworthy" apply to Bill Clinton, Clinton lost 49 percent to 46 percent. (Two weeks later in another poll, same question, Clinton was losing 54–40.) And when Gallup asked whether Clinton has the honesty and integrity to serve as president, Clinton won 62–36, a landslide bigger than Lyndon Johnson's.

Expectations of presidential character have fallen so low with Clinton that the people can believe the worst about him and still want him where he is.

Republicans are at wits' end with frustration that, as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle—they want clean government, but they obviously don't mean it.

They don't mean it about character. And—the ultimate Republican frustration—they don't mean it about policy either.

On policy, with few exceptions (abortion being the most notable), the country is conservative. The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails, etc. It is no accident that no one campaigns for national office as a liberal. Anyone who can get away with it campaigns as a conservative. And Clinton is proving that anyone with high intelligence and no scruples can get away with it.

Clinton, whose major presidential initiatives were gays in the military, a stimulus package of federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative.

In one of the most cynical—and successful—acts of election-year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and the "victims rights" constitutional amendment. He's for Megan's Law; He's against gay marriage.

Having slashed the staff of the White House Office of Drug Abuse by 80 percent, he's now talking tough on drugs. Having submitted a FY '97 budget with $200 billion deficits as far as the eye can see, he's now for a balanced budget.

Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical (Republican) welfare plan.

Clinton's aides have since been hard at work watering it down. No matter. That's for page 38. The Saturday speech was page 1.

Of course, everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that too doesn't matter. The polls show that with these deliberate rhetorical moves to the center. Clinton has risen significantly in the polls—13 points—on the question of whether he reflects the values of the American people.

Reflect he does. Like a mirror. The Republicans are confounded. They were elected in 1994 on a detailed conservative agenda that they then tried to enact—an error of sincerity and zeal for which they have ever been paying in the polls.

Clinton's political genius is discerning and then becoming whatever the American people want. They want tough welfare reform, but they don't want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget, but will crucify the politician who tamper with Medicare—which is busting the budget.

In other words, they are not serious and neither is Clinton. On every great issue, they say yes and no. Clinton, the man who smoked but didn't inhale, lives and breathes yes and no.

He talks right and governs (when he can) left. He talks tough and governs soft. He is, in short, the perfect president for our time. And if he cuts a few ethical corners too, so what?

Mr. DORNAN. Now, what I did not have time to get to—I feel like taking my coat off and throwing it across the table—what we did get to take, thanks to a former U.S. attorney from Georgia, BOB BARR bringing this on the floor, is this letter from Lambda Legal Defense. I would recommend Lambda Report, which is a Judeo-Christian ethical report on Lambda stuff. I want to read again to set the scene here. The key line highlighted in red on why we debated so long Hawaii's attempt and Hawaii is not far, thousands of miles away. That is only physically. I guess if Virginia across the Potomac were doing what Hawaii is doing or Maryland surrounding the district on three sides, then it would have been a different debate. But oh, let Hawaii do their vacation things and have all these homosexual marriages.

But listen to this again from the Lambda Legal Defense Fund, and I have debated them on Crossfire: "Many same-sex couples in and out of Hawaii are going to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the 50 States expecting full legal recognition of their unions," and they will darn well try and get legal services, tax dollars, your tax dollars through a corporation we should have shut down, to make you pay for their battles back in these States to make the other 49 recognize their so-called Hawaiian marriage.

Now, remember, it only passed 342 to 67, 2 present, 23 absent. But what is it going to do in the other Chamber, in the other body? That is anybody's guess, given the difference in our defense authorization bill.

I am for ethically asking young recruits, "Are you a homosexual?" They will not hear of it. I am for taking the almost 1,000 people, that is a regiment, who have the AIDS virus and are on, we hope, a slow, not a fast path to death, that are lucky to be Americans and have access to the greatest medical system in the world that has not been destroyed yet, and I want to give them over to the VA so that other people do not have to deploy over and over unfairly because these people broke the UCMJ, with the exception of two cases that are wives, military wives, who her philandering husband contaminated like they would bring TB home.

They want to restore abortion to military hospitals. That is a contested item between the conferences. Lots of issues. We do not know what is going to happen over there for sure.

Let me tell Members what I did not get to in my point of personal privilege. I entered in the RECORD, but I did not show it. Madam Speaker, you see this thick magazine as big as a Reader's Digest, as large in pages and billing bigger in size? Hard core pornography in it, too. I did not realize that. All I looked at was the camera, the thickness. It is called Steam.

It is available around this country to tell homosexuals where to have sex with strangers in public parks. Where to go in our national parks, where to go in your city parks, and there is a European version. Steam did not come up in the debate today, nor did this from the Advocate magazine, which used to be a newspaper. It is now the main homosexual magazine in America. It is all pornographic classified ads to get people to go to leather bars and engage in bondage, discipline, things that I cannot mention on the House floor, sadism, sodomy, masochism, things involving craziness, I mean real craziness. This is their classifieds that they have now spun off from the main magazine, so they can do their first interview with President Clinton. Of course, he lets them down. He does not interview with them face-to-face. He mailed in his answers.

But the current Advocate magazine has a Clinton interview, the President of the United States, bragging about he has done more for homosexuality than all of the 41 preceding Presidents, from Washington to George Bush, all wrapped together. Nobody is arguing that, but he is going to back up the vote of the Republicans and 118 Democrats today who voted, if the Senate goes along with it, for no homosexual marriages having to be recognized in the other 49 States if Hawaii goes ballistic.

In the classifieds here, which they spun off so they could do these mainstream interviews—I am sorry, I am just sorry. This is like a visit to Dante's Inferno. I would recommend kids in high school read his Inferno, read Milton's Paradise Lost and avoid this defilement that is mentioned both in Romans and the New Testament and in Leviticus, which was ridiculed and attacked today in the face of Moses up here. I hope guests when they come here always recognize the 23 lawgivers here, some of them without such sterling characters, like Napoleon, but he was a good lawmaker, that they are all profiled except one, Moses' direct face looking right down on us, the man of Exodus.

When you attack Leviticus, you attack the Torah. The Torah is the first five books. It is Genesis, Exodus, Leviticus, Numbers, Deuteronomy. That is the basic thing that so many people died to hide at the height of the terror of Nazi Germany, was to protect and hide the Torah.

Now look at this. I predicted on the floor today, Madam Speaker, that we would be arguing about pedophilia on this floor in 2 or 3 years. Here is a book, a new book with an in-your-face title. Look at this, Mr. Speaker. Corruption. It is all about youth, teenagers, pedophilia. That is what it is all about. Sickening stuff.

I have got a 14-year-old grandson. He is tough. He watches television. He is a good student, an "A" student, gateway program student, as is his younger sister. She just flew out alone to L.A. and had great adult conversations on the plane going out to Los Angeles, her first big trip on her own, 14, a soccer star, also an A plus student as is the younger sister. It looks like hopefully I have raised good kids that are such conscientious parents. All my grandkids are just working so hard, the television is monitored, they understand and love history, a lot, thank heavens, their grandfather has been able to pass on some of my love for this country. I would not show these bright oldest of my 10 grandkids. I am counting one before it has arrived around Christmastime. But of my five granddaughters and grandsons, this is not for their eyes, but it is out there and that is why we are going to discuss pedophilia and I am going to amend what I said during the debate today. It is not going to be in 3 years. We are going to be debating pedophilia, Mr. Speaker, on this floor in the spring and do you know why? Because the Internet and that Supreme Court is in our face saying that child molesters can make contact and, get this, fine tuning, make contact with young males. If a child molester is on the Internet making contact with a young girl, 10, 11, 12, 13, 15, 16, and he is found out, does anybody suggest the young girl who is a heterosexual is going to commit suicide if she continues her dialogue with this guy or if it is broken off? I mean she will commit suicide? Of course not. This guy should be busted and the young girl should be told to go back to her homework and, if she has abusive or neglectful parents, make it some way the States, not the Federal Government, can address that problem.

But get this, and I am going to ask unanimous consent to put it in the Record, here in my—at the beginning of my point of personal privilege, here is the excellent new conservative magazine that I held up called the Weekly Standard, started by a good conservative Fred Barnes and Bill Crystal, Irving Crystal's great son. Here is the cover issue, Pedophilia Chic. I held it up on the floor. Unfortunately, the camera, I held it out so far it cut my arm off and no one ever did see the title. By the time I brought it back to the lectern, it was down. Pedophilia Chic is a terrifying article. Get the Record of today, not through my office, please, through your own Congressman, I would ask people watching us today, Madam Speaker, and read this article by a lady, Mary Everstat. She brings out that the New Republic and then the New York Times have been running articles inching toward pedophilia.

Here is a guy with an unusual name, sounds like a contract player at MGM in the bad old days. Trip Gabriel, T-r-i-p. Trip Gabriel writes in a front-page report in the New York Times that "Some on-live discoveries give gay youths a path to themselves."

☐ 1615

They are on the verge of suicide. So if a child molester is making contact with a male child in a homosexual way, if we break that connection and bust the molester, the young male child threatens to commit suicides.

I will say it again. The heterosexual young lady, and there is no heterosexual young men being contacted by women. There are no women predators to speak of. The number is infinitesimally small or nonexistent. There is no lesbian, no heterosexual woman who prays on children. We cannot even find statistical data.

This is basically a male homosexual problem, and the child molesters of the heterosexual variety are usually drunken disgusting stepfathers who are dismissing their wife and going after her daughter from another marriage. Take out that chunk and take out the numbers and prorate these cohorts, since there is only about three-quarters of a percent of lesbians in the country and 1 percent male homosexuals, and the rate of male pedophilia, homosexual pedophilia on makes is 11 to 1 over heterosexual pedophiles.

This article is terrifying because it says it is chic, it is in vogue to slowly inch our way toward saying, well, what are we going to do, we have to teach homosexuality in a positive way for our high schools or these young emerging people will commit suicide.

I received a letter today from a Member's male significant other, who has a spouse pin and a wife I.D. card. There are three of them in this House, two on that side and one on this side. In this debate today, if we won, and we won big, 342 to 67, the leadership promised me, and that is the Republican leadership, that they are going to ask back for the wife pin.

This is the First Armored Division. That is not a wife pin, folks. The wife pin, the spouse pin and their I.D. card, since this bill is passed, I will make sure that happens.

Pedophilia is going to be debated in the spring, and it is sad, just like everybody was shocked today.

Mr. Speaker, I ask unanimous consent to include for the Record the full article from the Weekly Standard. And these other letters I already have permission. Thank you, and have a great weekend.

The SPEAKER pro tempore. Without objection, the gentleman may submit those materials and extraneous other documents for the Record which are consistent with House rules and procedures.

There was no objection.

The material referred to is as follows:

Pedophilia Chic

(By Mary Eberstadt)

When most Americans hear the word "pedophile," they usually think of men like the self-described "child-molesting demon" Larry Don McQuay, who was released from a prison in East Texas in April and driven to San Antonio to begin a closely supervised, but nonetheless semi-free, new life. And when most Americans think of men like McQuay roaming the streets, they react much as did the outraged, screaming-in-the-streets, placard-carrying citizens of San Antonio. About the mildest thing said by one of them was "I sure hope there will be more indictments" to send McQuay back to jail—this, from the chairman of the State Board of Pardons and Paroles, under whose auspices McQuay was released. The local victims-rights groups were less restrained. As the president of one such group put it, in a straddle between threat and hope, "In this city, he's not going to be safe"—thus summarizing neatly the vigilante desire that most parents, when contemplating a figure like McQuay, would doubtless second.

In addition to a spate of high-profile cases like McQuay's, the past few years have also witnessed an ongoing public obsession with child abuse in any form; a Congress that, at the urging of the White House and Justice Department, has toughened the penalties for child-pornography trafficking; and Bill Clinton's signing of the constitutionally complicated Megan's Law, which makes it impossible for those once convicted of child-sex offenses to move anonymously into an unsuspecting neighborhood.

And yet a funny thing happened on the way to today's intense fear and loathing of Chester the Molester. For even as citizens around the country have sought new ways of keeping the McQuays of the world cordoned off from the rest of us, and even as the public rhetoric about protecting America's children has reached deafening levels, a number of enlightened voices have been raised in defense of giving pedophilia itself a second look.

After all—or so some of these voices have suggested—what if pedophilia is in fact a victim-less crime? What if teenagers, and even children, are more in control of their emotions, their bodies, their sexuality, than the rest of us think? What if sexual relations with adults are actually "empowering" to the young? What if pedophilies and would-be pedophiles are in fact victims themselves—exploited by the cunning young people they befriend?

There are also the matters of civil liberty. Is it fair to send people to jail for owning, trading, and obsessively consuming child pornography when no one is really injured by such practices? And what about the notion of an "age of consent"—isn't it an anchronism, in this age of adolescent sexual precocity? Shouldn't it be lowered to a more realistic standard? Say, to fourteen? Thirteen? Twelve?

Once upon a time, the reader losing sleep over questions like these would have had to travel to Times Square, or the local porn shop, or perhaps the nearest branch of the North American Man-Boy Love Association (NAMBLA). But no longer. Now he need only subscribe to the right stylish magazines, the right cutting-edge publishers, and be familiar with the work of the right celebrated authors. It is hard to know what to make of these piecemeal attempts—which amount to nothing so elevated as a movement—to rewrite what most of the rest of us persist in thinking about adults whose sexual interests run to kids. Call it the last gasp of a nihilism that has exhausted itself by chasing down every other avenue of liberation, only to find one last roadblock still manned by the bourgeoisie. Call it pedophilia chic.

CALVIN KLEIN'S LEATHER DADDY

For laymen, the best-known example of this phenomenon was last summer's much-reviled and ultimately abandoned ad campaign for Calvin Klein jeans. In fact, as the record will show, when measured against other recent soundings on the subject of adult-child sex, that ad campaign itself appears—pun intended—mere child's play. But first, a review of the facts.

Just about a year ago, the company launched a series of print and television ads that were, according to almost every critic who reviewed them, bizarrely and upsettingly reminiscent of child pornography. Even for a public made blasé by exposure to Calvin Klein's many other provocative images, the seediness of this latest effort proved just too much. There were, first, the images themselves: teenage models—most looking bored, with legs spread apart and underwear revealed—lounging around semi-dressed. There was also the matter of setting. The cheap wood paneling and shag carpets were supposed to suggest a suburban rec room—another visual convention, it seems, of the child-porn genre.

By common consent, the scripts for the TV ads—which ran only in New York before being withdrawn—were even more compelling evidence of the campaign's indebtedness to the pornographic canon. In those ads, an offstage male voice seemed to goad the young models into responding through a combination of wiles and special pleading. "You take direction well—do you like to take direction?" the voice asked a girl. The lines to boys were smuttier still. "You got a real nice look. How old are you? Are you strong? You think you could rip that shirt off of you? That's a real nice body. You work out? I can tell." And so on.

Though girls and boys alike appeared in the ads, it was clear to any savvy viewer that the boys, rather than the girls, were the main event. For one thing, there was nothing really new about the girls. As a critic for Adweek remarked at the time, "Girls have been objectified forever. It's not shocking, sad to say." (It is particularly unshocking in a Calvin Klein jeans campaign; after all, it is now fifteen years since an underage Brooke Shields was used to suggestive effect.)

No, what was new in this latest effort was the question of who those boys were posing for. As James Kaplan noted acidly in New York magazine, "What especially got to many people was the images of the boys, scrawny and white-chested, posing like pin-ups, their cK Clavin Klein jeans partially undone. . . . That was really groundbreaking advertising."

The talent, too, was cutting edge. The ad campaign was shot by the well-known photographer Steven Meisel (who is credited, among other work, with the photos in Madonna's Sex book). Meisel in turn made another personnel choice of celebrity interest. As the Washington Post reported later in September.

When President Clinton railed against those notorious Calvin Klein ads . . . he probably didn't know that the off-camera voice in the television versions belonged to a gentleman named Lou Maletta—aka the Leather Daddy. Since Calvin Klein proclaimed loudly in his defense that there was no pornographic intent to the ads, Maletta was certainly an interesting casting choice. . . .

Lou Maletta, 58, is founder and president of the New York-based Gay Cable Network, which produces "Gay USA," a news show; "In the Dungeon," "about the New York leather scene"; and "Men & Films," which features excerpts from gay porn videos, and for which Maletta's Leather Daddy character was created.

The next day, the Post was forced to publish a correction: At the last minute, and for reasons unclear, Klein himself decided to replace "Leather Daddy" with a professional voice-over actor. Interesting though that decision may be—at the very least, it does seem to imply an awareness on someone's part that there was such a thing as going too far—it is not nearly as significant a choice as that of commissioning Maletta in the first place. What that choice signified was what any sophisticated viewer would already have discerned—that the ads had an obvious man-boy sexual subtext.

The second interesting fact about the outcome of the Klein affair was the inadvertently revealing rationale put forth by company officials. The main idea seemed to be that teenagers are more sexually sophisticated than many adults want to believe. "The message of the cK Calvin Klein jeans current advertising campaign," as a full-page ad in the New York Times and elsewhere informed the public, was that "young people today, the most media savvy generation yet, have a real strength of character and independence. They have very strongly defined lines of what they will and will not do . . ." It was this very strength, officials reiterated, that proved discomfiting to the public at large. "The world," as Klein himself told an interviewer shortly after the ads were pulled, "is seeing a reflection of what's really going on."

In a sense, Calvin Klein got it exactly right. All that groundbreaking advertising was indeed reflecting something real, albeit something very different from what the expost-facto explanations claimed. What those ads did mirror was something else: the idea that non-adults (particularly if they are boys) are appropriate sex objects for adults (particularly if the are men).

Contrary to what some critics implied at the time, Calvin Klein and his team did not invent the idea of using man-boy sex to grab public attention; they merely submitted it to a commercial plebiscite. Middle America, to the surprise of the fashion moguls, voted the campaign down. But Middle America has only been one testing ground for revisionist suggestions about pedophilia. Other, more sophisticated venues have proved more willing to give the subject a second look.

'A STEP IN THE RIGHT DIRECTION'

Consider an example from the New York Times, which, in an errie conjunction, appeared within weeks of the Calvin Klein ad blitz. At the time, as readers may recall, the public fear of pedophile predators was being fanned by the discovery of yet another form of outreach: the home computer. In the preceding months, one 16-year-old boy had run away with bus tickets provided by a chat-line "friend"; similar cases of solicitation had become the subjects of FBI investigations; and Congress, heavily pressured by interest groups, had turned its hand to devising legislation that would prevent the exploitation of minors via cyberspace. All in all, it seemed an unlikely moment to suggest that those selfsame chat rooms and bulletin boards had their bright side. But that is exactly what the N.Y. Times managed to do in a front-page report by Trip Gabriel called "Some On-Line Discoveries Give Gay Youths a Path to Themselves."

Though "a handful of high-profile cases" had "dramatized the threat of on-line predators," wrote Gabriel, kids themselves shared no such fears of the screen. In fact, "all the young users interviewed" for the Times piece "said the threat was exaggerated, adding that they would not be likely to meet blindly with an on-line acquaintance." In fact, if the kids had any fear at all, it seemed to be quite the opposite—that their lines of communication would be shut down by party-pooping parents and legislators. Recent legislation, in particular, this reporter discovered, "has made some 'gay youths' fearful about the future of on-line discussions."

And fearful they should be, if cyberspace is really the lifeline the Times made it out to be. A "distraught youth" in California was "on the verge of suicide" until reaching one "Daniel Cox, 19, a regular on an Internet chat channel dedicated to gay teenagers" at 3 a.m. Cox ministered to the California youth, and the next day "the young man was back on line and doing O.K., Mr. Cox said [emphasis added]." This apparently happens all the time. As another of these selfless do-gooders put it—one Michael Handler, "17, a moderator of the Usenet news group for gay youth"—"We want everybody to be who they are and be happy and not kill themselves because they feel they're some sort of abomination."

Another teenager, Ryan Matsuno, "typed out a plaint of loneliness" one night, only to receive "more than 100 supportive E-mail letters" within the next few days—letters that "gave me courage" and "the initiative to go through with telling my mother," according to Master Matsuno. Still another teenager, we are told, used his computer skills to outwit that rarest of things in cyberspace, an actual predator: "Dan Martin, a gay 17-year-old in Fresno, Calif., said he talked for a year on line to a man claiming to be 21. Occasionally the conversation turned to sex. When Mr. Martin suggested a meeting, the man refused and confirmed Mr. Martin's suspicions that he was really middle-aged. 'After I confronted him, I never heard from him again,' Mr. Martin said."

In sum, according to Gabriel, "sites for gay and lesbian youth are the source of some of the most stirring stories in cyberspace."

These touching dramas, the Times report continued, are social-worker approved—certainly by one Frances Kunreuther, director of "a social service agency for gay teenagers in Manhattan," who says, "I think the Internet is a step in the right direction." At the same time, though, the social workers also "cautioned that cyberspace could not substitute for face-to-face contacts." But wait: Aren't face-to-face contracts exactly what most people fear when they think of kids in sex-saturated "chat rooms"? Well, no matter. And no matter too, apparently, that anyone logging on as a teenager could be 17, or 70—or 7. The only thing that matters, or so it appears from reporter Gabriel, is that "the electronic curtain is not a closet"—this, from one Reid Fishler, founder of an Internet site called the "Youth Assistance Organization," who is said to be 19.

"A danger to his students, or only to himself?"

Another place willing to ask some hard-nosed questions about grownups who are sexually interested in kids is Vanity Fair magazine. For the most part, its glossy pages seem an unlikely territory on which to argue in earnest about anything—much less about anything as obscure as whether a high school teacher obsessed with child pornography was in fact a misunderstood victim himself. Nonetheless, it was in a 1992 issue of Vanity Fair that veteran reporter Jesse Kornbluth published what is probably the most heartfelt and sympathetic portrayal of a convicted child-pornography trafficker yet to appear in expensive print.

"Exeter's Passion Play," as the piece was called, concerned the fate of Larry Lane (or "Lane") Bateman, a tenured teacher at the elite Phillips Exeter Academy who was convicted in October 1992 of possessing and transporting child pornography. The preceding summer, a police raid on his apartment had turned up 33 videotapes of child pornography. The police also found hundreds of pornographic tapes featuring adults—that is to say, men—and still other tapes made by Exeter students on assignment from Bateman that their teacher had spliced and doctored to his liking (for example, zeroing in on genital areas). Finally, the police also found sophisticated videotaping equipment, some of which belonged to Exeter, later valued at between $200,000 and $250,000.

As Bateman would later admit to the authorities, he had been involved with child pornography for twenty years—buying it, lending it, going out of his way to get it, and above all, viewing it obsessively. Moreover, at least some of the people in his life were aware that he was deeply involved in pornography of some sort; the Vanity Fair piece itself cites at least two. But the question of who knew what, and when, was mostly irrelevant to Bateman's criminal trial, which centered on four specific counts relating to child pornography. That case rested largely on a single witness named Michael Caven (born Michael Pappas), a one-time student of Bateman's from a high school on Long Island who had now turned chief accuser and informant.

Bateman denied Caven's most damning charges—that he had molested Caven from the age of 16, and that he had taken pornographic pictures of him as a legal minor. But what Bateman could not deny was that in the course of 1990 alone he had sent or given Caven more than 100 pornographic video tapes, and that at least some of these tapes were child pornography. Bateman, for his part, never denied having given Caven child pornography; he only denied having sent those particular tapes through the mail. ("I'm not totally stupid," he explained at his trial.)

And there was more. According to a pre-sentencing memorandum submitted by the U.S. Attorney's office, boys at Exeter had been filmed in the showers and bedrooms without their knowledge, thanks to one of Bateman's hidden cameras. "The boys," the memo noted, "are either wearing undershorts, towels or nothing." Also in the memo, according to the New York Times, was the fact that Bateman spliced pieces of the students' tapes into pornographic films. "Mr. Bateman," the Times reported, "duplicated tapes made by about 20 students for class onto a master tape, giving each segment a name like 'Blonde Zen Lad' and 'Belt Spanked.'"

Surreptitious filming of students, pornographic tape-making, pornographic tape-editing, pornographic tape-swapping with a former student, pornographic reconstruction of homework videos: Not everyone prizes hobbies like these in a boarding school teacher, with or without that library of kiddie porn on the side. Certainly that was the view adopted at last by Exeter itself, which fired Bateman within 24 hours of his arrest. Something of that view seems also to have been shared by federal district court judge Jose A. Fuste, who in January 1993 sentenced Bateman to five years in prison without parole for one count of possession and two counts of interstate shipment of child pornography—a sentence that, though hardly the maximum allowed by law, was a far cry from leniency. (Under a fourth count, forfeiture, Bateman was also forced to surrender his video equipment.) There was also the influential fact that Bateman showed no remorse whatever for his behavior. As a report in the New York Times put it when the sentence was announced: "He said he still did not understand what was 'so wrong' about what he had done. 'If I strangled a child, if somebody had been hurt, if somebody's property had been destroyed, then there certainly would be a victim,' Mr. Bateman said 'Where are the victims?'"

Where, indeed? It is that question that reporter Jesse Kornbluth sets out to answer, and the way he answers it will likely take some readers by surprise. For the chief victim of the Bateman affair, as it turns out, was not, say, Michael Caven, or the Exeter students filmed in the showers, or even all those little boys who were somehow made to perform in all those movies with titles like Ballin' Boys Duo, Young Mouthful, and Now, Boys? No, the chief victim of it all—perhaps even the only victim, if the story told in Vanity Fair is correct—appears to have been Bateman himself.

In the first place, or so at least Kornbluth's essay makes clear, Bateman was a victim of his accuser, Michael Caven (alias Pappas). Caven, the reporter tells us, was a hustler, an alcoholic, a druggie. He exploited rich, older men (including, we are told, Frank Caven, the successful owner of several gay bars who legally adopted his young sex partner in a moment of drunken inspiration).

In fact, throughout Kornbluth's essay, not a kind or empathetic word appears for the man who claimed to have been abused by Bateman as a teenager. But there are, interestingly enough, many, many words from the Pappas/Caven detractors, and Caven is described by a former colleague in the bar business as "a jerk and an egotist. He was media crazy . . . he loved to get his face in any rag in town." Bateman's friends, he reports, "loathe" Michael Caven. "If he wanted to do Lane a favor, he could have said, 'Get help,'" one snaps, "Lane doesn't deserve to have his life ruined."

Second, or so it appears on this telling, Bateman was the victim of the "brutality" and "frosty environment" of Exeter itself. (This turn looks ironic, for under Kendra O'Donnell, who was appointed principal in 1987, the school would seem to have entered a progressive warming phase; it was under O'Donnell, for example, that Exeter—which now boasts a Gay/Straight Alliance—invited gay alumni to come and speak to the students about their sexuality.) Surely Bateman's firing was hypocritical; after all, we are talking about Exonians, who in Kornbluth's telling at least are a worldly-wise and sexually sophisticated bunch. "The idea that single male teachers might be homosexual and 'appreciate' young men," (he writes of these preppies), "would not be a soul-shattering revelation to Exeter students."

And, of course, the hapless Bateman was also a victim of a society that forces homosexuals to act furtively. When faced with the conservation of Exeter, where "only one instructor has come out," Lane Bateman stayed in the closet. And it was all that time in the closet, it is argued here, that led to his taste for child pornography. "It's not healthy to be so secretive, but Lane never felt secure enough at Exeter to come out," explains a friend who has long known of Bateman's interest in pornography. . . . 'He's heavy into fantasy. These sex movies are the legacy of the closet.'"

In case the reader misses the point, Bateman is also provided an opportunity to expound on it himself.

Bateman says he purchased the material that ultimately brought him down several years before he started teaching at Exeter, when he was coming out of the closet and wanted to make up for lost time. "For a few years, you could buy anything, and I bought some films and books that featured young boys," he says. "For me, these pictures were aesthetic, not pornographic. I know people say, these images are despicable—how can you think that? But the key point is that I identified with the boys, not the men. If someone young had grabbed me when I was that age and said, 'Let me teach you something.' I would have said, Sure."

And here, as with the example of Calvin Klein, we come to the real heart of pedophilia chic: It's about boys. It is boys and boys alone who are seen as fair sexual game. For if Bateman's cache of child pornography had featured little girls, rather than little boys, it is unthinkable that he would have become the object of a sympathetic profile in the likes of Vanity Fair. That a teacher whose sexual tastes run to boys rather than girls could come to command a cultural dispensation for that preference—this, rather than the "legacy of the closet," would seem to be the "deeper meaning" of the scandal at Exeter.

Biased though it was in favor of Lane Bateman, and much as it seemed to suggest that child pornography may be a victimless crime, the Vanity Fair piece at least stopped short of endorsing either child pronography or pedophilia per se. It is an amazing fact that these omissions would come to seem positively retrograde in light of an essay appearing two and a half years later in yet another stylish, widely circulated magazine, the New Republic.

A GOOD WORD FOR NAMBLA

The most overt attempt by a hip journal to give pedophiles a place at the table came in the form of a May 8, 1995, "Washington Diarist" in the New Republic by Hanna Rosin entitled "Chickenhawk." Ostensibly inspired by a "riveting" documentary of the same name about the North American Man-Boy Love Association, "Chickenhawk" opens with the following quote from the film's star, a real-life pedophile named Leyland Stevenson: "He's just like a flower in bloom. He's at that perfect stage, in which he is hermaphroditic. . . . He's in that wonderful limbo between being a child and an adolescent—he's certainly an adolescent, but he has that weird feminine grace about him."

Stevenson, of course, is talking about a little boy. It is a quote intended to jolt the reader, and no doubt for most readers it still does. Having already invited the reader to imagine a child as seen through the eyes of a pedophile, Rosin then proceeds to something more avant-garde still: a chatty review of man-boy love and of the North American Man-Boy Love Association (whose informal motto, as some readers may know, is "Eight is too late").

"Chickenhawk," the author explains, "is worth seeing" because it "succeeds, at least partially, in making monsters human." Though it may be true that Leyland Stevenson is "every mother's worst nightmare," it is also true—at least true according to Hanna Rosin—that Stevenson and his fellow NAMBLA members have gotten an unnecessarily bad rap. "There are no steamy orgies" in the documentary, she notes dryly, "or bound-up boys languishing in NAMBLA's basement." NAMBLA itself, she casually explains, "functions mainly as a support group for fantasizers, with the requisite forums for victim-bonding." Like members of any other group united by common interests, its rank and file have their humdrum clubby moments; they hold roundtables (where they "hug and share persecution stories"), solicit subscriptions, exchange "bulletins." Not only are these activities benign, it seems, but their propriety is enforced by the club itself. "Group policy," we are assured, "strictly forbids contact with live boys or even illicit pictures on the premises."

Next, Rosin praises NAMBLA's "bravery." "After all," she writes, "it is still heresy even to consider the possibility of the legitimacy of their feelings." Today's pedophiles, she reminds us, live in especially unfriendly times. Politically, things could hardly be worse; witness the tough language on child pornography in the Contract with America. Even President Clinton, she notes sarcastically, "was cowed into taking a courageous stand against 'softness on child pornography.'" Yet NAMBLA, despite it all, continues pluckily on: "keeping all their activities above board"—even publishing their New York phone number.

Just as the grownups of NAMBLA turn out to be more innocent than one might expect, the boys, for their part, seem to be far more sophisticated. As Rosin reasons, "it might even be that a budding young stud had the upper hand over the aging, overweight loner." And how old does a boy have to be, in the Rosin/NAMBLA view, to qualify for "budding young stud" status? Sixteen? Fourteen? Twelve? No? Well, how about ten?

One NAMBLA member in his 20s, an enticing blond with slits for blue eyes, describes a sexual experience he had with a karate instructor when he was 10. "I came on to him. I knew what I was doing. I felt very empowered. I felt I controlled the relationship, which is a good thing for a kid. It dispels the belief that adults are always in power in such relationships. You know, I led him around. I was the one in power."

Well, boys just want to have fun—or, as the New Republic seems to have it, just boys want to have fun. It is "plausible," Rosin muses, that "a teenage boy [emphasis added] might agree to sex with an older man." Similarly, though she notes approvingly that, for example, the age of consent in the Netherlands is twelve, she nowhere advocates changing the age-of-consent laws for girls. And she certainly shies away from suggesting that the figure of the "budding young stud" might be interchangeable with that of a "budding young slut"—a phrase whose appearance would surely have incurred the wrath of a good many New Republic readers. "Chickenhawk" itself, interestingly enough, passed almost without comment from those same subscribers.

KIDS WANT TO PLEASE YOU

Actually, these latest attempts to manage a good word for pedophilia are not quite as au courant as they first appear. Similar themes have been floated for years by a number of self-described, self-consciously gay writers—and not only by those on the cultural fringe, but by several who have crossed over to the mainstream literary market.

Perhaps the most prominent of these writers is the acclaimed novelist and essayist Edmund White. The author of a number of enthusiastically received novels—Forgetting Elena, A Boy's Own Story, and The Beautiful Room is Empty—White has also had a brilliant career as an editor and essayist. He has worked at Saturday Review and Horizon, been a contributing editor to Vogue and House and Garden, and written for publications ranging from the New York Times Magazine to Christopher Street., In 1980, a number of his pieces reflecting on post-liberation gay life were collected into yet another critically acclaimed book called States of Desire: Travels in Gay America.

On account of its historical timing alone—the book amounts to a city-by-city celebration of gay life published on the very eve of the identification of AIDS—States of Desire remains a fascinating and retrospectively poignant sociological document. But it is a work that deserves to be remembered for something else as well: It is probably the most critically acclaimed piece of reportage in which the taboo against pedophilia has been examined at considerable length and judged archaic—a judgment that moreover passed virtually without comment from White's admiring critics. Throughout most of this reflection, White studiously keeps to an Olympian "on the one hand this, on the other hand that" rhetorical monologue—in which one hand, as in most such monologues, consistently manages to get the better of the other.

Pedophilia, White asserts at the outset of this discussion, is "the most controversial issue" in the lives of many in the gay movement. It is also, the reader is led to understand, a terribly complicated subject. As one gay man—ostensibly not himself a pedophile—puts it in words that the author quotes approvingly, "There's no way to answer it [the issue of pedophilia] without exploring it. We need information and time for deliberation. There are no clear answers—who would provide them?"

White is willing to try. "Those who oppose pedophilia," he posits, "argues that the 'consent' or seeming cooperation of an eight-year-old is meaningless." On the other hand, "those who defend pedophilia reply that children are capable, from infancy on, of showing reluctance." Similarly, "critics of pedophilia contend that children are easily manipulated by adults—through threats, through actual force, through verbal coercion, through money." Here again, the other side is allowed the last—and longest—word:

"Champions of pedophilia (and many other people) argue that children are already exploited by adults in our society—they are bullied by their parents, kept in financial and legal subjugation, frequently battered. And they have little legal recourse in attempting to escape punitive adults. . . . They can't vote, they can't drink, they can't run away, they can't enter certain movie theaters, they can't refuse to go to school, they can't disobey curfew laws—and they can't determine their own sexual needs and preferences. Pedophiles find it ironic that our society should be so worked up over the issue of sexual exploitation of children and so unconcerned with all other (and possibly more damaging) forms of exploitation. *If anything, the pedophiles argue, sex may be the one way in which children can win serious consideration from adults and function with them on an equal plane; if a child is your lover, you will treat him with respect.*" [emphasis added]

And where does our narrator locate himself between these camps? "I am not in the business of recommending guidelines for sex with youngsters," he writes coyly, for "I simply haven't gathered enough information about the various issues involved." At the same time, though—or so the author insists—"the question of sex with children remains"; and White makes a final attempt to get to the bottom of it by interviewing an actual pedophile in a bar in Boston.

This man, the author coolly reports, "has a lover of twelve (he met him when the boy was six)." Far from the voracious predator so feared by the general public, however, our pedophile could scarcely appear more ethereal. He is "thirty-six, dressed in faded denims, his face as innocent and mournful as Petrouchka's. His voice was breathy and light, his manner anxious and almost humble." Lest there be any last doubt of this man's suitability for polite company, White erases it with the ultimate compliment. "I was," he writes candidly, "strongly attracted to him."

There follows a conversation in which the amorous adventures of White's pedophile are fondly recounted. White asks how the man met his present "lover," and the pedophile replies: "At the beach. He was there with his mother. He came over to me and started talking. You see, the kids must make all the moves." In case that point has been missed, White reiterates it a few lines later, this time asking explicitly: "Did your friend take the sexual initiative with you?" "Absolutely," Petrouchka affirms, adding, "I've been into kids since I was twenty-two and in every case the kids were the aggressors."

"What do you two do in bed?" White next inquires. There follows a graphic description, which the pedophile concludes on a mournful note. For there is, as it turns out here, at least one problem with man-boy love that most readers may not have anticipated: namely, that the kids are too loving.

A second writer who has explicitly addressed the matter of men and boys, this time adolescents, is Larry Kramer, author of the hugely celebrated AIDS play "The Normal Heart" and of an earlier novel called "Faggots (1978)," one of the classics of the post-liberation gay genre. The comparison between Kramer and White is particularly useful insofar as the two authors differ markedly in a number of important ways. Kramer's authorial perspective, as well as his political persona (he is a well-known activist and co-founder of the New York Gay Men's Health Crisis), have made him something of an anomaly in his chosen circles. Between the 1970s and the dawn of AIDS, at a time when most gay figures were proclaiming the joys of post-Stonewall "liberation," Kramer, for his part, was nearly alone in emphasizing its dark side. "Faggots," for example—a controversial book then and now—concerns the plight of a man looking for homosexual love in the hedonistic heyday of Manhattan and Fire Island. Kramer includes a number of scenes in which older men drug, flatter, and seduce teenage boys. Most prominent among these is a 16-year-old named Timmy, who is initiated into the high life at a party by a series of experienced men and finally "devoured" by ten at one time. In the course of this brutal description—one of several in the book involving adolescent boys—Kramer repeatedly invokes the appeal of Timmy's "beauty," his "teenage skin," his status as "forbidden fruit." One by one, the men at the party succumb to Timmy's charms, including even the most macho of them all ("the Winston Man"), who finds himself "excited in a way that he has not been since" high school.

Timmy's fate in the course of the book, it should be added, is not a happy one. Is Kramer implying that such is the price paid for decadence, or is there tacit empathy in his depictions of Timmy's many would-be "fathers"? It is left to the reader to guess. Much less ambiguous, at any rate, is the role played by Timmy and other "youngsters" in the world that Faggots portrays.

Another celebrated gay author who broached the subject of sex with minors is the late Paul Monette. Monette's 1988 book Borrowed Time: An AIDS Memoir garnered a National Book Critics Circle Award nomination and was acclaimed by many as "one of the most eloquent works to come out of the AIDS epidemic" (USA Today). His 1992 book Becoming a Man: Half a Life Story won the National Book Award. It is in this volume that Paul Monette, like Edmund White before him, puts forth what would once have been a controversial thesis about the sexual wants of prepubescent boys. "Nine is not too young to feel the tribal call," he notes early on while recollecting his own childhood adventures with a boy his age. "Nine and a half is old enough," he repeats later, adding the by-now familiar note that "for me at least, it was a victory of innocence over a world of oppression."

Several chapters later, while reminiscing about an aborted affair he had with a high-school student while teaching at a boarding school, Monette sounds another theme that once would have been guaranteed to shock: that of the predatory, empowered adolescent. "Behind the gritted teeth of passion," writes the author of his first sexual encounter with a particular boy, "I heard the ripple of laughter, so one of us must have been having fun. Must've been Greg, for I was too busy feeding on sin and death to play."

"It was Greg who always chose the time," he continues, adding dramatically, "I stood ready to drop whatever I was doing. . . . I lived in thrall to Greg's unpredictable needs."

That is not to say that Paul Monette, at the time, felt himself relieved of responsibility for the affair—far from it. "If I am particular about the fact of being seduced—putting it all on him, the will and the dare and then the control—it doesn't mean I didn't feel the guilt. . . . I had become the thing the heteros secretly believe about everyone gay—a predator, a recruiter, an indoctrinator of boys into acts of darkness." But this self-recrimination, he goes on to reveal, was simply false consciousness. For finally, "I don't think that now. Twenty years of listening to gay men recount their own adolescent seductions of older guys has put it all in a different light."

Have all these trial balloons just passed without comment over the public head? One of the few critics to have taken notice is Bruce Bawer, who in his 1993 book, A Place at the Table castigates Edmund White in particular for his advocacy of man-boy sex. Such radicalism, Bawer argues, is part of the twisted legacy of the closet—a legacy that has forced "subculture" writers like White to evermore in-your-face positions on account of their oppression by the rest of society.

But writers have from time immemorial endured oppression—including jail time and execution—without leaping to the defense of pedophilia. And what kind of "oppression" is it, exactly, that confers fame, fortune, critical raves, national awards, and—in the case of Edmund White—a Guggenheim fellowship and anointment as a Chevalier de l'Ordre des Arts et Lettres?

PEDOPHILE SCIENCE

Actually, even the likes of White were being more derivative than they would ever like to believe. Hands down, if you'll pardon the expression, the real big daddy of pedophilia chic could only be the long-dead Alfred C. Kinsey. As Judith A. Reisman and Edward W. Eichel point out in their 1990 exposé Kinsey, Sex and Fraud, "It is Kinsey's work which established the notion of 'normal' childhood sexual desire"—a notion that, as their book documents, was field-tested on the bodies of hundreds of children, most of them boys, in ways that might today be considered imprisonable offenses.

How did Kinsey and his team get away with it? "As we can see now," wrote Tom Bethell in his excellent review of the Kinsey facts for the May 1996 American Spectator, "science had vast prestige at the time and Kinsey exploited it. Any perversion could be concealed beneath the scientist's smock and the posture of detached observation."

Yet if Kinsey is now suffering a public disrobing, his intellectual heirs display their researches still. For a final model of pedophilia chic—this one tricked out with all requisite charts, tables, models, and talk of methodology—consider a volume published in 1993 by Prometheus Books. As its name seems to suggest, Prometheus is a publishing house of cutting-edge aspiration, whose backlist reveals its focus on issues like paranormal psychology, freethinking, and humanism. And, oh yes, a trans-Atlantic exploration of the virtues of pederasty called Children's Sexual Encounters with Adults: A Scientific Study, by a trio identified as C.K. Li ("a clinical psychologist in Paisley, Scotland"), D.J. West ("Emeritus Professor of Clinical Criminology at Cambridge University"), and T.P. Woodhouse ("a criminological research worker in Ealing, England").

Like our other pioneering looks at sex with kiddies, Children's Sexual Encounters with Adults is sexually biased, concentrating as it does on the "startling contrast" between boys and girls when it comes to sex with grownups. ("Surveys," as the authors explain at some length, "find that on the whole boys are less likely than girls to experience bad effects attributable to sexual incidents with adults.") It is not sexual contacts per se that pose problems for children, the authors argue, but rather the cultural prejudices by which most members of society judge such acts. "The damaging effects on children of intimate but non-penetrative contacts with adults," note the authors in a section on "cultural relativity," "are clearly psychological rather than physical and to a considerable extent dependent upon how such situations are viewed in the society in which the child has been brought up."

Again, and as Hanna Rosin and NAMBLA fans everywhere will appreciate, the study also emphasize the positive side of man-boy love for the boy in question. As one typical paragraph has it:

"There is a considerable amount of evidence that some boys are quite happy in relationships with adult homosexual men so long as the affair does not come to light and cause scandal or police action. . . . The great majority [of boys in a 1987 study] came from apparently normal homes, but were pleased to have additional attention and patronage from a devoted adult and willingly went along with his sexual requirements."

Parents everywhere will be relieved to learn that pedophiles themselves are not the predators of popular imaginings, but congenial well-wishers much like Edmund White's alluring Petrouchka. "Men who approach boys," the social scientists write in conclusion, "are generally looking for what amounts to a love relationship." Thus, "they employ gradual and gentle persuasion. The average pederast is no more seeking a rape-style confrontation than is the average heterosexual when looking for a congenial adult partner . . ."

At a time when almost every kind of advocacy comes equipped with statistical batteries, it should come as no surprise that pedophiles and their allies, too, have acquired their own pseudo-scientific apparatus. Only the unsophisticated would be surprised to find such a numerological polemic put forward by a reputable publishing house and advertised in the Barnes and Noble book catalog. But then, only the unsophisticated stand in need of the reeducation its pages offer. And there, to return to the figure of Larry Don McQuay, is where the matter of pedophilia chic would seem to stand. In one corner, enraged parents from across the country screaming for help in protecting their children; in the other, desiccated salonistes who have taken to wondering languidly whether a taste for children's flesh is really so indefensible after all. And they wonder why there's a culture war.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 30 minutes.

Mr. NORWOOD. Mr. Speaker, I come before the House today to speak on the future of our Nation—and that future is our children, and whether they will have the same opportunity to live the American dream that all the members of this House have enjoyed in our lifetimes.

Since the 104th Congress was sworn into office a year and a half ago, we have debated the issue of how best to provide for our children's education. That is good. We need discourse and hotly contested ideas from both side of the aisle if we are to forge a bipartisan, hopefully even a nonpartisan plan for ensuring that every American has the education necessary to not just survive, but to succeed in a global economy.

But, Mr. Speaker, we cannot have that needed discourse while the debate is fraught with distortions and political rhetoric, and that is where we find ourselves today. So I would like to begin by reviewing exactly what educational reforms have been passed by this House over the last 18 months.

Under the Balanced Budget Act, total student loan volume was scheduled to grow from last year's $24 to $36 billion in 2002. That's a 50-percent growth in spending. The school lunch program was approved for a 36-percent increase over the same period, with the States allowed to run their lunchrooms without Federal interference for the first time in decades.

The maximum annual Pell grant amount for low-income college students was raised to the highest level in history at $2,400 per student.

The House approved sweeping, and long-needed reforms in the way interest is calculated on some of the loans. Under the proposed changes, no student would have paid any interest on their loans while they were still in school. But graduate students would have been required to pay back the interest that accrued on their loans while they were getting their graduate degrees, after they graduated and got jobs.

At present, working-class Americans are forced to subsidize that accrued interest for doctors, lawyers, and Ph.D. recipients. It is just not right for someone earning minimum wage to be paying the loan cost for someone earning six-figures. The budget we passed last year would have put an end to the practice, and saved our children $10 billion they would not have had to pay back with interest. The demagogs in Congress call this cutting.

As to the Direct Loan Program, the budget would have brought that to a halt. Since the very inception of Federal student aid, loans have successfully been processed through private lenders. It is amazing that while the Federal Government is doing everything possible to downsize and privatize, and the President himself tells us that the era of big Government is over in his State of the Union Address, the Clinton administration continues to launch new big government programs, seeking to federalize what is now in the private sector.

The education plan that passed this House last year would have made the same student loans available from the same sources as they have been for the past 30 years.

For those who love to cry out against mean-spirited Republican cuts, I'm proud to say that although there was absolutely not one nickle of cuts in overall spending, there were, indeed cuts in areas that badly needed cutting. The Head Start Program was slated for a true 4-percent reduction in funding, which is well warranted, according to Head Start Founder Edward Zeigler, who I quote:

> If 30 percent of the programs closed down, there would be no great loss * * * Until the program has reached a certain level of quality, they shouldn't put one more kid in it.

Indeed, over the last 6 years, Head Start enrollment has grown by 39 percent, while spending has increased 186 percent. That kind of out-of-control spending has to stop, and the plan we passed would have brought it to a screeching halt.

There were also real cuts in spending for the U.S. Department of Education, which would have taken an 11 percent reduction in funding. Since it was created in 1979, the Department of Education has spent $342 billion without any evidence the money has improved education in any way. Even the liberal Washington Post wrote in a December editorial: "America's schools are not noticeably better because a Department of Education was created."

Why hasn't the Department of Education helped improve our children's education? Because of simple economics—you cannot take money from taxpayers across the country, send it to Washington, DC, then send it back to the States, and not lose most of the original money in the process. According to the Congressional Research Service, of every dollar we send to the Department of Education here in Washington, only 23 cents ever finds it's way back to our local schools. That's not efficient, and that's not how to compete in a global economy.

Now, there is one program that is eliminated entirely under the balanced budget plan—Goals 2000. That program has skyrocketed in cost from $87 to $372 million in just 1 year. It duplicates other Federal efforts, creates a multitude of new bureaucracies, but has no real impact on day-to-day learning. And the attempts of the program to revise American history to reflect the new politically correct themes of the far-left have been so inflammatory they were voted down in the Senate by a 99-to-1 vote. So the new plan contained not one penny for Goals 2000.

The defenders of the failed status-quo in education have tried to convince the American people that Republicans would undermine education by holding down the massive spending increases that the Clinton administration had planned. But maybe they should instead answer the question of why we should spend more taxpayer money when our Federal dollars have failed to achieve positive results, year after year after year.

This plan to bring our educational efforts into line with our ability to fund them, and with the level of achievement of our programs, now sits in limbo, vetoed by the President.

But the educational reforms in the Balanced Budget Act are not the only efforts undertaken by this Congress to improve the way our children learn.

A major battle in the effort took place just this spring here in Washington, and most of the Nation missed it. It was the latest round in the fight over who has the ultimate authority over a child's education and future—the parent or the Federal Government.

This House provided funds for Washington's public schools to offer a small pilot school choice program, that would allow about 2 percent of all Washington, DC, school children to attend better schools, and then only if local school board members choose to use the plan.

For those students locked into attendance at the worst public schools in the District, vouchers would be provided to pay for transportation to alternate public schools, or for transportation and tuition at private schools.

The program, similar to one in Milwaukee and nearly two dozen other communities, was designed to give poor parents the same power and freedom of education that rich parents have. It would have improved public schools by making them compete for students, and most importantly, by giving students the opportunity for a better quality education.

Unfortunately, there are those here inside-the-beltway who are adamantly opposed to fairness and equality of opportunity. After stalling the D.C. budget for months over this single issue, liberal Senate Democrats under pressure from President Bill Clinton voted to filibuster the bill, which prevented it from even coming to the floor for a vote. The White House announced it would have vetoed the entire bill over this tiny pilot project, even though the District's local political leaders begged for passage. The White House, liberal Senate Democrats, and the NEA won, and Washington's schoolchildren lost.

Why the extraordinary fight over a program that could at most impact only 2 percent of students in a single school district? Because the National Education Association decided to make this a litmus test. Their chief lobbyist told the Washington Post on February 28 that "It is much bigger than D.C." And when Washington's NEA office says "jump," the Washington bureaucracy says "how high?"

The reason, as U.S. News and World Report recently explained, is that—and I quote:

> The NEA has wedded itself to the Democratic Party . . . teacher unions have used their resources to fight reform—and their resources are vast. The union's palatial Washington, D.C. headquarters, renovated in 1991 at a cost of $52 million, is a testament to its power in national politics. The union handed out $8.9 million to congressional candidates between 1989 and 1995, only a fraction of it to Republicans. And the Clinton White House is banking on the NEA playing a big role in this year's presidential campaign.

According to the Education Policy Institute, NEA and its related educational PAC's spend $40 million a year on the national level lobbying for their agenda, 98 percent of which goes to Democrats. And with a total budget of $1.2 billion a year, the amount of overall political impact this special interest exerts on our children's education is beyond measure.

What these objections are really over is not the education of children. It is over the billions spent every year on Federal allocations for education programs at dozens of Federal agencies. And billions ultimately find their way, directly and indirectly, into the coffers of the NEA and their members. The greatest fear of the NEA is that granting freedom to families to choose where their child is educated will cut off the flow of those funds, and their ability to control the educational agenda of the Nation.

As long as the liberal trend towards federalization of our local schools continue, the NEA's feast on largesse at the Federal trough will continue. Any increase in parental or local control of those funds stands diametrically opposed to their goal of dominating the educational industry.

However, a clarification of how this debate is currently framed is badly needed. Those on both sides of the issue of school choice often make the same mistake. It is not an issue of public versus private education. It is a question of how to provide the best education possible for every child in this country.

As we face the educational challenges facing us in an era of global competition, we can no longer afford the illusion that we have competing school systems. We have one educational system in America, and it includes public, private, and home schooling, and we have to maintain the openmindedness to rethink our approach on a child-by-child level.

For most of our Nation's children, public education provides a quality learning experience with a multitude of resources often not found in smaller private schools or a home schooling environment. Those children will likely, and should, continue in their current schools even if vouchers are available.

But for many disadvantaged youth trapped in inner-city schools overrun with drugs and violence, the ability to have a choice would, with absolute certainty, greatly improve their ability to learn.

And for children with special needs or talents, the ability to choose both public and private alternate schools, or home schooling, would allow them to progress far beyond the level of our "one-size-fits-all" current policy.

All this is representative of just how distorted the debate over education has become. Instead of focusing on improving our children's learning levels, success is measured by programs and dollars spent, and by squashing reforms that threaten the monopoly held by powerful special interest groups. It's a debate that I hope changes this year.

Mr. Speaker, we need to shift the focus of Federal education policy back to parents, communities, and States—in that order. We need to encourage reform efforts like school choice. And most importantly, we hope that when our efforts are done, children will begin to learn again in even the poorest and most disadvantaged school districts.

Meanwhile, both the President and the Vice President continue to send their children to private schools instead of the District of Columbia public school system, in spite of denying that same choice for thousands of poor children in the same city.

But Mr. Speaker, we need to be willing to look beyond the issue of just school choice, and into what our States and communities can accomplish if we return real educational freedom to this land. For the last 30 years, we have seen our educational system decline, to a point that many Americans are losing hope that their children will have a future. But if we are just willing to cast aside the political blinders, we will find that we have an unlimited opportunity to bring real improvement to our Nation's schools.

For the last year the House Economic and Educational Opportunities Committee has been trying to determine just how much, and where, the Federal government has been spending on education. What we have discovered is beyond belief.

Last year, 39 separate agencies of the Federal Government were allocated over $120 billion for at least 763 education programs. And the nonpartisan Congressional Research Service told us they believe there are probably several hundred more programs that they have yet to find.

And what are some of the things that we are spending this educational money on today?

$3 million for the Intergovernmental Climate Program.

$1 billion for the Labor Department's Job Corps Training Programs.

$204 million for Clinton's Americorps volunteer program that is costing us nearly $30,000 a year per volunteer.

Another $42 million for Volunteers in Service in America.

$71 million for the Foster Grandparent Program.

$10 million for the Inexpensive Book Distribution Program—which is an oxymoron if one ever existed.

$48 million for the National Center of Education Statistics.

$8 million for the National Education Dissemination System.

$311 million for bilingual and immigrant education.

$86 million for Educational Research and Development.

$1 million for the Institute of International Public Policy.

$16 million for National AIDS Education and Training Centers.

$180 million for Family Planning Services.

$18 million for overseas schools and colleges.

And this is just the tip of the iceberg. Now, to be sure, there are some very worthwhile expenditures included in the totals, such as funding for our Nation's military academies, along with research grants to colleges and universities from which we derive direct benefits in many areas of our lives.

But imagine what we could do to improve our children's education if we returned this fortune to our local schools.

If my home State of Georgia's share is calculated on the same percentage as the formula agreed on for Medicaid funding by the Nation's 50 governors, including Georgia's Democratic Governor Zell Miller for my friends on the other side of the aisle, this comes to an astounding $3.16 billion a year in education money for Georgia. And I believe my colleagues from both parties will find the following amazing scenario would ring true for their States as well as Georgia.

Bill Alred, statistical analyst for the Georgia Department of Education in Atlanta, says Georgia school systems spend a grand total of $5.3 billion on grades Pre-K through 12 in fiscal year 1994, the last year for which full statistics are available. If we kept the money at home instead of sending it to Washington, we could cover nearly 60 percent of the total cost of elementary and secondary education in Georgia.

Even more astounding is the impact the Federal spending could have on our Georgia colleges and universities. Roger Mosshard, assistant vice chancellor of budgets with the Georgia State Board of Regents, says Georgia's university system took in around $2.5 billion last year from all sources, including tuition fees; payments for room and books; Federal, State, and private grants; and direct funding.

If we kept the Federal spending at home, Georgia could fund its entire university system with over $500 million to spare, and I think that many of you would find the same true in your State.

That would mean free college for every child who can pass the courses, not just as undergraduates, but through the doctoral level including medical and law school. And not just tuition, but dormitories and meals, rooms, books, lab fees, research, field trips, everything. And this absolutely revolutionary, quantum leap forward, could be funded with what we are already spending.

Now take a long hard look at that list of where that money goes now. Comparing the options, which do you think will help our children best prepare for a global, high technology economy in the 21st century?

I implore my friends on both sides of the aisle to stand up against the special interests, face the future with courage and an open mind instead of fear, and join the fight to bring our schools out of the failed ways of the past, and into a future that is limited only by our ability to see it.

Mr. Speaker, it's time to make education be about our children again—instead of just about supporting bureaucracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. ENSIGN (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. FLANAGAN (at the request of Mr. ARMEY) for today, on account of attending funerals.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. BURTON, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) and to include extraneous matter:)

Mr. SERRANO.
Mr. JACKSON of Illinois.
Mrs. MALONEY.
Mr. ORTIZ.
Mr. STARK.
Mr. SCHUMER.
Mr. JACOBS.
Mr. MENENDEZ.
Mr. HINCHEY.
Mr. MATSUI.
Mr. BENTSEN.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. DIAZ-BALART.
Mr. ENGLISH of Pennsylvania.
Mr. QUINN.
Mr. ENSIGN.
Mr. GUNDERSON.
Mr. COLLINS of Georgia.
Mr. ALLARD.
Mr. SCARBOROUGH, in three instances.
Mr. SHAW.
Mr. BILIRAKIS.
Mr. HASTERT.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc, and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

(The following Members (at the request of Mr. NORWOOD) and to include extraneous matter:)

Mr. MCINTOSH, in two instances.
Mr. TATE.
Mr. BLUTE.
Mr. MCDERMOTT.
Mr. FARR in California.
Mr. PASTOR.
Mr. TORRES.
Mr. MURTHA.
Mrs. CLAYTON.
Mr. HOKE.
Mr. VENTO.
Mr. FIELDS of Texas.
Mr. SCHUMER.
Mr. KOLBE.
Ms. JACKSON-LEE of Texas.

ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.) under its previous order, the House adjourned until Tuesday, July 16, 1996, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Board's final rule—Management Official Interlocks Docket Number R–0907—received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4119. A letter from the Assistant Secretary, Department of Education, transmitting notice of final priority for school-to-work urban/rural grants using fiscal year [FY] 1995 funds, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4120. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report entitled "Uranium Purchases Report 1995," pursuant to 42 U.S.C. 2296b–5; to the Committee on Commerce.

4121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District (FRL–5464–6) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance (FRL–5532–3) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Tennessee SIP Regarding Construction Permits and Volatile Organic Compounds (FRL–5533–5) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4124.A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington: Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs (FRL–5514–4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone (FRL–5531–4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4126. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA} to Japan for defense articles and services (Transmittal No. 96–55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4127. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 96–56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4128. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4129. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of a cooperative agreement between the United States and Israel for technology research and development projects [TRDP] (Transmittal No. 14–96) received July 12, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4130. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4131. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Examination of IRS' Fiscal Year 1995 Financial Statements" (GAO/AIMD–96–101) July 1996, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Reform and Oversight.

4132. A letter from the Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996–1997 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018–AD42) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4133. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's annual report on the Asset Forfeiture Program fiscal year 1994, pursuant to 28 U.S.C. 524(c)(6)(A); to the Committee on the Judiciary.

4134. A letter from the Assistant Secretary of Defense for Force Management Policy, Department of Defense, transmitting the Department's report on the Civilian Separation Pay Program, pursuant to 5 U.S.C. 5597 note;

jointly, to the Committees on National Security and Government Reform and Oversight.

4135. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on the research program on Quiet Aircraft Technology for Propeller-Driven Airplanes and Rotorcraft, pursuant to Public Law 103-305 section 308(a) (108 Stat. 1593); jointly, to the Committees on Transportation and Infrastructure and Science.

4136. A letter from the Railroad Retirement Board, transmitting a report on the actuarial status of the Railroad Retirement System, including any recommendations for financing changes, pursuant to 45 U.S.C. 321f-1; jointly, to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1997 (Rept. 104-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3249. A bill to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes; with amendments (Rept. 104-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes; with an amendment (Rept. 104-674, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3586. A bill to amend title 5, United States Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes; with an amendment (Rept. 104-675). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER:

H.R. 3799. A bill to amend title 49, United States Code, to exclude not-for-hire transportation of agriculture production materials from regulation under the Hazardous Materials Transportation Act; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 3800. A bill to amend the Federal Election Campaign Act of 1971 to prohibit political action committees from making contributions or expenditures for the purpose of influencing elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. KLECZKA (for himself and Mr. SENSENBRENNER):

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. HORN, Mrs. MALONEY, and Mr. PETERSON of Minnesota):

H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BARTON of Texas (for himself, Mr. GOODLING, Mr. CLAY, Mr. EDWARDS, Mr. LAUGHLIN, Mr. BONILLA, Mr. BEREUTER, Mr. FIELDS of Texas, Mr. MONTGOMERY, Mr. ACKERMAN, Mr. PETE GEREN of Texas, Mr. WILSON, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. BOEHLERT, Mr. EHRLICH, Mr. GONZALEZ, Mr. WELLER, Mr. FROST, Mr. BENTSEN, Mr. DE LA GARZA, Mr. SAM JOHNSON, Mr. SKEEN, Mr. STENHOLM, Mr. TEJEDA, Mr. BATEMAN, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. KING, Mr. THORNBERRY, Mrs. VUCANOVICH, Mr. SMITH of Texas, Mr. COMBEST, Mr. CHAPMAN, Mr. BREWSTER, Mr. PORTMAN, Mr. BRYANT of Texas, Mr. SISISKY, Mr. BARRETT of Nebraska, Mr. COLEMAN, Mr. PACKARD, Mrs. KELLY, Mr. STOKES, Mr. LINDER, and Mr. LIPINSKI):

H.R. 3803. A bill to authorize funds for the George Bush School of Government and Public Service; to the Committee on Economic and Educational Opportunities.

By Mr. BONO:

H.R. 3804. A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Resources.

By Mr. BRYANT of Tennessee (for himself, Mr. CONYERS, Mr. WHITFIELD, Mr. MANTON, and Mr. LARGENT):

H.R 3805. A bill to establish procedures and remedies governing the relocation of certain professional sports teams, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARTINEZ (for himself, Mr. KILDEE, and Mr. SCOTT):

H.R. 3806. A bill to extend and amend the programs under the Runaway and Homeless Youth Act, to consolidate authorities for programs for runaway and homeless youth, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. MCDERMOTT (for himself, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mrs. KENNELLY, Mr. COYNE, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from certain retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. CONYERS):

H.R. 3808. A bill to establish the Intellectual Property Assembly of the Americas and to provide for participation in the assembly by the U.S. Delegation; to the Committee on International Relations.

By Mr. PALLONE (for himself, Mr. WYNN, Mr. KLUG, Mr. CANADY, and Mr. PORTER):

H.R. 3809. A bill to improve the ability of the U.S. Government to collect debts owed to it, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSE:

H.R. 3810. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3811. A bill to provide incentives for the conservation and recovery of endangered species; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, and Ms. ROS-LEHTINEN):

H.R. 3812. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE:

H. Res. 477. Resolution amending the Rules of the House of Representatives regarding trust relationships; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JEFFERSON:

H.R. 3813. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sea Sister*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 188: Mr. JOHNSTON of Florida.

H.R. 721: Mr. PALLONE.

H.R. 773: Mr. GILCHREST.

H.R. 820: Mr. PORTER, Mr. HAYES, Mrs. KENNELLY, Mr. LIVINGSTON, and Mrs. COLLINS of Illinois.

H.R. 1100: Mr. LIPINSKI and Mr. HINCHEY.

H.R. 1127: Mrs. MYRICK.

H.R. 1591: Mr. VISCLOSKY, Mr. MENENDEZ, and Mr. COYNE.

H.R. 2011: Ms. PRYCE, Mr. FLAKE, Mr. HASTINGS of Florida, and Mr. GUTIERREZ.

H.R. 2065: Ms. DELAURO.

H.R. 2209: Mr. VOLKMER and Mrs. COLLINS of Illinois.

H.R. 2472: Mr. TOWNS and Ms. MCCARTHY.

H.R. 2697: Mrs. LOWEY.

H.R. 2748: Mr. FILNER, Mr. CARDIN, Mr. COYNE, Mr. BREWSTER, Ms. DANNER, Mr. YATES, and Mr. KENNEDY of Massachusetts.

H.R. 2807: Mr. JEFFERSON, Mr. BACHUS, and Mr. ANDREWS.

H.R. 2900: Mr. YOUNG of Alaska, Mrs. MEYERS of Kansas, and Mr. FROST.

H.R. 2911: Mr. FAWELL.

H.R. 2960: Mrs. JOHNSON of Connecticut.

H.R. 2976: Mrs. MYRICK and Mr. WELLER.

H.R. 3000: Mr. PARKER, Mr. DE LA GARZA, Mr. LARGENT, Mr. BROWN of Ohio, Mr. EVANS, and Ms. GREENE of Utah.

H.R. 3077: Mr. FATTAH and Mr. BARRETT of Wisconsin.

H.R. 3142: Mr. PAYNE of Virginia, Mr. FRELINGHUYSEN, and Mr. NEAL of Massachusetts.

H.R. 3187: Mr. ACKERMAN, Mr. ANDREWS, Ms. DANNER, Mr. LIPINSKI, Mr. POSHARD, Mr. FATTAH, and Mrs. COLLINS of Illinois.

H.R. 3201: Mr. MEEHAN, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. SALMON, Mr. HUNTER, Mr. KIM, and Mr. DUNCAN.

H.R. 3246: Mr. CUMMINGS.

H.R. 3250: Mr. LAHOOD.

H.R. 3351: Mr. BROWN of Ohio.

H.R. 3393: Mr. MORAN.

H.R. 3401: Mr. LOBIONDO, Mr. WATT of North Carolina, Mr. HAYWORTH, Mr. CALVERT, Mr. JEFFERSON, and Ms. MOLINARI.

H.R. 3462: Mr. PALLONE and Mr. SENSENBRENNER.

H.R. 3467: Ms. DANNER, Mr. MARTINI, Mr. HAYWORTH, and Mr. BACHUS.

H.R. 3480: Mr. MYERS of Indiana.

H.R. 3482: Mr. OWENS and Ms. JACKSON-LEE.

H.R. 3505: Mr. DINGELL and Mr. MARKEY.

H.R. 3510: Mr. JOHNSTON of Florida, Mrs. CLAYTON, Mrs. MALONEY, Ms. SLAUGHTER, Ms. DELAURO, Mr. HINCHEY, Mr. OLVER, Ms. WATERS, Mr. HASTINGS of Florida, Mr. MANTON, Mr. HOYER, Ms. WOOLSEY, and Mrs. MINK of Hawaii.

H.R. 3518: Mr. TORRES.

H.R. 3522: Mr. LIPINSKI, Mr. EVANS, and Mr. JACKSON.

H.R. 3571: Mr. SENSENBRENNER.

H.R. 3601: Mr. WICKER, Mr. LARGENT, Mrs. FOWLER, Mr. RADANOVICH, Mr. MCCOLLUM, and Mr. MICA.

H.R. 3654: Mr. WAMP, Mr. SHUSTER, Mr. BOEHLERT, Mrs. THURMAN, and Mr. BAKER of Louisiana.

H.R. 3700: Mr. BAKER of Louisiana, Mr. CALVERT, Mrs. KELLY, Mr. BARRETT of Wisconsin, and Mr. COLLINS of Georgia.

H.R. 3706: Mr. SANDERS.

H.R. 3714: Mrs. JOHNSON of Connecticut, Mr. BALDACCI, and Mr. NEAL of Massachusetts.

H.R. 3732: Mr. EHLERS.

H.R. 3745: Mr. HOSTETTLER and Mr. ACKERMAN.

H.R. 3753: Mr. DURBIN and Mr. POMEROY.

H.R. 3757: Ms. SLAUGHTER.

H.R. 3760: Ms. GREENE of Utah, Mr. BALLENGER, Mr. RIGGS, Mr. LIVINGSTON, Mr. FOX, Mr. KOLBE, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. ENGLISH of Pennsylvania, and Mr. CAMP.

H.R. 3766: Mr. BEREUTER and Mr. PALLONE.

H.R. 3775: Mr. SOUDER, Mr. COMBEST, Mr. DAVIS, Mr. BRYANT of Tennessee, Mr. QUILLEN, Mr. WOLF, Mr. GREEN of Texas, Mr. FUNDERBURK, and Mr. COBLE.

H.R. 3783: Mr. MCINTOSH, Mr. WELLER, Mr. FOLEY, Mr. MOORHEAD, Mr. BROWNBACK, Mr. DUNCAN, Mr. MANZULLO, Mr. VOLKMER, Mr. HERGER, Mr. SOLOMON, and Mr. SKEEN.

H.R. 3798: Mr. FLAKE, Mr. RAHALL, and Mr. CLAY.

H.J. Res. 26: Mr. TIAHRT.

H. Con. Res. 83: Ms. FURSE.

H. Con. Res. 180: Mr. SKELTON, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. SOLOMON, Mr. MCNULTY, Mr. KING, Mr. HORN, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. KELLY.

H. Res. 399: Ms. FURSE.

H. Res. 464: Mr. GILMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Tom Johnson, and Thomas C. Sawyer.

Petition 13 by Mr. CONDIT on House Resolution 443: Wally Herger, Phil English, John N. Hostettler and Richard W. Pombo.

Petition 14 by Mr. TANNER on House Resolution 425: Charles W. Stenholm, Bart Gordon, Glen Browder, Gene Taylor, Collin C. Peterson, Scotty Baesler, James A. Hayes, Vic Fazio, George Miller, Martin Olav Sabo, and Barbara B. Kennelly.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3756

OFFERED BY: MR. SANDERS

AMENDMENT NO. 5: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make any payment to any health plan under the Federal employees health benefit program when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.

EXTENSIONS OF REMARKS

DR. REED BELL AND COMMUNITY SERVICE NETWORKS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to speak about a very ambitious and worthwhile program that has been started in my district, and about the man who has brought it all together. My district, like many across the country has its fair share of broken homes and families in need. We have learned that Washington does not always have the answer to these problems. So we in northwest Florida have started something called a Community Service Network, and with it, we are tackling the problems that face our area and are helping those in my district who are truly in need.

Community Service Networks are an alliance of different church, civic, and volunteer groups that get together to take care of the poor in their communities. The civic groups in these networks go directly out into their communities as care teams, bringing aid directly to the poor not only with food and medicine, but sometimes even with just advice or by lending a sympathetic ear.

This idea of a privately organized community effort to help the poor is a concept I had hoped to begin for some time. Fortunately, northwest Florida has community leaders with a strong sense of civic pride and a willingness to help those in need.

One such community leader is Dr. Reed Bell, a pediatrician who has spent many years in my district caring for children from poor and disadvantaged families. Dr. Bell had seen the struggles and setbacks of poor children and he knew firsthand how hard life can be for the poor and underprivileged. It is an experience that left him deeply impressed with the urgent need for community action to help those who cannot help themselves.

When Dr. Bell approached me with his own ideas for mobilizing community resources, I found that we shared a common belief that something needed to be done for the poor right here at home. We also found that we agreed that whatever was done, it had to be a private sector initiative, not just another government program. So Dr. Bell immediately began to meet with those in my district who were most interested in aiding the disadvantaged. When it was all done, and after much work and numerous meetings with both prominent people, groups, and ordinary citizens, the Community Service Network concept was born.

Mr. Speaker, I am pleased to say that this approach is catching on around the Nation. The New York Times recently reported an explosive growth in groups just like the CSN's. The Times article said that people are tired of waiting for Washington to step in and that they are digging in and doing their part; saying in effect, "Forget waiting for the Federal Government. We can do it ourselves."

Mr. Speaker, that is what we are doing in my district. That is what Dr. Bell has done his whole career and is still doing to this day. This is not a political revolution, it is a revolution of thought and spirit. It is a movement by Americans to reclaim their country and to say, "Yes, we can make a difference." So it is today that I give my congratulations to Dr. Bell and the hundreds of men and women who are out there making a difference. We are all a little better today for what Dr. Bell has done, and I believe that we in this body owe them a debt of thanks.

INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combating discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piece-meal approach to discrimination law by adding special categories to those now protected under Title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under Title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequences of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines "factors pertaining to job performance," which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff—the employee or prospective employee—than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

A FEW INCHES FROM THE YARD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. JACOBS. Mr. Speaker, this Annapolis column, "A Few Inches From the Yard," has been written by the great naval son of a great naval father, Jim Holds.

Both men make us proud to be Americans.

A FEW INCHES FROM THE YARD

(By Midshipman Tony Holds, USN '97)

It's that time again. Another year has come and gone, and we, the Class of 1997, have finally assumed the watch. My name is Midshipman Tony Holds and for the next year I will be your connection to the Brigade of Midshipmen. I take this position very seriously, and hope that if any of you ever have any input or feedback for me, you will feel free to drop me a note and let me know.

I guess the first order of business should be to tell you a little bit about myself. I grew up in a Navy family. My mother and father met when she was a PAO for a squadron at Miramar and he was riding backseat in F-4's with VF-142 on that same base. Dad graduated from the Boat School in 1959, and throughout my childhood, images of the Naval Academy were omnipresent in our home. There was a stuffed Bill the Goat staring sternly down at me from the top of my chest of drawers, overseeing the various stages of my young life. Threadbare whiteworks and musty-smelling flight suits filled my toy box. I pored frequently over my Dad's yearbooks with reverent awe and, once I began to read, paged through every issue of Proceedings and Shipmate he would receive in the mail.

The one column that always most fascinated me was "A Few Inches from the Yard", because it seemed the best place to get the straight scoop on the pulse of the Brigade. Dad was full of stories of the Hall, some probably embellished by years of separation from the events in question. This column, however, represented an opportunity to hear what was going on in the Hall from an unbiased source: someone whose perspective was in-your-face and based on the day-to-day realities of life in Mother B; and here I am, years later, honored and humbled to be that voice for you. Wow.

That is not all, though. Here, in my first ever column, I come to you with a dual purpose. Approximately a month ago, when I received word that I was to be this year's writer for "A Few Inches from the Yard", I envisioned my first article as an opportunity to compose a pleasantly uneventful introduction in which I would tell you some anecdotes about myself, life in the Hall as we prepare to welcome the class of Plebes that will lead us into the next millennium, and so on. I was hoping to just leave a good taste in your mouth and set the stage for future articles of more substance. Well, you know what they say about the best laid plans of mice and men. It appears my first article is going to be more than what I expected.

As you know, a dark cloud is hovering over the Naval Academy right now. Some of the recent happenings here, which I'm sure you've been made abundantly aware of by the media, are not things we, as Midshipmen are proud of. In fact, we can hardly believe what is going on. We are making the paper and the nightly news much too often for all the wrong reasons. There seems to be a general sense of crisis amongst administration, faculty, and Midshipmen alike. Every last person I know is scratching their head and struggling to fathom what could lead members of the Brigade to conduct themselves so disgracefully. I am sure this sentiment of disbelief and disappointment is echoed resoundingly in the minds of Alumni everywhere.

The bottom line that must be kept in the front of our minds, though, is this: Yes, these events are shocking, yes, they are damaging to us as an institution, but in no way are they indicative of what we, the Brigade, represent. They are nothing more than infuriating, high-profile aberrations. My point? Now, more than ever, is when we need the support of our Alumni. It would be tempting, if you were led to believe that these happenings reflected the character of the Brigade as a whole, to abandon ship on us, but you must not. Right now, there are thousands of Midshipmen who are just like you were when you called the confines of Mother B home. We are worthy of your support and trust. The times we live in are different—that's true, but there is a grand universality to many portions of the experience by which we all, young and old, are inextricably bound together—the Annapolis experience. My desire is to communicate to you, our predecessors, that although we live in different times, people never truly change. All but a profound minority of us espouse the same ideals, harbor the same hopes, and are haunted by the same fears that most of you had as young men and women attending this school. We are here for love of country and a desire to serve. With an exerted show of solidarity, we can all help to quiet those who would like to end or severely break down 150 years of tradition based on a random outbreak of isolated incidents. There are, admittedly, those who like to see this happen. They are banking on the assumption that we, the Naval Academy family, can be divided. Don't let that happen. Hang on tight and ride out the storm with us, better days are ahead.

On a final, brighter note, a hearty congratulations to the Class of 1996 for completing a grueling four years and winning the prize. Best of luck in the fleet; make us proud!

That's all I have for this month, but I'll be back keeping you apprised of the latest gouge in the next issue. Until then, fair winds and following seas.

TRIBUTE TO DONALD HERBERT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the distinguished service of Mr. Donald Herbert, a Buffalo firefighter injured in the line of duty.

On December 29, 1995, while serving the city of Buffalo as a firefighter at a residential fire, Mr. Herbert suffered traumatic injuries when the roof of the building he was in collapsed. Despite the extensive nature of his injuries, and after a very trying first few months, Donald Herbert's personal strength and commitment to God and his family have enabled him to make his way toward recovery.

Today, the Herbert family, the Buffalo Professional Firefighters Association, and our Buffalo community have organized an event to honor Mr. Herbert, and to convey to him our grateful appreciation for his service, valor, professionalism, and bravery. Donald Herbert can count on our Buffalo community, because we have always been able to count on him.

Mr. Speaker, today I join with the Herbert family, the Buffalo Fire Department, the city of Buffalo, our western New York community, and indeed, all of those who have dedicatedly served our Nation and ensured our safety as firefighters to honor Mr. Donald Herbert for his dedication, hard work, and commitment to our city; and offer him my sincere best wishes for a speedy recovery.

LEGISLATION TO ALLOW PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS DURING UNEMPLOYMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would allow people to receive penalty-free withdrawals of funds from certain retirement plans during long periods of unemployment. I am pleased that Representatives SAM GIBBONS, CHARLES RANGEL, PETE STARK, BARBARA KENNELLY, ROBERT MATSUI, BILL COYNE, JOHN LEWIS, and RICHARD NEAL have joined me in cosponsoring this legislation.

This legislation would allow penalty-free withdrawals from individual retirement accounts [IRA's] and qualified retirement plans—401(k) and 403(b)—if the taxpayer has received unemployment compensation for 12 weeks under State or Federal law. Under the legislation, the distribution of funds would have to be made within 1 year of the date of unemployment. In addition, a self-employed individual would be treated as meeting the requirements of unemployment compensation if the individual would have received such compensation if the individual would have received such compensation if he or she had not been self-employed.

Under current law, when a taxpayer withdraws money from an IRA or a qualified retirement plan before age 59½, he or she is forced to pay an individual 10 percent tax on the amount withdrawn. This additional tax is intended to recapture at least a portion of the tax deferral benefits of these plans. This tax is in addition to regular income taxes the taxpayer must pay as the funds are included in the taxpayer's income. The early-withdrawal tax also serves as a deterrent against using the money in those accounts for nonretirement purposes.

The vetoed Balanced Budget Act of 1995 includes a provision which is the same as this legislation with respect to withdrawals from IRA's. This provision recognizes that when an individual or family is faced with long periods of unemployment, they may have no other choice but to draw upon these funds to meet their everyday living expenses. During this financially stressful time, an additional 10 percent tax for early withdrawal is unfair and only serves to make the family's financial situation worse. This legislation would accomplish the goals of that provision by allowing penalty-free withdrawals during long periods of unemployment from IRA's as well as qualified retirement plan 401(k) and 403(b) accounts.

Many small businesses offer participation in 401(k) plans, this amendment would help unemployed people who at the time of separation from employment chose to leave their 401(k) funds with their former employer. Then, because of unanticipated long periods of unemployment, need access to those funds. Accordingly, many small businesses would benefit from this amendment. In addition, employees who are laid-off from their former employment may need access to those funds in order to start up their own small business. State and local government employees who are displaced through downsizing, also may need access to the funds in their 403(b) plans for similar purposes.

The benefit this legislation would offer the long-term unemployed is the right thing to do in this period of economic uncertainty. You can plan for many things in your life financially, but the impact of long, unanticipated periods of unemployment can create financial havoc on any individual or family, including those that thought they had adequate savings to get them through such a situation. Long periods of unemployment are similar to major illnesses that can result in catastrophic medical expenses. Under current law, taxpayers are allowed penalty-free early withdrawals from qualified retirement plans to meet catastrophic medical expenses, therefore, it makes sense to extend this benefit in cases of long periods of unemployment.

Passage of this legislation would allow unemployed taxpayers a chance to get back on their feet without having to pay an unnecessary financial penalty when they can least afford it.

OFFUTT APPRECIATION DAY

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. CHRISTENSEN. Mr. Speaker, I rise today in recognition of Offutt Appreciation Day. In my district in Nebraska, Offutt Air Force Base is the home of more than 10,000 military personnel and their 17,000 family members, employs more than 1,500 civilians, is a valued part of the Omaha/Bellevue area community and plays a vital part in our global military strategy.

In Congress, I have shown my appreciation for the families of the Offutt community by fighting for funding for Impact aid, the program which compensates public school districts for revenue lost due to the presence of military bases like Offutt. Although Impact Aid was almost zeroed out during last year's budget battle, we were eventually able to fund the program at 100 percent of the total for fiscal year 1995, providing approximately $7 million to the Bellevue Public Schools and about $510,000 to the Papillion School District. I'm pleased to note that this year the Labor-HHS appropriations bill increased funding for Impact Aid by $35 million. I fought hard to make sure this funding was included in the bill because I care deeply about the Offutt community. I want to ensure that the children of military families receive a quality education.

In honor of Offutt Appreciation Day, most of the townships and cities surrounding Offutt have passed proclamations recognizing this event. I am pleased to include the text of one of these proclamations by Robert Eccles, mayor of Ralston:

PROCLAMATION

Whereas, Offutt Air Force Base's families are a valued segment of the City of Ralston and other communities in Nebraska where everyone works as neighbors to ensure that Nebraska continues to be "where the good life began", and

Whereas, personnel stationed at Offutt Air Force Base and their families continually dedicate their lives to guarantee our freedom and defend this great nation,

Now, therefore, be it *Resolved* that I, Robert J. Eccles, Mayor of the City of Ralston, join with the Offutt Advisory Council, the Air Force Association, and the Bellevue Chamber of Commerce in saying thank you and do hereby designate July 12, 1996 as Offutt Appreciation Day in the City of Ralston and urge all citizens to join with me on this day in saluting the members of Offutt Air Force Base, Nebraska.

In Witness whereof, I have set my hand and caused the Official Seal of the City of Ralston to be affixed this last day of July 1996.

Robert J. Eccles, Mayor.

NEWMAN AFRICAN METHODIST EPISCOPAL CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to the Newman African Methodist Episcopal Church, that is located in Michigan's Ninth Congressional District. The Newman African Methodist Episcopal Church is recognized as the first African-American church established in Oakland County, MI, and as the birthplace of the Oakland County Chapter of the National Association for the Advancement of Colored People.

The church was organized in 1861 by Rev. Augustus Green. Although Reverend Green and his brethren did not have available to them a permanent home in which to pray, they were determined to worship. The first services were held in a church basement and in a schoolhouse. Eventually, the strength of their collective faith prevailed, and the congregation incorporated in 1868 and purchased their own church building in 1872. That original temple served to enable the congregation to prosper a grow. In 1961, the present house of worship was built and has been a focal point of faith within the community.

Mr. Speaker, the work of the church has led to an increased level of worship within the city. There is no doubt that the Newman African Methodist Episcopal Church has played a significant role in Oakland County religious life. Under the leadership of Bishop Basil A. Foley, the current pastor, it continues to be an instrument of positive change in our community. In recognition of its historical importance, a marker will be erected by the State Historic Preservation Office of the Michigan Department of State, that will declare the Newman African Methodist Episcopal Church as a historical site in the State of Michigan.

Mr. Speaker, it is an honor and a privilege for me to rise before my colleagues in the House of Representatives to honor a church and its congregation who have contributed so much to society.

IN RECOGNITION OF PATRICK EMMANUEL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I address the House of Representatives today in recognition of a remarkable man's professional and personal achievements. Rarely does a man come along who truly makes a difference in the life of his community. As Robert Kennedy once observed, few men possess that special quality that allows them to actually bend history. Through 50 years of dedicated service and unwavering integrity, Patrick Emmanuel has made a difference in the life of northwest Florida and the national legal community.

Today, the First Congressional District of Florida celebrates Patrick Emmanuel's 50 year commitment to excellence and professionalism in the legal field. Mr. Emmanuel's extraordinary achievements put him in a league of his own. He has honored his community by serving as president of the Florida Bar, as a member of the Board of Governors for the Florida Bar, as president of the Florida Bar Foundation, as a fellow for the American College of Trial Lawyers, as fellow for the American College of Probate Counsel and as a fellow for the American Bar Foundation. Perhaps his finest hour as a member of the legal profession was his courageous stand against the American Bar Association's ideological drive to politicize that organization instead of focusing primarily on the promotion of professionalism in the legal field.

If Patrick Emmanuel's accomplishments were limited solely to the legal field, his contribution to our community would be commendable. But many consider his achievements outside the legal field to be his greatest contribution to northwest Florida. Mr. Emmanuel served as a member of the Board of Directors of the Northwest Florida Crippled Children's Home for over 20 years. He was also appointed by the Governor as a member of the Florida Children's Commission and served as chairman of the Advisory Board of Sacred Heart Hospital. Most importantly, he succeeded where it counts the most: as the respected father of 7 children and 11—and counting—grandchildren.

While many have respected Patrick Emmanuel from afar, I had the privilege of working with him as a summer law clerk in 1989. I recall the law clerks and attorneys holding Mr. Emmanuel in a level of esteem remarkably high for such a cynical age. Most importantly, I observed his total commitment to excellence and integrity. That commitment not only served as an example to summer law clerks such as myself, but also to his clients, his law firm and his community.

On my Capitol Hill desk sits the pen set Mr. Emmanuel presented me at the end of my summer employment. The set is a reminder of a summer where I was introduced to a great man who had a great impact not only on my life, but on the lives of so many others who may never have had a chance to thank him. As the U.S. Representative for that region, I thank Mr. Emmanuel tonight on behalf of all those lives he has enriched. Thank you, Mr. Emmanuel.

REPORT FROM INDIANA—FIRST BAPTIST CHURCH

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give a special Report from Indiana. It is a special report because I was truly moved by a recent visit to a church in my hometown of Muncie, IN.

On June 28, Ruthie and I visited a very special place, the First Baptist Church. Ruthie and I were so grateful and honored to be included in a patriotic celebration called Liberty, in honor of Independence Day.

The musical celebration was directed by Steve Clarke, the minister of music. It truly captured the spirit of America in song.

Dr. Edward Strother read patriotic passages from Abraham Lincoln and Ronald Reagan during the interludes. He echoed President Reagan's inaugural address in asking God that "You would continue to hold us close as we fill the world with our song—a song of unity, affection, and love." He also quoted from Lincoln's Gettysburg Address in saying, "We here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that the government of the people, by the people, and for the people shall not perish from the earth."

The production was amazing, screens flashed to the lyrics as our favorite patriotic songs were coordinated by a cast of all ages, from youngsters to seniors.

Songs: Star Spangled Banner; Yankee Doodle; Columbia, the Gem of the Ocean; You're a Grand Old Flag; America the Beautiful; Fifty States in Rhyme; Oh Susanna; Home on the Range; Dixieland; Shenandoah; I've Been Working on the Railroad; Johnny Has Gone For a Soldier; U.S. Air Force; Caisson Go Rolling Along; Anchors Aweigh; Marine Corps Hymn; Battle Hymn of the Republic; From Where I Stand; The Golden Dream; My Country Tis of Thee; and The Pledge of Allegiance.

The volunteers and staff at First Baptist Church, in Muncie, made "Liberty," a special patriotic program, a big success. Folks like, Elaine Hamilton, produced the event, worked the sound, made a huge contribution from behind the scenes. Their tribute and respect in honor of our Nation's birthday, made me proud. It made so many of us proud.

So many folks made this patriotic event a very moving program. The entire staff and all the volunteers at First Baptist Church, are to be commended for their heartfelt celebration honoring our country and freedom. I would like to say thank you for including us. It truly touched both of us.

That, Mr. Speaker, is my Report from Indiana.

NAMES TO BE ENTERED INTO RECORD

Steve & Debbie Clarke, Dr. Edward Strother, Elizabeth Ratchford, Elaine Hamilton, Jana Allen, MaNell Gregg, Dirk Harris, Andy Rees, Wendy Rees, Wes Russell, Mike Wilson, Elsie Anderson, Walt Baker, Martha Bogle, Sharon Boyle, Wanda Burns, Nancy Callahan, Helen Clark, Bill Conner, Earl Coulson Jr., Susan Coulson, Lois Craig, Denzel Crist, Jack Cronin, Dana Davis, Heather Davis.

Barbara Eidson, Eleanor Fisk, Mary Flannery, Nellie Halt, Jerry Hamilton, Bill Harris, Louise Head, Rodney Head, Harry Irwin, Jacqueline Irwin, Pat Kissick, Nancy Kosar, Cathy Mitchell, Kristin Murray, Connie Parker, Jane Patton, Lavenna Putman, Bill Reid, Phobe Reid, Connie Thalls, Anson Tooley, Barbara Turner, Betty Unger, Gaylon Washburn, Marsena Washburn, Heidi Webb, Midge Wooters, Ashley Blackwell, Stanley Blackwell, Robbie Craig, Samantha Ratchford.

TRIBUTE TO FOOD PANTRY VOLUNTEERS, WEST SIDE CAMPAIGN AGAINST HUNGER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the food pantry volunteers of the West Side Campaign Against Hunger, a special group of people who regularly give up their time to assist in feeding the hungry of the west side of Manhattan. This group of dedicated volunteers is being celebrated by the West Side Campaign Against Hunger at the Church of St. Paul and St. Andrew on Sunday, July 14 for the enormous contribution they have made to their community.

The food pantry volunteers generously donate their time and energy to staff the food pantry. Volunteers assist the pantry daily, taking in deliveries, displaying food, helping customers, recycling and cleaning up. These volunteers have contributed 7,600 hours in 1996 to this effort. Due to the steady stream of support from the volunteers, the food pantry has been able to feed nearly 3,000 people each month.

Mr. Speaker, these individuals are deserving of special recognition for their tireless contribution of time and energy to the plight of those less fortunate. I am proud to rise here to honor this much appreciated but far too rarely acknowledged group of volunteers. I ask my colleagues to join with me and the West Side Campaign Against Hunger to celebrate their hard work and commitment.

TRIBUTE TO ALLEN C. "PETE" OGDEN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, this is a proclamation to acknowledge Mr. Allen C. "Pete" Ogden as president of the Western Pennsylvania State Association of Township Commissioners.

In addition to his civic accomplishments, Mr. Ogden is a retired business manager from Iroquois School District where he also taught mathematics. He is a devoted family man and has been married to Pat for 40 years. Together they have three grown children—Pam, Paula, and Peter—as well as three grandchildren—Jennifer, Nicole, and Matthew.

He has been a Lawrence Park Township commissioner for the last 15 years and 7 of those years he has served as president of the board. Despite the demands of being a part-time commissioner on a full-time basis, Mr. Ogden also manages to be vice president of Northwest Planning, an executive board member of the East Erie Communications Center, delegate to the Erie Area Council of Governments, the Watershed Plan Advisory Board, the Allegheny League of Municipalities, the Erie County Association of Township Officials, as well as a member of the Erie County Library Committee, the Erie Eye Bank Association, the Runner's Club, and the Lions Club.

Please join me in recognizing Mr. Ogden as State president and thank him for his many years of dedicated public service.

A SALUTE TO JOSE CASTRO CORRAL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to one of this Nation's newest citizens. When Jose Castro Corral came to the United States in 1918, Woodrow Wilson was President, Arizona was celebrating its fourth year of statehood, and America was in the middle of a devastating World War. In this time, Jose Corral and his family immigrated to America because they dreamed of a better life for themselves and their community. Indeed, Jose Castro Corral has more than fulfilled his family's vision.

Mr. Corral was born in Sonora, Mexico on August 9, 1916. Two years later, his family moved to the small mining town of Kearny, AZ, where he has lived ever since. Jose Corral's parents raised their children to become productive, accomplished members of American society. During his childhood, Jose Corral was encouraged to strive for educational excellence and active participation in community service. These upstanding ideals continue to thrive in the Corral family today.

Not only was Jose Corral dedicated to his career as a miner, he also strived to build a family of high integrity and moral value. Together with his wife Amanda, Jose Corral raised six educated and accomplished children who have become important figures of organizations including the U.S. Armed Forces, Phoenix Symphony Orchestra, Salt River Project, and INTEL. The Corral children have raised families of their own, and continue to uphold their father's vision.

In addition to Jose Corral's accomplished family and career, his altruistic nature is truly commendable. The Corral family has a unique love for music, and Jose participates in his church's choir each week. He also volunteers at church retreats and various community functions.

After 78 years of countless accomplishments in America, Jose Castro Corral recently decided to strive for yet another goal—U.S. citizenship. As the only noncitizen in his family, Jose felt that U.S. citizenship would fulfill his dream of service to his family, his community, and his country. On June 21, 1996, as his family waved signs and posters applauding his latest accomplishment, Jose Castro Corral celebrated U.S. citizenship.

Jose Castro Corral and his family serve as role models for immigrants who come to this country to fulfill America's ideals of opportunity and individual responsibility. Not only is he a model person, he is now a model citizen. It is truly an honor to welcome Mr. Jose Castro Corral as a citizen of this great Nation.

TRIBUTE TO CARLOS LLERAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. FARR of California. Mr. Speaker, today I rise to pay tribute to Carlos Lleras, a man who exemplifies the very best in public service. He retires this month after valiantly serving his country of Colombia for the past 2 years as their Ambassador to the United States. Ambassador Lleras has diligently represented his people, and it has been my pleasure to work with him through his tenure. His distinguished background will serve him well as he enters the next stage of his professional career.

Ambassador Lleras came to the United States of America in 1994 with impressive credentials. While he draws upon his vast intellectual capacity in fields as expansive as agrology, economics, and law, he is masterful in his application of this knowledge. His past is as broad as it is deep, and I am confident that he will continue to hold the people of Colombia close and dear to his heart in his future endeavors.

Ambassador Lleras received his juris doctor in law and social science from the Colegio Mayor de Nuestra Senora del Rosario. He received a diploma in civil cassation in 1960. By the time he was 24 years of age, Ambassador Lleras had already become a municipal judge and professor of economics at the Fundacion Universidad de Bogota Jorge Tadeo Lozano. One year later, in 1962, he had become professor of political science at the Universidad de America, and was also appointed dean of the faculty of natural resources at the Fundacion Universidad de Bogota Jorge Tadeo Lozano, a post he would hold for the ensuing 4 years. By 1966, Ambassador Lleras had additionally been appointed academic dean, and given an honorary degree in agrology. Ambassador Lleras then went on to lead the Universidad de Bogota Jorge Tadeo Lozano to excellence as their president from 1969 to 1972.

In addition to Ambassador Lleras' impressive academic achievements, he has also pursued other fields of interest with the same tenacity. He has been the president of numerous organizations, such as the Edible Grase and Oil Producers Federation and the National Federation of Automobile Dealers. Ambassador Lleras has also been the honorary president of the Colombian Society of Business Administrators, president of the Advisory Committee of the Colombian Institute of Foreign Trade for the reform of the Andean Pact and a columnist for the "El Tiempo" newspaper in Bogota. In 1993 he became cojudge for the Constitutional Court and within a year he was a precandidate for the Presidency of Colombia with the liberal party.

Though the United States and Colombia have not always seen eye to eye, I am proud to say that we have worked together through these differences, and Ambassador Lleras has played a pivotal role in this dichotomy. Having spent several years in Colombia during the 1960's in the Peace Corps, I am reassured knowing that he will be returning to his wonderful and beautiful homeland, with a renewed interest in serving the people of Colombia. As Ambassador, he pulled together the Returned Peace Corps volunteers who have formed Friends of Colombia to begin a continued copartnership to help the Peace Corps spirit to flourish. During his tenure I have developed a close and strong liaison with Ambassador Lleras and I will not only be sad to see him leave on a personal level, but also for the sake of the Colombian people, whom he has so well served for the past 2 years.

Mr. Speaker, I ask my colleagues to join with me today in honoring Ambassador Lleras, a very rare and special individual who combines the best of both the academic and professional worlds. Throughout his life, and especially during the past 2 years, Ambassador Lleras has been committed to the ideals of leadership based upon the principle of compassion. Ambassador Lleras is a true public servant and will be dearly missed. I wish him well in his future endeavors.

CAPT. JOE TUCKER—DISTINGUISHED VETERAN, DEDICATED FATHER, HOMETOWN HERO

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to salute Capt. Joe Tucker who is the Chief Naval Instructor at the Henry County High School in Georgia's Third District. This retired U.S. Coast Guard officer recently demonstrated a level of courage, compassion, and heroism for which we all can be proud. Captain Tucker is the kind of role model that our children need and deserve.

Today, I am submitting for inclusion in the CONGRESSIONAL RECORD an account of events that occurred, appropriately enough, on Memorial Day at the High Falls State Park. This account, from the front page of the Henry Herald on June 19, 1996, is in the words of 11-year-old Andrew Tucker who can better relate the full meaning of the events of that day than any newspaper writer or I could possibly hope. This story pays tribute to a fine uniformed officer, teacher, role model, and father—Captain Joe Tucker.

MY DADDY'S A HERO

(The Henry Herald, 6/19/96)

I'm Andrew Tucker. I'm reporting about my dad. It all started when my mom and dad and me were coming back from Indian Springs. We decided to go to High Falls Park to go swimming. We had never been there before. Lots of people were swimming in the river and walking on the rocks. Millions of signs around High Falls said not to go on the rocks.

We were walking near the waterfall when we heard a lady say "Can anybody swim?" My dad looked kind of strange because we all thought someone was drowning, but the lady didn't sound very excited. Then we saw a boy in the water, trying to come up for air and waving his arms real slowly, but then went under the water and didn't come back up. Then the lady said, "there is another one in the water."

My dad just took off his hat and glasses and his shoes, and he went in with all of his clothes on. It looked like the water was six feet deep, but my dad later said that it was about 12 feet. My dad dove in, but it was too deep. So he had to go down feet first and feel around the bottom.

He found something soft so he dove under, and it was a little girl! The current was pushing her down between rocks. She had been under there for five minutes. After six minutes you are a goner if you are under water. She was under for about five minutes when my dad brought her up.

He did mouth-to-mouth (resuscitation), or CPR. She was a little black girl. But then a man named Sam Jordan that we had talked to before came to help with the boy. They brought the girl up the hill where I was.

By that time my mom was yelling, "Has anyone got a cellular phone?" The people were just sitting there. I don't know why. She ran up the hill to the pool to get a lifeguard to call 911. The lifeguard came running down like a rocket with no shoes on. They carried the girl up the river bank.

When I saw the little girl, I thought she was dead. She looked dead. She wasn't moving and her eyes were closed. I felt sad when I saw her.

They laid her down on the ground. There were lots of people sitting on blankets, watching, and lots of people crowding around.

Then I saw her arms move, and then she opened her eyes. It seemed like a long time before she could sit up. Then I knew she was going to be fine. She talked, but I don't think she knew where she was. I was really glad that she was alive.

My dad stuck with that little girl. I think he was worried that she might not make it. I'll bet the girl may not go swimming for a long time!

By that time the boy started to get up and walk. They took both children and put them in an ambulance and drove away. We talked to Sam Jordan about the girl. They thanked my dad and said he was there at the right time.

I looked back at the river where before there were lots of people swimming and playing. Now there was just water and rocks.

Right there, where the two kids were drowning * * * was a sign that said, "DO NOT GO ON THE ROCKS! GO IN THE WATER AT YOUR OWN RISK!" I don't know why people don't obey the signs; then they would be okay.

We went to a place where Dad could put on dry clothes. I found a flat rock. I decided to write "HIGH FALLS, 1996" on it and give it to Dad so he could remember what he did on that day.

When we got home, I told everybody at school that my dad saved a little girl's life.

INTRODUCTION OF RUNAWAY AND HOMELESS YOUTH AMENDMENTS OF 1996

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MARTINEZ. Mr. Speaker, I am pleased to introduce, with my colleagues Mr. KILDEE and Mr. SCOTT, the administration's proposal to reauthorize the Runaway and Homeless Youth Act.

It is estimated that 1.3 million young people run away or are homeless each year. Since 1974, the services funded by the Runaway and Homeless Youth Act have meant the difference between life and death for young people living on the streets. The basic centers program has provided safe havens which seek to help reunite families. The transitional living services have provided older homeless youth, who do not return to their families, with the skills needed to make a successful transition to an independent adulthood.

The Runaway and Homeless Youth Amendments of 1996 maintain the commitment to youth in crisis by authorizing a comprehensive effort that combines the resources of the basic centers program and the transitional living grant program. This initiative also makes use of current drug abuse prevention and education services, as well as various demonstration projects and targeted grant programs authorized by the act. However, grants for the prevention of sexual abuse and exploitation of runaway, homeless, and street youth are kept separate.

Assistance for runaway and homeless youth will be improved with the elimination of fragmented services and funding. Under this legislation, grantees will be able to provide a variety of services, but they must supply short term shelter, long term residential services, or both. At least 20 percent of the funding will be set aside at the national level to ensure that the critical, and often costly, transitional living services for older homeless youth are continued. In addition, either through referrals or onsite programs, to address the drug abuse and alcoholism that plague many of the young people who come to them for help.

Mr. Speaker, this legislation goes a long way toward addressing the multifaceted issues that runaway, thrownaway, and homeless youth face. I am honored to be its sponsor.

CALPERS GENERAL COUNSEL RETIRES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MATSUI. Mr. Speaker, I am very pleased and proud today to pay tribute to Richard H. Koppes, who at the end of this month will retire from his position as general counsel and deputy executive officer of the California Public Employees' Retirement System, known as CalPERS.

Mr. Koppes has played a major role in guiding the highly regarded CalPERS corporate governance program, which seeks to improve the performance of companies in which CalPERS invests. Throughout his many years in working with some of the Nation's largest corporations, Mr. Koppes has been known as a leader who was firm but fair. This evenhanded manner quickly won the respect of many chief executive officers and has allowed him to be as influential and accomplished as he is today. In 1994, The National Law Journal named him as one of the country's 100 most influential lawyers.

Mr. Koppes began his career in 1971, when he received his juris doctorate from the University of California at Los Angeles. He is the founder and past president of the National Association of Public Pension Attorneys, a member of the American Law Institute, and a current member of the New York Stock Exchange Board of Governors' Legal Advisory Committee. Mr. Koppes has been widely regarded as an authority on pensions and the retirement system. Specifically, he has written and lectured on many issues related to the role of pension fund investors in corporate governance and fiduciary duties.

Fortunately, Californians will continue to benefit from his expertise even after he departs CalPERS. Mr. Koppes will continue his distinguished career at Stanford University Law School, where he will be an instructor of law in the school's executive education program. He will also serve as a counsel to various organizations, including the law firm Jones, Day, Reavis & Pogue and the American Partners Capital Group, Inc. Mr. Koppes' career in the private sector will focus on providing corporate governance expertise and institutional shareholder consulting.

Mr. Speaker, Richard H. Koppes deserves recognition for all of his contributions and achievements in the public service. I am proud to recognize this talented constituent and pleased to wish him well in his future endeavors.

TRIBUTE TO DOT PETERSON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to commend an exceptional, award-winning broadcasting at KRIS–TV in Corpus Christi who is, regrettably, leaving our community.

Dot Peterson, an anchor at a leading Coastal Bend television station, is leaving Corpus Christi to advance professional by as a producer at KOAT in Albuquerque. In television, producers are higher up in the food chain than the people we see on TV giving us the news each evening. Dot has handled the on-air anchor duties in addition to co producing since she came to KRIS. However, seeing Dot deliver the news in a steady and honest way at 6:00 p.m. and 10:00 p.m. regularly has made her a trusted figure in the Coastal Bend viewing area.

Her dedication to her community is evident through her community service. She serves as a board member of the Consumer Credit Counseling Service, a nonprofit United Way agency—a cause to which she is very dedicated. She is the recent past president of the Womens' Board of All Saints Church. She was also selected as the YMCA Woman of the Year in 1995.

Professional awards seem to follow Dot around Texas. In 1986, she anchored the KLDO newscast in Laredo which was recognized by the United Press International as the best newscast in Texas. This year, her newscast on KRIS was recognized by the Texas Associated Press as the Best newscast in Texas. Dot is very much a part of the entire south Texas community that she loves. She has reported in San Antonio, Laredo, and Corpus Christi. She speaks Spanish fluently, she explores all the aspects of the stories she covers, and she asks the tough questions.

Tommorrow, I will be with her to promote a cause to supply local school children in disadvantaged school districts. Operation Supply Our Schools asks community members to donate school supplies so resources from the school district can be better directed to meeting other learning needs. It is a cause we both know is important to the area children.

It will be Dot's last broadcast in Corpus Christi so I want to take this opportunity to wish her well, and I ask my colleagues to do the same.

TRIBUTE TO VICE ADM. TIMOTHY W. WRIGHT

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has given to his country 35 years of distinguished service. I rise to honor a man who has given to God, country, family, and community, and who I believe exemplifies all that is best in the American people. This week Vice Adm. Timothy Wright will be retiring from the U.S. Navy, and all who served under him, or who worked with him, as I did, wish Admiral Wright well, congratulate him, and want to know how much he will be sorely missed.

Emerson once said that what people say about you behind your back is the measure of your standing in society. Mr. Speaker, the words that have been said about Admiral Wright behind his back include: honest, decent, a gentleman, hard working, loyal, dedicated, courageous. From the time he entered the Navy in 1961, through his tours of duty as commander of a carrier air wing, commander of the 7th fleet, and Chief of Naval Education and Training, to his work in the Office of the Secretary of the Navy, Admiral Wright has shown a standard of excellence and dedication to duty that marks him out as a singularly able and distinguished man of intellect, skill and integrity.

Admiral Wright made a career that showed him to be one of the Navy's finest—the best of the best. For anybody who doubts that, look at the record: Defense Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal. The list goes on and on, and its testimony to a man that has given to his country an example of excellence for which we should all strive.

Now Admiral Wright will be retiring, returning to the wife and children that he loves, making up for the lost hours that a distinguished career in the Navy requires of its best and brightest. He has earned a period of R and R, as they say in the Navy, though I'll bet that he will not spend his free time sitting around the house watching game shows, and that retirement will not mean the end of an active life. Men of such dedication and nobility are not the kind of people to, if the Admiral will not mind me quoting a General, "simply fade away."

So, I join the people of the United States, of the Navy, and of my district in Florida, in wishing Admiral Wright a hearty congratulations and thanks for a job well done and a life well lived. May the years ahead bring him continued good health and happiness, and may Admiral Wright go into the next stage of his life secure in the knowledge that he has made a difference, both to those who know him and even to those who do not. The Navy is a better organization for his having served in it. Godspeed Admiral Wright; I wish for fair winds and following seas.

REPORT FROM INDIANA—WERNLE HOME

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report from Indiana. In the Second District of Indiana, I meet wonderful people, wonderful, kind and caring people, working day and night to help others.

Individuals, like those involved with a very special place, Wernle Home, a children's orphanage that I visited just a few weeks ago in Richmond, IN. Everyone involved with the success of Wernle are Hoosier Heros in my book. Ruthie and I have visited our friends at Wernle on many occasions. And each time we meet loving workers and volunteers who care for battered and abused children.

Several years ago, in my first visit, I formed a special friendship with a young boy staying at the home. We sat in his room, and he opened up his special drawer with all of his prized possessions. As he showed us his matchbox cars, and baseball cards, Ruthie asked him, one simple question. "What's your favorite thing to do?" His answer, remains in my heart, as clear today as it did back then. "I want to be with my family." That brought tears to my eyes put a lump in my throat, and filled my heart with hope.

The folks at Wernle Home, help kids like this young boy—and encourage them so they never give up hope for a brighter future.

The Lutheran Church founded Wernle in 1879 as an orphanage. Today it assists children who have suffered from emotional, physical, and sexual abuse at the hands of others.

I'd like to recognize and thank the volunteers and staff who make Wernle Home a huge success.

Folks like, Rev. Paul Knecht. For over 40 years he has helped children with special emotional and behavioral needs. He believes in his heart that "every child deserves a chance." Pat Mertz, ensures that Wernle has the financial stability it needs. He's known for swapping baseball cards with the boys. Pat makes an impact on their happiness. Judy Beeson, teaches handicapped children with a simple motto, "You can always see a rainbow even in a tornado."

Vern Pittman, is a father figure to many of the boys. Billie Fisher and Paula Wright are affectionately referred to as Mom. And Reverend Jerald Rayl, for over 14 years has ensured that the children receive spiritual needs.

And my good friend, Mike Wilson, has dedicated his life to raising the public awareness of Wernle throughout Indiana and Ohio. Cleo Lee makes sure the boys receive clothing, and this is no small task. Today there are over 110 children to care for. Craig Leavell, the director of recreation teaches the children who say, "No, I can't," to discover, "Yes, I can."

Of course the true success of Wernle Home is found in the hearts of volunteers who make it possible. Irna Chase has faithfully made sure that cakes are delivered on birthday's. Forrest Fox, has formed a special grandfather-type relationship with one young boy at the Home. His love is crucial because the child has no parents, no family. Retired Judge Brandon Griffis, conducts discussions on the law and legal issues with the older boys. Al and Marilyn Young, continue to provide leadership and support to make Wernle Home successful.

Now, I am only mentioning a few. The entire staff and all the volunteers at Wernle Home, are Hoosier Heros. They work very hard, to take these precious children in from the darkness of despair, and serve as a beacon of light. Showing them there is: Hope for tomorrow.

That, Mr. Speaker, is my Report from Indiana.

Names to be entered into Record:

Rev. Paul Knecht, Pat Mertz, Judy Beeson, Nancy Carter, Vern Pittman, Marvin Nesheim, Bille Fisher, Paula Wright, Dick Harrell, Rev. Jerry Rayl, Cleo Lee, and Craig Leavell.

Stan Thomas, Steve Tyler, Irna Chase, Amy Dillon, Forrest Fox, Judge Brandon Griffis, Jr., Al and Marilyn Young, the staff of WKBV/Hits 101.3 FM, Mike Wilson, and Kath Barker.

IN HONOR OF THE PUERTO RICAN FLAG'S 100TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 100th anniversary of the design of the Puerto Rican flag, a symbol which represents the enormous contribution the citizens of the island have made to our Nation. The flag's anniversary will be honored by the city of Hoboken and the Puerto Rican Week Committee at City Hall in Hoboken on July 13, 1996.

The flag was completed in New York City at Chimney Corner Hall in Manhattan on December 22, 1895. The flag of Puerto Rico has a rich history. Dr. Julio J. Henna, led a group of 59 Puerto Ricans who organized the Puerto Rican section of the Cuban Revolutionary Party. As part of their activities, a flag was created to rally support for independence from Spain.

The Puerto Rican flag was designed by inverting the colors of the single starred flag of its neighbor in the Caribbean, Cuba. The first known incarnation of the symbol was made by Manuela "Mima" Besosa, the Puerto Rican Betsy Ross. The motion to adopt the flag was approved unanimously by the Puerto Rican revolutionaries.

For 100 years, the Puerto Rican flag has symbolized a proud people. It has served as a symbol of Puerto Rico's cultural tradition and heritage. Puerto Ricans are proud of their many contributions to the United States and they are proud of the unique identity their flag represents. Puerto Rico has been referred to as the "Shining Star of the Caribbean." Her citizens residing in Hoboken are shining stars in their community.

It is an honor to recognize the banner of a group of constituents I am proud to represent. I ask that my colleagues join me in honoring the 100th anniversary of the creation of Puerto Rican flag.

TRIBUTE TO THE 10TH DISTRICT OF OHIO

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HOKE. Mr. Speaker, Cleveland Magazine recently published a story detailing the results of their fourth annual survey of Cleveland area communities. The study ranks the 47 communities according to safety, education, and affordability. I am happy to announce today the 8 of the top 10 communities are in the 10th District.

Mr. Speaker, I believe this is a tribute to the good people of the 10th District and demonstrates their strong sense of neighborhood and community values. You know, sometimes people in Washington have a tendency to think all things good flow from here. But it is at the local level that lives and communities are actually improved.

At a time when crime, poor education, and the depletion of values have become commonplace in many communities across the country, it is wonderful to see citizens taking the initiative to make their communities better. I am extremely proud of the people of my district, and I encourage them, and citizens across the country, to keep up the good work.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mrs. CLAYTON. Mr. Speaker, on the week of May 17, 1996 I was unavoidably detained and therefore missed the vote on the Solomon amendment, for the defense authorization bill. Had I been present I would have voted "no" on the amendment.

WHEN IT COMES TO U.S. TRADE POLICY, U.S. TOBACCO MARKET SHARE TRUMPS HEALTH WELFARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. STARK. Mr. Speaker, the U.S. is No. 1. But that's nothing to cheer about when you're the No. 1 exporter of tobacco products. According to the World Health Organization [WHO], the U.S. is the top exporter of tobacco products world wide, yet tobacco products represent less than 1 percent of total U.S. export earnings. Two recent studies by the National Bureau of Economic Research [NBER] and WHO have pointed out some disturbing information about the U.S. role in promoting tobacco products around the world and our international support of this addictive drug.

Since tobacco consumption has decreased by as much as 20 percent in the last 20 years in the U.S. and other highly industrialized nations, tobacco companies have been forced to turn elsewhere to shore up their huge profits. That elsewhere is foreign markets like Taiwan, Thailand, Japan, and South Korea. Since the early 1980's, the tobacco industry has been aggressively pressuring countries to open their markets to American tobacco products—and using U.S. trade policy to do it. Spurred by the tobacco industry, the U.S. Trade Representative [USTR] and the Commerce Department have successfully persuaded Asian countries to open their heavily restricted cigarette markets to U.S. tobacco products or face retaliatory measures.

The tobacco industry has been extremely successful in their conquest of the world tobacco market. The NBER study found that in 1991, U.S. tobacco market share in four Asian countries that lifted their import curbs was up 600 percent. Since 1975, U.S. cigarette exports have increased by 340 percent, up from 50.2 billion cigarettes in 1975 to 220.2 billion cigarettes in 1994.

But at what expenses to world health? According to the NBER report, the per capita cigarette consumption in Asian countries is almost 10 percent higher than it would have been if markets weren't open to American cigarettes. In their recent study of world tobacco and health trends, WHO found that, in the early 1990's tobacco products caused an estimated 3 million deaths world wide per year. In addition, WHO documents that at least one person dies every 10 seconds as a result of tobacco use around the world.

Don't we have other American products to promote through the U.S. trade Representative? Why are we promoting products that unequivocally kill people when used as intended? The United States has an abundance of other products that the USTR could be promoting. Is opening markets for cancer-causing tobacco products the best allocation of USTR resources?

From smoke-free workplaces to the proposed FDA regulation of tobacco, as the United States continues to enact stricter controls regarding tobacco use, we should set a positive example to the rest of the world by promoting healthy, tobacco-free lifestyles. How can we continue to strive to reduce tobacco use at home, but continue to promote tobacco use abroad? The U.S. is known as the leader of the free world. We should lead the fight against tobacco use, rather than lead the world in tobacco sales.

HONORING VFW POST 7734 ON ITS 50TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring the Veterans of Foreign Wars Post 7734 in Pico Rivera, CA, on the occasion of its 50th anniversary. On Saturday, July 13, 1996, commander Jose Perez, senior vice commander Richard Partida, junior vice commander Adres Ramirez, quartermaster Randolf Parker, and adjunct Robert Navarro, will join veterans, family, and friends to celebrate this momentous occasion.

In 1946, a group of WWII veterans decided to form a VFW post to serve veterans living in southeast Los Angeles County. They gathered their friends, family, and neighbors, and applied for a charter from the national VFW organization. On July 12, 1946, a charter was granted. They decided to name the post after a well-known comrade and school friend, Lt. Ray L. Musgrove, who died in action during WWII. Today, the VFW post still bears his name.

During the late 1940's and early 1950's many of the members began to move into new tract homes in Rivera, Downey, and Santa Fe Springs. In the early 1950's the post was officially moved to the community of Rivera. After purchasing property in 1975, the post broke ground and built its new home. VFW Post 7734 is currently located in Pico Rivera, serving veterans for the past 20 years.

Throughout the year, with the help of its auxiliary, the post has been involved with numerous veterans programs, V.A. hospital visitations, helping needy veterans and their families, as well as helping community youth activities, and promoting patriotism. The post has been active in honoring and perpetuating the memory and history of departed comrades who valiantly served our Nation.

Mr. Speaker, VFW Post 7734 today remains as committed to serving our Nation as it was 50 years ago when it was chartered. I proudly ask my colleagues to join me in saluting the members of VFW Post 7734 for their distinguished service to our country.

HONORING CONGRESSMAN JOSEPH Y. RESNICK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HINCHEY. Mr. Speaker, I want to take a moment today to share some memories of one of my distinguished predecessors, Joseph Y. Resnick, who served in this body during the mid-1960's. Joe Resnick was an inspiration to me as a young man when I was first getting involved in politics and Government service. His commitment to public service and his responsiveness to his constituents led to a new era in representative government in the Hudson Valley region, a legacy which continues to this day.

The first Ulster County Democratic convention that I attended in 1964 featured Joe Resnick as a candidate for Congress against a long-time, seldom-seen Republican incumbent. During his acceptance speech at that convention Joe Resnick told a story about a conversation with a friend of his in Ellenville, NY. The man expressed his surprise that Joe was a Democrat. You see, back in those days Democrats in upstate New York were outnumbered 3 to 1. Joe continued on in his speech, not for a moment defensive or embarrassed by it and said "I'm the best kind of Democrat—the winning kind!" And he was right. And it wasn't the first or the last time he was right either.

Joe Resnick brought a new style of leadership to the region. He was a very visible public official. Up until that time, Members of Congress in the region didn't have district offices, but Joe Resnick opening a district office in Kingston, NY. Joe Resnick actually wanted his constituents to know who he was and that he was there to serve them, not the other way around. It used to be that the only way you could get your Congressman to help you was if you had power, money, or good connections. Joe Resnick had a radically new idea—

serving the public directly, with dedication, and without discrimination. It all seems so natural to us today to do that, but believe me 30 years ago it wasn't. His example inspired me to open one of the very first district offices when I was elected to the New York State Assembly in 1976.

When I first came to Congress in January of 1993, then Speaker Tom Foley told me a wonderful story about his service with Joe Resnick on the House Agriculture Committee back in the 1960's. Joe Resnick was a freshman and the scene was the first day that the committee met for that session of Congress. The chairman of the committee, Speaker Foley went on to say, was an old Southern gentleman, very much of the old school as well, speaking in a thick Southern accent, who propounded the popular theory of those days that a freshman Member of Congress should be "seen and not heard," and that's the kind of treatment that the freshman Members could expect from the committee, and so forth. That was how it was in the old days. Well, Joe Resnick, who as a freshman was seated at the far end of the dais from the chairman, heard this and said "nobody is going to tell me how to vote; nobody is going to tell me what to do" in a voice loud enough for everyone in the room to hear. And nobody did ever tell him how to vote and get away with it. Joe Resnick was a man of conscience. His campaign literature reflected this—"I am my own man. I represent no special interest. I speak and vote only in accordance with my conscience and judgment to benefit the people I represent. The political bosses don't control me." And they didn't. Speaker Foley went on to tell me that Joe Resnick never did hit it off with that committee chairman and never got help from him. But Joe Resnick had his own circle of friends in powerful places, most notably his friendship with President Lyndon Baines Johnson.

Joe was an energetic public servant as well, working hard to bring Federal programs to the people who needed them—from food relief to helping to keep Castle Point veterans hospital from closing. He even brought President Lyndon Baines Johnson to Ellenville, for the dedication of Ellenville Hospital, on a day which is still remembered today. Although Joe Resnick was a prosperous man at the time of his untimely death in 1968, he and his brothers, with whom he founded the famed Channel Master Corporation, have never for a moment forgotten their humble origins as children of immigrant parents from Russia. His story, and the story of his large, extended family, is the story of America itself—hardworking, dedicated, and big hearted in all the right places and at all the right times.

Mr. Speaker, tomorrow would have been Joe Resnick's birthday and I want to respectfully invite my colleagues to join me in offering our prayers and best wishes to Joe Resnick's family on that day.

PROTECTING OUR NATIONAL TREASURES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. VENTO. Mr. Speaker, Gaylord Nelson, a former U.S. Senator and the recipient of the Presidential Medal of Freedom, recently wrote an eloquent Independence Day. July Fourth guest column for the St. Paul Pioneer Press in support of our Nation's natural treasures. As Senator Nelson points out, our National Parks, National Forests and National Wilderness Areas are among our Nation's greatest blessings. We Americans must treasure these special places just as we treasure peace, freedom, and democracy.

America's public lands constitute a historic, natural legacy that belongs to all Americans. We simply hold these lands in trust for future generations, and must manage them for the benefit of all. Our children and grandchildren deserve to enjoy the beauty and majesty of their rightful natural inheritance in the years to come.

Today, there are some in Congress who see the control of our Nation's crown jewels as the province of solely parochial special interests who desire to define the use of our parks and wilderness areas to suit their personal convenience and preferences, and even for commercial purposes. Within my home State of Minnesota, some individuals are advocating extending authority to a management council—a new expensive cumbersome bureaucracy of local parochial special interests—for control of the Boundary Waters Canoe Area Wilderness [BWCAW] and Voyageurs National Park. These proponents also want to enshrine extensive snowmobile use on the pristine Kabetogama Peninsula of Voyaguers National Park and to increase motorized vehicle use within a BWCAW, a national wilderness. Such proposals benefit only a select few at the expense of the 250 million Americans who share common ownership of these national treasures in Minnesota.

I hope all my colleagues will take a few minutes to read Senator Nelson's insightful July Fourth essay on what it means to be an American and in defense of our National Parks and public lands. We have an obligation to protect these American crown jewels, not only our national legacy, but that of future generations.

[From the St. Paul Pioneer Press, July 4, 1996]

WE SHOULD RENEW OUR PLEDGE TO PROTECT OUR NATIONAL TREASURES

(By Gaylord Nelson)

As you watch the fireworks on the Fourth of July, what is it that makes you glad to be an American? The freedom to say whatever you please? The economic opportunities? Peace? On this Independence Day, all of those are worth celebrating.

But one of our greatest blessings is usually taken for granted. Every child born in this country instantly becomes a large landowner. He or she holds title to 623 million acres—nearly a million square miles. This acreage includes some of the planet's most spectacular places: the Grand Canyon, Yellowstone, Yosemite, and, closer to home, Voyageurs National Park and the Boundary Waters Canoe Area. No other country endows its citizens so richly.

Most of us know about the national parks. But they account for just 12 percent of the lands that all of us own jointly. Three other systems of lands make up the other 88 percent and are less well known. There are 155 national forests (including the Chippewa and Superior), 508 national wildlife refuges and 267 million acres of western heritage lands, including ancient Pacific Northwest forests, the California Desert and red rock canyonlands in Utah.

These places offer world-class recreation opportunities and receive 1.4 billion recreation visits a year. They contain 4,000 developed campgrounds and 160,000 miles of hiking and equestrian trails. About half the game fish habitat in the United States lies on the national lands, and 43 percent of all big-game hunters use these lands for their activities.

Our lands provide far more than fun and games, though. They are like an enormous university, teaching youngsters on field trips and all other visitors about the natural world and about our history. The forests filter rainwater, which then flows to our cities and towns. In the West, 96 percent of the population depends on water from the national lands. Trees on these lands also help clean the air and stabilize the climate.

You can even think of these million square miles as a gigantic natural laboratory, where scientists study and researchers discover medicines that treat diseases and make us healthier. Without these places, many of our fish, plants and animals would have no chance of surviving.

These lands even play a vital economic role. Those 1.4 billion annual visitors create a lot of business for stores and companies located near these lands. Late last year, when gridlock in Congress led to the temporary shutdown of our national parks, businesses lost a total of $14 million a day. Other businesses, which have nothing to do with tourism, are attracted to such areas because of their beauty and peacefulness and thus create jobs in those communities. In addition, the trees, minerals, and other commodities on these lands are tuned into paper and other products.

Ownership of all this land, including 3.48 million acres in Minnesota, carries a duty. "The nation behaves well," President Theodore Roosevelt once said, "if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value."

Unfortunately, various special interests are eager to exploit these lands for maximum short-term financial gain, at the expense of the lands' many other values. Congress is now considering bills that would promote development of many of these places or give them to the states. One example is legislation to increase motorized activities and development of Boundary waters and Voyageurs. Passage of these proposals would harm the interests of all citizens, present and future.

On this most American of holidays, we should commit ourselves to honoring the vision of those who protected our best places. In our national lands, we have inherited the very essence of "America the Beautiful," and we must make sure our grandchildren do, too

NATIONAL PARKS CAPITAL IMPROVEMENTS ACT OF 1996

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. KOLBE. Mr. Speaker, this week I introduced legislation that would help alleviate the enormous $4.5 billion backlog of capital needs in America's national parks. I believe this is a problem that demands the immediate attention of Congress, even as we seek to balance the Federal budget and struggle to reduce the Nation's staggering $5.2 trillion debt. Congress has increased funding for national parks in fiscal year 1997, but the need is growing much faster. Park utilization is rising rapidly, and infrastructure needs replacement. We cannot expect appropriated funds to meet all of these needs. The time has come for us to explore more creative solutions to this vexing problem.

One thing Congress can do is to make it possible for substantial funds to be raised in the private sector for parks. The bill I am introducing today does just that. It provides an innovative mechanism for the public to invest directly in the preservation and enhancement of our national parks.

Specifically, my bill enables private, nonprofit organizations associated with the National Park Service to issue taxable capital development bonds that would be paid for by park entrance fees, that are not to exceed $2 per visitor. Money collected in a particular park will be used to secure bonds that fund improvements in that park. I think the preceding statement is the cornerstone of this legislation and it bears repeating. Money collected in a particular park will be used to secure bonds that fund improvements in that park. Any national park with capital needs in excess of $5 million will be eligible to participate in the revenue bonds program.

I believe park officials will enthusiastically embrace this program, and the Director of the National Park Service has already informed me that he is excited about the prospects of this legislation. After all, the needs are real, immediate, and nationwide. Moreover, my bill offers a practical solution to a serious dilemma. Rangers at Grand Canyon National Park, for example, are obliged to live in squalid conditions because funds have not been available to build sufficient housing. Saguaro National Park has an estimated $10 million backlog in infrastructure needs, while Rocky Mountain National Park has deferred $50 million in needed improvements.

Yellowstone National Park has had to close a major campground and two museums for lack of funds, and this year, Great Smoky Mountains National Park shut down 10 campgrounds and adjoining picnic areas. The national cemetery at Vicksburg National Military Park has been forced to defer $6 million in restoration and stabilization work, while Shenandoah National Park reports a $12 million backlog in facility maintenance.

My legislation is similar to a bill recently introduced by my distinguished colleague and friend, Senator JOHN MCCAIN. It allows private, nonprofit groups to enter into partnership agreements with individual parks and the Secretary of the Interior, to act as authorized organizations for the benefit of the parks they serve. These organizations will work with park superintendents to prepare lists of capital improvement projects that are to be financed by taxable capital development bonds. These nonprofit groups, also, would be authorized to issue and manage such bonds on behalf of the parks.

My bill adds a stipulation that no part of the bond proceeds, except interest, may be used to defray administrative costs. Bond holders and the visiting public will be assured that every dollar raised will actually be spent on in-park improvements. Also, the bill will allow memoranda of agreement between nonprofit entities and the National Park Service to be modified in the event funding priorities change. Perhaps most importantly, bonds issued by the nonprofit associations will be backed by the full faith and credit of the U.S. Government in the event that Congress should remove the authority to assess the $2 entrance fee.

Mr. Speaker, in these fiscally austere times, we simply must become more creative in finding ways to address the needs of our National Park System. The concept of issuing revenue bonds to fund capital improvements is not new. Private industry, municipalities, and other sectors of local government have used revenue bonds for decades and with great success. We can successfully apply this approach to fund capital development needs in our national parks, as well.

My bill also encourages real, beneficial partnerships between the Federal Government and the private sector. Many groups, like the National Park Foundation, the Fish and Wildlife Foundation, and the nearly 70 cooperating associations that presently serve the National Park Service, already provide invaluable financial support to the National Park Service. Their success proves that public-private partnerships can and do in fact work for the benefit of our public institutions. My legislation will greatly expand the ability of these organizations to aid the parks we cherish, and I believe they are ready and eager to rise to the challenge.

Some have suggested that we should allow corporations to become commercial sponsors of the National Park Service. Indeed, legislation to this effect has been introduced in the Senate, and some park supporters have voiced qualified support for the proposal. But I, for one, take a dim view of the prospect that we should commercialize America's crown jewels—our precious national parks—in order to save them.

Mr. Speaker, my friend Senator JOHN MCCAIN recently noted that "Americans are eager to invest in our Nation's natural heritage." I agree. The American people don't want to see their national parks succumb to the ravages of time and use. But neither are they willing to see the integrity of the parks compromised by commercial exploitation. Let's give the National Park Service the same financial opportunities that our schools and community water systems currently possess—the ability to utilize capital development bonds. I encourage my colleagues to support this legislation.

A NATURAL DISASTER PROTECTION PARTNERSHIP ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SHAW. Mr. Speaker, I rise today in support of a Natural Disaster Protection Partnership Act. This legislation was introduced by the late, distinguished Member of this body who we now greatly miss, Mr. Emerson. It is imperative that we take Mr. Emerson's lead and continue to work for the passage of this disaster plan into law. Without a natural disaster protection partnership plan, this country will face a severe financial crisis.

As a Representative from Florida, I am very concerned with the destruction caused by natural forces such as hurricanes and tornadoes. Last year was one of the most active hurricane seasons ever. The destruction caused by these hurricanes is tremendous, as can be seen by Andrew and Opal. Moreover, extensive damage is seen every year by other types of natural disasters such as earthquakes in California and floods in the Plains States.

As a result of the rising costs of these natural disasters, consumers in these disaster prone areas face difficulty obtaining affordable homeowner's insurance. Moreover, taxpayers have been forced to spend $45 billion in 6 years for these disasters because homeowners and States have been unprepared to handle these catastrophes. Clearly, we must act now before FEMA's funds are depleted and homeowners cannot purchase insurance to protect them from these disasters.

In light of Hurricane Bertha, which is threatening the southeastern coast, we must pass a disaster plan that mitigates physical damage, provides insurance protection for homeowners and businesses and reduces Federal disaster costs. I encourage each of you to contact Chairman BOEHLERT and express your support for passing this legislation this year.

SUPPORTING THE NATURAL DISASTER PROTECTION PARTNERSHIP ACT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise today to join my Florida colleagues in supporting H.R. 1856, the Natural Disaster Protection Partnership Act. As the east coast battens down the hatches to brace for Hurricane Bertha, the time is ripe for passing legislation designed to promote a responsible Federal disaster policy.

Last Congress, in the aftermath of the Northridge, CA, earthquake, the bipartisan House leadership appointed a task force on disasters on which I was proud to serve. As part of this task force, we met with various experts on disaster management policy, and through the leadership of Bill Emerson, we were able to turn many of this task force's recommendations into legislative language in the form of H.R. 1856, the Natural Disaster Protection Partnership Act.

I believe all of us here today recognize the need for an efficient, effective Federal disaster policy. There is no doubt that we must assist victims when a disaster strikes, but business as usual just isn't acceptable now as our enormous Federal deficit continues to grow. Those of us in Florida who survived Hurricane Andrew know firsthand how destructive the forces of nature can be, and how costly. Hurricane Andrew, at the time the task force was formed, had the illustrious honor at roughly $20 billion of being the costliest federally declared natural disaster of all time in the United States.

By emphasizing personal responsibility through private insurance, promoting sensible, cost-effective disaster loss mitigation programs and encouraging the creation of a privately-funded pooling mechanism that allows for the spreading of disaster risk and minimizes the liability of the Federal Government, we can lessen the costs incurred by the Federal Government and in turn the individual taxpayer.

I urge my colleagues to join me in supporting the Natural disaster Protection Act and helping the Federal Government achieve a sound national disaster policy that can help prevent loss of life and personal injury as well as reduce costs.

ELECTRONIC FREEDOM OF INFORMATION AMENDMENTS OF 1996

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. TATE. Mr. Speaker, in commemoration of the 30th anniversary of the Freedom of Information Act [FOIA], joined by my colleagues on the Government Management, Information and Technology Subcommittee, including Chairman STEVE HORN, Ranking Minority Member CAROLYN MALONEY, and Representative COLLIN PETERSON, today I introduce the Electronic Freedom of Information Amendments of 1996.

The Freedom of Information Act [FOIA] was enacted in 1966 in order to provide the public with a presumptive and clear right of access to government information. In the 30 years since the implementation of the original Freedom of Information Act, our Nation has witnessed enormous technological advances. The laptop computer, cellular phone, fax, and Internet are just a few of the technological achievements that have brought us into the information age.

The Electronic Freedom of Information Amendments of 1996 [EFOIA] makes it clear that FOIA applies to Government records in any form, including electronic records, while increasing on-line access to Government information. This legislation successfully harnesses the benefits of computer technology and, with common-sense reforms, delivers to the public increased Government efficiency, accessibility, and responsiveness.

The Freedom of Information Act turns 30 this year—it is time to bring the law into the modern information age, using cutting edge technology to deliver cutting edge service to the American people. We in Congress, as their public servants, should aspire to nothing less. Mr. Speaker, I urge my colleagues to support enactment of this bipartisan and important legislation this year.

LET US EXTEND MFN FOR CHINA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. FIELDS of Texas. Mr. Speaker, I am here today to endorse the extension of most-favored-nation trading status with China. I believe that only by doing so can the United States play a role in promoting democracy, individual freedom, and free market economics in China. Extending MFN for China is in the mutual interest of China and the United States.

Most favored nation [MFN] is merely a term used to indicate the standard or general tariff treatment the United States extends to virtually all countries in return for reciprocal tariff treatment for American exports.

Currently our fifth largest trading partner, China accounts for $12 billion in annual American exports. Our farmers, industrial equipment producers, high technology firms, and others all export American goods to China. Last year, the United States sold China 10 percent of our wheat and corn, 40 percent of our fertilizer, $270 million in heating and cooling equipment, $330 million in industrial machinery, $710 million in telecommunications equipment, and $1.2 billion in civilian aircraft.

Manufacturing these goods has created over 200,000 high-skill and high-wage American jobs. In Texas alone, foreign trade has produced more than 45,000 such jobs. If we fail to extend MFN to China, the United States will lose the reciprocity that MFN status makes possible. This would increase tariffs paid by American firms selling their products in China from an average rate of 5 percent to an average rate of 50 percent, and in some cases 100 percent. As a result, American exports to China would be dramatically reduced, many of the 200,000 American jobs could be lost to overseas competitors, and imports from China—including footwear, toys, and apparel—would become more expensive for American consumers.

China's economy is expanding at an astounding rate. It is estimated that by the year 2002 China will have the largest economy in the world and will continue to be a major importer of American products. The World Bank projects that China will spend $750 billion on infrastructure in the next decade. If the United States scales back its trade relations with China, American firms will not be in a position to participate in this rapidly expanding Chinese economy in the years ahead. Europe and Asia will enjoy unrestricted access to the rapidly growing Chinese market, putting the United States at a competitive disadvantage.

I recently traveled to China and witnessed firsthand the positive impact the information age is having on the Chinese people and the Chinese government. China is predicted to become the largest market for American exports of telecommunications equipment in the next decade. Not only are the economic implications behind this new openness important, but the social ramifications as well. China's increasing desire for high technology products and information will be mutually beneficial to both the United States and China economically, politically, and socially.

Human rights and democracy are not promoted or enhanced by shutting off the flow of technology and information. Open, fair, and competitive trade is the most effective means by which the United States can play a role in enhancing the economic and political well-being of the Chinese people.

MFN should not be an issue the Congress addresses on an annual basis. This trade status has been extended to virtually every nation around the world. In order to strengthen Sino-American trade relationships, the United States should treat China no better—but certainly no worse—than we treat our other trading partners.

Congress should end the practice of linking human rights conditions in China to the issue of MFN status for China. The United States maintains mutually beneficial economic relationships with many countries around the world with which we have political or cultural differences. These differences should be addressed in the diplomatic arena, not by taking actions likely to trigger a trade war between two great trading partners.

For all these reasons, it is imperative that the United States maintain MFN trade relations with China now and in the years to come. The revocation of China's MFN status is not in the best interest of the United States. Mr. Chairman, let us do what is best for American and Chinese workers, democracy in China, and free trade. Let us extend MFN for China.

LET'S MOVE FORWARD WITH THE PORTABILITY BILL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. HASTERT. Mr. Speaker, allow me to quote from an article in this past Tuesday's Washington Post: Senator Kennedy told his health care aide, "'My political sense is that Clinton gets something—if the health reform bill is enacted—but Dole does, too.' His aide replied, 'If it fails * * * it helps us more than them, because we can credibly blame them for killing it.'"

It's clear that the liberals in the other body would rather use health care reform as a political finger-pointing game than give the American people portability, or give the self-employed 80 percent deductibility on their health insurance. The big-government liberals would rather play politics than vigorously attack the waste and fraud in our health care system.

Yesterday, the Republican Leader in the other body again tried to appoint conferees for the health reform bill. And again, the liberal Democrat leadership blocked him.

Mr. Speaker, this has to stop. It's time to stop playing politics with the American people's health—let's move forward with the portability bill.

THE IMPORTANCE OF NATURAL DISASTER ASSISTANCE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. BILIRAKIS. Mr. Speaker, I rise today to express the importance of natural disaster assistance. Our dear friend, Mr. Emerson introduced the Natural Disaster Protection partnership Act the Congress, and I am pleased to be one of 267 cosponsors. This much needed legislation will provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters.

To understand the importance of this legislation, one need only be reminded of the devastating effects of Hurricane Andrew that struck Florida in 1992 and Hurricane Hugo in 1989. In Florida, many insurance companies are canceling insurance policies.

Currently, Hurricane Bertha continues it uncertain path along the eastern seaboard. Hopefully, Hurricane Bertha will not cause any damage and dissipate at sea.

While we here in the United States are fortunate that Hurricane Bertha has not yet made landfall, I want to highlight the importance and need for the Natural Disaster Partnership Act.

H.R. 1856 will promote stability in the insurance industry, encourage personal responsibility, and reduce Federal disaster relief costs. I urge my colleagues to ensure passage of this important bill.

GAMING AND COLORADO'S ECONOMY

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. ALLARD. Mr. Speaker, as Congress continues to research and debate the impacts of gaming, I believe that this report, published by Colorado's Office of State Planning and Budgeting, may be a helpful resource for members.

ISSUE BRIEF: GAMING IMPACTS THE COLORADO ECONOMY

Demands on Colorado's general fund, the tax money that pays the state's bills, increase each year, primarily from the areas of K–12 education, higher education, human services, public safety and capital construction. The state coffers are filled by a variety of taxes and fees, including individual and corporate income taxes, sales and use taxes, insurance and excise taxes, and interest earnings. State lawmakers and government budget officers try to stretch the general fund as far as possible to maximize services, and they also look for creative ways to raise additional revenues. The gaming industry has been tapped in many states, including Colorado, and each year it contributes a larger amount to the general fund. How this industry began and has grown illustrate clearly that gaming, when allowed to expand even under tightly controlled regulations, is an ongoing source of state revenue. During the last five fiscal years, revenues from the gaming industry have steadily increased, demonstrating a trend expected to continue.

IDENTIFYING A NEW REVENUE SOURCE

Movies about the Old West have left most viewers with vivid impressions of raucous poker games in dusty, smoke-filled saloons. Slick gun-totin' professional gamblers were often paired with innocent greenhorns fresh off the trail. Saloon proprietors were only to glad to help empty their pockets of any money, providing liquor by the bottle, a room and a bath, entertainment, and, of course, gambling.

Gradually, after statehood was attained, Colorado citizens had a state constitution and volumes of statutes as the basis for their legal systems. Permissive attitudes that had existed in the wide-open towns gave way to tighter control. Opinions regarding gambling obviously changed, because prohibitions against such activities were written into the criminal code in 1913. The legislative declaration states, "the policy of the general assembly, recognizing the close relationship between professional gambling and other organized crime, (is) to restrain all persons from seeking profit from gambling activities in this state . . . from patronizing such activities . . . to safeguard the public against the evils inducted by common gamblers and common gambling houses . . . " (Source: Colorado Revised Statutes, 18–10–101)

Prohibiting gambling was thereby deemed good public policy, holding firm until 1949 when the Colorado Racing Commission was created. In recent years, the gaming industry has been expanded into other areas—bingo and raffle, lottery and lotto, and limited stakes gaming. In fiscal year 1995, the four gaming sources provided nearly $152 million in revenue.

RACING

Members of the General assembly began to relax the prohibitions against gaming in 1949 when the Colorado Racing Commission was established. A portion of the legislative declaration reads, ". . . for the purpose of promoting racing and the recreational, entertainment, and commercial benefits to be derived therefrom; to raise revenue for the general fund . . ." (Source: Colorado Revised Statutes, 12–60–100.2)

The Racing Commission and the Division of Racing Events are located within the Department of Revenue. The commission's five members are appointed by the Governor and confirmed by the state Senate. They serve staggered terms and represent designated geographical areas and political parties. In addition, the statute specifies that one of the five members must be a practicing veterinarian and two must have racing industry experience. Duties of the commissioners range from promoting the health and safety of the animals to setting racing calendars. They also oversee the division's professional staff, which includes veterinarians, security personnel and other racing officials. The commissioners license racetrack owners and operators and hold them to rigid safety standards for spectators and sanitation guidelines for animals.

In 1995, Colorado had seven tracks with approved race dates. Four of the tracks feature greyhounds, one is a major horse track, and the remaining two are fair circuit horse tracks. The dog tracks operate in either the north or the south circuit, located either above or below "a latitudinal line drawn through the location of the Douglas County courthouse in the town of Castle Rock as of June 6, 1991." [Colorado Revised Statutes, 12–60–701(2)(a)] In-state and out-of-state simulcast racing is legal in Colorado, and off-track betting (OTB) is also available in four licensed locations, three in the Denver area and one in Black Hawk. No one under age 18 is allowed to purchase or redeem any pari-mutuel ticket.

During the 1995 racing season, 322,614 people visited Colorado's horse tracks, with an average daily attendance, including off-track betting, of 1,204. Total attendance at the dog tracks was 1,190,237 during the same period, with a daily average, including off-track betting, of 1,653. In 1995, the gross amount wagered, known as the "handle," was just over $257 million, with the average daily handle hitting $260,232, a 21.6% increase over 1994's average daily handle. Occupational licenses and other fees added another $130,095.

Colorado's general fund has received over $8 million in revenues from racing in each of the last five fiscal years, with the largest portion coming from the dog tracks. The table that follows shows the state's income in calendar year 1995 for the horse and dog race tracks.

BINGO AND RAFFLE

Colorado voters adopted a constitutional amendment in the 1958 general election permitting "games of chance," commonly known as bingo and raffle, effective January 1, 1959. Regulatory authority for this additional gaming area was assigned to the Secretary of State.

Bingo and raffle games are reserved specifically for fund-raising activities by charitable or non-profit organizations. Religious, fraternal, educational and veterans' groups clear enough profit from these games of chance to fund extra-curricular activities and athletic efforts for youth groups and to subsidize targeted projects of churches and community organizations.

After purchasing operating licenses, which must be renewed annually, and ensuring that their members have completed the necessary instructional courses, the groups can rent or lease commercial bingo facilities and conduct their games. Licensees are also permitted to sell pull tabs, sometimes called pickles or jar raffles. These are sealed tickets sold to players who then open them, hoping to reveal cash amounts that then become their winnings.

Licenses must be purchased by the landlords or owners of the bingo halls ($525/renewable annually), and these individuals are prohibited from any involvement in managing or operating the games. The same license fees are paid by the suppliers and manufacturers of equipment necessary to conduct the games, including the bingo cards or sheets, raffle tickets and pulltabs.

Agents for manufacturers or suppliers pay a $125 fee and must renew annually. Additionally, manufacturers and suppliers are charged 1.1% of their gross equipment sales quarterly. Bingo and raffle licensees pay 0.3% of their gross receipts quarterly.

In any calendar year a licensee may conduct bingo games on a maximum of 105 occasions. The largest cash prize or value for any single bingo game cannot exceed $250, and the aggregate amount of all prizes on any one occasion is limited to $1,500. Only volunteers from the sponsoring charities can "work" at the bingo halls, and any remuneration is illegal. The volunteer workers, while conducting the games, are not allowed to play bingo themselves, and no under age 14 is permitted to assist. Participants must be 18 or older to play bingo or purchase pulltabs.

The gross amount wagered on bingo and raffle games in 1995 was nearly $221 million.

State revenues from the tax on proceeds amounted to almost $1.3 million in fiscal year 1994–95, while license fees added $171,000. (Source: Secretary of State, Licensing and Elections Division)

LOTTERY AND LOTTO

To generate more revenue for ever-increasing expenses, states began sponsoring lotteries in the mid-1960s, with the first in New Hampshire in 1964. More and more states jumped on the bandwagon, and by the end of the 1970s there were 14 state-sponsored lotteries, primarily in New England and other eastern states. This total has since grown to 37 states and the District of Columbia.

Lottery proceeds are often earmarked for a variety of state purposes, with 17 states using the funds for education. Others use lottery proceeds to help fund economic development, tourism, property tax relief and senior citizen programs, while Nebraska dedicates a portion of its proceeds to its Compulsive Gamblers Assistance Fund. Only 15 states do not designate lottery revenue for specific purposes.

Colorado added its state-supervised lottery effective January 1, 1981, after a constitutional amendment was passed in the 1980 general election. The amendment stated: "Unless otherwise provided by statute, all proceeds from the lottery, after deduction of prizes and expenses, shall be allocated to the conservation trust fund of the state for distribution to municipalities and counties for park, recreation, and open space purposes." (Source: Colorado Constitution, Section 13, Article XII)

The Lottery Division was placed in the Department of Revenue, and its governing board is charged with operating and overseeing all aspects of Colorado's lottery. Serving staggered terms, the five Lottery Commission members are appointed by the Governor and confirmed by the state Senate. One of the members must be a law enforcement officer, one an attorney, and one a certified public accountant; and each of these must have five years of experience in his or her field. The commission meets monthly, or more often if necessary, and members are compensated $100 plus expenses for each meeting attended. Headquarters for the division's operations are located in Pueblo.

There was reluctance by some public officials to having a lottery at all, so it was written into the statutes that the division will terminate on July 1, 1999, unless the General Assembly decides to continue it. To aid the legislators in making this decision, the state auditor will complete a thorough analysis of the lottery by January 15, 1999. The areas to be evaluated include comparing lottery collections and the actual revenue derived, determining whether organized crime related to gambling has increased, and analyzing the competitive effect of the lottery on other forms of legal gambling. In addition, the auditor is charged with deciding if the division adequately protects the public with regard to investigating complaints and assessing the performance of lottery equipment contractors and licensed sales agents.

The constitutional amendment gave authority to the General Assembly to establish the lottery, so it fell to the legislators to draft the enabling legislation (Colorado Revised Statutes, 24–35–202). While the lawmakers were drawing up the lottery statutes, they were also grappling with a critical need for additional prison space. According to the amendment, the lottery's net proceeds were to go to the Conservation Trust Fund "unless otherwise provided by statute," so the General Assembly determined that lottery proceeds were an appropriate source of revenue for correctional facilities. Instead of all of the proceeds going for local parks, recreational facilities and open space, a large percentage was diverted to build more prison space and to reimburse counties for housing inmates for whom the state had no space. The Distribution of Lottery Proceeds chart shows that the dollars going to capital construction for prisons were significant, while those for the Conservation Trust Fund and the Division of Parks and Recreation were held down until the early 1990s.

Adding electronic lotto games was seen as a way to generate more money for correctional facilities, and in the mid-80s legislators began to discuss adding lotto. One of the major objections to this plan was that this money was for prison construction only, and there was no funding mechanism in place to operate the new prisons. Nevertheless, lotto was added to the division in 1988, with its proceeds targeted for correctional facilities. In 1991, an additional game, keno, was added.

Having the lottery proceeds siphoned off for prison needs instigated supporters of what came to be known as Great Outdoors Colorado (GOCO) to sponsor a ballot initiative in the 1992 general election. It stated that lottery proceeds . . . ". . . shall be guaranteed and permanently dedicated to the preservation, protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage . . ." (Source: Colorado Constitution, Article XXVIL, Section 1)

Colorado voters passed the constitutional amendment, which established the State Board of the Great Outdoors Colorado Trust Fund. The board is comprised of twelve public members, two each from the state's six congressional districts, a representative from the State Board of Parks and Outdoor Recreation, one from the Colorado Wildlife Commission, and the Executive Director of the Department of Natural Resources. The public members are to reflect Colorado's gender, ethnic and racial diversity, and they serve staggered four-year terms. They are appointed by the Governor with the state Senate's consent.

The GOCO board is responsible for administering the trust fund, conducting public hearings to obtain comments on grant proposals and overseeing the professional staff. The constitutional amendment stipulated that prison construction projects then receiving funding from lottery proceeds would be weaned from that source over a five-year span.

Beginning in 1999, allocation of lottery proceeds will be at the percentages spelled out in the amendment: 40% to the Conservation Trust Fund, 10% to the Division of Parks and Outdoor Recreation, and 50% to the Great Outdoor Colorado Trust Fund. The GOCO portion is capped at $35 million, adjusted for 1992 inflation, and any amount over that will be added to the State's general funds. (Colorado Constitution, Article XXVI Section 3)

GOCO's share will be distributed equally to four area; the Division of Wildlife, the Division of Parks and Outdoor Recreation, competitive grants to non-profit land conservation organizations, and competitive, matching grants to local governments. Distribution to the GOCO Fund began in 1992–93 with $10.9 million, and by 1994–95, GOCO's portion has grown to $23 million. In 1995, lottery and lotto generated $100.6 million for the state, two-thirds of the total gaming revenues.

Lottery and lotto tickets can be purchased by anyone over 18 at licensed outlets, found primarily at convenience and grocery stores. There are just under 2,600 outlets in the state, and they are especially busy Wednesdays and Saturdays, when the winning numbers for the lotto jackpot are drawn. The largest non-lotto prize to date has been $8,350,000, won by a Grand Junction man in 1986, while lotto's largest jackpot, $27 million, was won by a Boulder woman in 1992.

LIMITED GAMING

In the 1990 general election Colorado voters approved a constitutional amendment (Colorado Constitution, Article XVIII, Section 9) that legalized limited gaming in the state beginning October 1, 1991. A primary focus for the limited gaming proceeds was to be historical preservation statewide, and much of the basic framework was outlined in the amendment. Responsibility for setting up a commission to operate and oversee gaming activities was assigned to the General Assembly. In their enabling legislation, the lawmakers stated, "Public confidence and trust can be maintained only by strict regulation of all persons, locations, practices, associations, and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gaming devices and equipment." (Source: Colorado Revised Statutes, 12–47.1–102)

"Limited gaming" was defined as using slot machines or playing card games (blackjack or poker) with a maximum single bet of five dollars. The activity is restricted to just three sites in the state: Central City, Black Hawk and Cripple Creek. Two additional casinos are located in the southwestern part of the state on Indian reservation land belonging to the Ute Mountain Ute and the Southern Ute Tribes. While Colorado has a compact with the two tribes pertaining to gaming activities, their casinos are subject to taxation nor are they required to report their revenues to the state.

In the three mountain towns, however, gaming is so tightly controlled that even the casino structures must conform to pre-World War I designs so that their architectural styles fit in with the existing buildings. Gaming establishments are confined to the commercial districts of the three towns and cannot operate between 2:00 a.m. and 8:00 a.m.

The Limited Gaming Control Commission in the Division of Gaming falls under the aegis of the Department of Revenue. Commission members are appointed by the Governor and confirmed by the state Senate. The five members cannot include more than three from one political party, and no two members can live in the same congressional district, which means that five of Colorado's six congressional districts have a representative on the commission. The commission must include a law enforcement officer, a practicing attorney with experience in regulatory law, a certified public accountant or public accountant with corporate finance experience, a management-level business person, and a registered voter who is not employed in any of the preceding professions. Members serve staggered four-year terms and are compensated in a similar manner as the Lottery Commission, though there is a maximum limit of $10,000 per member per year. Five types of licenses, which must be renewed annually, are issued by the commission. Slot machine manufacturers, distributors and operators pay $1,000 per license, while the cost for a retail gaming license is $250. A person in charge of all gaming activities at a casino, known as a key employee, pays $150 for an initial license, $100 for a renewal. Support employees pay $100 for original licenses, $75 for renewals.

In addition to overseeing gaming activities, the commission is required to set the gaming tax rate on an annual basis. Currently in effect is a four-tiered system under which the licensees pay percentages of their adjusted gross proceeds into the Limited Gaming Fund. From that fund, the state Treasurer pays all commission expenses and all costs of running the Division of Gaming. No state general fund-money is used to finance any portion of limited gaming, and other than keeping a required balance in the account, the Treasurer distributes the remainder in the fund at the end of each fiscal year.

Distribution of the Limited Gaming Fund is established by the General Assembly (Colorado Revised Statutes, 12-47.1-701). In addition, the General Assembly has the discretion to further designate portions from the general funds's 50% share. For fiscal year 1994-95, the lawmakers allocated portions to the Tourism Promotion Fund, the Municipal Impact Fund, the Contiguous County Fund and the Colorado Department of Transportation.

There had been concern that local government entities were ill-equipped to handle the projected increase in crime and traffic control. Some citizens worried that their towns would struggle to deliver some of the most basic necessities, including an adequate water supply, even with the increased money coming their way.

The Contiguous County Impact Fund is a response to the increased governmental services associated with gaming, including additional law enforcement and social services. Money is distributed to the eight counties immediately surrounding Gilpin and Teller Counties and also to the three counties in southwest Colorado bordering the Indian gaming areas.

Lawmakers have set aside 2.4% from the general fund allotment for the state Highway Fund beginning in fiscal year 1995-96 and continuing each year thereafter. This fund transfer is to help offset the increased cost of road maintenance due to limited gaming.

The amount earmarked for the state Historical Fund is apportioned in a 20/80 split, with 20% going to the three towns in proportion to their gaming revenues and 80% to other historical preservation and restoration projects throughout the state. (Source Colorado Division of Gaming, Gaming in Colorado—Factbook & 1995 Abstract)

LOOKING AHEAD

Every year during the legislative session, state lawmakers consider new bills related to the gaming industry. In the 1996 session these proposals ran the gamut from prohibiting anyone under 21 from being in gaming areas to establishing a Compulsive Gambling Prevention Program. One bill authorizes the use of portable, hand-held electronic bingo minders that will aid persons with disabilities.

A bill expanding simulcast coverage of horse races to additional off-track betting sites became law, while one establishing a fee, payable by owners of racing animals, to cover random drug testing of the animals did not. This function is currently being provided by the Department of Revenue at a cost in 1994-95 of nearly $300,000 from the general fund. A resolution was proposed to earmark $7 million or at least 25% of GOCO's annual lottery proceeds for construction and maintenance of highway rest areas. This resolution was not adopted by the lawmakers, nor was another that would have increased the maximum allowable bet in limited gaming establishments from $5 to $100. It would also have permitted additional games, including craps, roulette and baccarat. Similar measures will likely be introduced in future years. Immediately after limited gaming began in the three mountain towns, numerous other communities tried to gain approval to expand this revenue source to their towns. As yet, none has been successful, but the debate continues over the merits of this seemingly "easy" source of money. Some critics question whether the historical significance of the gaming towns is being gradually obscured. If this is so, is the revenue brought in a worthwhile tradeoff?

An editorial in the April 14, 1996, Rocky Mountain News was less than enthusiastic about the expansion of and dependence on gambling as a public revenue source. It stated, "the main reason for this growth is that states and communities have locked onto gambling as a quick-fix * * * at a time of widespread anti-tax sentiment." It also pointed out that the poor gamble more than the affluent, citing a Maryland study which showed people with annual incomes over $50,000 spent $2.57 a week on lottery tickets, while those earning less than $10,000 spent $7.30.

While some may think using gambling as a revenue source is questionable public policy, an article in the April 16, 1996, issue of The Denver Post pointed out that, according to a recent survey, Colorado residents visit casinos twice as often as the national average. With the popularity of the gaming industry growing so quickly, the article predicts that casinos will pass spectator sports this year and become second only to movies as a form of entertainment in the United States.

Pros and cons of the gaming industry are argued in many forums, and a consensus opinion will possibly never be achieved. It is apparent, though, that those empowered to implement gaming in Colorado have done so with a great deal of regulatory control. As the industry continues to develop, it appears certain that all of the interested parties will be monitoring it closely.

REMARKS AT THE NAMING CEREMONY FOR THE USNS GORDON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. MURTHA. Mr. Speaker, on July 4th I was the speaker at the naming of the USNS *Gordon*.

The ship was being named for a Congressional Medal of Honor winner killed in Somalia. Mrs. Gordon spoke to the audience, and I thought her words were so appropriate to the ceremony, and to describing what it means to be part of the American military, and to be part of an American military family.

I thought it was very appropriate for Mrs. Gordon's remarks to be part of the CONGRESSIONAL RECORD.

REMARKS BY MRS. CARMEN GORDON AT THE NAMING CEREMONY FOR USNS "GORDON" (T-AKR 296)

Thank you for that kind introduction and the opportunity to be here with you today.

I'd like to tell you about Gary.

Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him. The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, are there. The boots that took his dad through desert and jungle now lace up around Ian's small ankles. They are all piled neatly together by a little boy's hands and sought out during quiet times.

My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of him smiling straight through to her. It is the first thing she packs when leaving home, and the first thing she unpacks when she arrives anywhere.

These are comfort to my children. And a source of pride. But most important, Gary's children can see and feel these reminders of their father to keep him close.

In much the same way, the ship that we christen here today—the USNS Gordon—gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him and the life he so willingly gave.

The very first time I laid eyes on Gary Gordon was the second month of my thirteenth summer. I was staying with my grandparents in rural Maine. Every week we made a trip into town for supplies. One hot afternoon in front of Newberry's Department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked at me, and I knew this was no ordinary boy. This boy could win my heart.

When he called my grandparents for permission to take me out, he was turned down flat. She's too young, they told him. And so, in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly. On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress. A few hours of talk, a quick first kiss in the rec room, and Gary left to be back at his base, miles away. So began our slow dance of love, one that would give us so much in so short a time.

We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time. On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee. Folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups. Gary's love for Brittany was just as strong. Every day when he arrived home from work, Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice and a timetable for leaving.

I never worried when Gary left on a mission. As I cheerfully kissed him goodbye and waved confidently from our front porch, it never occurred to me to be afraid. Because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of it. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back, safe. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, "Carmen, don't worry about things we can't change."

I know that death often leaves us with the haunting question "Why?" I know why Gary died. He died because he was true to his own code for living—trying to help someone else. Fear would have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: "I shall not fail those with whom I serve."

Gary lies buried only a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather and bordered by woods that change with the seasons. He is not alone now in that corner of the cemetery. His father Duane, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the paper mill where he gave so many years of hard work.

A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there on Gary's military headstone, below the chiseled words "Beloved Husband and Father," and the coin of his unit pressed into white stone. I hope that some gentle wind will always guide this ship to sea and keep her on a safe and steady course.

And when that wind strokes the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS Gordon is striking under the stars, I can tell them that she is on the same course their father chose: Headed for distant shores, answering the call of those in need.

SENATE—*Tuesday, July 16, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Rev. Haldon Arnold, Church of Christ, Springfield, VA. We are glad to you have with us.

PRAYER

The Reverend Haldon Arnold of the Church of Christ, Springfield, VA, offered the following prayer:

Let us pray:

Eternal Father, as these men and women meet today in this historic Chamber to deliberate upon those matters which affect us all, may they be so inclined as to seek Your wisdom and counsel, to be filled with Your spirit that the Nation may be at peace and have a more tranquil life.

We thank You, Lord, for our great country, for its Government, for those who serve in the Congress, our courts, and the White House. May they all labor that our country may be stronger, more able to help the weak, more nearly a government of the people, by and for the people, also.

Father, please continue to be patient with us that we may not self-destruct. Continue to forgive us our mistakes, and our sins, but above all, continue to love us.

And now abides faith, hope, and love, but may all of us know that the greatest of these is love, and I pray through Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, under the provisions of rule XXII of the Senate, a live quorum will begin at 10 a.m. Once a quorum is established, there will be a 15-minute rollcall vote on the motion to invoke cloture on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Senators should be reminded this vote will occur shortly after 10 a.m. this morning, so they need to be prepared to come to the Chamber. If cloture is invoked on the motion to proceed to the nuclear waste bill, it is my hope we may be able to proceed immediately to the consideration of this important matter in some reasonable and understandable way. If cloture is not invoked, there will be another cloture vote this morning on the Department of Defense appropriations bill.

Again, I urge all Senators to cooperate to enable the Senate to move forward on a number of these items. There are a number of appropriations bills now—I think four—that are available. I hope we will be able to complete those in the coming days.

Mr. President, I ask unanimous consent that the time between now and 10 a.m. be equally divided.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 1936) to amend the Nuclear Policy Act of 1982.

The Senate resumed consideration of the motion to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that we have 1 hour equally divided prior to the cloture vote on the motion to proceed.

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thank the Chair. I am going to make a short statement and then reserve the remainder of my time to accommodate Senator CRAIG and other Senators.

First of all, the bill we have before us, S. 1936, is really an important bill that does two significant things. First, it keeps a promise, a promise that was made to the taxpayers of this country who have contributed about $12 billion currently to the nuclear waste fund, but, unfortunately, we have nothing to show for it at this time. It also takes important steps to a safer future.

Today, high-level nuclear waste and high-radioactivity-used-type nuclear fuel is accumulating in this country at over 40 sites in 41 States, including waste stored at the Department of Energy weapons facilities, stored, Mr. President, in populated areas, near our neighborhoods, near our schools, on the shores of our lakes and rivers, and in the backyards of constituents, young and old, all across this land.

Later on, I am going to have some charts that I want to show my colleagues so that we can specifically address where this nuclear fuel is stored on both the east and the west coasts, where most Americans live. It may be Yorktown, near your neighborhood and near mine. Unfortunately, spent fuel is being stored in pools that were not designed for long-term storage.

Some of this fuel is already 30 years old. That is not to say it is not safe. It simply was not designed for long-term or semipermanent storage. Each year that goes by, our ability to continue storage of this used fuel in each of these sites in a safe and responsible way simply diminishes. So it is irresponsible to let this situation continue longer. It is unsafe to let this dangerous radioactive material continue to accumulate at more than 80 sites all across the country. It is unwise to block the safe storage of this used fuel in a remote area away from high-population centers.

Furthermore, this is a national problem that requires a coordinated national solution, and this bill, S. 1936, solves this problem. It solves it by safely moving the used fuel to a safe, monitored facility in the remote Nevada desert, a facility designed to safely store the fuel, the very best that nuclear experts can build, certified safe by the Nuclear Regulatory Commission.

So, S. 1936 will end the practice of storing used fuel on a long-term basis in pools in Illinois, Ohio, Minnesota, California, New York, New Jersey, Pennsylvania, and other States all across the country.

This will solve an environmental problem, Mr. President, but the approach to S. 1936 is simply to get the job done, to do what is right for the country and to do it now.

For those who are not familiar with this program, let me describe the status quo. We have struggled with this nuclear waste issue for almost 15 years. We have expended over a billion dollars in the process. We have collected nearly $12 billion from the ratepayers, but the Washington establishment has not been able to deliver on the promise to take and safely dispose of our Nation's nuclear waste by 1998.

Hard-working Americans have paid for this as part of their monthly electric bill. They certainly have not gotten the results, Mr. President. The program is broken and has no future unless it is fixed. We can end the stalemate; we can make the decision.

I think we have reached a crossroads. The job of fixing this program is ours, the responsibility is ours. The time for fixing the program is now.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We are, of course, seeing the Senators from Nevada oppose the bill, as I would expect, with all the arguments and vigor they can muster, and that is certainly understandable. Nobody wants nuclear waste in their State, but it has to go somewhere, and Nevada is the best place we have.

Both Senators from Nevada, of course, are friends of mine. We have talked about this issue at length, and they are doing what they feel they must do to best represent their State. But as U.S. Senators, we must sometimes take a national perspective. We must do what is best for the country as a whole.

To keep this waste out of Nevada, the Senators from Nevada have used some terms, very catchy terms, like "mobile Chernobyl," to frighten Americans about the safety of moving this used fuel to the Nevada desert where it really belongs.

They will not tell you that we have already moved a large amount of commercial and naval nuclear fuel throughout many, many years. The commercial industry alone has shipped 2,500 shipments of used nuclear fuel over the last 30 years. We have seen it shipped into Hanford, Savannah, a site in Idaho.

I want to tell you, an even larger amount of spent fuel is transported worldwide. We have seen it in Japan. We have seen it in England. We have seen it in France. We have seen it in Scandinavia. Since 1968, the French alone have safely moved about the same amount of spent fuels as we have accumulated at our nuclear powerplants today.

They will not tell you that our Nation's best scientists and engineers have designed special casks that are safety certified by the Nuclear Regulatory Commission to transport the used fuel. They will not tell you about the rigger testing that has taken place by the Sandia National Laboratory and others to ensure the casks will safely contain used fuel in the most severe accidents that might be imagined. They will survive.

There is proof that the safety measures work. There have been seven traffic accidents in the United States involving U.S. spent nuclear fuels. When the accidents have happened, these casks have never failed—never failed—to safely contain the used fuel. There has never been an injury or a fatality caused by casked radioactive cargo. There has never been damage to the environment. Can the same be said of gasoline trucks, other hazardous movement on our highways? Of course not. Still, we can expect our friends from Nevada are going to try to convince the people that the transportation will not be safe.

The evidence of the industry in the United States and in Europe proves otherwise. The safety record of nuclear fuel transport, both here and in Europe, as I have said, speaks for itself. The issue provides a clear and simple choice. We could choose to have one remote, safe, and secure nuclear waste storage facility or, through inaction and delay, we can permeate the status quo and have 80 such sites spread across the Nation.

Mr. President, the chart to my right shows the locations of spent nuclear fuel and radioactive waste sites that are designed for the geologic disposal. You can see the reactors. The commercial reactors are in brown situated primarily in States in the Midwest and on the east coast, Illinois, and others. The green are the shutdown reactors with spent fuel on-site. The black are commercial spent-fuel storage facilities that are located in various areas throughout the country. The green are the non-Department of Energy-related reactors. The gold is the nuclear reactors fuel in the Navy holdings. The red is the Department of Energy-owned spent nuclear fuel and high-level radioactive waste. There is the chart, Mr. President. That shows where the sites are around the country.

The next chart which I will put up is the proposed solution to this dilemma. It proposes, obviously, one site, the Nevada test site. The theory behind this is we in the last 50 years tested numerous nuclear devices in this area and found it to be safe. The reality of the situation, Mr. President, is—and I grant to my friends from Nevada, nobody wants the waste. Somebody has to take the waste. Where do you put the waste? This has been determined to be the most plausible site as a consequence of the efforts to develop a permanent repository at Yucca Mountain. What we are proposing by this legislation is to allow a temporary repository to initiate a process of becoming a reality.

I have another chart here which shows in each State the number of volumes associated with the storage in the inventory currently in the estimated inventories through the year 2010. We will have another chart relative to each Member being able to see his or her own State and what it represents.

What we have here, Mr. President, is a situation where it is not morally right to perpetuate the status quo on this matter. I think to do so shirks our responsibility to protect the environment and the future of our children and grandchildren. This Nation needs to confront its nuclear waste problem now. The time is now. Nevada is the place. I urge my colleagues to support the passage of S. 1936 and to support cloture on the motion to proceed to the bill.

One final thing, Mr. President, as we reflect on some of the material that we have seen relative to the question of why move now? Mr. President, as I have indicated, we spent $1 billion. We have spent over 15 years trying to develop and respond to a promise made to the American taxpayer, as the Federal Government has collected from the ratepayers some $11-plus billion—over $12 billion.

So I concede, Mr. President, that no one wants it. On the other hand, if you oppose what has been suggested by this bill, then I think you have an obligation to come up with a solution, a reasonable solution and responsible solution, a long-term solution. The Federal Government promised the ratepayers, promised the industry to take this waste by 1998. The Government cannot deliver on that promise.

Furthermore, Mr. President, this is a major environmental issue. We must accept the responsibility of addressing the accumulation of this waste. We cannot duck it anymore. S. 1936 does that. What we have here, Mr. President, is an effort by the Nevada Senators to gridlock the Senate, to filibuster the Senate.

I have no particular interest in this, but as chairman of the Energy and Natural Resources Committee, I have a responsibility, Mr. President. My State, fortunately, is not one of the States listed. But by the same token, the obligation to address this is a responsibility of every U.S. Senator. We cannot delay it any longer. We can store it now in the one safe site where we have been exploding nuclear weapons for some 50 years. We owe it to the U.S. citizens to move this material and do it now.

I note the Washington Post editorial this morning, Mr. President, suggested that somehow this action would not meet all the standards of a permanent facility. This is not intended to meet the standards of a permanent facility. This is an interim facility. But by the same token, we all know that the construction continues on the permanent facility at Yucca Mountain with all the safeguards necessary.

I might add, in this legislation none of the safeguards are waived. All of the Federal acts must be adhered to. "The interim bill is the wrong way," the Washington Post says, "to solve what is not fully yet an urgent problem." I differ with the Washington Post. It is an urgent problem, Mr. President.

In many of these States the licensing of the nuclear waste on hand is almost at its maximum limit. As a consequence, Mr. President, we can no longer shirk the responsibility. There have been numerous hearings. There have been numerous debates. The best plausible alternative is a temporary repository associated with Yucca Mountain. That is what the legislation is all about.

Mr. President, I retain the remainder of my time and allow the other side to be heard from. Then I think Senator CRAIG is going to have some remarks.

Mr. REID. Could the Chair indicate how much time remains.

The PRESIDING OFFICER. The Senator's side has 29 minutes and the other side has 14 minutes.

Mr. REID. We have a tremendous amount of work to do in this body, including 12 appropriations bills to pass, welfare reform, taking a look at Medicare, Medicaid. We have this problem that faces every city in America, the decaying infrastructure. We have not spent any time talking about that.

Mr. President, the junior Senator from Alaska mentioned a number of things, and I think it is important to respond. He is talking about keeping a promise—I do not know to whom, maybe to the powerful utilities of this country. Certainly it is no promise to the people of this country to take nuclear waste and spread it across this country without proper controls.

The Senator talked about the special casks. Let us talk about the special casks. The special casks were developed in an effort to more safely transport nuclear waste. The problem is, the cask developed, you still cannot safely transport nuclear waste. It is great for storing on site. But taking these casks across the country could present a few problems. Why? Because they are only safe if an accident occurs and you are going less than 30 miles an hour. We have all driven the highways and seen the trucks come barreling down the roads on the freeways, the expressways, the roadways, and byways. Very, very few of them have I ever seen going 30 miles an hour. The only time they do that is when they are building up their speed from a stop sign. If any vehicle accident occurs with the dry cask storage container in it and it is going more than 30 miles an hour, the cask will be violated. The cask will break.

In addition to that, Mr. President, we have been told that these casks are safe with fire. Well, they are, if the fire is not too hot and does not last too long. If the fire is 1,480 degrees and does not last more than a half hour, you are in great shape. But, of course, we know that last year a train burned for four days. We know that vehicular accidents involving trucks or trains involve diesel fuel. Diesel fuel burns as high as 3,200 degrees Fahrenheit. The average temperature is 1,800 degrees—400 degrees hotter than what the casks were developed to protect.

So, that is why we believe, Mr. President, that this legislation is ill-founded, unwise, and unnecessary. This is not just the Senators from Nevada talking, Mr. President. The fact of the matter is that the President, who we have said all along is going to veto this bill, has sent the minority leader a letter. The letter states a number of things. It is dated July 15. Among the things that are stated in this letter is, "The administration cannot support this bill." We have been saying that all along. Some people question that. It should be very clear now that the President has said this. He has written this. Here is a proposed veto message.

The letter also says:

> The administration believes it is important to continue work on a permanent geological repository.

Where? In Nevada at Yucca Mountain. The nuclear industry wants to short-circuit and shortcut the process that has been ongoing.

The letter further states:

> The Department of Energy has been making significant progress in recent years and is on schedule to determine the viability of the site.
>
> Designating the Nevada Test Site as the interim waste site, as S. 1936 effectively does, will undermine the ongoing Yucca Mountain evaluation work by siphoning away resources. Perhaps more importantly, enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program.

Those words come from the White House.

> Some have alleged that we need to move spent commercial fuel rods to a central site now.

That is what we have been saying all along, and that is also indicated this letter from the White House.

> According to a recent report from the Nuclear Waste Technical Review Board, an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years.
>
> Also, the Nuclear Waste Technical Review Board assures us that adequate, at-reactor storage space is, and will remain, available for many years.

The President, among other things, says, "The bill weakens existing environmental standards by preempting all Federal, State, and local laws.

It ends by saying, "It is an unfair, unneeded, and unworkable bill," as we have been saying all along. This is signed by the Chief of Staff of the President.

There are editorials we can show you from the western part of the United States to say this is a bad bill. Today in the Washington Post, the editorial said, among other things, in its headlined article: "Waste Makes Haste." The Washington Post, an independent newspaper, says:

> Anxious to rid itself of the accumulating waste and the liability that it represents, and fearful that the Federal studies could bog down, the nuclear lobby is pushing a bill to designate an "interim" storage site in Nevada that would not have to meet all the standards of a permanent facility.

It says:

> The interim bill is the wrong way to solve what is not yet a fully urgent problem.
>
> But this is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that it faces an emergency. On this one, Members should imagine the worst—that bunching and storing the waste will produce the eventual environmental disaster that some of the critics predict. Then they ask themselves, which among them want to sign their names to that?

Mr. President, this bill is a fabrication, as indicated in this article. The bill is a fabrication. It is being pushed by the nuclear lobby, and that is the main reason it is being pushed. This bill should not see the light of day.

I reserve the remainder of our time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. How much time remains on our side?

The PRESIDING OFFICER. Fourteen minutes remain, and 20 minutes remain on the other side.

Mr. CRAIG. I yield myself 5 minutes. Will the Chair notify me when that time is up?

The PRESIDING OFFICER. Yes.

Mr. CRAIG. In the debate that has gone on and will continue to go on, on this critical issue, the management of the high level nuclear waste, there are myths and there are realities.

I ask unanimous consent that four letters, dated April 7, 1995, August 7, 1995, January 10, 1996, April 26, 1996, all letters to the White House, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, April 7, 1995.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the new chairman of the Committee on Energy and Natural Resources, one of my top priorities is to help meet the challenge this nation faces in developing a safe and scientifically sound means of managing spent nuclear fuel. Given the Department of Energy's announcement it will not be able to meet its obligation to begin accepting nuclear waste in 1998, we must address this issue in an aggressive and forthright manner.

Judging from the attention paid this matter by Secretary of Energy Hazel O'Leary, I had assumed it was a top priority for you, as well. But recent letters you sent to Senator Richard Bryan and Nevada Governor Robert Miller seem to suggest otherwise.

While you acknowledge there are "national security interests involved," your letter says you cannot support any current legislation to fix the problem "at this time." If you cannot support current legislative proposals at this time, members of my committee would like to know how and when you plan to offer an alternative proposal.

You are no doubt aware of the environmental and security implications of failing to reach a solution in the not too distant future.

With all due respect. Mr. President. I and many members of my committee believe it is time for you to become an active participant in efforts to resolve this pressing challenge. We urge you to either support the concepts in several current legislative proposals or offer a plan of your own. We have already held hearings on the spent nuclear fuel program and continue to work toward a solution. Your advice and involvement would be greatly appreciated.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, August 7, 1995.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I last wrote to you on the subject of managing the nation's spent civilian nuclear fuel on April 7, 1995.

In my prior letter, I made reference to the fact that you, in a letter to Senator Bryan, stated that you could not support any spent fuel management legislation currently before Congress at this time. Your position raised a number of questions:

If you cannot support any pending legislation, what can you support?

If you will not support legislation now, when might you support it?

If all the comprehensive spent fuel management legislation before Congress is unacceptable, will you provide us with draft legislation that is acceptable?

In my April 7 letter, I challenged the administration to become an active participant by either supporting the concepts in pending legislation or by offering a comprehensive plan of its own. Unfortunately, this has not yet occurred. In fact, neither you nor your office has even responded to my letter. Are we to conclude that you will simply continue to remain critical of all the pending proposals without offering constructive, comprehensive alternatives?

Recently, a House Subcommittee marked up its legislation to address the spent fuel management problem. Floor action may yet occur in the House this year. Meanwhile, our Committee continues its deliberations with industry, consumer groups, regulatory authorities and others with a view toward achieving a broad consensus. Even the Appropriations Committees, anxious to see some progress, are inserting provisions in their bills to promote action. Everyone seems to be working on this issue, Mr. President—except your administration.

I believe the spent fuel management problem is one that can best be solved by working in a bipartisan, collaborative manner. Unfortunately, the opportunity for the administration to provide meaningful guidance at this important stage in our deliberations is quickly being lost.

I again urge you to submit comprehensive legislation to address this important problem, or voice your support for concepts embodied in legislation currently before us. The courtesy of a reply would also be appreciated.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, January 10, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over the past nine months, I have written two letters to you requesting that the Administration offer a comprehensive plan that would allow the federal government to meet its commitment to manage the nation's spent nuclear fuel and nuclear waste.

What we have now is a program that has spent twelve years and $4.2 billion of taxpayer dollars looking for a site for a permanent high-level nuclear waste repository. By 1998, the deadline for acceptance of waste by the Department of Energy (DOE) and when DOE plans to make a decision about whether or not the Yucca Mountain site is suitable for a permanent repository, twenty-three commercial power reactors will have run out of room in their spent fuel storage pools. By 2010, DOE's rather optimistic target date for opening a permanent repository, an additional 55 reactors will be out of space. It is estimated that continued-onsite storage through 2010 would cost our nation's taxpayers $5 billion dollars more than centralized interim storage. At the same time, spent nuclear fuel and high-level nuclear waste from defense activities is being stored, at great expense, at DOE sites across the country.

On April 7, 1995, and August 7, 1995, when I wrote my previous letters, you had indicated that you could not support legislation then pending before Congress at that time. In light of this position, my letters urged you to offer a comprehensive plan of your own that would resolve this important national security issue. One August 18, 1995, I received a letter from Office of Management and Budget Director Rivlin acknowledging receipt of my letters and indicating that an Administration policy recommendation would be provided before the end of the Labor Day recess.

We have still not received a response from your office. On December 14, 1995, Secretary Hazel O'Leary testified before the Committee on Energy and Natural Resources that the Administration would oppose any legislation that would authorize the construction of a interim storage facility at the Nevada Test Site in time for the government to meet its obligations to begin storing spent nuclear fuel in 1998. Secretary O'Leary indicated that the Administration wishes to simply continue the existing program.

However, the status quo is not an option. As indicated by Senator Domenici at the December 14 hearing, the Appropriations Committee will not continue to provide funding for the program unless legislative changes are made that allow the construction of interim storage on a timely basis. I continue to believe that this problem can best be resolved in a bipartisan manner. However, this is an issue that requires legislative action. If you continue to reject Congressional proposals, I would ask that you offer an alternative plan that would allow the government to fulfill its commitment to the electricity ratepayers of this country. I look forward to your reply.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, April 26, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Over a year ago, I wrote the first of three letters to you regarding an issue that is one of my top priorities, and which I had assumed was a top priority of yours—protecting the environment and the safety of Americans from the threat posed by high-level nuclear waste. Only after the third letter, sent on January 10, 1996, did I receive a response from your Office of Management and Budget Director, which indicated you support the status quo.

Although I would have genuinely appreciated constructive input from your Administration, at that time, it became clear none was forthcoming. Thus, on March 13, 1996, the Energy and Natural Resources committee reported S. 1271, a bill to provide for the safe storage of spent nuclear fuel and nuclear waste at a central interim storage facility.

I was dismayed to receive the Statement of Administration Policy issued on April 23, 1996, which threatened to veto S. 1271 "because it designates an interim storage facility at a specific site." Although that statement claims "[t]he Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner," such words ring hollow in the context of a threat to veto any legislation that does anything other than perpetuate the status quo.

Currently, high level nuclear waste and spent nuclear fuel is accumulating at over 80 sites in 41 states, including waste stored at DOE weapons facilities. It is stored in populated areas, near our neighborhoods and schools, on the shores of our lakes and rivers, in the backyard of constituents young and old all across this land.

The question is not whether or not we like nuclear power; it is whether this nation will responsibly deal with the spent nuclear fuel that already exists. Even if the use of nuclear power were to end today, the problem of what to do with related materials remains. Each year that goes by, the ability to continue storage of nuclear waste at each of these sites in a safe and responsible way decreases.

It is inappropriate to let this situation continue unresolved. As a grandparent and concerned American, I hope to convince you to help us do something about it.

Rather than letting this dangerous radioactive material continue to accumulate at more than 80 sites all across the country, doesn't it make sense to store it at one, safe and monitored facility at a site so remote that the Government used it to explode nuclear weapons for fifty years? The responsible answer is "yes."

We've struggled with the nuclear waste issue for more than a decade. We've collected over $11 billion from electricity ratepayers to run the existing program. That program (the status quo) has hit a brick wall. Congressional and public confidence in the program is in decline—and the Appropriations Committee has responded by cutting its funds. Ratepayers, state public utility commissions and Congressional appropriations committees have lost patience and are making it clear they refuse to continue pouring billions of dollars into a program that fails to solve this problem, and will not, for the foreseeable future.

The choice is ours. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the nation. The job of fixing this program is also ours.

It is not morally right to perpetuate the status quo on this matter. To do so would be to shirk our responsibility to protect the environment and the future for our children and grandchildren. This nation needs to confront its nuclear waste problem now. That means Congress must pass and you should sign S. 1271 into law. I can only hope you will reconsider your position and make a decision to help us solve this very real environmental problem.

Sincerely yours,

FRANK H. MURKOWSKI.

Mr. CRAIG. Mr. President, when the chairman of the Energy and Natural Resources Committee of the Senate submitted these letters to the White House urging them to become involved in this critical national issue, the response was limited to nothing. We even suggested in legislation that I first introduced, S. 1271, that the committee worked very hard on, that if they could not support the pending legislation, they should offer an alternative. Their answer was no answer.

As a result of all of that, the White House never became a player in this most critical issue. The Department of Energy, under the direction of Hazel O'Leary, could not become a player because the White House had chosen a long time ago not to deal with this critical national policy, but to play politics on something that the public cries out for a solution.

As a result of that, when the Chief of Staff of the White House, Leon Panetta, on July 15, submitted a letter, a veto threat, on S. 1936, many of us looked at that in an effort to analyze it to see whether the White House had in fact began to engage in this most critical policy issue. I must tell you, Mr. President, that the answer to that is no. The letter that comes from the White House is not a policy statement; it is in every regard a political statement. It is tragic at a time when many, many States of this Nation demand that this be a solution to a critical problem that the White House would only play politics. That is very frustrating to me, and I am sure it is frustrating in a bipartisan way to a good many of my colleagues here in the Senate.

The legislation now before us, S. 1936, is not something cooked up by the chairman of the Energy and Natural Resources Committee or this Senator from Idaho. We sat down with the ranking member of that committee, BENNETT JOHNSTON, and our staffs. We brought consultants in from all over the world to see how we bring about the beginning of the movement of a solution to the problem of the handling of high-level nuclear waste.

In all fairness to the administration, but more important to Hazel O'Leary, she began to aggressively move the issue by speeding up the activities on the exploration development and certification process that must go on at Yucca Mountain. But even as that timetable speeds up, it does not solve the problem. It does not answer the problem that this country must address.

Mr. President, I ask unanimous consent that Senators ABRAHAM, JEFFORDS, SMITH of New Hampshire, WARNER, KEMPTHORNE, ROBB of Virginia, KYL of Arizona all become sponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Through the course of the debate, Mr. President, a lot of the issues that have been propounded by our colleagues from Nevada will be clarified. For the Record, because of an allegation that I believe is patently false and that results from the exploration and the understanding of how these materials get transported across our country, I ask that the International Association of Fire Chiefs letter in support of this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, June 21, 1996.

Hon. LARRY E. CRAIG,
Senate Office Building,
Washington, DC.

DEAR SENATOR CRAIG: S1271, the Nuclear Waste Act of 1995, has been reported out of the Senate Committee on Energy and Natural Resources and is awaiting consideration on the Senator floor. The International Association of Fire Chiefs (IAFC) fully supports this legislation and urges prompt passage.

Enclosed for your information is a resolution adopted by the IAFC which states our concerns about the storage of nuclear fuel and the compelling reasons to enact this legislation now.

We appreciate your consideration of this very important issue.

Thank you.

Very truly yours,

ALAN CALDWELL,
Director, Government Relations.

Enclosure.

RESOLUTION BY THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS HAZARDOUS MATERIALS COMMITTEE TO SUPPORT SENATE BILL #1271, "NUCLEAR WASTE ACT OF 1995"

Wherefore: Nuclear fuel has been accumulating and temporarily stockpiled since 1982 at numerous staging locations throughout the United States; and

Whereas: Many of these locations are provided a security system which is less than desirable; and

Whereas: The stockpiling of nuclear waste in so many removed locales renders them most vulnerable to potential sabotage and terrorist attacks; and

Whereas: Prolonged exposure to the elements of time and weather will perpetuate deterioration and invite infrequent inspections; and

Whereas: A plan to remove this nuclear fuel and coordinate its transport to a single secure designated interim storage facility at Yucca Flat, NV, in accordance with prudent planning, training, and preparation can be a safe, logical and acceptable alternative: Therefore, let it be

Resolved that the International Association of Fire Chiefs:

1. Urge members of the U.S. Senate to support Senate Bill 1271.

2. Urge members of the U.S. Senate to ensure that:

a. Only specified rail and highway transportation routes are designated for transport;

b. Only specified days and hours of day are designated for transport to assure local authority readiness and preparedness; and

c. All appropriate local emergency services (fire, law) are notified in writing of such designated movement through their jurisdiction not less than 30 days before such involvement, and said notification shall include the specified route, quantity, number and type of transportation vehicles/containers, date, time of day, point of project contact, and 24-hour emergency contact.

3. Urge members of the U.S. Senate to ensure that:

a. Prior to any movement, prudent and detailed plans for route design, route designations, and inspection of all routes for safety, acceptability, and ease of access by emergency response agencies be completed with solicited participation from the emergency response agencies.

b. Prior to any movement, consideration—including support—be provided to train the local emergency response agencies in suggested procedures to be followed in case of an emergency, to include proper protocols, notification, scene security, agency responsibilities and authorities; and

c. Prior to any movement, a detailed analysis is completed to analyze and list all probable types of accidents that may be likely, and document a suggested intervention protocol that the local emergency response agencies can review, study, and employ.

Mr. CRAIG. Mr. President, what is important for all of us to understand—and I think for our colleagues to appreciate as we debate over the next good number of days S. 1936—is that we have employed all of the science of the known Western World to assure that the management and the handling of nuclear waste be done in a safe and effective way. And the legislation that is now before us simply begins to expedite all of that.

Mr. President, I see my time is up. I would like to yield 5 minutes to the Senator from Louisiana, the senior Senator, BENNETT JOHNSTON.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, if one would pick this issue based on personalities I would never have been involved in the nuclear waste debate because my two colleagues from the State of Nevada are two of the most popular Senators, two of my best friends, and two of the most capable Senators in this body. But the fact of the matter is, Mr. President, I began working on nuclear waste in 1979 when I introduced the first bill. I believe that was before my two colleagues even came to the Senate. And I did so because, Mr. President, it is a problem that the Nation must solve. And it fell my lot as a member of the Energy Committee, and as chairman of the Energy and Water Appropriations Subcommittee, to deal with this very troublesome issue.

Today we find ourselves, Mr. President, with about 40,000 metric tons of nuclear waste spread around 34 States in this country, and it cries out for solution. And every year, Mr. President, we hear, "Don't do it this year. This is an election year." You hear this privately. "It is an election year. One of my colleagues is up." It is always an election year. Either one of my two colleagues from Nevada or the President is up for election. And there is always some reason to put it off.

But, Mr. President, we have spent $5 billion on this issue of nuclear waste. And we are nowhere near getting it solved. That is not just because of mishandling by the Department of Energy. The responsibility, Mr. President, lies to a large extent right here in the Congress because we have been, at least up until this time, unwilling to act decisively and to do what we know must be done.

I have a letter here from the White House, Leon Panetta, for whom I have not only great affection but great respect. But I must tell you, Mr. President, Mr. Panetta's letter in opposing this bill is written about the last bill—not this bill. One thing he points out, and perhaps most importantly, he says, "The enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program by prejudicing the Yucca Mountain permanent repository decision."

Mr. President, when this bill was in the committee I proposed an amendment which said that you may not begin construction on the temporary or interim facility until a decision is made as to the suitability of the permanent repository. That amendment was not agreed to. I think that is an appropriate amendment. I do not believe you ought to begin construction on the interim facility until you make a decision with respect to the permanent repository. But, Mr. President, that was rejected in committee. But since then we have negotiated the matter out with the chairman, Senator MURKOWSKI, and my friend Senator CRAIG. And now the provision is written into this bill now being considered that you may not in fact begin construction until you make a decision as to the permanent repository.

So the principal complaint in Leon Panetta's letter is no longer valid. And I hope and I trust that, when and if this bill passes, the President and Mr. Panetta will relook at this matter in light of those changed circumstances.

Mr. President, the reason we need interim storage now—at least the reason we need to pass this bill now—is because that reactor sites around the country are running out of room in what they call swimming pools. The nuclear waste rods are taken out of the reactor and put in literally swimming pools of water, and those have been reracked over the years; that is, made more dense. And one by one utilities are running out of space. Northern States Utilities up in the State of Minnesota has already run out of space and has had to purchase what they call dry cask storage at very expensive cost.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS-CONSENT AGREEMENT

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the cloture vote occur at 10:10 a.m. this morning and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Three minutes; the other side has 8½ minutes.

Mr. MURKOWSKI. I reserve the remainder of my time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I want to address the broad policy implications of S. 1936. I want to emphasis that my comments apply directly to the bill before us, not 1271. There has been some suggestion that 1936 represents improvement over 1271, its predecessor. It is my view that there are some changes but the changes make no policy difference at all.

First, I want to make the point again with respect to the necessity for interim storage. My colleague has pointed it out. I want my colleagues who are watching the debate in the office to look at this report entitled "Disposal and Storage of Spent Nuclear Fuel, Finding the Right Balance, a Report to Congress and the Secretary of Energy." This is March of this year, 1996. "The Board sees no compelling technical or safety reason to move spent fuel to a centralized storage facility for the next few years."

Mr. President, what is occurring is a familiar pattern. This technical review board was created by Congress in 1987 after the original 1982 act. So, if you do not like what you asked for in a report in the nuclear utility industry—and its advocates obviously do not—then you reject the report. But this represents the consensus of scientific opinion as chosen by individuals who have no personal interest in terms of any parochial concerns. Their conclusion emphatically is that there is no need.

That is the issue which the letter of the President's Chief of Staff addresses in part, and that is why the Washington Post editorial of this morning makes the contention that this is too important of an agenda to be jammed through the latter part of Congress on the strength of the industry's fabricated claim that it faces an emergency.

So no Member of this body ought to be misled that there is some crisis. The only crisis is in the mind of the nuclear power industry which for the last 16 years has tried to engender such a crisis to get interim storage.

Second, the reason this is such an abomination in my view is that it effectively emasculates a body of environmental laws which have been enacted over the past quarter of a century.

To name but a few: the Safe Drinking Water Act, Clean Water Act, RCRA, Superfund, FLPMA, the National Environmental Policy Act, the Endangered Species Act. I make that contention and invite my colleagues' attention to page 73 of the legislation.

It is very clever, I concede that. But this is the language that effectively guts the environmental law of America as it applies to this process:

> If the requirements of any law [any law] are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only [only] with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system.

So, we clearly, in effect, supersede any provisions in any of the environmental laws that would be in conflict with this current act. The effect of that is to bypass them. It has been asserted in some correspondence that has been circulated that, indeed, there is a requirement for the National Environmental Policy Environmental Impact Statement Review. Let me just, again, specifically invite my colleagues' attention to the language on page 36 of the legislation. Yes, it talks about an environmental impact statement, but then, in a series of restrictions, it emasculates such language by saying:

> Such Environmental Impact Statement shall not consider the need for the interim storage facility, including . . . the time of the initial availability of the interim storage facility, any alternatives to the storage of spent fuel . . . and any alternatives to the site of the facility. . . .

That is the essence of what an environmental impact statement is, to consider other alternatives that might be available. So the effect that would have is to completely emasculate it.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Nevada has 10½ minutes remaining.

Mr. MURKOWSKI. I am sorry, I did not hear the President on the time?

The PRESIDING OFFICER. The Senator from Nevada has 10½ minutes on this side, 3 minutes on the Senator's side.

Mr. BRYAN. I yield myself 7 additional minutes and ask the Chair to alert me when there are 3 minutes remaining on our time.

Mr. President, another public policy disaster is the statutory provision in this S. 1936 we are debating this morning that provides for a 100-millirem standard for us in Nevada. There is an international consensus that somewhere between 10 and 30 is a reasonable basis. Indeed, the safe drinking water standard is 4 millirems. Our friends from New Mexico, who have been on the floor to discuss WIPP, the transuranic facility in their own State, have a 15-millirem standard, but we would have a 100-millirem standard established by statute. There is no justification for that. I am aware of no considered body of scientific opinion that suggests that, from a sole source, an additional 100 millirems be added. I must say, this is part of an ongoing effort to constantly reduce the levels of health and safety in placing nuclear waste in the State of Nevada.

Finally, let me briefly talk about a public policy issue that ought to concern every Member of this Senate. Everybody has talked about balancing the budget, unfunded mandates and unfunded liability. This piece of legislation represents one of the largest unfunded liabilities that would ever be passed by a Congress, because what this legislation effectively does is to shift the financial burden from the nuclear utilities to the American taxpayer. It does so in a very clever and ingenious way. It puts a limitation on the amount of mill tax that can be assessed to the utilities based upon the kilowatt hours produced at 1 mill.

In the report to Congress by the Nuclear Waste Technical Review Board, they make it clear that if interim storage is to be pursued in addition to the permanent repository, that it will require an additional mill levy, in addition to the 1 mill, and currently indicates that, with the permanent repository program alone, there is an unfunded liability of between $3 and $5 billion.

So the effect of this legislation is to shift the burden and make a major policy departure from what historically was acknowledged from the time that the 1982 act was passed to the changes in 1987 and all of the iterations in between that. In effect, it is the utilities which ought to bear the financial burden.

One can understand why they clearly would like to avoid that burden, but much like our Social Security system today, it is taking in more money than is being paid out, and in the outyears, sometime in the next century, that will reverse. Precisely the same scenario is mandated in S. 1936, because although currently the amount of revenue coming in may be adequate to deal with the permanent repository program alone, as these reactors close—and they are licensed for periods of 40 years—less money will be coming into the fund at a time when the burdens and responsibility of handling the storage will continue on through an indefinite period of time. So this represents a financial disaster for the country as well.

I will just summarize by saying the legislation is not necessary, and those are not the assertions or conclusions of the Senators from Nevada. That is Congress' own Nuclear Waste Technical Review Board, the board that was created by an act of Congress in 1987.

Second, it effectively guts the environmental laws. A policy of dubious merit, in my judgment, mandates a health and safety standard that no other nation in the world has established.

Finally, it would shift the cost from the utilities to the taxpayers, and that is bad news for the American taxpayers.

I yield to the distinguished Democratic leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Nevada. I will not be long. I commend him for his comments this morning. I think, as we come to a close in this debate, both Senators from Nevada have served not only their State well, but this body well as they have contributed to this debate in a very positive way.

Mr. President, a couple of things have occurred over the weekend that I feel deserve the attention of the Senate with regard to the issue of nuclear waste. I would like to address both of them, if I could, briefly.

This morning, in the Washington Post, the main editorial made quite a point of saying that the bill we are considering today is wasteful because, in a sense, we are rushing to a decision that the Post argues ought to be considered with greater care.

The editorial makes a couple of very important points. I will quote one in particular:

> . . . the nuclear lobby is pushing a bill to designate an "interim" storage site in Nevada that would not have to meet all the standards of a permanent facility.

Mr. President, that is an issue that I think does not get the attention it deserves from our colleagues as they are considering this matter. Clearly, if we are considering a site of any magnitude, for any length of time, that site ought to be required to meet the same high standards of public health protection as the permanent site.

The editorial is right on point. Under this bill, the interim site would not have all the standards required of it that a permanent site would. That is one of many issues that we ought to be considering very carefully.

Finally, the editorial ends by saying it is,

. . . too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that it faces an emergency. On this one, members should imagine the worst—that bunching and storing the waste will produce the eventual environmental disaster that some of the critics predict. Then ask themselves, which among them want to sign their names to that?

Mr. President, I ask unanimous consent the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 16, 1996]

WASTE MAKES HASTE

Nuclear power has not turned out to be the blessing the advance men said it would. Among much else, they presented it as clean—no more burning of gritty coal—but in the matter of cleanliness, it has a ghastly problem of its own. The nuclear issue is waste disposal—what to do with the enormously toxic spent fuel rods for which there currently is no long-term home.

The idea was that the utilities would store the spent fuel in the short run, while the government created a permanent storage facility. To put it charitably, the government has been slow to fulfill its part of the bargain. Technology has been one reason; it's hard to determine how best to deal, over what will likely be many generations, with a product as nasty as this. Politics also have been a problem; for obvious reasons, no one wants the stuff.

In the 1980s Congress fastened on Yucca Mountain in Nevada as a likely permanent repository. Nevadans resisted the idea, but Texas and Washington, the other candidates, were more powerfully represented in the House and able to duck. The necessary work to settle definitely on Yucca Mountain has gone slowly, however. The judgments are hard, and the Energy Department over the years has been less than a model of efficiency. So now the industry is trying to force the issue.

Anxious to rid itself of the accumulating waste and the liability that it represents, and fearful that the federal studies could bog down, the nuclear lobby is pushing a bill to designate an "interim" storage site in Nevada that would not have to meet all the standards of a permanent facility. Nevadans see the proposal as a stalking horse to create what would amount to a permanent facility by another name. The state's two senators have been holding up other legislation to keep the storage measure from coming to a vote. A cloture vote will be held today to cut off their filibuster; they expect to lose. But the president also has threatened a veto, and that the Nevadans think they could sustain.

We hope they do, if necessary. The interim bill is the wrong way to solve what is not yet a fully urgent problem. It may well be that there is no alternative to permanent storage—some people think a timely way may yet be found to detoxify the waste instead. It also may be that Yucca Mountain is the best available site. But this is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that it faces an emergency. On this one, members should imagine the worst—that bunching and storing the waste will produce the eventual environmental disaster that some of the critics predict. Then ask themselves, which among them want to sign their names to that?

Mr. DASCHLE. Mr. President, I simply ask, who among us would want to sign our names to that? Who among us feels the need to rush to judgment, to make a decision on an interim site based upon what I consider to be faulty logic, recognizing that we are not subjecting the interim site to the same standards as a permanent site?

This issue is of such great concern to the President that he has sent a letter on it to all of us. I ask unanimous consent to have the letter from the administration be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 15, 1996.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I would like to express the Administration's position on S. 1936, a bill to create a centralized interim high-level nuclear waste storage facility in Nevada. The Administration cannot support this bill, and the President would veto it if the bill were presented to him in its present form.

The Administration believes it is important to continue work on a permanent geologic repository. According to the National Academy of Science, there is a world-wide scientific consensus that permanent geologic disposal is the best option for disposing of commercial and other high-level nuclear waste. This is why the Administration has emphasized cutting costs and improving the management and performance of the permanent site characterization efforts underway at Yucca Mountain, Nevada. The Department of Energy has been making significant progress in recent years and is on schedule to determine the viability of the site in 1998.

Designating the Nevada Test Site as the interim waste site, as S. 1936 effectively does, will undermine the ongoing Yucca Mountain evaluation work by siphoning away resources. Perhaps more importantly, the enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program by prejudicing the Yucca Mountain permanent repository decision. Choosing a site for an interim storage facility should be based upon objective science-based criteria and should not be made before the viability of the Yucca site is determined in the next two years. This viability assessment, undertaken by the Department of Energy, will be completed by 1998.

Some have alleged that we need to move spent commercial fuel rods to a central interim site now. According to a recent report from the Nuclear Waste Technical Review Board (NWTRB), an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years. The Nuclear Regulatory Commission (NRC) has determined that current technology and methods of storing spent fuel at reactors are safe. If they were not safe, the NRC would not license these storage facilities. Also, the NWTRB assures us that adequate at-reactor storage space is, and will remain, available for many years.

In S. 1936, the Nevada Test Site is the default site, even if it proves to be unsuitable for the permanent repository. This is bad policy. This bill has many other problems, including those that present serious environmental concerns. The bill weakens existing environmental standards by preempting all Federal, state and local laws and applying only the environmental requirements of this bill and the Atomic Energy Act. The results of this preemption include: replacing the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard considerably in excess of the exposure permitted by current regulations; creating loopholes in the National Environmental Policy Act; and eliminating current licensing requirements for a permanent repository.

I hope that you will not support S. 1936. It is an unfair, unneeded, and unworkable bill. We have the time to develop legislation and plan for an interim storage facility in a fairer and scientifically valid way while being sensitive to the concerns of all affected parties. This includes those in Nevada, those along the rail and roadways over which the nuclear waste will travel, and those who depend on and live near the current operating commercial nuclear power plants.

Thanks you for your consideration of these views.

Sincerely,

LEON L. PANETTA,
Chief of Staff.

Mr. DASCHLE. The letter says, "The Administration cannot support this bill, and the President would veto it if the bill were presented to him in its present form."

He goes on to say, "According to a recent report from the Nuclear Waste Technical Review Board, an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years."

The President also notes, "The bill weakens existing environmental standards by preempting all the Federal, state, and local laws and applying only the environmental requirements of this bill and the Atomic Energy Act."

He summarizes the letter by saying, "I hope you will not support S. 1936. It is an unfair, unneeded and unworkable bill."

I do not know how you can say it any better than that. I think we can do better than this. We ought not be rushing to judgment. We ought to be applying the same standards. We ought to realize there are very serious consequences associated with the decisions some would have us make.

So I hope that cooler heads will prevail, that we recognize the importance of this decision and that we let the process work its will. That is not too much to ask to make the right decision. The President believes that, the Washington Post believes that, and I hope that most of the Senate believes it too.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Idaho wants to make a statement for the RECORD.

Mr. CRAIG. Mr. President, as we reach the final days of the 104th Congress, an urgent environmental problem remains unresolved. However, unlike many issues, fortunately the question of how to deal with this Nation's high-level nuclear waste has an answer that is responsible, fair, environmentally friendly, and supported by Members of both parties.

Today, high-level nuclear waste and highly radioactive used nuclear fuel is accumulating at more than 80 sites in 41 States. Each year, as that increases, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. The only responsible choice is to support legislation that solves this problem by safely moving this used fuel to a safe, monitored facility in the remote Nevada desert. This answer will lead us to a safer future for all Americans.

To facilitate our consideration of such legislation, Senator MURKOWSKI and I, introduced S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982. Bill, S. 1936, retains the fundamental goals and structure of the substitute for S. 1271 that was reported out of the Energy and Natural Resources Committee in March.

However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by Members of this body. In addition, we took into account the provisions of H.R. 1020, which was reported out of the House Commerce Committee on an overwhelming bipartisan vote last year. We adopted much of the language found in H.R. 1020 in order to make the bill as similar to the bill under consideration in the House as possible.

I would like to describe some of the most significant of these changes. S. 1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA's application to the Secretary's actions to only those NEPA requirements specified in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by all requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary provide technical assistance and funds for training to Unions with experience in safety training for transportation workers. In addition, S. 1936 clarifies that existing employee protections in title 40 of the United States Code only addresses the refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by carmen and operating crews only if they are adequately trained. Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards, as necessary, for workers engaged in the transportation, storage, and disposal of spent fuel and high-level waste.

In order to ensure the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II. I would like to clarify that the new volumes are sufficient to allow storage of current spent naval fuels.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada test site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase I of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility.

S. 1271 would have set the standard for releases of radioactivity from the repository at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirem. The 100 millirem standard is fully consistent with current national and international risk standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard, if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected units of local government and Indian tribes within the State of Nevada. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the nuclear waste fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee, that is paid by electricity consumers, into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some Members who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act, and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the spent fuel at the Dairyland Power Cooperative's La Crosse reactor, and authorizes the Secretary to pay for the onsite storage of the fuel until DOE removes the fuel from the site under terms of the act. This is a provision that I felt was necessary to equitably address concerns in Wisconsin and Iowa.

S. 1936 contains language making a number of changes designed to improve the management of the Nuclear Waste Program to ensure the program is operated, to the maximum extent possible, in like manner to a private business. I feel this will improve the overall management of the spent fuel program.

Finally the bill contains language that addresses Senator JOHNSTON's concerns. The language in S. 1936 provides that construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998. I am most pleased to now have Senator JOHNSTON's support of this legislation.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate a site, or if a site he has designated has not been approved by Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain site.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we would find in 1998 we have no interim storage, no permanent repository program, and—after more than 15 years and $6 billion spent—we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act. That is within the 50 States in the Union we must locate a site to dispose of spent nuclear fuel.

This issue provides a clear and simple choice. We can choose to have one, remote, safe, and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to shirk our responsibility to protect the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. I urge my colleagues to vote for cloture and support the passage of S. 1936.

Mr. MURKOWSKI. Mr. President, much has been made here of the so-called nuclear lobby relative to this bill and the status of the issue we have before us.

Let's not be misled. We have letters from 22 States to the President and Members of Congress; 11 from Governors and 12 from attorneys general urging action on the nuclear waste legislation, and that action is now. Governors of Florida, Georgia, New Mexico, North Carolina, Pennsylvania, South Carolina, and Vermont have all written to the President; attorneys general from Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio. Others who have written to Congress include Arizona, Massachusetts, Virginia, Wisconsin, Rhode Island, Arkansas, Delaware, Maryland, and Oregon.

So this is not the nuclear lobby we are talking about. We are talking about Governors, attorneys general in 41 States who are concerned about a problem that Congress has ignored. They have collected from the ratepayers $12 billion. We have expended over $1 billion on this process.

The Washington Post tells us it is not an urgent problem. Well, the Washington Post does not have any nuclear waste next to them. They do not have any in Washington, DC. But it is a problem in Illinois. It is a problem in California. It is a problem throughout the United States.

We have heard the statement from the Washington Post, and the minority leader suggested that we heed the Washington Post editorial relative to the issue that environmental laws are not being adhered to. All State and local transportation safety laws apply to the Department of Energy exactly as they apply to private carriers of hazardous materials. Other environmental laws are only preempted to the extent they conflict with this act.

This act sets forth very stringent environmental standards that apply only to this very unique facility. There are no environmental laws that apply specifically to this facility because there is no other facility like this. This provision simply ensures that we do not have conflicting laws governing this facility. We have the laws, though, Mr. President. A provision regarding NEPA simply states that the environmental impact statement that will be prepared will not have to address alternatives that Congress has eliminated from consideration. This is really only a clarification that the EIS need not reconsider issues that we are deciding here today, like the fact that an interim facility should be built or how the site for that facility will be chosen. In all other respects, NEPA will apply under its own terms.

Mr. President, the President has not taken a position on this to rectify it. He simply has condemned every effort by Congress to address the situation. He and the administration have a responsibility to respond positively with a suggestion instead of negatively to everything that Congress proposes to address the problem.

I urge my colleagues to vote cloture.

The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mr. REID. Mr. President, I remind everyone in this Chamber of the charts Chairman MURKOWSKI showed us earlier. They show nuclear waste stored in 80 sites across America. They show another chart with one site, the Nevada test site, and they claim that all the waste will be moved from these many sites to this one site. This simply is wrong, and it is misleading.

Nuclear waste will remain at the nuclear reactors for as long as these nuclear reactors operate and long afterward. Nuclear waste will be stored in these cooling ponds at these reactors during their operation and after they shut down. Dry cask storage will be required at many of these reactors, whether or not S. 1936 passes.

Those Senators who believe that S. 1936 will get nuclear waste out of their backyards are misinformed, and they are wrong. The first chart of the junior Senator from Alaska, the chart with waste stored across the Nation, represents our future under S. 1936, as well as our past. In addition to waste in the backyards that it is already in, it will be in the backyards of places all over this country along the transportation routes.

Remember, Mr. President, we have already had seven nuclear waste accidents, 1 for every 300 trips. We are going to have thousands of trips; 12,000 shipments alone will go through the State of Illinois; thousands through Massachusetts; almost 12,000 through Nebraska and Wyoming.

This legislation is wrongheaded. I repeat from the editorial this morning in the Washington Post:

> But this is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim . . . .

This is legislation that is unnecessary. It is based upon one fabrication after another. It should be soundly defeated. We ask the motion to invoke cloture not prevail.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that William Murphie be granted the privilege of the floor during the consideration of this bill, S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I believe all time has expired.

The PRESIDING OFFICER. The Senators from Nevada still control a few minutes.

Mr. REID. We yield back the time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, under rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:
>
> Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1936, the Nuclear Waste Policy Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The yeas and nays resulted—yeas 65, nays 34, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—65

Abraham
Ashcroft
Bennett
Bond
Bradley
Breaux
Brown
Burns
Chafee
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kohl
Kyl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Pressler
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—34

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Campbell
Coats
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Kennedy
Kerrey
Kerry
Lieberman
Mikulski
Moynihan
Pell
Pryor
Reid
Rockefeller
Sarbanes
Wyden

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays were 34.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, so that we will be aware of what we are trying to do, the Senator from Pennsylvania wishes to speak on another matter for 5 minutes. Then, after he concludes, it is my intent, at least for a time, to put in a quorum so that we will have an opportunity to talk to all the Senators involved in this issue and the Democratic leader and see if we can come to an agreement.

We want to accommodate Senators on both sides of this particular issue. We want to find a way to move as early as possible to the Department of Defense appropriations bill. It is my intent to move forward with both of these issues in the best way we can. We would like to talk to the Senators from Nevada to see what their wishes are and to Senator MURKOWSKI and the Senator from Idaho. We will do that, and we will let the Senate know exactly what is agreed to when we come to a conclusion.

I want to put the Senate on notice that I would like for us also to see if we cannot work out the stalking bill so that we can get a unanimous consent agreement on that. I would like to see if we can get an agreement on the gambling commission so that we would have an understanding on how to proceed on that. We might have a couple of judges that we can get a clearance on today. We would also like to see if we cannot go to conference on the health insurance reform package. So I will be talking to Senators on both sides of the aisle on a number of issues to see if we can get an agreement as to how and when we might bring them up. For right now, we will talk to Senators on how to proceed on nuclear waste.

I yield to the Senator from Pennsylvania.

SENATOR SPECTER'S SPEECH TO THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Mr. SPECTER. Mr. President, I sought recognition to comment briefly on a speech I gave yesterday to the International Brotherhood of Teamsters.

It was even more difficult to speak on the floor of the Philadelphia Convention Center yesterday at the meeting of the International Brotherhood of Teamsters than it is to speak sometimes on the Senate floor, having had substantial experience speaking without order. It was a new experience for me. It was a different experience. I want to comment about the International Brotherhood of Teamsters meeting yesterday, which was disrupted by a demonstration. There was a very hotly contested political election going on in the Teamsters Union.

When the convention was convened at 2 o'clock in the afternoon, the chair was unable to obtain order, and I finally spoke over the din of that crowd, and made the basic point that when there is a dispute, wherever that dispute exists in America and the resolution of the dispute is subject to democratic processes, I said that the matter ought to be decided by ballots and by an exchange of free speech, without demonstrations interrupting other speeches. I made the very basic point that, even in Russia, where there was recently an election, the contesting parties had more of an opportunity to exercise freedom of speech and to have the matters heard in an orderly and systematic way.

During the course of the speech that I gave, a large number of the delegates moved down to one section in front near the podium. During the course of the presentation, the large group moved down to one section of the hall and continued the demonstration. I made the very basic point that that was not a credit to the Teamsters, it was not a credit to the labor movement, and it was not a credit to America to continue that kind of a demonstration. I said that it did not help the individual whose cause the demonstrators were trying to articulate.

It seemed to me then, and it seems to me now, that the leader of that group had an obligation, when his partisans were demonstrating in that manner, to appear and do his utmost to bring them to order so that the convention could proceed. The point that I had intended to make—and I said at the convention yesterday that I was returning to Washington on the 4 o'clock Metroliner and would make the speech on the Senate floor, but we were not in session yesterday—was to congratulate the Teamsters Union for being willing to look at the political process without being tied to one political party or another, but to make judgments and decisions based upon the merits and based upon the facts.

The example of the British Empire was, I think, a very good one. Speaking about the British Empire, the point was made that, in Britain, they maintained a consistency of interest, but not necessarily a consistency of allies. The Teamsters have demonstrated a significant degree of political independence with supporting political candidates on both sides of the political aisle, supporting President Nixon, supporting President Johnson, supporting President Reagan, supporting President Clinton. My point was to commend them for their kind of political independence, and especially where there seems to be a declaration of war of a sort between labor and the Republican Party which I think is bad for everybody—bad for the parties who are participants in the war. And it is really bad for America that there is not more independence and more analysis of the individual merits as opposed to blind political loyalty. The words of John Kennedy, President Kennedy, have been quoted with some frequency when he said that "sometimes a party asks too much."

My point in speaking yesterday—and I now make these comments on the floor of the Senate—is to congratulate the Teamsters in the past for their political independence. It is my hope that as that political convention moves forward in Philadelphia today that there will be order there so that there can be an exchange of political ideas. Whether the election is one for a President of the United States or the president of the International Brotherhood of Teamsters, the orderly way to proceed is to hear everyone out, and then to make a judgment and a decision at the ballot box which the Teamsters will be afforded.

It is no secret that the Teamsters have had a troubled past in the course of the past four decades. The Senate McClellan committee conducted a very extensive investigation years ago in the 1950's. When I was an assistant district attorney in Philadelphia I got the first convictions of Teamsters for conspiracy to commit fraud in local 107 of the Philadelphia Teamsters Union. All the defendants were convicted. Six of them, and all went to jail. That local was cleaned out but profited from the mistakes of the past, and the International Teamsters is currently under trusteeship.

So that it is more important perhaps than in any other single instance when the Teamsters convention convenes that there will be order, decorum, and due process so that those who are invited to speak can exercise the constitutional right to freedom of speech, and that there will be an appropriate way to resolve the differences there at the ballot box instead of with demonstrations.

Mr. President, I ask unanimous consent that the text of my speech yesterday at the Teamsters convention in Philadelphia be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE ARLEN SPECTER

Ladies and gentlemen, I will try to say a few words over the din of noise.

In America we have a democracy.

(Applause)

In America we decide our controversies by voting and not by shouting.

(Applause and shouting)

This demonstration does not bring credit to the Teamsters. This demonstration does not bring credit to the American labor movement.

(Booing from the Convention floor.)

This demonstration does not bring credit to those who back Mr. Hoffa.

(Applause and shouting)

Right now the eyes and ears of America are on this hall. Right now the eyes and ears of America want to see if the Teamsters Union can have a civilized meeting and a civilized election, and this demonstration does not do credit to that process.

(Applause and shouting)

They just had an election in Russia. They just had an election in Russia, and in the Duma, the Russian parliament, you did not see this kind of a repudiation of a democracy and you did not see this kind of demonstration against freedom of speech.

(Applause and shouting)

Right now the Congress of the United States—right now the Congress of the United

States and the United States Senate, of which I am a member, is trying to decide what to do for the American working man and the American working woman. And when they see what is happening in this hall, that is not a credit to the American labor movement. That is not a credit to democracy, and it does not do credit to those who support Mr. Hoffa.

(Applause and shouting)

There is important business to be transacted at this Convention. You men and women have come from all over the United States to transact business of the International Brotherhood of Teamsters. And what is happening by that small group is a black mark on the Teamsters and a black mark on the American labor movement.

(Applause and shouting)

If there cause is right and if their cause is just, let us hear what they have to say.

(Applause and shouting)

They are setting back the labor movement and they are setting back the Teamsters and they're setting back Mr. Hoffa by this kind of unruly, undemocratic behavior.

(Applause and shouting)

I'm going to be on the 4:00 train back to Washington, D.C.—

(Applause and shouting)

And my report to my colleagues in the Senate will not be too good. Let me once again—let me once again ask this group of demonstrators to stand aside and to wait for their turn to speak and to wait for their turn to vote.

(Applause and shouting)

Ladies and gentlemen, I have a very significant speech to make to this Convention. What I intend to do is to be on the 4:00 train to Washington and to make that speech on the floor of the Senate. You can catch me on C-Span.

When I leave this podium, I'm going to walk right out of this hall through that group of demonstrators.

(Applause)

Mr. SPECTER. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. LOTT. Mr. President, after discussion with the Senators who are involved in this nuclear waste issue, I believe we have reached a consent agreement as to how we can proceed for the remainder of today and into tomorrow.

Therefore, I ask unanimous consent that notwithstanding rule XXII, that Senators REID and BRYAN each be granted 3 hours for debate; that there be 2 hours for debate under the control of Senator MURKOWSKI and 1 hour under the control of Senator JOHNSTON; and that the vote occur on the motion to proceed to S. 1936 at 1 p.m. on Wednesday, July 17.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, and I shall not object, I want to make sure I understand the unanimous consent agreement. Senators REID and BRYAN, between them, would have 6 hours; is that right?

Mr. LOTT. Each would be granted 3 hours. So, yes. Then there would be 2 hours, as I said, under the control of Senator MURKOWSKI; 1 hour under the control of Senator JOHNSTON. I think it is a fair agreement of time for all involved.

In the meantime, we can see if we can work out an agreement on how to deal with the gambling commission. We also will begin working on how to proceed at some point, hopefully early tomorrow afternoon, to the DOD appropriations bill.

Mr. DORGAN. Will the Senator yield for a question?

Mr. LOTT. Yes, for a question.

Mr. DORGAN. Will there be additional record votes today?

Mr. LOTT. I was going to make that announcement once we got the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, in view of the agreement that has been reached, so that Senators can proceed with the debate, I announce that there will be no further recorded votes during today, Tuesday. The first vote then will occur tomorrow at 1 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. REID. Mr. President, I state to the majority and minority leaders my appreciation for allowing this orderly process. I think everyone recognizes that the end result is the same. We could have done a lot of parliamentary things and exhausted the Senate, but I think what the two leaders have come up with is fair. In effect, the point was made earlier today when we got 34 votes that we felt were critical on this issue.

Mr. President, this issue is important. It is important for a number of reasons, not the least of which is the issue of transportation of nuclear waste.

We have heard a lot about transportation, as well we should. The fact of the matter is that those States that have nuclear waste, if they think by some stretch of the imagination by this bill passing it is going to get nuclear waste out of the States, it is not going to do it. The nuclear reactors have nuclear waste in them now, and they will continue to have nuclear waste in them as long as they are producing energy, and long thereafter.

The fact is that the transportation of nuclear waste is a difficult issue. In 1982, when the Nuclear Waste Policy Act passed, there was discussion at that time that there was no way to transport the nuclear waste. There was no way to transport it. In the 14 years since the Nuclear Waste Policy Act passed, scientists have been working, trying to develop a means of transporting nuclear waste. What they have come up with is something called a dry cask storage container. I really do not know how it works. It is scientifically above my pay grade. But it works to this extent: It is certainly a lot better than what we had in 1982, and they are working on it all the time to make it better. The reason the environmental community and this administration, among other reasons, thinks this legislation is so bad is that there is no way to safely transport nuclear waste today.

Right now, these dry cask storage containers are set up so that if there is an accident that occurs and the vehicle carrying the canister is going 30 miles an hour or less, then it will be safe. But if the vehicle is going faster than 30 miles an hour, the canister will be breached, and the product within this canister will spew forth.

The canister is also set up to withstand heat, but the only thing they have been able to do, to this point, is make sure that if a fire is less than 1,400 degrees and burns for only a half hour, the canister will be safe. But if the canister burns for more than a half hour at temperatures—it is actually 1,380 degrees—then the canister, again, will be breached.

The reason that is so important, when we talk about transportation, is the fact that we all know that trains and trucks, which will be the vehicles carrying these canisters, use diesel fuel. Diesel fuel burns as high as 3,200 degrees. The average temperature of a diesel fire is 1,800 degrees. So that is more than 325 degrees higher than these canisters are set up to protect.

So that is why people are saying, we are glad we have made the progress with these canisters, because you can put spent fuel rods in a canister, put it in this room, drive a truck into it going 30 miles per hour, setting a fire, and you are in pretty good shape. But you try to transport these nuclear spent fuel rods in these canisters, it will not work.

We know that we have already had seven nuclear waste accidents. We know that there is one accident for about every 300 trips. If you multiply this, Mr. President, this is going to be traveling all over the United States—the rail is in blue, the highway is in red. We are going to have a lot of accidents. Very rarely do you see a truck with a load going less than 30 miles an hour. Very rarely do you see a fire in a train—truck fires you can put out pretty quickly—but train fires we know last year we had one that burned for 4 days. So people are extremely concerned.

Mr. President, we have here a chart that is quite illustrative. This is, of course, a train accident. We know that there is an average of about 60 train accidents a year. Last year was an especially bad accident time. There were accidents all over the United States. We had one that we were very familiar with in Nevada because on the heavily traveled road between Los Angeles and Las Vegas there was a train track located more than a mile from the freeway. A train caught fire, and the freeway was closed, off and on, for 3 days, totally closed, as a result of this accident.

So accidents do happen. We have 43 States at risk where there are going to be huge amounts of nuclear products carried through the States. Alabama, 6,000 truckloads, 783 trainloads. Colorado, 1,347 truckloads, 180 trainloads. Remember, Mr. President, when we talk about trainloads, we have some trains that are almost 2 miles in length—2 miles worth of train. So when we talk about a State like Maine that is going to have 100 trainloads, that is a lot of stuff that is going to be carried.

Our Nation's nuclear powerplants, Mr. President, are operating. We have not had any new nuclear powerplants in a long time. We will probably never in our lifetime have another one. So what are we talking about? We are talking about 109 nuclear powerplant reactors. These reactors operate in about 34 different States. The nuclear waste that is produced from these powerplants presently is placed in one of two places. First of all, they go into cooling ponds. Then after they take the product out of the cooling ponds, in that they have developed dry cask storage containers, then they put them in the dry cask storage containers. There is a nuclear powerplant in Maryland where they have a dry cask storage facility at the nuclear plant. It is very inexpensive to maintain. It works extremely well. As a result of that, scientists have said this is not a bad way to go.

The reason that dry cask storage containers onsite is so attractive is that, as I indicated, Mr. President—I misspoke. I am sorry. I did not have my notes in front of me. Train accidents—I said 60 train accidents a year. I was way low on that. There are 2,500 train accidents a year. Rail crossings alone, we have 6,000. An accident is deemed to be something where the damage is in excess of $6,300. I do not know where they came up with that figure, but that is how they list a train accident. There can be a train accident where the damage is only $5,000. That is not listed. Hazardous material accidents, there are about 30 each year.

The reason that a number of persons are concerned about S. 1936—I would indicate, Mr. President, that the 34 votes, I believe, is a low-water mark. We have a number of Senators who always vote on motions to proceed. We have a number of Senators who stated that no matter what happens in the substantive debate on this issue, they will vote to sustain the President's veto. So we are doing fine there.

I want to go over a few things that I think are important. S. 1936 really tears apart the existing law as it relates to the environment of this country. S. 1936 sets aside clean water, clean air, Superfund, all the environmental laws that we have developed during the past 25 years. I believe, Mr. President, that it is corporate welfare at its worst. It will needlessly expose people across America to the risk of a nuclear accident, as we have indicated on this chart and on the previous chart. It is providing an inadequate framework.

Let me also say this, Mr. President. I do not like the permanent repository. I wish it were not being characterized in Nevada. But the fact of the matter is, it is. And even though initially the State of Nevada filed lawsuits and did everything we could to oppose it—we put up a fair fight, and the powers to be have prevailed in that instance—the siting of the permanent repository in Nevada is going forward.

They expect to determine by 1998 or early in 1999, at the very latest, as to whether that site is viable, whether that site will be something that scientists say you can place nuclear waste at Yucca Mountain. But that is a fair fight. It is a fight where there were rules, and people got in the ring and they sparred, and the round ended and they went back and rested and came back and fought some more. It is a fair fight being determined by science.

That is why the end run of the nuclear power industry has been so unfair here. S. 1936 would effectively end the work on the permanent repository and compromise the health, safety, and environmental protections the citizens deserve and they currently enjoy. It would create an unneeded and costly interim storage facility and expose the Government and the citizens to enormous financial risk.

I stated previously that the President stated he will veto this bill in its present form since it will designate interim storage at a specific site before the viability of a permanent repository has been determined. The President said that in a letter that he wrote to Senator DASCHLE today.

The technical review boards commissioned by our Government—and I say that plural—technical review boards have consistently found there is no immediate or anticipated risk in continuing at-reactor dry cask storage for several decades.

In 1987, the Congress set up the Nuclear Waste Technical Review Board, a group of scientists with no political aims, goals, or aspirations. They are pure scientists that were asked to make a determination as to whether or not there should be offsite storage; that is, should they take it from the site and move it to an interim storage facility? These individuals said, definitely no.

S. 1936, in a backhand—I should not say backhand—just a slap in their face, in effect. It takes their power away from them, which is what has happened in this interim storage battle. In effect, what they have done is they have said, "If you don't do what we say you should do, then we're going to get rid of you legislatively." And that is wrong.

Mr. President, S. 1936 directly contradicts the nonpartisan Nuclear Waste Technical Review Board. In March of this year, the Nuclear Waste Technical Review Board, a nonpartisan oversight body established by Congress under the Nuclear Waste Policy Act, issued a report entitled "Disposal and Storage of Spent Nuclear Fuel, Finding the Right Balance." In the report the question was asked whether a centralized interim storage facility is necessary.

They said, unequivocally, a centralized interim storage facility is not necessary. The board found that there was no compelling technical reason for moving nuclear waste to a centralized storage facility at this time. This is not the Senator from Idaho or the Senator from Nevada making a decision as to what should be done with spent nuclear fuel. This is a nonpartisan Nuclear Waste Technical Review Board that said emphatically there is no compelling technical reason for moving nuclear fuel, nuclear waste to a centralized storage facility. "The methods now used to store spent fuel at reactor sites are safe," a direct quote from the report, "and will remain safe for decades to come." That is from the technical review board.

Furthermore, the board concluded that it makes technical, managerial, and fiscal sense to wait until a decision is reached on Yucca Mountain before beginning development of a centralized storage facility. It is clear that we are not prepared to open a centralized storage facility. The board noted that establishing a transportation system requires the acquisition of trucks, railcars and casks, the establishment of transportation routes, and the development of emergency preparedness plans at the affected State and local levels. The Federal Government could not begin accepting spent fuel before well after the turn of the century, and maybe not even then in significant amounts.

My colleague, Senator BRYAN, this morning talked about the report, "Disposal and Storage of Spent Nuclear Fuel—Finding the Right Balance." That is the report by the Nuclear Waste Technical Review Board. They gave this report March 20, 1996. What was this report? It was not a report to a Senator from New Hampshire or a Senator from Vermont, a Senator from Massachusetts, Kansas, California, Nevada, Idaho or anywhere else. It is a report to Congress and the Secretary of Energy where these scientists went through great pains to come up with an appropriate decision.

Now, the people that made this decision, saying there is no reason to move spent nuclear fuel, are people with some pretty strong credentials: Doctor John E. Cantlon, chairman, Michigan State University; Dr. Clarence R. Allen, California Institute of Technology; Dr. John W. Arendt, he is a private consultant; Dr. Garry D. Brewer, University of Michigan; Dr. Jared L. Cohon, Yale University; Dr. Edward Cording, University of Illinois at Urbana-Champaign; Dr. Donald Langmuir, Colorado School of Mines, emeritus, one of the premiere scientists of America, from the Colorado School of Mines. He has associated with the Mackay School of Mines over the years and is somebody who people really understand in the technical disposal of waste, mine waste, other kinds of waste; Dr. John L. McKetta, University of Texas at Austin, emeritus, another person who is a scientist who is retired and is noted for his scientific expertise; Dr. Jeffrey J. Wong, California Environment Protection Agency; Dr. Patrick D. Domenico, Texas A&M University; Dr. Ellis D. Verink, Jr., University of Florida; Dr. Dennis L. Price, Virginia Polytechnic Institute and State University. These are the men that came up with this report. These are people who did not just drop by and say, "I have credentials, will you let me be on the board?" These are people that were chosen because of their expertise. They would be nonpartisan. We do not know if they are Democrats, Republicans or Independents. Their report certainly indicates that they did what they felt was the right thing from a scientific standpoint.

Summary of board recommendations: "Developing a permanent disposal capability should remain the primary goal." That is what the President said in his letter. The board recommends the next several years that we not be concerned about interim storage. We cannot lose sight of what the goal is because siting of a centralized storage facility may be difficult. The board recommends that they continue with their characterization at Yucca Mountain.

That is, in effect, what scientists have told us. That there is no reason for this legislation, that we do not have to worry about the safety, we do not have to worry about what is going on, onsite. They have said that everything is going to be better if we leave it where it is than if we try to move it.

Mr. President, we have had a significant number of groups take a look at this. As the Presiding Officer knows, I have not always agreed with environmental groups. The Senator that is presiding and I have been in some knockdown drag-out battles where we have opposed the environmental communities because we felt they have been wrong and the issues are important to the western part of the United States.

On this issue, there has not been a single environmental group that supports S. 1936—not one. They have all opposed this. It is unnecessary and it is absolutely wrong. We can look at, for example, Public Citizen. They say they oppose it for a lot of reasons, but this group is representative of the entire environmental community. S. 1936 opens the door to the unprecedented transportation of high-level waste and fails to address concerns about shipment safety. They are not saying that someday there might not have to be shipments of high-level nuclear waste. All they are saying is that before we do that, address the concerns about shipment and safety.

Mr. President, here is a map of the United States. Most of the nuclear waste is produced in the eastern and southern part of the United States. That is why these groups and others are saying, "Slow down, leave it where it is." There are certain places in the country, like St. Louis, Denver, Salt Lake, Atlanta, and all these places become crossroads of hauling nuclear waste.

Why do we continually talk about nuclear waste? Why do we talk about how bad nuclear waste is? We talk about how bad it is because it is the worst product that man has devised. Mr. President, when we are dealing with the issue of spent nuclear fuel, we are dealing unquestionably with an issue of great risks and significant danger. It is not something that we should deal with lightly. We have taken for granted here that everyone understands why we are concerned about nuclear waste—not why we in Nevada are concerned about nuclear waste, but why the country is concerned about the transportation of nuclear waste. Why Public Citizen and all other environmental groups are saying that this bill fails to address the concerns about shipment safety. We tend, I guess, to take for granted that everyone understands how poisonous, how dangerous, this substance is.

Without being repetitive, and I have not talked about this since I have been able to speak on this bill, let me talk a little bit about the dangers of this product, spent nuclear fuel. It is not a topic we should be rushing through here. The topic deserves our attention. In fact, Mr. President, the Washington Post indicates today that this legislation is extremely important. I will read from part of this article.

> Anxious to rid itself of the accumulating waste and liability that it represents, and fearful that the Federal studies could bog down, the nuclear lobby is pushing a bill to designate an "interim" storage site in Nevada that would not have to meet all of the standards of a permanent facility. . . A cloture vote will be held today to cut off their filibuster; they expect to lose. But the president has also threatened a veto, and the Nevadans think they could sustain.
>
> We hope they do, if necessary. The interim bill is the wrong way to solve what is not yet a fully urgent problem. It may well be that there is no alternative to permanent storage—some people think a timely way may yet be found to detoxify the waste instead. It also may be that Yucca Mountain is the best available site. But this is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that.

This is an emergency. It really is, Mr. President. This is a fabrication. There is no emergency.

We are concerned. In our environmental laws, there is a right to know. If there is a plant in your town belching out smoke, you have a right to know what it is belching out. The people of this country have a right to understand how deadly nuclear waste is. A typical spent fuel rod assembly, when removed from a reactor, has hundreds of pounds of uranium, tens of pounds of other nuclear fissionable products, and pounds of plutonium. It is deadly. Being exposed for just seconds to an unshielded fuel rod is lethal. You do not have to be exposed to it for hours or days. The casks of spent fuel that will be shipped under the provisions of S. 1936 will contain most, if not all, of these assemblies. All of these fission products are extremely dangerous.

The radioactive iodine causes thyroid cancer. The radioactive strontium causes bone cancer. Cesium, plutonium, uranium all lead to their own forms of cancer. We know how dangerous uranium is. We had a man who came from the State of Colorado in the sixties, when uranium was such a big deal. He came to Nevada, and he was so wealthy because he had uranium mines in Colorado. He came to Nevada because he wanted to mine uranium in Nevada. He spread money around like it was going out of style. We did not know. My dad was a miner. Nobody knew, and he did not know of the dangers of working in a mine where you mined uranium, dirt, and rock. We learned later that it killed people, made them very sick. It did not kill them quickly, but it made them sick and killed them. We know that uranium leads to all forms of cancer.

Those who doubt these risks only need to look at Chernobyl. That is what we are talking about. We are talking here about transporting nuclear waste. We have heard it referred to as a "mobile Chernobyl." Childhood cancers at Chernobyl are at an extremely elevated level, and other cancers can be expected soon.

Again, without talking at great length about the Presiding Officer—he is easy to talk about—the Presiding Officer had the opportunity to go to the Olympics. We have the Olympics coming up soon, starting this Friday. I remember that great little gymnast from Russia that we all admired. She weighed less than 100 pounds and had the strength of a 500-pound person. She could bound through the air. Her name is Olga Korbut. She is now sick. She lives in the United States, and she is sick as a result of Chernobyl. She lived 100 miles away, and she now has an incurable form of cancer from Chernobyl.

The result of exposure to these same nuclear fission products will make you sick. Some will say the spent fuel is not the same as the fuel in the Chernobyl reactor, and the amounts of fuel in the shipping containers and in the reactor are very different. Generally, that is true—not that the stuff in the container is not bad. It is bad. But, remember, when you breach one of the canisters—and you can do it in an accident going more than 30 miles an hour and in a fire that lasts more than 30 minutes and is hotter than 1,475 degrees. There are other subtle differences. The aggregate fuel to be shipped is a fuel from many reactors, the equivalent of thousands of reactors of fuel. Therefore, the risks are extremely significant. These nuclear fission products are the same kind of fission products that spread from Chernobyl. They are no different.

Spent fuel is deadly. Even fuel that has been cooled in ponds for decades is deadly. People know that. That is one reason they want to get the stuff out of their backyards. Mr. President, I said earlier today, and I say it now, S. 1936 is not going to get all the spent fuel out of the yards. It is going to create more problems in the State where you are going to try to transport it, until we can do it safely. Yes, S. 1936 will put this deadly waste on the highways earlier than is necessary, before we have had time to assure that it could be moved safely. We know it is safe where it is. We have not had, in the United States—thank goodness—a single accident where someone has gotten hurt as a result of spent fuel stored in a cooling pond; not a single accident. That is why this group of eminent scientists said everybody should cool it, take it easy, we do not need to rush into transporting nuclear waste. Leave it where it is. We know it can be kept safely where it is for the next 10 years. If it is put in the dry cask storage containers, it can be kept up to 100 years. This is no time to send this dangerous material down the highways and railways. Let us remember that this is not like a garbage barge traveling down the Mississippi or another great river system.

Mr. President, I also want to comment on a vote cast by the junior Senator from the State of Indiana. The Senator voted against the motion to proceed today. His vote and the vote of the Presiding Officer made the difference in our being able to get 34 votes, which was the magic number we sought today. I have not spoken to the Senator from Indiana, but I am certain the reason he made that courageous vote is because he, being from the State of Indiana, knows what it means to accept garbage and to be forced to accept it. I have joined arm in arm with the Senator from Indiana in years gone by, saying I agreed with him that he should not be forced to accept huge truckloads of garbage. Well, he voted in a very courageous way, for which I will always be grateful. I will tell him that when I have the opportunity. His vote made the difference today.

This product is not like the garbage that the junior Senator from Indiana complains of. It is garbage, but it is much more dangerous than the garbage that the Senator from Indiana has attempted, and done quite well, to keep out of his State. This is not like the garbage barge that they could not figure out where to put and nobody would accept the garbage. This waste kills people. If there is an accident, just by being around it can make you sick. This is not just some stinking, repulsive, foul waste. This is deadly waste—deadly in the true sense of the word.

Mr. President, one of the things I wanted to talk about today for a little while is States rights. The reason I want to talk about States rights is this. We talk a lot about States rights in this body. This Congress, I think, has done a great job, Democrats and Republicans, in recognizing that there comes a time when you have to back off from having the Federal Government do everything. There comes a time in this Federal system when we recognize that there is a central whole, Federal Government divided among the three branches, and the States. That is what we have. In the last several decades, we have kind of forgotten about the self-governing parts and focused everything on the central whole. If we have done nothing else in this Congress, we have said we are going to try to get more power back to the States. We have done it with unfunded mandates. We have done it with, hopefully, the welfare reform bill that I hope will pass. Things are sounding real good about that, returning power back to the States. S. 1936 tramples on States rights.

Here is, for example, what it says. This is right from the bill:

> If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system. Any requirement of a State of political subdivision of a State is preempted if—
>
> (1) complying with such requirement and a requirement of this Act is impossible; or
>
> (2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

What does "obstacle" mean? Does that mean the Secretary of Energy does not want to spend another $1,000 traveling to wherever it might be? It is simply really stretching things to say that States rights will be done away with, abrogated, finished if there is an "obstacle" to accomplishing this act. That is not how we operate in this country. It has not been in the past how we operated.

Remember the 10th amendment.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I hope, Mr. President, that people can see this proposed legislation for what it is. It tramples on States rights. This bill denies due process and the States rights to protect their citizens. It denies due process by legislating illegal injunctions against intrusive activity.

The sponsors will say, "Well, you will get your day in court." That is like saying you will get your day in court after we have spent 2 weeks with the jury alone giving them our statement of facts, and then go ahead and try to change their minds. The bill says not until a lot of the actions have assured that a done deal has been instituted. In fact, what they are saying is, "Sure, you are going to be able to go to court, but only after we accomplish what we set out to accomplish in the act."

It reverses the Nation's progress toward assuring our offspring a safe and nurturing environment. It does this by delaying the assessments of the consequences until the groundwork has already been done. The sponsors will say, "Well, we have not started construction yet." But the bill mandates land withdrawal and acquisitions of rights-of-way and development of rail and roadway systems prior to the development of an environmental impact statement. Damage has already been done to communities and their economic opportunities before the assessment is executed.

These abuses of legislative powers, which would relieve the nuclear-power-generating industry of its serious responsibility to manage and fund its business affairs, are outrageous. On that basis alone, we should not allow this legislation to proceed forward. It is amazing to see such an attack on States rights—from a Congress that professes, and I think has shown by action, to be working to enhance States rights—is allowed to proceed. Past efforts to craft a nuclear waste policy for the Nation have honored States rights.

That is one of the things that we in Nevada have been proud of, that we have had the ability to fight the permanent repository. I think one of the things we have done in "fighting"—for lack of a better word—the Senator from Alaska and the senior Senator from Louisiana, has been to allow us States rights. We have been able to effect most of what we have wanted through these efforts legislatively. We have not liked everything, but, generally speaking, we have been able to protect the rights of the States.

In 1982 and again in 1987, legislative action assured NEPA protections for all States. This is no longer true under this bill.

In 1982 and again in 1987, legislative action assured that there would be no double jeopardy for individual States. Under this proposed legislation, this is no longer true. Under this bill, this is no longer true.

In 1982 and again in 1987, States were assured that they would be informed of all actions related to the Federal Government's efforts to site an interim storage facility in their State. This is no longer true under this legislation.

In 1982 and again in 1987, States were afforded the opportunity to disapprove Federal efforts to site waste repository in their States. This is no longer true under this legislation.

In 1982 and again in 1987, there were limits on interim storage in an effort to keep the storage truly interim. In effect, they said that you cannot have an interim storage facility or a permanent repository in the same State. It is no longer true under this bill.

Under this bill, the first phase of interim storage of up to 15,000 metric tons will satisfy the industry's storage needs for 20 years or more. With the expansive provisions in this legislation to go up to 60,000 metric tons, this will be an interim facility for well over 100 years. This is hardly a bill about interim storage. This is a permanent storage bill hidden in interim storage language. Why would anyone propose interim storage for 100 years if they were truly dealing with the interim storage problem?

This is just what Nevadans have always feared—a back-door attempt to site permanent storage under the guise of interim storage.

Mr. President, we have talked today briefly—and it is part of this RECORD—about the President stating in writing, as he has before, that he is going to veto this bill. The first time I ever met with the President was when he was then Governor of Arkansas approximately 4 years ago. One of the discussions that the two Senators from Nevada had with the person running for President was, What about nuclear waste? We explained it to him and spent 40 minutes with him at National Airport the first time I ever met him. My colleague had met him. They had served as Governors together. But he focused on this issue. He understood this issue. He said we should go forward with the permanent repository and find a place to locate this. He was not aware of nuclear waste. He is from Arkansas, and they have a nuclear power facility in Arkansas. But he said it is unfair to short-circuit the system.

That is, in effect, what he says in the veto message.

> The administration cannot support this bill. The administration believes that it is important to continue working on a permanent geologic repository. The Department of Energy has been making significant progress in recent years, and is on schedule to determine the viability of the site in 1998.

Now, my friend, the senior Senator from Louisiana, knows how we have fought the permanent repository. But it has been a fair fight. It has been fair to the extent that science has directed and dictated what we have done, what has occurred at Yucca Mountain. For those who say this permanent repository is going nowhere, try to tell that to the people who are working at Yucca Mountain. They have bored a hole in the side of a mountain that is bigger than this room and it is 2 miles deep. The permanent repository is being characterized as they put this huge auger through this mountain. They are continually running core samples to find out where the faults are and what the water tables are. There is tracking going on to determine about earthquakes, about potential volcanic action in those mountains—characterization of Yucca Mountain is going forward, and that is what the President is talking about. Designating the Nevada test site as an interim waste site as S. 1936 effectively does will undermine the ongoing Yucca Mountain evaluation work by siphoning away resources. Perhaps more important than that, this bill will destroy the credibility of the Nation's nuclear waste disposal program.

Some have alleged we need to move spent commercial fuel rods to a central interim site now. I repeat, for the third or fourth time today, "According to a recent report from the Nuclear Waste Technical Review Board, an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility * * *." The Nuclear Waste Technical Review Board assures us that "adequate at-reactor storage space is and will remain available for many years." That is what the President of the United States says, Mr. President.

Mr. President, we need to take a look at what was stated in the Washington Post today. I will close this part of the discussion by stating what the Washington Post has said today:

> (T)his is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that it faces an emergency.

That is a direct quote. It is not the statement of the Senator from Nevada, even though I totally agree with it.

At this time, Mr. President, I reserve the remainder of my time and yield the floor to the Senator from Louisiana.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Louisiana [Mr. JOHNSTON] is recognized.

Mr. REID. I say to my friend, I am going to depart the Chamber and he is going to talk until 12:30 or thereabouts?

Mr. JOHNSTON. Or thereabouts. I thank my friend from Nevada for making it possible for me to speak now, which does comport well with my schedule.

Mr. President, one of the most curious things about this whole debate to me is how my friends from Nevada can be so opposed to the storage of nuclear waste when they have not only countenanced but welcomed and sought the explosion of nuclear tests in Nevada. What Nevada has done through the years is sought and received hundreds of nuclear tests.

The technology for those nuclear tests in the past has been: You drill a deep hole and you explode this nuclear test which, in turn, leaves the full spectrum of nuclear waste we are talking about, nuclear waste from civilian nuclear plants. Cesium 137, strontium 90, plutonium—all of it is contained in what amounts to big, bulbous holes down deep in the ground. Some of those tests were actually detonated in the water table. And there are hundreds of them. When the Nevadans sought to oppose the limitation on nuclear testing, they made the case that the country needs the tests and that they need the jobs. They were unsuccessful in maintaining that a couple of years ago, here on the floor of the Senate, because of the Senate's concern with nonproliferation. But it was not their fault. And they have never yet stated there is any problem at all with having hundreds of these round domes caused by explosions containing strontium, cesium, plutonium, and the full spectrum of nuclear waste.

How could that be? Mr. President, I suggest they were right in the first instance; that the geography of Nevada in this particular area, which is the same area where we want to store the civilian nuclear waste, is so dry and so rocky and so devoid of people that it is, in fact, a safe place to conduct these nuclear tests. And, believe me, if it is safe to conduct hundreds of nuclear tests it is much more safe to store civilian nuclear waste under Yucca

Mountain in containers which themselves pose quite a barrier to any contamination, and I believe the storage area is at least 200 meters through solid rock above the meager water table which you have, which, as I say, has already been, to the extent it can be contaminated—already been contaminated by the nuclear explosions.

Mr. President, this bill deals with both interim storage and permanent storage, or the repository. Why do we wish to have interim storage mentioned, and what does the bill do? The bill says this, and this is the new bill. It says you shall proceed to do design and long lead-time items for the interim storage facility, but that construction on the interim storage facility may not begin until December 31, 1998, over 3 years from now. But, in the meantime, those long lead-time items like design, like the environmental impact statement, can proceed.

It further states that the suitability determination must be made by December 31, 1998—suitability of the repository. This, in fact, was and is the chief objection of the administration to this bill. They have said all along you should not locate an interim storage facility at a place unless it also was the place at which the permanent repository shall be located. They should be colocated. You should have an interim and a permanent storage at the same place. And they have made the argument all along that, suppose the Yucca Mountain site is not suitable for the repository, then you should not put the interim storage facility there.

I proposed an amendment in the Energy Committee that said you may not begin construction until that suitability determination is made. Unfortunately, my amendment was not agreed to. The bill was reported out. But in the ensuing weeks, Senator MURKOWSKI and Senator CRAIG and I came to an agreement where we put the essential parts of the Johnston amendment back in the bill, and in effect a substitute bill has been filed and is now here for consideration. So the chief complaint of the administration all along, the chief complaint in Leon Panetta's letter today, has been answered by this legislation. Obviously, Mr. Panetta was not aware of this substitute bill, the provisions of which incorporate the Johnston amendment, because that criticism of the White House has been answered.

Why do we need to do, however, the long lead-time items now? Because it saves 3 years, Mr. President, in the building of the interim storage facility. If you wait to determine suitability before you design the interim storage facility, and before you do the environmental impact statements, you have lost 3 years unnecessarily on the ability to receive waste at the interim storage facility.

What is the problem with that? Why do we care whether you have an interim storage facility 3 years earlier? You care because all of these reactors around the country, at some 76 sites in 34 States, are using up, seriatim, one by one, their space in their so-called swimming pools.

The nuclear waste is taken and put literally in what looks like a swimming pool, a deep pool. But, as that gets filled, the nuclear facilities must, if they have no place to transport their waste, build dry cask storage on site. That dry cask storage is very expensive. We received testimony it would cost about $5 billion to build the dry cask storage if you do not have interim storage facilities in the meantime.

Mr. President, an expenditure of $5 billion for dry cask storage on site would stick the ratepayers of this country with a very heavy load, and it is a totally unnecessary expense. For that reason, we must get on with this business of designing the interim storage facility and proceeding to do the environmental impact statements, which will take most of the time during that 3 years.

We also deal with the permanent facility. We have heard complaints from our friends from Nevada that we are short-circuiting the science. I can tell you, Mr. President, if the EPA comes up with the same rules for the permanent facility that we have for the waste isolation pilot plant in New Mexico, then we will not be able, in my judgment, to build a permanent facility anywhere, anyplace in the world. Let me tell you why and let me tell you why their requirements are really not scientific. They are estimates of, I do not know whether you call it history or human conduct or whatever.

One of the most difficult requirements in the WIPP facility is what we call human intrusion. They say that after the first 100 years—keep in mind that this facility must prove itself to be safe over 10,000 years or more—they say that after the first 100 years, you may not assume that people even know where this is; that all records are lost, all the signposts that say "danger, nuclear waste facility," are all gone and nobody knows. How they came to this conclusion, how they thought that you could go backward in history—sure, we do not know where the ancient city of Mycenae is, but does anybody seriously think that you would lose the records of where this nuclear waste facility is? I mean, that literally is what they have determined in their rules for the waste isolation pilot plant.

They also say that you must assume that they will come out and start drilling holes down through the facility. Quoting from section 194.33 of the Federal Register of Friday, February 9, 1996, they say—I am quoting now to give you a little flavor of this:

> In determining the drilling rate or the amount of waste released from such drilling, performance assessments should not assume that drill operators would detect the waste and then cease the current drilling operations or otherwise mitigate the consequences of their actions.

In other words, they say that you assume the holes—and you have to assume when they penetrated the waste package that they did not stop. Further quoting, it says:

> Similarly, drill operators should not be assumed to cease further exploration and development of the resources as a result of the drillers detecting the waste.

What does that mean? That means these drillers get out there, they did not know this waste facility was there, but they drill down through a waste package and they finally detect it, but you cannot assume that they stop drilling. Mr. President, I am not making this up, that is from what EPA has said.

Can you imagine anything more silly than people putting these drill rigs on top of Yucca Mountain and drilling right down through it and penetrating a waste package and saying, "Well, I detect nuclear waste down there, but I'm not going to stop drilling, I'm going to keep on drilling"? Mr. President, that is what it says.

In the case of the waste isolation pilot plant, it is located in New Mexico in a salt formation, in about 2,000 feet of salt. With the WIPP facility, it is probably not going to be fatal, because in the case of salt, it is very plastic. You can drill a hole through salt and that hole closes up in a matter of, I guess, weeks, months. It is a very plastic sort of thing under pressure, and it closes up.

In the case of WIPP, that is not a big problem. If they have this same kind of test with respect to Yucca Mountain, which is a tuff or volcanic sort of rocky formation, and you have holes drilled down through it, how can you ever assume it is going to be safe if you drill these holes? You cannot.

And then you combine that with the fact that they come up with, in the case of WIPP, a 15-millirem protection level for radioactivity, and I just do not think you can build a repository anywhere in the world.

In our bill, we set the standard of radioactivity at 100 millirems. Why 100 millirems? Because the natural variation in background radioactivity varies by more than 100 millirems. The natural background radiation in Washington, DC, is about 345 millirems. Let me explain that, Mr. President, because we will be debating this question of radioactivity and exposure a great deal in this bill.

A millirem—or a rem—which is one thousandth of a rem—is a measure of the amount of damage that radioactivity does to the body. Radioactivity comes from several sources—alpha, beta, gamma rays, each of which reacts differently on the body. But millirems, or rems, are able to convert the kind of radioactivity, whether it is alpha, beta or gamma radiation, and convert the pathways of that radiation, whether it is a radiation that comes through as an x ray or something you ingest by mouth or something you are exposed to from the air. It is able to convert all of those pathways and all of the different kinds of radiation to one standard measurement of harm to the body. That is what they call a rem, or a thousandth of a rem is a millirem. So it does not matter whether you are drinking water or whether you are exposed to an x ray; it can convert that into one standard convertible measure.

Each of us—and this would surprise a lot of Americans—are living in a soup of radioactivity, about 345 millirems here in Washington, DC. That comes from natural radioactivity of the body. There is potassium, there is phosphorous in the body, which is radioactive and which accounts for about 30 millirems a year. If you dance with your wife, or with anybody, you are exposed to radioactivity from their body and, indeed, from your own body.

A very big source of radioactivity is from radon, which is caused by the decay of radium in the soil and in the rocks, and it comes out as radon, which is a gas.

There is also radioactivity from carbon 14, which comes from a bombardment of the carbon 12 atoms in the atmosphere. And that produces about, I think it is about 40 millirems a year.

Then there is radioactivity from rock and from the granite. Here at the Capitol, on the front steps of the Capitol, I think there is something like an additional 80 millirems of radioactivity, as I recall. Yes. Here it is. On the front portico of the Supreme Court there are 75 millirems. In the interior of the Lincoln Memorial there are 75. The sidewalk in front of the White House has 90 to 115 millirems. Beside the reflecting pool there are 115 to 150 millirems. Get this, the hearing room in the Dirksen Building is 250 millirems. Worst of all, the doorway of the Library of Congress has 380 millirems.

Or to put it another way, if you fly from Washington to Colorado, you increase your millirems by over 100 because the natural background radiation in Colorado or Wyoming or New Mexico or Utah or most any of those mountain States is over 100 millirems greater than that which you receive here in Washington. By the way, the pilot who flies that one flight to get there, he receives an additional 5 millirems. So we are in a soup of millirems. The body is subjected to literally millions of intrusions of radioactivity each day.

So why did we set the limit at 100 millirems? First of all, because there is absolutely no scientific danger in this amount of radioactivity. To quote from the Health Physics Society's statement of position in January 1996, they stated that "There is substantial and convincing scientific evidence for health risks at high dose. Below 10 rems"—that is 100 times the 100 millirem measure we are talking about—"risks of health effects are either too small to be observed or are nonexistent."

Let me repeat that. "Below 10 rems," which is 100 times the limit we propose in this bill, ". . . health effects are either too small to be observed or are nonexistent." That is according to the Health Physics Society in January 1996. It is based on a wealth of studies.

For example, in 1991, a study by the Johns Hopkins University of 700,000 shipyard workers showed that cancer deaths were significantly lower among workers exposed to more than 500 millirems than among workers exposed to less than 500 millirems or among the general population. The 700,000 workers, if they were exposed to more than 500 millirems, are more healthy, with less cancer than those exposed to less.

Why is this? Well, the scientific world believes there is a phenomenon whereby exposure to low levels of radioactivity excite enzymes in the body which, in turn, are protective of the body from further radioactivity, called hormesis, the phenomenon which they describe. We are not basing our limits here on the phenomenon of hormesis; however, it is in fact a well-documented scientific theory at this point.

In any event, the 100-millirem amount which we propose here is well within the natural variations. As I say, it is less than the change you would get just by moving to Colorado or to Wyoming. Believe me, there are no signs at the Denver airport—I was just there—that say, "Warning. Danger. You are now getting more than 100 millirems more than you would get in Washington, DC."

Why is this so important? Because the question is, can you build a repository if you make these assumptions of drilling these drill holes down that they go down into the water table and then you have these minuscule amounts at 15 millirems? Then the assumptions you make make it unachievable. There are also other assumptions that would be very important; that is, where you assume the drill hole would be drilled. Is it through the mountain or is it where people would farm or how far away? But we do not deal with that question. But we do deal with that amount, which we believe makes this entirely safe and within the normal limits to which people are exposed.

I also point out, Mr. President, that the 100-millirem amount is the same amount which has been adopted by the Nuclear Regulatory Commission as the amount which you should limit nuclear plants to. The International Commission on Radiological Protection in 1990 recommended that the annual effective dose from practices be limited to no more than 100 millirems per year. The National Council on Radiation Protection on Measurements also adopted the 100-millirem limit. As I said, the U.S. Nuclear Regulatory Commission had 100 millirems. Indeed, the EPA in their Radiation Protection Guidance for Exposure of General Public in 1994 recommends an effective dose from all manmade sources to be no more than 100 millirems a year.

So, Mr. President, I believe it is entirely proper to set this level at that amount, and it is entirely necessary in order to get this facility built.

Mr. President, I remember when we first passed the Nuclear Waste Policy Act. At that time the act called for characterizing three different sites. Characterizing means determining the suitability of three different sites for selection of a final facility. The three sites at that time were in the State of Washington, in the State of Texas, and Yucca Mountain. The estimate of the cost of that characterization at that time was $60 million per site, which seemed to me to be an extraordinarily expensive amount just to determine the suitability of the site.

In the ensuing years, Yucca Mountain was selected legislatively as the site to use, but the cost of characterization kept going up. By 1984, I believe it was, the cost had risen to $1.2 billion to characterize that site. The cost has now gone, according to the latest estimate, to $6.3 billion to characterize the Yucca Mountain site. Over $5 billion has been spent. I must tell you, Mr. President, that a great deal of that money has been really wasted. I mean, they have gone to such incredible lengths.

There is the desert tortoise. I care about the desert tortoise. It is a threatened species. But they have environmentalists that put radio collars and have satellites checking on where the desert tortoise is going, spending millions of dollars; people, especially dedicated environmentalists, working out there on the desert tortoise. You know, when you do that across the board, with some of the other heroic things they have done, it is just incredible. What we are saying, Mr. President, is we need to get on with the business of building this facility or making a decision on what we are going to do on the facility.

People have criticized the Department of Energy for waste in this facility. I believe, Mr. President, much of the blame for these escalating costs for this tremendous waste lies right here with the Congress.

We have not been willing to learn what this whole issue is about. We have been willing to accept any scare story that anybody says, and in the process keep putting it off year after year. For the editorials and some of the criticism to say we are rushing to judgment on this issue, when we have known the solutions for years and we keep putting it off because each year is somebody's election year—this year it is a Presidential election year. Last year, one of the Senators was up for reelection. It is that way every time.

Mr. President, we have reached a crisis situation, politically, on this issue. Now pending in the D.C. Court of Appeals is litigation which seeks to declare invalid the contracts underlying whole Nuclear Waste Policy Act, the 1-mill fee that is collected on nuclear plants in order to build these facilities, and it puts at risk—I think we have about a $5 billion accumulated fund which would be at risk if the D.C. circuit is waiting to see what Congress does. Frankly, it is my guess that is exactly why they have been delaying this decision past what is their normal schedule of rendering decisions. If they are waiting for the Congress to act or to determine whether the Congress acts, and if we fail to act in Congress, then we may have a full-scale crises on our hands, because they may well declare the contracts to be invalid.

If they do that, then it is 76 sites around the country in 34 States and, in turn, we would see a real reaction from the people in 34 States that begin to realize they are being victimized as having a site for nuclear waste.

Mr. President, what we propose is a system that will work. Construction on the interim facility would not begin until 1999. Construction on the permanent facility would not begin until considerably after that. We have high confidence Yucca Mountain will be considered suitable. If it is not, we need to determine that just as soon as possible and move on to another permanent facility.

Mr. President, what we propose in this legislation is reasonable. It is necessary. Believe me, Mr. President, it would be irresponsible to do otherwise. The problem is not going to go away. There are upwards of 40,000 metric tons of nuclear waste around the country today and additional nuclear waste is being generated each and every day. It is not a problem that goes away. It is not a problem that is being dealt with today. The interim storage facility would be much safer than keeping it on site. The permanent facility will be better still.

Mr. President, we need to get on with this process and pass this legislation. I hope the Congress will do the responsible thing, and I hope we will pass this legislation at the appropriate time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, over the course of the last good number of days, I believe the American public has grown increasingly aware of the fact that the Senate has been brought to a near halt by Senators who have made every effort to use the rules, as they are entitled to in the Senate, to not allow this Senate or this Congress to consider a very important piece of national policy. That policy rests on how we, as a country, will deal with the issue of nuclear waste.

Every other country in the world that uses nuclear energy to fuel its factories and light its lights has determined that a critical part of the whole of the use of nuclear energy is to adequately handle and manage the waste stream that comes from it, so that their public can be aware and confident of the fact that all comes together in a total picture. Interestingly enough, most of those countries who do this use the very technology that has been developed in our country to manage their waste. Yet, in our country, that has simply not been the case. We, for whatever reason—and mostly political, and certainly not as a result of science and technology—have argued that this waste should be allowed to build up in a variety of storage facilities around the Nation at the numerous sites—some 80 sites—within 41 States.

As a result of this policy, or absence of policy, today, we are charting a course that will throw nearly a third of our electrical-generating capacity at some time in the future into jeopardy, because it will be impossible, or nearly impossible, for utilities who have been granted the permission by their public to build nuclear-generating facilities to allow those to continue to generate if they cannot manage their waste stream or be allowed to manage it within the technology available.

Senate bill 1936 is legislation that we now have before us that moves this issue. It says to the American public, and to the generating companies of our country, that we believe a sound, continuous policy in our country, by our Government, is critical for the long-term future of this generating capacity, but, beyond that, for the wise and responsible management of the waste stream that is generated.

Through all kinds of environmental laws over the last two decades, we, as a Government and as a people, have said very clearly that certain kinds of waste or certain kinds of issuances that could result in some sort of environmental degradation are to be handled in strict, responsible ways. Yet, with the issue of nuclear energy and nuclear high-level waste, we have simply walked away from it.

In the mid-1980's, we finally said: Here is a policy and we are going to ask those who are the benefactors of the nuclear energy—the ratepayers—to pay a certain amount into the trust fund for the purpose of developing a long-term storage policy, a managed storage policy, in the sense of a deep geologic repository. Yet, because of lawsuits, because of the politics of the issue, very little has been done to keep the promise made to the ratepayers of our country and, at the same time, to make sure that at some point, whether it is the President or myself, we can turn to the American public and say that we have done the right and responsible thing.

And we as a nation all have to share in it. But we know what we are doing is sound scientifically, it is sound engineering, and we believe that S. 1936 is a reflection of that growing attitude.

As a result of that, I introduce this legislation, a bill that amends the Nuclear Waste Policy Act of 1982. S. 1936 retains the fundamental goals and structure of the substitute which was Senate bill 1271 which we were able to report out of the Energy and Natural Resources Committee in March. However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by a number of Members of our Senate.

In addition, we took into account the provisions of H.R. 1020 introduced by our counterparts in the House Commerce Committee, and that passed the House by an overwhelming bipartisan vote a year ago. We adopted much of the language found in H.R. 1020 in order to make the bill as similar to the bill under consideration in the House as we possibly could. I have already begun discussions with House Members who are principals in the development of H.R. 1020. We think we can come to agreement very quickly on the differences between these two separate pieces of legislation.

So I would like to describe what I think are some of the important significant changes we have made. S. 1936, the bill before us that we are debating today, eliminates certain provisions contained in the legislation that came from the committee that would have eliminated the application of the National Environmental Policy Act to the intermodal transfer facility and impose a general limitation on NEPA's application to the Secretary's additions to only those NEPA requirements specified in the bill.

What am I saying? In short order, I am saying no environmental laws are shortcut. While we believe we clearly are at a time when this issue must be dealt with, we also are going to say to the American people and to the Senators who want to vote on this legislation and support us, "No environmental laws are shortcut." This will allay the concern that sufficient environmental analysis would not be done under 1271.

S. 1936 clarifies that the transportation of spent fuel shall be governed by the requirement of Federal, State, and local governments.

I know that my colleague who is now presiding in the Chair has a very real concern about transportation of this waste item. What we are saying—and what I am saying to the Presiding Officer at this moment—is that State and local communities will have full participation under the Federal law and the Federal Hazardous Waste Transportation Act of being full participants in deciding how this waste moves there with this particular jurisdiction in concert with the Federal Government.

S. 1936 also allows that the Secretary provide technical assistance to fund training of the unions, with the expertise and safety training for transportation workers. We want to make sure that what is being done right today is done right in the future, and that the American public can have the kind of satisfaction in knowing that literally thousands and thousands of shipments of high-level nuclear waste that we have had in our country over the last number of decades with only seven accidents—none of them jeopardizing the containers in which the nuclear waste was being transported; not a one of them ever putting the public in jeopardy—is the kind of professionalism and expertise that we are going to have in the future.

In addition, S. 1936 clarifies that existing employee protection in title 40 of the United States Code only addressing the refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by car men and operating crews, only if they are adequately trained.

Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards as necessary for workers engaged in the transportation, storage, and disposal of spent fuel and high-level waste.

Mr. President, what is important in this legislation now in the area of transportation—and why it ought to become law now—is that we have the kind of adequate time necessary to go through what I have just talked about—effective and responsible training of those critical crews that will be managing the units of transportation that move the high-level waste to a permanent repository. If we wait another decade, if we wait until the lights in the Northeast start going out, if we wait until public pressure is so great because we are having brown outs because nuclear reactors have been shut down because the public will not allow for additional storage space on site, are we going to have the lead time, the kind of responsible, cautious time necessary to make sure that which we do is as professional as it has been in the past and it is today? My suggestion is we will not have that time. All of a sudden we will be in a panic nationwide because we failed to act responsibly, and as a result of that kind of failure we are now in a catch-up mode to handle these kinds of issues so that these reactors can stay on line so that nearly a third of our power source can continue to light the lights of our cities and our factories.

In order to ensure that the size and the scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase 1 of the interim storage facility to 15,000 metric tons of spent fuel and the size of phase 2 of the facility to 40,000 metric tons. Phase 2 of the facility would be expandable to 60,000 metric tons, if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site.

In other words, if all goes well, as it should so that we honor our commitment and our promises in the law that we are now working under and in the new legislation being proposed, basically we are talking about a facility that would never expand beyond 40,000 metric tons and would begin to reduce that size the moment the permanent geologic repository comes on line, in contrast to the legislation that we have taken from the table, S. 1271. It provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase 2.

So, Mr. President, what we have done is a substantial downsizing of the interim facility that would be the primary recipient location for fuels coming in to be characterized ready to go to the permanent repository. I would like to clarify that the new volumes are clearly sufficient to allow storage of current spent Navy fuel.

Mr. President, something that a lot of people do not realize as we debate these issues—certainly as it is true with commercial reactors—we know this legislation is largely geared to remove the spent fuel, or the nuclear high-level waste from the site of the reactor to take it to permanent repository. But what we have also done from the act of the mid-1980's which began this whole process, we have now included defense, or Federal waste. In my State of Idaho, for example, we are the recipient of every spent fuel rod that comes out of a Navy reactor; the nuclear Navy. We have been the recipient of those since the very first beginning of the Rickover nuclear Navy. As a result of us receiving them, studying them, and researching them, we have created phenomenal efficiencies and safety for the nuclear crew. But for any State that enjoys a nuclear Navy, enjoys it docked within their States, enjoys the revenue and the employees of a nuclear Navy, Idaho, my State, is the recipient of the fuel rods that come from those States. Other States also have Federal high-level nuclear waste, and we have expanded the authority of the law by these amendments to assure that the permanent repository site in Nevada at Yucca Mountain will not be just for commercial fuel but will be for Federal Government's high-level waste and Federal Government high-level waste fuel. It is important to understand that.

Unlike S. 1271, which provided for unlimited use of existing facilities at the Nevada test site for handling spent fuels at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase 1 of the interim facility. So, in other words, we built some flexibility in there for emergency situations, but it is so designated within that 1,500-metric-ton requirement. The facility should not be needed during phase 1, and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase 2 of the interim facility.

S. 1271, the old bill that came from the committee, would have set standards for release of radioactivity from the repository at a maximum annual dosage to an average member of the general public in the vicinity of Yucca Mountain at 100 millirems. There is a lot of debate about what 100 millirems of exposure is. But I would hate to tell you that you and I receive that kind of exposure on an annual basis by simply being in the city of Washington, DC. If you want to live in Denver, CO, on an annualized basis you are going to receive substantially more exposure than the 100 millirems.

What am I talking about? I am talking about a measurement of radioactivity that is so low that anyone in or around the Yucca Mountain storage facility would in no way ever find themselves at risk as a result of this exposure. Clearly, the Federal Government, under the auspices of all of the engineering and the science that is available, has every intent to build a facility that is as safe as can humanly be built and to meet international standards, national and international risk standards designed to protect public health and safety and the environment.

I said in some of my comments on the floor this morning, this ought to be called the No. 1 environmental legislation of the 104th Congress. I believe it is just that, because I think it acts in a responsible way to assure that the human environments in which we all find ourselves are never put at risk by exposure to high-level nuclear waste materials.

While maintaining an initial 100-millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard, and I think this is very important for the record to show. If it finds that the standard in this legislation—let me repeat—if the Nuclear Regulatory Commission, under new science and new findings, found that what we are proposing is inadequate, then they would be allowed to advance that proposition and to deal with it in a way that would change it, modify it to bring it down to a lower standard or a different standard. In other words, we are not closing the door or turning off the lights to the idea that science advances itself, and if we find reason to believe that science would argue that 100 millirems, under the current national and international safety standards, is not adequate, then we allow the Nuclear Regulatory Commission to apply another standard.

S. 1936, the legislation before us, contains provisions, not found in S. 1271, that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to the affected units of local government and Indian tribes within the State of Nevada. I know, while my colleagues from Nevada are making every argument possible to block this legislation because of the political consequences that they recognize might be the case in their State, we have also been dealing openly with local units of government in the State of Nevada. There are local units of government who believe this is positive, from the standpoint of the economics it brings and the long-term employment, and because they have done their homework and they recognize the very real safety involved in this kind of management approach. So what I am telling you is we recognize the Indian tribes involved, and the local units of government, and the payment in lieu of taxes to their affected communities as a result of their willingness to work cooperatively with the Federal Government. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels in Nye County, NV.

In order to ensure that moneys collected for the nuclear waste fund are utilized for purposes of the nuclear waste program beginning in fiscal year 2003, S. 1936 would convert the current nuclear waste fee that is paid by electrical consumers into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected. In other words, those who are the beneficiaries of nuclear power pay for the facility and continue to pay for the facility. This has always been the understanding. We are not reaching out to taxpayers in States that are not the beneficiaries of the kind of abundance that is brought through a nuclear reactor producing power in their State; only those who are the recipients of it.

That is not to say there will not be Federal expenses. There are clearly some as it relates to the Nuclear Regulatory Commission and its management responsibility and the Department of Energy and its ongoing management responsibility. But, Mr. President, you and I both know that we, as a government, our Nation's Government, has always kept its arms around the whole of the nuclear issue. It has been something that has not been automatically farmed out in toto to the private sector.

As a result of that, I, once again, return to what I believe is a fundamental responsibility of good government and that is we have an endgame for the nuclear issue. To date, we have not decided, as a country, to do that. We can fuel our Navy ships, we can light the lights of our cities, we can protect the world by the use of the atom, we can treat sick people by the use of the atom. But when it comes to the waste product created by those kinds of activities, we said: "Go away. Not in my backyard. I am frightened of it, or my people are frightened of it." Yet, interestingly enough, there literally is not a basis for fear but the fear itself, because we know how to handle it, and science has argued that we handle it very, very well.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some Members who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in 1936. In other words, let me repeat, any fear that could have been argued that there might be an effort to reprocess fuel, there might be an effort to expand the ability that could create proliferation in our country, is now taken out of the legislation. S. 1936 has none of those provisions within it.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act, and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision. Again, I recognize the concerns the chairman has expressed. We have gone directly at those concerns. Instead, we provide that for any law that is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. In other words, when it comes to hazardous material's transportation, we take nobody out of the loop. We short-circuit no one, and we allow local units of government and States to be direct participants.

S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State and local requirements and the Nuclear Waste Policy Act are beyond current law, and are impossible. In other words, we cannot, by this law, simply walk away from roadblocks that are intended to be put up for the purposes of blocking the road. That cannot be allowed. Certainly, under the interstate commerce clause of the Constitution, I think we all recognize that is so, understanding that we clearly are saying we want it to be the safest possible, as it is today. We want the American people to know that what we are doing is safe and responsible, and that is exactly what the act requires.

This language is consistent with the preemption authority founded on the existing Hazardous Materials Transportation Act. In other words, we have taken the law today that makes our highways safe in the use or transporting of hazardous materials and we said, "no exceptions to the rule."

S. 1936 authorizes the Secretary to take title to spent fuel at the Dairyland Power Consumers La Crosse reactor, and authorizes the Secretary to pay for the on-site storage of the fuel until DOE removes the fuel from the site under terms of the act. This is a provision that I felt was necessary to equitably address concerns in Wisconsin and Iowa. Of course, that goes back to previous Government actions that place the Government in a position of responsibility for those stored fuels.

S. 1936 contains language making a number of changes designed to improve the management of the nuclear waste program, to ensure the program is operated, to the maximum extent possible, in like manner to a private business. I feel this will improve the overall management of the spent-fuel program.

Finally, the bill contains language that addressed Senator JOHNSTON's concerns. The language in S. 1936 provides that construction will not begin on an interim storage facility at Yucca Mountain before December 31, 1998. In other words, for those who are concerned about transportation, we are giving phenomenal lead time through the year 1999 to make sure that all of the systems are in place, because the facility, to receive those shipments, could not be ready before that with construction beginning on or after December 31, 1998.

I am most pleased we have been able to work with Senator JOHNSTON. He has led on this issue for years and is clearly one of the leading authorities in this body, if not in the country, as it relates to current policy on nuclear waste and nuclear waste management, and we have worked very closely with him in assuring that this bill met a large number of his concerns.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and to Congress by the Secretary of Energy 6 months before the construction can begin on an interim facility. In other words, we are not destroying existing law. We are simply expediting the activities that would have to start after the certification of the facility or the site at Yucca Mountain.

We are saying, in essence, get your engineering studies done, get your design studies done, get yourself ready to go so that by 1999, construction can begin if, in fact, the site has been certificated. If, based upon the information before him, the President determines in his discretion that Yucca Mountain is not suitable—and he may find that, the studies might indicate that, for the development of the repository we are talking about—then the Secretary shall cease work on both the interim and permanent repository program at the Yucca Mountain site.

The bill further provides that if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate—in other words, this is something you cannot pass go on, the clock is still ticking, the lights are still on, but they could still be dimming, Mr. President—whomever is the President at that time, they simply have the responsibility, as does the Congress, to deal with this issue in a forthright manner.

We say, if the President fails to designate a site or the site has not been approved by Congress within 2 years of its determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain site in Nevada or at the test site 51 out in the deserts of the national test area in Nevada.

The provisions ensure that the construction of an interim storage facility at Yucca Mountain site will not occur before the President and Congress have had ample opportunity to review the technical assessments of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon technical information.

However, this provision also ensures that ultimately an interim storage facility site will be chosen. In other words, what we are saying, Mr. President, is "you can't pass go." At some point and in the future, in the very near future, we as a Government must act responsibly for the sake of our Nation, for the sake of our energy base and for the sake of our environment. Without the assurance, we leave open the possibility we would find in 1998 we have no interim storage, no permanent repository program, and after more than 15 years and $6 billion spent, we are back to where we started in 1981 when we passed the first version of the Nuclear Waste Policy Act. This is within the 50 States of the Union. What we are saying is, we must find a facility to store the waste in a safe and responsible way.

Coupled with that, Mr. President, are a variety of other agreements. For example, in my State, my Governor has negotiated under a Federal court order an agreement with the Department of Energy that by certain dates at the turn of the century waste begins to leave our State. If we do not have the facility built, then the Governor has the power of the Federal courts to say, "No more shipments." In this instance, no more shipments of spent-nuclear fuel.

What happens to our nuclear Navy at that time that has no other place for repository? Does waste pile up on the docks at the refueling sites around on the east and west coasts? I doubt that happens.

Yet, at the same time, the State of Idaho and the Federal court says that if the Federal Government fails to respond and fails to react in prescription with the agreement and certainly consistent with the legislation that we are debating this afternoon, then there are no more shipments.

What happens at that point? That is why we are here. That is why we are asking our colleagues to act responsibly in working with us and with the American public to assure we move legislation, law, policy and, therefore, end result, the development of an interim storage facility and a permanent repository on the timely basis that we all want to see happen.

This issue provides a clear and simple choice: We can choose to have one remote, safe, and secure nuclear waste storage facility, or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across our Nation.

As I have said in my earlier comments, what happens when the sites fill and the public in the 80 locations say, "We don't want additional storage at that location"? What does the State government do? What does the public utility of that State do? Do they turn to the utility involved and say, "Turn it off, shut it down"?

Twenty-five percent or so of the power capacity largely in the Northeast and Midwest is dependent upon this kind of energy production. I do not think that is what we want to happen. That is why the majority leader, when he read the facts, looked at it and saw this was a time when clearly it was important for this Congress to move, that the legislation was ready, that it stood in a bipartisan fashion that we had worked out and negotiated all of the necessary changes to make sure we were able to do this.

It is irresponsible to shirk our responsibility to protect the environment and the future of our children and our grandchildren. This Nation needs to confront nuclear waste management and the problem facing it is now. I do urge my colleagues to vote for cloture as we move down the line, as we did today, by a large number. It is time we expedite getting this to the floor for a final vote, that we work with our colleagues in the House, and that we ask our President to share with us in this national responsibility.

We have contacted the executive branch of Government time and time again over the course of the last 2 years. Chairman FRANK MURKOWSKI, chairman of the Energy and Natural Resources Committee, in four different pieces of correspondence has said, "Mr. President, if you don't agree with us, then show us what you can agree with so that we can work together to assure a responsible end to this very, very critical problem."

As a result of that, nothing. The answer back was nothing. The answer today was political. Mr. President, this is an issue that goes beyond politics. It must go to policy, it must go to action, it must go to a public that knows that this Senate and the House and the President together have acted in a responsible way to assure the effective and the appropriate management of high-level nuclear waste in our country, both commercial and Government-generated waste. S. 1936 gives us that.

After over a year and a half of compromise in building this key piece of legislation, we are now to the floor and asking our colleagues to participate with us in passing this legislation.

I see no one else on the floor at this time, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, for a few moments I want to discuss the issue of transportation safety. This morning I went back to my office after there had been some debate on the floor about transportation safety in this country. I know that it is a key concern to a good many Senators, including yourself, as waste moves from across the country to a central location, as to how that waste will be handled.

I saw something that surprised even me even though I have had the privilege over the years to see some of the containers in which nuclear waste is transported. What I would like to enter into the RECORD now and show for the Senators is some of what I watched on the videotape.

Scary statements have been made by the Senators from Nevada that there would be risk. I think they were using a term that was of their invention called a mobile Chernobyl. That is a dramatic statement that absolutely has no basis of truth because we have been transporting waste for a good number of years, and simply it does not exist. I will suggest why.

As a matter of fact, there have been 2,400 shipments of spent nuclear fuel by the nuclear energy industry, and others, over the past 25 years. No fatality, no injury or environmental damage has ever occurred because of radioactive cargo. There have been accidents, yes, but the casks have performed as designed.

What I saw this morning, Mr. President, in the video was exactly what happened. Here is one of the pictures. This picture is of a flatbed truck over here with one of the casks on it. And that flatbed truck went down a roadway and it struck a solid concrete wall, a 700-ton concrete wall, at 80 miles an hour. If you saw this on videotape, you can begin to understand the dramatics of it.

The truck's cab literally disappeared. This bright orange object, which is the container itself, bounced up against the concrete wall, because by then the cab of the truck had been pulverized, and it bounced back. Afterward, technicians were beginning to peel off from the face of this orange cask an object of metal. And your first reaction is, Mr. President, well, that is the cask. It was damaged. It was the cab of the truck that had literally been peeled around this object, this cask that holds the spent nuclear rods. The cask was undamaged.

Another picture is of a similar flatbed truck that is parked across a railroad crossing. Of course, this material can be transported both by truck and by rail. The naval waste that comes to Idaho is transported by rail. The truck is parked in the middle of a railroad crossing. As a result of that, a locomotive, traveling at 80 miles an hour, broadsides it. And the weight is a 120-ton locomotive. Again, the orange object itself is the cask that stores the nuclear objects. It bounces literally as this locomotive hits it. Again, test after test after test.

This container was originally designed to be dropped from the air. The reason was because we anticipated aerial transportation. So all of the designs required by the Nuclear Regulatory Commission said that is what it has to do. How about dropping it from 30,000 feet, originally? Well, that is what it was designed to do. Here is a drop from 30 feet now on to an unyielding surface.

Mr. President, it is important to remember that every other surface is yielding. The ground itself is a yielding surface because when you hit it with heavy impact, it gives, it bounces, it breaks away. In this case, the surface is solid concrete. It was dropped 30 feet on to a solid concrete surface with a steel spike sticking up out of it with the intent of penetrating the container itself. What happens? The container bounces off. As a result, again, no damaging of the container.

Here is an example. It is engulfed in 1,475 degrees Fahrenheit, a fire for 30 minutes; submerged under 3 feet of water for 8 hours. All of those are part of the video test. The container, again, was never ruptured. There was no jeopardy. There was no leak of radioactivity.

The reason I bring these issues to the floor is because my colleagues keep saying, "high-risk transportation." That is why we have had over 2,400 shipments over the last several decades, Mr. President, and no one—no one—has been injured as a result of the release of radioactivity. Simply because—guess what?—our Government did it right.

Admiral Rickover did it right. The industry and the Nuclear Regulatory Commission did it right. They required that the containers that transport this high-level waste be so impenetrable that nothing could happen to them. And that is exactly what has happened. In all the tests, as in seven real-world accidents, the transportation containers retained their integrity and would have kept their radioactive material sealed safely inside. That is extremely important for the record.

Whether it is the 30-foot or the 100-foot drop, whether it is the raging locomotive at 80 miles an hour at 120 tons, whether it is the truck itself going at 80 miles an hour into a solid concrete wall, the bottom line, Mr. President, is in no instances have we had jeopardy and release of radioactivity.

I hope we are able in some way to allay the concerns that a lot of our citizens have that while this material is being transported through the countryside to a safe and permanent location, that we would not, nor would this law ever allow, nor certainly in the case of current law does it allow, our citizens to be at risk.

Transportation is an issue, and it will always be one. It is very easy to stand on the floor of the U.S. Senate and talk about a catastrophe, talk about a situation that could create a safety problem for millions of Americans. Now, Mr. President, if that situation exists, I do not know where it exists. The reason I do not know where it exists is because this country has been in the business for well over three decades now of transporting high-level nuclear waste across the Nation, into our State of Idaho, from all points where naval vessels are refueled. We have transported it in other forms from commercial reactors to Federal facilities for purposes of tests and research, and all instances they have tracked with similar containers to these shown in the pictures, and there has never been an accident in which radioactivity is released.

Let me make sure the record is perfectly clear: There have been accidents. I understand there have been sevensome accidents out of the 2,400 shipments. Those accidents resulted in, I am sure, damage to property and probably injury to individuals, but there was no environmental injury. There was no release of radioactivity. That, of course, is the test here. That is the argument of my colleagues from the State of Nevada that somehow 50 million Americans are going to be put in jeopardy. Not so, Mr. President. It just "ain't" so, or we would not be here today talking about legislation. There is not a Member of the U.S. Senate who would want to or who in any knowing way would ever put any of their citizenry or those people whom they serve and represent in jeopardy.

The thing that is exciting for me to stand on the floor of the U.S. Senate after we have researched it, after we have studied and understood what the industry is about, what DOE has done, what the Navy is doing, what the Nuclear Regulatory Commission requires, is that I can stand here and believe with all of my energy that what we offer is the safest possible approach for the movement and the transportation of this waste to a permanent repository. That is the way all of these issues ought to be handled. That is what the American public deserves, a fair and honest debate and the assurance of the kind of safety that is provided now by industry, by defense, and by our Government.

This legislation in no way short-circuits any of that. In fact, we have assured that all of the environmental laws, all of the transportation laws, all of that in S. 1936, all fit together and in no way do we bypass existing law or existing protection. Those are the facts. Now, you can choose to judge them in different ways, but you cannot dispute the simple fact. The simple fact, in 2,400 shipments over the course of the last 30 years, 2,400 shipments in containers like the container I have shown you in these pictures and charts this afternoon, never once was one ruptured or jeopardized in a way that caused an environmental release that would have, had people been near it, placed them in jeopardy. Those are the facts. That is the reality of how we handle this issue.

I am pleased I have had an opportunity to be part of what is a very critical debate and a very important piece of public policy to our country. I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened carefully to the Senator from Idaho relative to the merits of addressing once and for all the disposal of our high-level nuclear waste.

Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 76 minutes remaining, the Senator from Louisiana, Mr. JOHNSTON, has 22 minutes, the Senator from Nevada, Mr. REID, has 121 minutes, and the Senator from Nevada, Mr. BRYAN, has 180 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I will discuss with my colleagues a number of items relative to disposition of the nuclear waste debate that is going on. The first item would be a letter dated July 15, 1996, by Mr. Panetta. Mr. Panetta, of course, is the President's right-hand man. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 15, 1996.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I would like to express the Administration's position on S. 1936, a bill to create a centralized interim high-level nuclear waste storage facility in Nevada. The Administration cannot support this bill, and the President would veto it if the bill were presented to him in its present form.

The Administration believes it is important to continue work on a permanent geologic repository. According to the National Academy of Science, there is a world-wide scientific consensus that permanent geologic disposal is the best option for disposing of commercial and other high-level nuclear waste. This is why the Administration has emphasized cutting costs and improving the management and performance of the permanent site characterization efforts underway at Yucca Mountain, Nevada. The Department of Energy has been making significant progress in recent years and is on schedule to determine the viability of the site in 1998.

Designating the Nevada Test Site as the interim waste site, as S. 1936 effectively does, will undermine the ongoing Yucca Mountain evaluation work by siphoning away resources. Perhaps more importantly, the enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program by prejudicing the Yucca Mountain permanent repository decision. Choosing a site for an interim storage facility should be based upon objective science-based criteria and should not be made before the viability of the Yucca site is determined in the next two years. This viability assessment, undertaken by the Department of Energy, will be completed by 1998.

Some have alleged that we need to move spent commercial fuel rods to a central interim now. According to a recent report from the Nuclear Waste Technical Review Board (NWTRB), an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years. The Nuclear Regulatory Commission (NRC) has determined that current technology and methods of storing spent fuel at reactors are safe. If they were not safe, the NRC would not license these storage facilities. Also, the NWTRB assures us that adequate at-reactor storage space is, and will remain, available for many years.

In S. 1936, the Nevada Test Site is the default site, even if it proves to be unsuitable for the permanent repository. This is bad policy. This bill has many other problems, including those that present serious environmental concerns. The bill weakens existing environmental standards by preempting all Federal, state and local laws and applying only the environmental requirements of this bill and the Atomic Energy Act. The results of this preemption include: replacing the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard considerably in excess of the exposure permitted by current regulations; creating loopholes in the National Environmental Policy Act; and eliminating current licensing requirements for a permanent repository.

I hope that you will not support S. 1936. It is an unfair, unneeded, and unworkable bill. We have the time to develop legislation and plan for an interim storage facility in a fairer and scientifically valid way while being sensitive to the concerns of all affected parties. This includes those in Nevada, those along the rail and roadways over which the nuclear waste will travel, and those who depend on and live near the current operating commercial nuclear power plants.

Thank you for your consideration of these views.

Sincerely,

LEON E. PANETTA
Chief of Staff.

Mr. MURKOWSKI. According to Mr. Panetta, the President opposes our bill since it would designate Nevada as the interim site without determining the viability of Yucca Mountain, NV, as a permanent repository.

Let me provide the White House with a little factual information. Senate bill 1936, which Senator CRAIG and I have proposed, prohibits, specifically prohibits, the construction of an interim facility in Nevada until December 31, 1998. That is after the determination of Yucca's suitability. That is as a consequence of Senator JOHNSTON's input.

The Panetta letter says that "the bill weakens existing environmental standards by preempting all Federal, State, and local laws." The facts of the matter, Senate bill 1936 does not provide NEPA waivers and other provisions in our earlier bill, Senate bill 1271. We do not permit, however, environmental laws to be misused or to have to go back and revisit decisions made by Congress in this bill, decisions such as the fact that we will have an interim facility and that will be in Nevada after the Yucca Mountain site has been shown to be viable.

Mr. President, everybody should understand the permanent repository effort continues at Yucca Mountain. The merits of Yucca Mountain to be ascertained as a permanent repository depend primarily on two issues: One is licensing; the other is suitability.

That is an issue ongoing, an issue that will be addressed. In the meantime, we have waste accumulating at more than 80-some-odd sites in 41 States. What we propose here is we have an interim facility to take that waste from those States and put it at Yucca until such time as it can be determined that Yucca meets the requirements of a permanent repository.

Now, I do not know who wrote the letter at the White House for the Chief of Staff, but I am inclined to think that person was reading the old bill, Senate bill 1271, rather than the new bill, Senate bill 1936. We attempted to address concerns by the administration and others in the new bill, Senate bill 1936, which was more or less a composite, if you will, of many of the things that people felt were wrong in Senate bill 1271. We put together what amounts to a chairman's mark or a consensus to move this bill forward.

I will provide my colleagues with a little background on our efforts to address this with this current administration. I personally worked for the past 15 months, upon achieving the chairmanship of the Energy and Natural Resources Committee, to bring the administration into a constructive, into a bipartisan dialog, to try to address responsibly this problem.

As you know, Mr. President, being from Alaska, I do not have a dog in this fight, so to speak. Alaska, while we are interested in solving the problem, does not currently have any nuclear waste and is not looking for a repository. But I have a responsibility, just as the other 99 Senators, to address what is an environmental problem for this country, and this is an opportunity to correct an environmental deficiency with some positive legislation—legislation that would move from these sites this material to one site in Nevada that has been used for over 50 years for all types of nuclear testing.

Nobody wants the waste, Mr. President. I am sympathetic to my friends from Nevada relative to the position they are in. On the other hand, it has to go somewhere. It is a simple deduction of where are you going to put it if nobody wants it? We created it in this country. The consequences of it speak for themselves: on the positive side, generating power. Also on the positive side, contributing toward a lasting peace and breaking up the Soviet Union in an arms race. These were all part of the nuclear commitment of this country.

On the downside, of course, is the waste associated with this, whether it be weapons grade or waste that comes from our nuclear reactors. We currently depend on nearly a third of our power generated to come from nuclear energy. We simply have to address it with a resolve.

On April 7, 1995, I wrote a letter. That letter was directed to our President. At that time, I was the newly elected chairman on the Committee on Energy and Natural Resources. I indicated that "one of my top priorities was to help meet this challenge facing the Nation"—I am quoting here—"in developing a safe, scientific, sound means of managing spent fuel."

Given the Department of Energy's announcement that it recently had made in that timeframe of April 1995 that it could not meet its obligations to begin accepting nuclear waste in 1998, I indicated to the President that we must address this issue in an aggressive and forthright manner.

So there we were, Mr. President, back in 1995, and the Department of Energy announced they would not have the capability of accepting the nuclear waste they had contracted for many years earlier, and they collected some nearly $12 billion from the ratepayers of this country. They could not meet their commitments.

Now, I indicated further that "judging from the attention on this matter by the Secretary of Energy, I had assumed it was a top priority for the administration." But I indicated that the President, in recent letters the President sent to Senator BRYAN and the Nevada Governor, Governor Miller, seemed to suggest otherwise.

Further, my letter reads:

> While you acknowledge, Mr. President, there are national security interests involved, your letter states that you can't support any current legislation to fix the problem at this time.

I further stated in my letter to the President:

> If you cannot support current legislative proposals at this time, members of my committee, the Energy and Natural Resources Committee, would like to know how and when you plan to offer an alternative proposal.

Again, April 17, 1995, I further stated:

> You are no doubt aware that the environmental and security implications of failing to reach a solution in the not-too-distant future are significant. With all due respect, Mr. President, I and many members of my committee believe it is time for you to become an active participant in efforts to resolve this pressing challenge. We urge you to either support the concepts in several current legislative proposals, or to offer a plan of your own. We have already held hearings on the spent fuel programs and continue to work toward a solution. Your advice and involvement would be greatly appreciated.

Copies went to Secretary O'Leary and Senator BENNETT JOHNSTON.

So we put, if you will, the President of the United States on notice that if he did not like the proposal that we were working on, to come on up with some constructive suggestions on how to change it. He has that obligation, if he is opposed to what we are trying to address, to resolve the problem so that we can move on with our responsibility.

Well, Mr. President, the disposition of that letter of April 7, 1995 to the President was that 4 months passed and there was simply no answer from the President or the White House.

Well, not being one to give up, the Senator from Alaska, on August 7, wrote another letter to the President. I will read it as follows:

> AUGUST 7, 1995.
>
> DEAR MR. PRESIDENT: I last wrote you on the subject of managing the Nation's spent nuclear fuel on April 7, 1995. In my prior letter, I made reference to the fact that you, in a letter to Senator BRYAN, stated that you could not support any spent fuel management legislation currently before the Congress at this time. Your position raised a number of questions. One, if you cannot support any pending legislation, what can you support, Mr. President? If you will not support legislation now, when might you support it?

I wonder if it is after the election. That is an insert, I might add, and not from the letter:

> If all the comprehensive spent fuel management legislation before Congress is unacceptable, will you provide us with draft legislation that is acceptable? I further refer to my letter of April 7. I challenge the administration to become an active participant in either supporting the concepts in pending legislation or by offering a comprehensive plan of its own.

I further explain in my letter to the President:

> Unfortunately this has not yet occurred. In fact, neither you nor your office has ever responded to my letter.

That was my letter of April 7:

> Are we to conclude that you will simply continue to remain critical of all the pending proposals without offering constructive, comprehensive alternatives? Recently, a House subcommittee marked up its legislation to address the spent fuel management problems. Floor action may yet occur in the House this year. Meanwhile, our committee continues its deliberations with industry, consumer groups, regulatory authorities, and others, with a view toward achieving a broad consensus. Even the Appropriations Committee is anxious to see some progress and is inserting provisions in their bills to promote action. Everyone seems to be working on the issue except your administration. Further, I believe that the spent fuel management problem is one that best can be solved by working in a bipartisan, collaborative manner.
>
> Unfortunately, your administration has failed to provide meaningful guidance at this important stage in our deliberations. I would again urge you to submit comprehensive legislation to address this important problem, or voice your support for concepts embodied in legislation currently before us. The courtesy of a reply would be appreciated.

I enclosed the letter of April 7 in my letter, which I read, of August 7.

Well, this time, we did get an answer, and the answer came back on August 18. That letter was signed by Alice Rivlin, Director, Executive Office of Management and Budget.

It is rather interesting to reflect on this letter which I ask unanimous consent to be printed in the RECORD along with my letter of August 7.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SENATE, COMMITTEE ON
> ENERGY AND NATURAL RESOURCES,
> *Washington, DC, August 7, 1995.*
>
> Hon. WILLIAM J. CLINTON,
> *President of the United States, The White House, Washington, DC.*
>
> DEAR MR. PRESIDENT: I last wrote to you on the subject of managing the nation's spent civilian nuclear fuel on April 7, 1995.
>
> In my prior letter, I made reference to the fact that you, in a letter to Senator Bryan, stated that you could not support any spent fuel management legislation currently before Congress at this time. Your position raised a number of questions:
>
> If you cannot support any pending legislation, what can you support?
>
> If you will not support legislation now, when might you support it?
>
> If all the comprehensive spent fuel management legislation before Congress is unacceptable, will you provide us with draft legislation that is acceptable?
>
> In my April 7 letter, I challenged the administration to become an active participant by either supporting the concepts in pending legislation or by offering a comprehensive plan of its own. Unfortunately, this has not yet occurred. In fact, neither you nor your office has even responded to my letter. Are we to conclude that you will simply continue to remain critical of all the pending proposals without offering constructive, comprehensive alternatives?
>
> Recently, a House Subcommittee marked up its legislation to address the spent fuel management problem. Floor action may yet occur in the House this year. Meanwhile, our Committee continues its deliberations with industry, consumer groups, regulatory authorities and others with a view toward achieving a broad consensus. Even the Appropriations Committees, anxious to see some progress, are inserting provisions in their bills to promote action. Everyone seems to be working on this issue, Mr. President—except your administration.
>
> I believe the spent fuel management problem is one that can best be solved by working in a bipartisan, collaborative manner. Unfortunately, the opportunity for the administration to provide meaningful guidance at this important stage in our deliberations is quickly being lost.
>
> I again urge you to submit comprehensive legislation to address this important problem, or voice your support for concepts embodies in legislation currently before us. This courtesy of a reply would also be appreciated.
>
> Sincerely,
>
> FRANK H. MURKOWSKI,
> *Chairman.*

> EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
> *Washington, DC, August 18, 1995.*
>
> Hon. Frank H. Murkowski,
> *Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*
>
> DEAR MR. CHAIRMAN: Thank you for your letter to the President concerning the civilian nuclear waste program. As you know, the Administration is devoting its full efforts to complete the site characterization and other technical aspects of the permanent repository on the earliest possible schedule.
>
> With respect to proposals that would crease an interim storage facility at Yucca

> Mountain, the Administration is conducting an internal policy review, as we do with all legislation in Congress. The Office of Management and Budget is leading this review, in its usual role. The Department of Energy is centrally involved, since it manages the nuclear waste program. Other agencies and offices are participating as appropriate to their programs.
>
> We expect to be in a position to communicate an Administration policy recommendation to you by the time you return from the Labor Day recess. I apologize for the delay in responding to your letters, and look forward to providing more information very soon.
>
> Sincerely,
>
> ALICE M. RIVLIN,
> *Director.*

Mr. MURKOWSKI. Mr. President, this letter does not address the question of what the administration proposes as an answer if it does not like what we come up with. It simply acknowledges the two letters of the President. It indicates that:

> With respect to the proposal that we create an interim storage at Yucca Mountain, the Administration is conducting an internal policy review, as we do with all legislation pending in Congress. The Office of Management and Budget is leading this review, in its usual role. The Department of Energy is centrally involved, since it manages the nuclear waste program.

All of which are self evident.

The last paragraph addresses the issue in the following way:

> We expect to be in a position to communicate an Administration policy recommendation to you by the time you return from the Labor Day recess.

And Ms. Rivlin apologizes for the delay.

So here we started out in April, the first letter; August, the second letter to the President; third, we get a letter saying they are going to take it up after the recess. Time went by. Fall came. The leaves fell. Frost came. Snow came. Snow came down. Christmas passed. Then New Year's. One can only assume that the administration did not want to engage in this issue or try to solve the problem. So being somewhat consistent, on January 10, I decided I could wait no longer. So on January 10, I wrote another letter. Over the past 9 months—one can conceive a child in that timeframe.

> Dear Mr. President: I have written two letters to you requesting that the Administration offer a comprehensive plan that would allow the Federal Government to meet its commitment.
>
> What we have now is a program that has spent twelve years and $4.2 billion of taxpayer dollars looking for a site for a permanent high-level nuclear waste repository. By 1998, the deadline for acceptance of waste by the Department of Energy . . . is at hand.

The Yucca Mountain site is not determined at this time to be licensable. We have 23 commercial power reactors that will run out of room in their spent storage pool. By 2010, the DOE's rather optimistic target date for opening a permanent repository, an additional 55 reactors will be out of space. It is estimated that continued on-site storage through 2010 would cost our Nation an additional $5 billion.

I referred to my letters of April 7 and August 7 citing that I had received assurances from Alice Rivlin and an indication that the administration would have a response after Labor Day.

I further advised the President that I have not had that response as promised.

On December 14, Hazel O'Leary testified before the committee and indicated that she would oppose any legislation that would authorize the construction of interim storage at the Nevada test site.

I further indicated to the President that the option of status quo was not acceptable. I further indicated that, if the administration continued to reject congressional proposals, I would ask the President to offer an alternative plan that would allow the Government to fulfill its commitment to the electorate, the taxpayers of this country.

To hear some say—the minority leader—that we are somehow being rushed into this, that this is action taken on the spur of the moment, or the comments from the Washington Post in their editorial that there is no need to rush into this, this has been cooking with the administration since the administration came into office. They simply do not want to address the issue. They do not want to have to make a decision on their watch. They do not want to have to make a decision before the election. Obviously, our friends from Nevada, of the other party, may feel this is certain. This is a legitimate environmental issue of the highest nature. It is an obligation of this body to address it.

We have expended 15 years in the process. We are up against some realities that I think bear further examination. One is that there are some members of the environmental community who are opposed to the continuation of nuclear power generation in this country, even though nearly a third of our power generation is dependent on it. The States license the storage facilities. As the storage facilities begin to fill up, these companies are desperate as to what to do with the spent fuel. The fact that they have been collecting from the ratepayers over $12 billion that has been given to the Federal Government to take that fuel in 1998 is basically incidental to these groups that oppose nuclear power generation. They see this as a way to permanently shut down the nuclear industry in the United States.

I do not think that is the answer, Mr. President. The answer is again to recognize that we have this problem today, and we have the option of storing, until a permanent repository is established, this waste in Nevada in a temporary repository.

I want to conclude my reference with regard to this correspondence because I wrote my letter in January 1996. Then in March 1996, nearly 1 year after the first letter of August 1995, or April 1995, I finally got a reply. The reply said basically the status quo was fine and that the administration opposed everything.

I ask unanimous consent that a letter be printed in the RECORD dated March 1 from Alice Rivlin.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
> *Washington, DC, March 1, 1996.*
>
> Hon. FRANK H. MURKOWSKI,
> *Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*
>
> DEAR MR. CHAIRMAN: Thank you for your letter of January 10th to the President outlining your continuing concern about the direction of the civilian nuclear waste program. He has asked that I respond on his behalf.
>
> The Administration appreciates and shares the concern that you and many of your colleagues have expressed about the time and resources that the government has invested in the search for a suitable site for a geologic repository for spent nuclear fuel and high-level nuclear waste. We also appreciate the concerns that you and others have raised about the costs of extended storage of spent nuclear fuel at reactor sites from the nation's commercial nuclear power plants and about the need for centralized interim storage pending completion of a permanent facility. We share your desire to resolve this complex and important issue. At the same time, as the President has stated, we are committed to doing so in a way that is objective and fair to both the citizens of Nevada and the rest of the Nation.
>
> In response to your concerns, both my October 13th letter to leaders of the Conference Committee on the FY 1996 Energy and Water Appropriations bill and Secretary O'Leary's testimony before your committee on December 14th provide the Administration's views on how the issue should be approached. We believe that the government's long-standing commitment to geologic disposal should remain the basic goal of Federal high-level radioactive waste management policy. Significantly deferring or abandoning that commitment would jeopardize the entire waste management program, with potentially adverse consequences for ratepayers, utilities, the national energy outlook and defense policy, the cleanup of the Department of Energy's nuclear weapons complex, and international nonproliferation and environmental policy. The prospects for timely development of any necessary interim storage facilities could be particularly damaged by any potential weakening of our long-term strategy for disposal. As Idaho Governor Batt indicated in your December 14th hearing, the willingness of any State to accept interim storage is likely to be contingent upon confidence in the availability of a permanent facility. Furthermore, the technical requirements of any interim facility also will be significantly affected by the likelihood that the Yucca Mountain site ultimately will be available as the permanent repository site.
>
> Accordingly, we strongly oppose designating an interim storage facility at a specific site at this time. We believe that any potential siting decision concerning such a facility ultimately should be based on objective

criteria and informed by the likelihood of success of the Yucca Mountain repository site. Thus, we feel it is necessary to complete the scientific and other assessments that are now underway to determine the viability of the site at Yucca Mountain, Nevada, to serve as the permanent repository before considering specific options for an interim storage facility. Our current schedule anticipates completing that viability assessment in the 1998–1999 time frame. We hope that the Congress will provide resources sufficient to keep us on that schedule. Any effort expended on an interim facility in the meantime should only focus on non-site-specific design and engineering.

The accelerated progress that the nuclear waste program has made recently results from planning and management innovations begun by this Administration. As Secretary O'Leary made clear in her testimony, we agree with you that the status quo is not an option. Consistent with the principles outlined here, the Department is continuing to make strategic adjustments to maintain and improve performance within anticipated resource levels.

Thank you for your continuing commitment to a sound nuclear waste policy. We look forward to continuing to work with you toward that end in the months and years to come.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. MURKOWSKI. Mr. President, the letter is rather significant because, while it acknowledges the consequences for the ratepayers and the legitimacy of cleanup of our nuclear waste complex, it does not address anything positive relative to responding to the dilemma associated with finding a site. They strongly oppose designating an interim storage facility at a specific site at this time. It has taken them a year to say that. "We strongly oppose designating an interim storage facility at a specific site at this time."

They further believe any potential siting decision concerning such a facility should be based on objective criteria, whatever that means, and informed by the likelihood of success at the Yucca Mountain repository. In other words, they want Yucca Mountain licensed and established before you move this material. There is no indication that is going to be done before the year 2010, or thereabouts. What are we going to do in the meantime—shut down our power sources? Clearly that is not a responsible option.

So, again, Mr. President, the history on this issue shows an administration that simply has no responsibility as far as playing a role in the ultimate disposition of how we work with this waste situation. There has been nothing about working with us to solve the problem, nothing about what they would propose on the legislation to solve the problem; simply do nothing; status quo.

Mr. President, that is irresponsible. I suppose we could have given up at this point but we did not. Because I do not think any of us like a government that breaks its promises, and we have broken our promise to the ratepayers and to the industry because we are not prepared to take it to 1998. I do not agree the ratepayers need to spend an extra $5 to $7 billion creating 80 nuclear waste dumps all around the country when one will do. One will do in an area where we have set off nuclear devices for some 50 years. So we set off to address the problem in S. 1271, that the administration says it did not like. We incorporated in our approach suggestions by my good friend, Senator JOHNSTON, the ranking member of the Energy Committee, to await the interim repository until the viability of the permanent repository was established. We compromised. So this morning we were greeted by the letter from Leon Panetta saying the President would now veto the bill. The ridiculous part is there is no indication they have read the new bill, but they already decided to veto it.

I have been begging you, Mr. President, President Clinton, to get into the game for more than a year. Thus far you simply decided to punt. Mr. President, do not punt yet. There is still time for you to get into the game. You have a responsibility, as we do. We are in the fourth quarter now. Time is running out, but there is still time for you to help us solve the problem.

And, Mr. President, this is not an issue about the nuclear lobby. We keep hearing from the Washington Post, the Nevada Senators, the minority leader, that the bill is for the nuclear power lobby. It is not. I was going to introduce letters of support from the Governors and attorney generals to the President and to Members of Congress from Florida, Georgia, New Mexico, Vermont, North Carolina, South Carolina, Pennsylvania, Arizona, Massachusetts, Virginia, Wisconsin, Rhode Island, Arkansas, Delaware, Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio and Oregon. These are 23 States. They want this problem solved at this time.

Mr. President, these letters are available to Senators through my office. I would ask unanimous consent to print these in the RECORD, but they are too voluminous.

There are numerous misstatements that have been made on the floor that I must address. I am going to take a little time now to do that, but it will not be too much time. I will be very short because I know there are other Senators who want to speak.

What is the truth about S. 1936? The misstatement has been made that S. 1936 would effectively end the work on a permanent repository and abandon the health, safety, and environmental protection our citizens deserve. This came from page S7637 of the CONGRESSIONAL RECORD of July 10.

The fact is, section 205 of S. 1936 directs that work continue on a permanent repository in Yucca Mountain. Fees being paid by American electric customers are more than adequate to pay for both the interim facility and the permanent repository program. Indeed, to help ensure a permanent repository is built and that the interim facility does not become a de facto permanent facility, as the Nevada Senators have contended, reasonable and achievable overall system performance standards are specified in the legislation.

A statement that the transport cask could only survive a 30-mile-per-hour crash was made by one of the Nevada Senators this morning. It is interesting, because there has been a lot of engineering, a lot of money spent on these casks. The fact is, these casks have been tested in 83-mile-per-hour crashes. They have been tested in conditions that the Nuclear Regulatory Commission and the Sandia National Laboratory say encompass the range of accidents that can happen in the real world. At one time they were attempting to design casks that would withstand free fall from 30,000 feet, the theory being they may move some of this nuclear waste by special long-range 747 aircraft.

There have been horror stories about train wrecks. Let us set the record straight. We have been transporting nuclear waste around the world for 40 years. There have been 20,000 nuclear waste transportation movements around the world. There have been a few accidents, but there has never been a cask failure or radioactive release, because the casks have performed as designed. The transportation is safe and it will continue to be safe.

How many Members of this body are aware of the nuclear waste that moves through their State, whether it be Colorado, whether it be Indiana? It moves to Savannah, it moves to Idaho, it moves to the State of Washington, and it moves responsibly because safeguards are initiated. And this waste will move safely because safeguards will be enacted.

There are other Members I see who want recognition, so I am going to sum up by saying we must act now. One waste site, not 80 waste sites. Let us save the consumers of this country $5 to $7 billion that would otherwise be expended by delay. It can be safe for Nevada. It can be safe for the Nation. I grant it is a political problem. I grant nobody wants it. But I challenge that somebody has to take it, so let us put it where we have had nuclear testing for over 50 years, in the deserts of Nevada. It is not a technical, scientific problem. We have an opportunity and we have an obligation to get the job done. No more stalling. No more excuses. Let us get the administration on board. Let us do it. If we have to override a President's veto, let us do it. Because this is the environmental issue of this Congress and to defeat it is to defeat what is right for the environment.

And that makes it wrong. One waste site, not 80.

I reserve the remainder of my time and ask the Chair how much time is remaining on our side?

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Nevada [Mr. REID], has 131 minutes. The Senator from Nevada [Mr. BRYAN], 180 minutes. The Senator from Louisiana [Mr. JOHNSTON], has 22 minutes. The Senator from Alaska has 45 minutes.

Mr. MURKOWSKI. I reserve the remainder of my time.

Mr. JOHNSTON. Nuclear waste legislation needs to do four things.

First, it needs to provide for the storage of nuclear waste between 1998, when a quarter of the Nation's nuclear powerplants will have run out of storage space, and the date, 14 or more years distant, when the permanent repository will open and begin accepting the utilities' waste.

Second, it needs to set the existing repository program on a sounder footing by endorsing the Department of Energy's plan for completing scientific studies at the site and setting forth the licensing standards by which the repository will be judged.

Third, it needs to fill the gap in transportation planning by selecting an appropriate route to ship nuclear waste between existing railroads and Yucca Mountain.

Fourth, it needs to ensure that the program is adequately funded.

The bill before us meets all four of these tests. While it differs from the bill I introduced at the beginning of the Congress and the bill reported by the Committee on Energy and Natural Resources in March, the differences are ones I can live with.

Indeed, the pending bill makes a number of useful improvements over the committee-reported bill.

On interim storage, the new bill goes a long way to meet the administration's concerns about siting the interim storage facility at Yucca Mountain before the site has been found suitable for the repository. The bill bars construction of the interim storage facility until the tests can be completed and sets up a mechanism for the President to pick a different site if Yucca Mountain proves unsuitable. It also reduces the capacity of the interim storage facility to alleviate concerns that the interim facility might otherwise supplant the repository.

On the repository, the new bill gives the Nuclear Regulatory Commission the authority to impose tougher standards than the ones set forth in the bill. While I believe that the 100-millirem standard in the committee-reported bill was scientifically sound, the new bill gives the technical experts at the NRC the ability to set a different standard if a tougher standard is needed to protect the public health and safety.

The new bill drops a number of the more controversial provisions of the committee-reported bill, including a provision that would have permitted utilities to ship their spent fuel to Europe for reprocessing and another that would have preempted a wide range of State and Federal environmental laws.

In addition, the new bill adds a number of helpful provisions designed to give financial and technical assistance to local governments and Indian tribes affected by the program and to ensure that nuclear waste is transported safely.

The new bill adds a number of other provisions that concern me.

For one, I cannot understand why the bill requires the Secretary of Transportation to issue worker-training standards for storage and disposal of nuclear waste. I do not quarrel with giving the Secretary of Transportation the power to set worker-training standards for the transportation of nuclear waste, but the Department of Transportation has no expertise in the storage and disposal of such waste. Storage and disposal are already regulated by the Nuclear Regulatory Commission, which does have the expertise. This provision creates an unnecessary and duplicative bureaucratic requirement and offers more opportunities to delay the nuclear waste program and make it more costly.

Second, I am concerned with the new funding mechanism in section 401 of the bill. I would have retained the existing one mill per kilowatt-hour fee on nuclear electricity and have taken steps to free the funds collected from electric ratepayers for this program from existing budget caps. Instead, S. 1936 takes the course mapped out in the House bill. It ties the amount of fees collected each year after October 1, 2002 to the amount appropriated to the program in that year. While this approach may offer relief after 2002, it does nothing to address the current funding problem and it will work against the use of the funds already collected but not yet spent on the program.

Third, I am troubled by the new water rights provision in section 501. The purpose and effect of this provision are not immediately clear, but I fear that it may give the State of Nevada power it does not now possess to obstruct nuclear waste storage and disposal activities at Yucca Mountain.

Fourth, I am opposed to title VII of the bill, which exempts the nuclear waste program from the civil service laws. Since roughly 90 percent of the people working on the program are already employed by private-sector contractors, I am not convinced that depriving the remaining 10 percent of their civil service protections will dramatically improve the program's performance. I do fear that this provision sets a bad precedent and may prove counterproductive.

Finally, I am concerned by the bill's failure to authorize a rail link between existing railroads and the Yucca Mountain site. I understand the reasons for this. A rail link could cost a billion dollars or more. But the benefits of keeping nuclear waste canisters off the public highways may justify the cost. This issue deserves further consideration.

These concerns do not detract from my overall support for the bill. In the interest of passing a bill this year, I do not intend to offer amendments on these issues at this time. I would hope that consideration can be given to fixing these problems in conference.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, about an hour ago a reporter came up to me outside of these Chambers and said: In light of the fact that we have yet to act on 13 appropriations bills, and the fact there is very little time remaining in this Congress, is it appropriate that you are debating this issue of nuclear waste and where it should be located and disposed of?

I responded to the reporter: In light of all that you have just said, it is long overdue. It is decades in coming, that we finally have this time on the Senate floor where we can discuss what do we do with this nuclear waste. This is not an issue as to whether or not you are pronuclear or antinuclear, because, if you turned off every nuclear powerplant today, we have hundreds of metric tons of nuclear waste sitting throughout the United States and something has to be done with that nuclear waste.

It has been stated by a number of the speakers here today that we have 34 States that currently have commercial nuclear waste that is kept in those States. Let me also point out that, according to information provided by the Nuclear Energy Institute, there are 32 States that rely on nuclear energy for part of their electrical power. In addition, a number of reports indicate that 23 nuclear utilities will begin to run out of storage space for spent nuclear fuel in 2 years—in 2 years; and in 12 years another 55 reactors are expected to run out of storage space.

As utilities exhaust available storage space for fuel, electrical brownouts will occur as States and local utilities begin to see the Federal Government's inability to address a national problem, a problem that has been here, again, for decades.

Mr. President, we talk about this. We use statistics and numbers. But let me just mention some of the States that rely upon nuclear power for their energy, and what percent of their energy is derived from that nuclear source: Vermont, 81.5 percent; Connecticut, 74.1 percent; Maine, 73.6; New Jersey, 69.8 percent of its energy is derived from nuclear sources; South Carolina, 60.2 percent; Illinois, 52.7 percent, well over half; New Hampshire, 52.2 percent; Virginia, 48.3 percent; Pennsylvania, 39.8 percent; Mississippi, 36.7 percent; North Carolina, 35.4 percent; Arkansas, 35.2 percent; Arizona, 32.5 percent; Minnesota, 29.9 percent; Georgia, 29.3 percent of its energy comes from nuclear; Nebraska, 28.9 percent; New York, 28.2 percent; California, 26.6 percent; Maryland, 25.6 percent; Wisconsin, 23.3 percent. The list goes on. I ask unanimous consent the entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE ELECTRICAL GENERATION BY NUCLEAR ENERGY, 1994

Ranking by nuclear percent and State	Nuclear generation (million kWh)	Nuclear as percent of State total kWh
1. Vermont	4,316	81.5
2. Connecticut	20,260	74.1
3. Maine	6,632	73.6
4. New Jersey	22,129	69.8
5. South Carolina	44,475	60.2
6. Illinois	72,654	52.7
7. New Hampshire	6,204	52.2
8. Virginia	25,429	48.3
9. Pennsylvania	67,207	39.8
10. Mississippi	9,615	36.7
11. North Carolina	32,346	35.4
12. Arkansas	13,924	35.2
13. Arizona	23,171	32.5
14. Minnesota	12,224	29.9
15. Georgia	28,927	29.3
16. Nebraska	6,345	28.9
17. New York	29,225	28.2
18. California	33,752	26.6
19. Maryland	11,222	25.6
20. Wisconsin	11,516	23.3
21. Kansas	8,529	22.9
22. Alabama	20,480	21.5
23. Louisiana	12,357	20.7
24. Florida	26,682	18.8
25. Michigan	14,144	16.9
26. Missouri	10,006	16.3
27. Tennessee	11,932	15.9
28. Massachusetts	3,895	14.2
29. Iowa	4,107	12.8
30. Texas	28,067	11.0
31. Ohio	10,952	8.5
32. Washington	6,740	8.2

Source: DOE/EIA, Electric Power Monthly, March 1995.

Mr. KEMPTHORNE. Mr. President, this demonstrates the difficulty that the States in the United States of America are facing. You have a beautiful State, the green State of Vermont; over 80 percent of its energy comes from nuclear. I think the folks in Vermont want to have a solution. I do not think Vermont wants to face brownouts from a power supply. I do not think the people of Connecticut want to face brownouts; Connecticut, which has 74.1 percent of its nuclear energy or energy coming from nuclear.

You have the Governors of these States—in the State of Florida, Lawton Chiles sent a letter to Senators GRAHAM and MACK, and he said:

> Florida ratepayers have paid more than $397.4 million into the Nuclear Waste Fund for use by the Department of Energy in managing the spent fuel from Florida's five nuclear powerplants. In spite of these continuing payments from the citizens of Florida, the DOE is still unable to meet its statutory obligations. In fact, Florida, along with numerous other State utility commissions and attorneys general, have sued the DOE over its failure to meet its legal obligations.

Continuing:

> A centralized interim storage facility is the only way the DOE will be able to meet its responsibility to begin accepting spent fuel on time, and prevent the creation of three interim storage sites in Florida.

That is from Gov. Lawton Chiles, a Democrat. This is not a partisan issue by any stretch of the imagination. In Vermont, Gov. Howard Dean states:

> I am urging you to support changes in the Nuclear Waste Policy Act that would ensure that the Federal Government meets its responsibility to electricity consumers to begin accepting spent fuel from commercial powerplants in 1998. Legislation that would address this situation * * * is now pending in the U.S. Senate.

That takes a look at the commercial aspect of this, the fact we have so many States that derive their power from nuclear powerplants, the fact that you have the spent fuel from those reactors that is beginning to pile up throughout the United States.

But there are other States that we categorize as "other nuclear material." What would be an example of that? A Navy shipyard. Take, again, the State of Connecticut, where they proudly build Navy's nuclear-powered submarines, truly the finest submarines built by any country in the world, the 688 nuclear class attack submarine. They will be building the *Seawolf*. But you know, Mr. President, this is a situation where they build nuclear submarines in Connecticut on behalf of the Government and on behalf of the U.S. Navy, but after some years at sea, they then have to take the spent nuclear fuel rods from those nuclear reactors, and they have to transport those to the State of Idaho.

(Mr. MURKOWSKI assumed the chair.)

Mr. KEMPTHORNE. Mr. President, so you see, Idaho and Connecticut are really tied together in this whole thing. That is why I have had good discussions with the Senators from Connecticut. I know they have to look out for their people who derive such good economic benefit from building these naval nuclear attack submarines in their State, and I know that they realize that with that goes the responsibility of somebody has to come up with the technique to deal with these spent nuclear fuel rods. The last thing we want to do is to say, "Don't build any more of these nuclear submarines." I don't think that is what we want to say. I am sure the folks in Connecticut do not want to hear that.

We can see the dilemma for so many States. A State like Connecticut that is building the submarines but also derives 74.1 percent of their power from nuclear powerplants. This is not just one State that is saying, "Time out, we have a problem," it is the States of this Union that are saying, "Own up to the responsibility, Government of this land."

It is time for us to come up with a solution. It is time for us to realize, again, that this is not a pronuclear-antinuclear issue. Not at all. It is an issue about whether or not we are going to be responsible.

I have read some of these other letters, but there is one other letter I would like to read from a citizen from the State of Idaho who lives in Sun Valley, ID, Bernice Paige. This was written to the Secretary of Energy Hazel O'Leary:

> This letter is to express my views on Federal responsibility to store spent nuclear fuel. It is incredible that the Federal Government has not only dragged its feet for the past 12 years and failed to get a repository constructed, but now they even are considering breaking their agreement with the nuclear power utilities. I urge you to proceed with construction of storage and disposal facilities to take spent fuel from nuclear utilities as soon as possible.

She goes on to say, and I conclude with this:

> I have been retired for 13 years and spend many hours as a volunteer for our Nation's trails and other environmental issues. Nevertheless, I keep abreast of nuclear issues worldwide. We must not fail to provide the needed Federal fuel storage for these utilities that provide 20 percent of our electricity.

So, Mr. President, I think that sums up how many of us feel about this. It is a tough issue. We now have a piece of legislation that directs the Department of Energy to do the job it was directed to do and to build a storage facility for spent fuel. If the Senate rejects this option, we can already see the consequences: forty-one States will continue to serve as long-term storage sites for spent nuclear fuel, and existing storage facilities for spent nuclear fuel will be used far beyond their design level.

In closing, I commend my colleague from the State of Idaho, Senator CRAIG. I also commend the chairman of the Energy and Natural Resources Committee, the Presiding Officer, Senator MURKOWSKI, the Senator from Louisiana, Senator BENNETT JOHNSTON, for their leadership for months and months, bringing us to this point, so, yes, we are finally dealing with this issue, as we should, as a responsible body, and to say to my friends from Nevada, I understand your concerns, but I think we are all in this together. We have to find a solution.

So, again, that is what this legislation is about. Mr. President, I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I want to begin this afternoon by trying to give a graphic example of what it is that we fear if we do not have the adequate safeguards and protections, which, in my view, and in the view of the administration and many of my colleagues, are simply not present in the legislation before us, S. 1936.

We frequently speak of nuclear waste in the abstract, as if it is something that is esoteric and scientific, and, indeed, the very description of what constitutes nuclear waste is a bit convoluted.

So I want to describe the situation that occurred in the State of the distinguished Senator from Idaho to give you an idea just how lethal and deadly this stuff is. We are not talking now just about something that is kind of distasteful, kind of unpleasant, a little bit risky, something that we do not want any mishap to occur because it would be terribly inconvenient or expensive to clean it up. We are talking about something that is life threatening, something that lasts for tens of thousands of years—tens of thousands of years.

A very tragic accident occurred in Idaho Falls in January of 1961. There were three young servicemen who were working on a reactor. Nobody contemplated that there would be a serious problem. They were adjusting some control rods. All of a sudden, the reactor went critical. The alarms were set off. All kinds of security measures were initiated. The emergency response team, such as they were, responded. The search began for the three men who had been working with the reactor. Wearing protective clothing, they entered the facility. What they found was a horrifying situation. I will just talk about one of the three because I think it makes the point.

One of the men who was missing was a gentleman by the name of McKinley. Upon looking into the building, they found that he was pinned to the ceiling by a control rod. He was dead. His body was highly contaminated with nuclear waste. The others were found saturated with highly contaminated water from the reactor. Particles of fuel had penetrated their skin resulting in large open wounds due to the blast effect. In trying to extricate these men from their entombment, everything had to be treated as if it were high-level waste because it in fact was high-level waste. So all of the protective gear had to be employed.

Even the solemn act of burying, paying last respects to a loved one involved some extraordinary procedures, because as a result of this explosion—an accident; nobody wanted it to happen. Nobody thought it would happen. It had never happened before. How many times have we heard that about an accident? "It never happened before. We did not think it would occur. We never dreamed this could happen. How in the world could something like this have happened? How could we have foreseen the consequence?" So this accident that occurred in early 1961 clearly falls within that.

But the body of the deceased had itself become high-level nuclear waste. In the cemetery in which he was emplaced, it was encased in 12 inches of poured concrete and placed in 3 feet of packed Earth around it because the remains, decomposed, of that body would remain highly contaminated, dangerous, itself per se high-level nuclear waste, for all intents and purposes to the end of time, for thousands and thousands of years.

So when we talk about the dangers of nuclear waste, we are talking about some of the most dangerous stuff in the world, in the history of civilization. When we are talking about strategies to provide for its storage and ultimate disposal, it seems to me that we ought to, when in doubt, err in favor of the most stringent standards. We are not just talking about this generation. Our time here, by nuclear waste deterioration standards, is a finite period of time. We are just kind of a microspeck on that graph of timespan that it takes for high-level nuclear waste to ultimately deteriorate over tens of thousands of years.

So when we are asked, why do we fight? We fight because we believe that the health and safety, indeed the very lives, of the citizens of our State are at risk. No Member of this body, whatever his or her political affiliation may be, wherever they place themselves on the ideological scale, from liberal to conservative or in the political center, could live with himself or herself for 1 day if they did not do everything within their power to fight to protect the health and safety of the citizens of that State.

My colleague from Nevada and I have undertaken this task because we believe it is a matter of, potentially, life or death for Nevadans under this ill-conceived scheme that is embraced in S. 1936.

We have all seen our colleagues on both sides of the political aisle go to the so-called political mat to advance their State's interests. I think all of us, whether we agree or disagree with the proposition, have a good measure of respect for that. People say, "By golly, Senator X or Senator Y is a great advocate," whether it is to secure an additional appropriation for a project that is deemed worthy in that State or whether it is to protect a State from part of these ongoing series of base closures we have experienced in the recent years. We all recognize the nature of that.

But what we oppose here today is something that is totally different. This is not to secure an additional appropriation for our State for some project that is near and dear to Nevadans. This is not to prevent the closure of some base in our State. This is something, in my experience as a Member of the U.S. Senate, that is really without peer. As the lawyers would say, this is a case sui generis. I know of nothing like it—nothing like it—because what we simply try to do is to protect the health and safety of our citizens.

We believe there is a far broader issue than just the concerns that we have as Nevadans about our own citizens. We believe that there is a major policy flaw in this legislation. I believe that, as Oliver Wendell Holmes once commented, "A page of history is frequently more instructive than a volume of logic." So I think it is somewhat helpful to review a little bit of the history of this.

I remember as a youngster, in the dawn of the nuclear age, tritium had been detonated, as a matter of fact, on this very day, 51 years ago, July 16, 1945. I remember that because of the fortuitous circumstance of my own birth. Today happens to be my birthday. So I always remember that.

In the aftermath of the success of the Manhattan Project, and what it did to accelerate the end of World War II—and let me just say, parenthetically, not related to this debate, I believe that President Truman's decision was sound. I believe that we spared the lives of hundreds of thousands of Americans and brought that tragic war to a conclusion, as we properly should have.

But in the aftermath of that, there was great excitement engendered about the future of nuclear power. What did it portend for America? I was a youngster in grade school. I acknowledged that if there be any academic strengths that I have, it would not lie in the field of science. But how well I recall, as a youngster each week we used to get, as schoolchildren in my time did, a Weekly Reader. It kind of talked about some of the things that were occurring that would transform and change the future. Because even as youngsters in grade school, we understood that we were going to be a part of that future.

In the period after World War II, technology was exploding in so many different areas. I recall distinctly that there was talk about nuclear power, too cheap to meter, that there would be some kind of a nuclear thing right outside of everyone's home and the traditional sources of energy would be relegated to the dustbin of history. I remember all of that as a kid.

This mentality, this boosterism on behalf of the industry, understandable in its initial phase because nuclear energy was the product of a military necessity in World War II, the Manhattan Project, that mentality continued long after the end of World War II. In that desire to transform nuclear energy into its civilian purpose, no thought, Mr. President, no thought was given to the byproduct, the issue that confronts this Senate on this very day and has for many years—how do we dispose of the high-level nuclear waste, the byproduct, essentially, the spent fuel rods that come from nuclear reactors?

It is interesting to note some of the things that were discussed over the years. From 1957 to 1982, various Federal agencies sought to build geologic repositories and the National Academy of Sciences was brought into it. Great debate raged as to whether it should be buried in subseabeds off the coastal shores of our country. At one point, the scientific community was quite excited after the birth of the space age, that somehow we could send this lethal, deadly stuff, put it in space. Somebody thought after a while, that may not be such a good idea because there could be an accident, and if there was an accident, this stuff would be spread all over creation. So wiser heads, cooler heads, more reasoned sober minds concluded that certainly is not a very good idea. So that was rejected.

That kind of brings us into the 1960's, when all of a sudden, Kansas, a State that has brought to this Chamber our former distinguished majority leader, that Kansas would be an ideal site. The Atomic Energy Commission, which is the historical progenitor of the Department of Energy, has kind of gone through several iterations over the years, but we are talking about the folks who would be the ancestors to the present occupant of the energy policy arm of our Federal Government, the Atomic Energy Commission said the great place for this is Kansas. They went hell for leather. Kansas was where it was going to be. Indeed, everything was moving along. It was assumed that would be a great site. All of a sudden, somebody realized when they punched bore holes into the repository areas that were being proposed, they penetrated into the aquifer. I think most of us know that the largest aquifer in America, maybe the world for all I know, is the Ogalala Aquifer. It runs, literally, from north to south, from the upper Great Plains in the United States down into the panhandle. Lo and behold, the idea of contaminating an aquifer kind of got people's attention, particularly the good folks in Kansas. Their congressional delegation got energized and they responded and said, "My God, this cannot be true. This cannot be possible." The AEC cannot be serious, having been now advised that we may contaminate an aquifer, they cannot be serious about that.

Let me say, entrenched views, bureaucratic inertia, a little bit of the pride of authorship, a scientist saying to those of us who are laymen, "We know what is best for you, let us make these decisions. We understand you all cannot begin to understand the complexity of this." The AEC, the Atomic Energy Commission, did not abandon its choice of Kansas notwithstanding this evidence.

Now, if you are not from Nevada that may strike you as astonishing. Here is a public policy body, no question that there are distinguished, very capable scientists in it. One would assume they would act in a rational and responsible manner, that once presented with this kind of evidence it would be all over, and the response would be, "Ladies and gentlemen, you are right. We ought not to proceed along these lines." That did not happen, Mr. President. Only when Kansas' congressional delegation got energized and inserted a clause into the reauthorization bill which blocked further study at the Lyons, KS, site did this come to an end.

(Mr. THOMPSON assumed the chair.)

Mr. BRYAN. That is the 1960's into the early 1970's.

We heard a lot about the so-called WIPP site, waste isolation pilot project. Sometime in the early 1970's, the former Governor of New Mexico invited the Atomic Energy Commission to study sites in New Mexico for a siting, locating of transuranic nuclear waste. This was at a time when the processing was still considered viable. So the interest was in handling a destination for transuranic waste, and the belief was that a salt dome formation had geologic advantages and we should place the storage there.

Over the years, that facility has been much troubled in terms of some of the scientific and technical concerns. My colleagues from that State, one a Republican and one a Democrat, have called to the attention of this body fairly recently their concerns about the levels of radiation, because it would be New Mexicans who would be affected. They did as any colleague worthy of his or her salt would do. They have made, I think, some very persuasive arguments. By and large, the body has yielded to their concerns about those standards. This is not an unfamiliar argument that one hears on the floor of the Senate.

Well, 1982 comes around. I remember that year. I was involved in a hotly contested race for Governor of my State. There was a lot of discussion about the Nuclear Waste Policy Act of 1982. We looked at it in Nevada. I must say that we had some skepticism, skepticism born on the experience that we had from an earlier era when Nevada was chosen as the site of atmospheric nuclear tests. We embraced that with naivete, some enthusiasm, some sense of national pride because we were going to be on the cutting edge.

This time, now, I am almost ready to get into high school and I am caught up in the community sense that, wow, this is a big deal. Some of the merchants in town actually changed the name of their business to "atomic" this or "atomic" that. The distinguished occupant of the chair would be too young to recall these years, but we even had an atomic hairdo at that period of time that was somewhat of a fashion sensation of the moment. By the time I got into high school we got so enthusiastic that the cover of our high school annual Wildcat Echo had the nuclear mushroom cloud with all of the colors that are generated with that enormous heat and energy that is brought to focus. Nevadans were told, "This is absolutely safe." We were encouraged to kind of get up in the morning and share the experience in silence. We learned—even those of us not agile of mind when it comes to things that are mathematics or scientific—that speed of light travels much more rapidly than does the speed of sound, and that if we were careful and got up and watched this—as we did at 5 or 5:30 in the morning—we could see that flash in the sky, set our watch, and wait for the seismic impact. The seismic impact would hit. I mean, we had a small home, but those windows rattled and the doors shook. At that moment, we could calculate, because we knew what the speed of sound was, how far from our home ground zero was. That was kind of a little assignment we were given in school. We were told, "Do not worry about a thing, this is great."

Let me just say that the evidence is quite to the contrary. What is particularly disturbing is that there were some people who knew what the evidence was. We now know that some of those scientists that reassured the Bryan family and our neighbors that it was safe were sending their own families out of State when these tests were occurring. We all know, as responsible Members of this body, that today the Senate and the other body appropriates money each year to provide for those poor, innocent victims who were downwind, who were told, "There is not a thing to worry about," who suffer from genetic defects, who suffer from cancer, whose health may be irretrievably lost. We provide for them.

So that perspective, I think, is helpful, Mr. President, because having been told not to worry about anything, and decades later being a Member of this Chamber, where I, as well as every Member of this body, appropriate taxpayer dollars to compensate those victims downwind, we are particularly sensitive to the issue of health and safety because, as they say, we have been there. We have a little understanding.

Let me get back a little bit to the 1982 act. I looked at the act and I said, you know, this looks like the Congress has done a pretty good job. In 1982, perhaps the rhetoric was a little lower and the institution was less polarized and Americans may have been less cynical, but, by and large, it was still pretty good sport in the early eighties to beat up on the Congress. But I said, you know, this looks pretty fair.

The general parameters of the 1982 act have been, in my view, prostituted as a result of some of the legislative changes that have been made. The 1982 act said, look, we will search America and look for the best sites for a geological repository for high-level nuclear waste. We will look at different geological formations. There was great interest in granite, which tends to be located in the northeastern part of the States. We will look at the salt dome formations that were so attractive to those who were looking for the transuranic site. We will look at a formation out in Nevada called "welded tuff." We will search the country and look for the best sites, and then we will study, or as the scientific community calls it, "characterize" each of those sites, and send that information to the President of the United States. Then the President will make his decision as to which one. It will be regionally balanced. No one part of the country will bear it all. Recognizing that States did not have the financial resources available to the Federal Government, there was an assurance that the States that were being considered would have funding from the Federal Government so they could engage their own technical people, independent and apart from the Department of Energy, as the agency had become known over the years, having changed from ERDA to the Department of Energy. That seemed pretty fair.

That was signed into law, as I recall, by then President Reagan in January 1983. I took the oath of office as Governor in January 1983. Troubled clouds were on the horizon from the very beginning. We had been assured, as a State being considered, that there would be resources available to us to conduct that independent study. That was real important to us. Ours is a small State. It is very important to us. We made the request, as did other States who were being considered, and the Department of Energy stonewalled, refused, rejected, denied, ignored, cut us off.

So the States that were being considered filed suit in district court. You do not have to be a Learned Hand to know that when the law specifically provides that there would be this kind of resources available and spelled out in statute that the States that were being considered had a pretty good case. We won in the district court. Then, again, we went back to the Department of Energy and we requested, we cajoled, and the answer was the same. We were ignored, denied, rejected, shut out.

So then we went to the circuit court, the higher level in the Federal system. Again, the States that were being considered, all a part of this lawsuit, prevailed again, and still the Department of Energy objected, objected, objected. Finally, we came back to the Congress, as Governors, asking only for what was ours. We were not asking for any pork barrel projects. We were just asking for the money to be able to engage technical people so that we could be satisfied that indeed the science being conducted was untainted, fair, objective, legitimate, and that our people—if the day ever came that we might be selected as one of these three sites—would be protected.

To the credit of the Congress, they directed the Department of Energy to release the money. Mr. President, that is not an auspicious beginning—not an auspicious beginning. I may have the sequence slightly out of order. But soon after that, the 1984 campaign began. Lo and behold the incumbent President began assuring the people in the southeastern part of the States that the salt dome formations, which would be looked at, were home free. You did not have to worry about that. That was nothing to be concerned with. So one began to say, wait 1 minute, somebody is "dealing seconds," as we say in Nevada. This is not a fair deal. The premise of the act was to look all over the country and make the decision based on science. Now, here in the context of a political campaign, a region is getting a pass, we are not going to look at you. I must say that that was not only unsettling, it was outrageous, absolutely outrageous.

Then all of a sudden the word was that they were not going to look at anything in the Northeast. Congressman MARKEY, who then chaired a subcommittee, held an oversight hearing sometime. This predates my arrival in the Congress. Lo and behold, after examining documents prepared by the Department of Energy, the internal documents revealed that they were going to abandon any consideration of a site in the northeastern part of the country where granite is situated because the political pressure would be too great. So much for sites.

Then former Secretary Harrington, in effect, unilaterally made the determination that no consideration would be given to a need for a second repository. So it was pretty clear that what we would look at is one area of the country to take it all, a repudiation of the basic premise of the act, which is that there should be regional equity, that there should be a shared responsibility, and that science and the geology of the region, not its political clout—in other words, any political operatives—should be the consideration. That went out the window.

In 1987, the so-called Screw-Nevada bill was not having a real good relationship with the Department of Energy. Our plight was tooth and nail. They were not amenable to any of our suggestions. They had their own strategy for the study process. In 1987—the original bill was to look throughout the country; look at the different regions; look at the different geology and then come up with three sites to be sent to the President. After their studies characterized the present site, all of a sudden that goes out the window; not done in an up-or-down fashion. Nobody had an opportunity to really get into the merits in terms of offering amendments. This came as part of a reconciliation. So the Screw-Nevada bill, infamous in my own State, infamous by any standard in any State, would look only at Nevada.

I frequently hear my colleagues who are great proponents of the nuclear industry—which is certainly their right—exalt their actions in the name of science. This has nothing to do with science. This has everything to do with blatant, naked political power directed against a small State with a very small delegation in the House. We happen to be the victims of that power play.

When I say people were enraged in my State, that is a polite euphemism. So much for science. So much for science. It was that action, frankly, that spurred my own interest for the first time to consider becoming a Member of this body.

It got worse. The nuclear utilities could see that Nevadans were not going to buy into anything that outrageous. No group of people in any State could accept that kind of treatment. It had nothing to do with science. It had nothing to do with merit. The risks were so great that, indeed, all of these nuclear eggs are in one basket. One kind of thinks of that old Rube Goldberg image where somehow we are going to adjust the rules because all of the expectation, all of the energy, is going to be devoted to making that site work.

I will share with my colleagues one of the more outrageous things that the industry did. In September 1991, they commissioned a document called "The Nevada Initiative." Mr. President, this is a lot like the battle plan for Operation Overlord, the invasion of Normandy in 1944. The language is cast in the format of establishing a beachhead and how we can persuade Nevadans to accept this. I mean, it is absolutely outrageous and offensive. It talked about the spending of millions of dollars by the nuclear power industry to persuade Nevadans just how safe this stuff was.

I recall one of these ads quite well. We had a former media personality who kind of let us see, when he had his cup of coffee in the morning, him hold up a ceramic pellet out of the spent fuel rod as if you could replace your cream, or if you had something a little stronger in your coffee in the morning, that would be it as well. I mean, it was so absurd that it became a subject of great ridicule and humor by some of the disc jockeys on some of the Nevada radio stations. They identify who enemies are; that is, those who are opposed. I am proud to say that my colleague and I made that list. We are in the hall of fame.

They went on to talk about how they could separate and divide us, what their campaign objectives were; in the short term, create the necessary political and public climate to allow further site characterization to proceed within the next 3 years, to build a framework for political media and public awareness. Oh, my. It was quite a document. Key audiences were developed and natural allies; correspondingly, the key opposition. They talk about the need to assemble a media team. Of particular offense to women in my State was the suggestion that the primary target will be women age 25 to 49, a group at the highest statistical potential for affecting polls, if they could be informed, be assured, moved. Media campaign will also target the industry's most sympathetic base, age 35 to 54. They spent millions. The consultants got rich. The airwaves were bombarded.

Mr. President, we are not fools. We know when they are trying to blow on by, pull the wool over our eyes. We understand that.

So the view in Nevada is, as it has been for more than a decade, we do not trust them. We do not have that great sense of confidence.

That is why I think it is so terribly important for us to have that background in mind as my colleague and I continue this discussion as we try to enlighten our colleagues.

In that document, "The Nevada Initiative," not much is said about safety; very little. That is the concern we have—safety. Everything is kind of done in the media; how we will hype this, spin this, get all of this together. I mean, it was a shocking performance, in my opinion.

Let me just mention one other thing that occurred along the road. I mentioned safety because that is our concern—health and safety.

In 1992 we had an energy bill before us. It had great bipartisan support. It was debated extensively in the Senate. Amendments were added, amendments were deleted. At no time was any amendment addressed to reducing health and safety standards at Yucca Mountain. Lo and behold, in the conference—and to those who are listening in this Chamber and who are not familiar with the legislative process, a conference occurs when the Senate version of a bill and the House version of a bill are different and they need to be reconciled. And a conference report is not amendable. So, if you can include it in the conference report, then by and large you have no opportunity to offer an amendment to strike it, to delete it, to remove it.

This was what has now become a very familiar pattern, and that is an attempt to dilute, to reduce, to lower the health and safety standards. It sought to deprive the Environmental Protection Agency, the EPA, of its independent authority and judgment as to what health and safety standards ought to be. I think that is pretty outrageous. That is pretty outrageous. We opposed it. Understandably, we had no opportunity to remove it, it was an up-or-down vote on the bill, and the National Academy of Sciences has selected to make those kinds of recommendations. I believe the proponents of this amendment thought the National Academy of Sciences would provide them with what they sought, and that was a standard that would be much lower, much easier to accomplish.

Let me just say, to the credit of the National Academy of Sciences, they did not take the bait. They did not take the bait. They recommended risk-based standards, something that the proponents of this strategy did not want. They pointed out that the international consensus, in terms of the millirem exposure rate on an annual basis from artificial sources above the natural background level should range from 5 to 30 millirems a year. I will have much more to say about that later on. They recommended protecting the most at-risk individual, and the use of the critical group for application of the standard. That is a scientific measuring standard that I must say I do not completely understand. But, to the credit of the National Academy of Sciences, that is an accepted standard, an accepted approach. And they recommended that standard apply to a period of greatest risk beyond the 10,000 years—beyond.

They further concluded that there is no scientific basis for the assumption that no human intrusion will take place.

Finally, they recommended the broadest possible public comments and participation.

Those observations are relevant because, in S. 1936, those are ignored. So, that is the history and experience that we have had, that brings us to the point we want to discuss some of the specifics of the bill and some of our concerns.

Let me begin with the premise the Nuclear Waste Technical Review Board—we have heard that referred to a lot these days. One of the things in the 1987 amendments, those that produced the ill-named "screw Nevada" bill, was a technical review board, the Nuclear Waste Technical Review Board.

I think it is important to understand the context of this. This is not something that was foisted upon this Congress by the Nevada delegation. Congress was seeking advice and guidance on this very complicated issue, and they authorized a technical review board to have some of the most eminent scientists of our time: Dr. John E. Cantlon, chairman, Michigan State University, emeritus; Dr. Clarence R. Allen, California Institute of Technology, emeritus; Mr. John W. Arendt, of John W. Arendt Associates; Dr. Gary D. Brewer, University of Michigan; Dr. Jared L. Cahon, Yale University; Dr. Edward J. Cording, University of Illinois at Urbana-Champagne; Dr. Donald Langmuir, Colorado School of Mines, emeritus; Dr. John J. McKetta, Jr., University of Texas at Austin, emeritus; Dr. Jeffrey J. Wong, California Environmental Protection Agency; Dr. Patrick A. Domenico, Texas A&M University; Dr. Ellis D. Verink, Jr., University of Florida, emeritus; Dr. Dennis L. Price, the Virginia Polytechnic Institute, and State University.

These institutions are widely known and respected in America, as are their graduates or their employers, as the case may be. These are among the most eminent men of science. I emphasize the word "science," Mr. President, because we frequently hear invoked on the floor of the Senate: This should all be done as a matter of science; let science prevail.

May I say, our experience, from the onset of the 1982 Nuclear Waste Policy Act, is that science has always taken a back seat and politics, particularly nuclear politics and the desires of the industry, have taken the front seat. Here is what they said. It has been cited before but I think it needs to be mentioned again. After reviewing two dozen technical and nontechnical issues, the board framed this question:

> Is there an urgent technical need for centralized storage of commercial spent fuel?

The answer, in language that even the layman can understand:

> The Board sees no compelling technical or safety [no technical or safety] reason [none] to move spent fuel to a centralized storage facility for the next few years.

That analysis did not please the nuclear industry. They went critical themselves. So, what has occurred, I think, is interesting. It is a side bar, to some extent, to this bill. But in the bill itself, after having created this technical review board, it is interesting to note in the evolution of this piece of legislation there have been many progenitors to S. 1936. The 1987 act that created the nuclear waste technical review board established its function as follows:

The board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after the date of enactment of the Nuclear Waste Policy Act of 1987, including site characterization activities and activities relating to the packaging for transportation of high-radioactive-level waste or spent fuel.

Follow with me, if you will, Mr. President and my colleagues, the progress of legislation dealing with the issue of high-level nuclear waste in this Congress. In January of 1995, S. 167 was introduced, and it did not change the scope or the responsibility of the Nuclear Waste Technical Review Board in any way.

On February 23, 1995, H.R. 1020 was introduced in the other body; no changes to the authority and the responsibility of the Nuclear Waste Technical Review Board.

September 20, 1995, H.R. 20, reported by the House Commerce Committee, unchanged in this respect.

And even as recently as September 25, 1995, S. 1271, introduced by our colleague, the senior Senator from Idaho, and which was the bill that was originally on the floor until it was superseded by S. 1936, made no change—no change.

In late March 1996, the technical review board issued its report concluding, without equivocation, without reservation, emphatically, that there is no need from a technical or safety perspective at this point to go to an interim storage.

Lo and behold, on July 9, 1996, S. 1936 springs into existence, and now we see the responsibilities of the technical review board being limited.

You do not really have to be a nuclear physicist to see what is happening there. The very board that the Congress created contains some of the most distinguished, eminent scientists in America, produces a finding which the nuclear utilities do not like. They were apoplectic, because if merit were to be the controlling force of this argument, as my senior colleague, who was a distinguished trial lawyer in our State, has often said, if we could argue this case before a fair and objective jury on the merits, it is not a contest; we win overwhelmingly on the merits.

So when this distinguished board created by this Congress reaches a conclusion that is inconsistent with what the utilities want, we spank it: "You've been a bad boy. We send you to your room, and we limit your authority."

Mr. President, that is power. That is heady stuff. I can imagine every nuclear utility boardroom in America burned a little extra fuel after the results of this report, because this undermines, destroys, demolishes the argument that there is a necessity for this piece of legislation.

But that is not new. If one goes back to July 28, 1980, on the floor of the Senate, a debate occurred with respect to a piece of legislation supported and favored by the nuclear utilities that has such a familiar ring. I believe that I could quote the context of that debate, and the conclusion would be reached that is something that has been said on the floor of the U.S. Senate in just the past few days.

Then is now. The nuclear utility industry was trying to engender a hysteria that there would be a brownout, that somehow there would be a shutdown and that parts of our country would be deprived of electrical power. In fact, it was asserted that if this piece of legislation were not enacted, that nuclear utility civilian reactors would have to close down as early as 1983 because they did not have the space or the capacity—it sounds familiar, we heard that argument on the floor today. Sixteen years ago that argument was made:

> It is an urgent problem, Mr. President. It is urgent because we are running out of reactor space at reactors for the storage of fuel, and if we do not build what we call away-from-reactor storage—

Another name for interim—

> and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Sixteen years ago, nearly two decades, almost a score of years, what have the intervening years established with respect to that claim of hysteria? Not a single nuclear reactor in America in 16 years, as those statements were made, ever closed because of lack of storage space.

Today we hear that cry again: "Reactors will have to shut down; regions of the country will be deprived of power."

The Nuclear Waste Technical Review Board makes the argument, after examining the evidence, that that is simply not true—is not true.

So I think with respect to the argument of necessity, that is that somehow we need to get this all done, this is a red herring. So if the undergirding premise is that this legislation is before us as a matter of national priority, that there is a compelling national interest, that, indeed, there is an urgency in acting, that Heaven forbid, if we do not enact it, some catastrophic thing could occur to the electrical supply power availability in America, we have heard that before. They were saying that 16 years ago, and it simply is not so.

There is no need. Now I grant you, for the nuclear utilities, it would be Christmas in July; they would love it. That is what they have wanted for years. They have every right to make that assertion, as does any individual or company in America. But making that claim does not make it true, and making that assertion does not make it right, and the claim and the assertion is blatantly false. There is no emergency. There is no crisis. There is no necessity to act. So this whole framework of crisis, urgency before us, simply does not exist. And we ought to understand that. There is no need to take any action.

I have heard it said by my colleagues, who reach a different conclusion than I have on this issue, that this is an important environmental issue. "We must take action to protect and save the environment. This is the most important environmental issue, the most important environmental votes," words to that affect, to paraphrase, to be fair. That has been asserted by our colleagues who are making the arguments on behalf of the nuclear utilities.

Let us examine those arguments. The League of Conservation Voters, in responding earlier this year to S. 1271—it is, with respect to the overall policy in terms of how it deals with environmental issues, in my view, no different than S. 1936. We will go into that in a moment. Here is what one of the premier environmental organizations in America says. "S. 1271"—just insert S. 1936 in its place—"would severely weaken environmental standards for nuclear waste disposal by carving loopholes in the National Environmental Policy Act and the Safe Drinking Water Act in forbidding the Environmental Protection Agency from issuing radiation standards. Centralized interim storage will be not only hazardous, but unnecessary and expensive." The League of Conservation Voters.

The League of Women Voters, expressing its opposition to S. 167, introduced by one of our colleagues earlier in the session, but essentially incorporating the same concept of interim storage with the environmental laws, in effect, being set aside when they are in conflict, "We believe that the bill's approach is wrong and that the bill creates more problems than it solves." And then the league went on to say, "We fear that the implementation of S. 167, the Johnston bill, will result in long-term, above-ground storage of highly radioactive materials in an unsafe location." They opposed the bill.

Mr. ABRAHAM assumed the Chair.

Mr. BRYAN. Mr. President, the Sierra Club is another preeminent environmental organization in the country. The Sierra Club has indicated that the Nuclear Waste Policy Act of 1996, S. 1271, which is now S. 1936—a bill that threatens the health and safety of hundreds of communities nationwide—will soon come to the Senate floor. "On behalf of the Sierra Club's half-million members nationwide, I urge you to oppose it." And then the Sierra Club goes on to observe: "There is no technical basis for choosing the Nevada Test Site for an interim storage facility for high-level nuclear waste."

Another organization that has strongly opposed this is Public Citizen:

> The Senate may soon vote on S. 1271, the Nuclear Waste Policy Act of 1996. On behalf of our Nationwide membership, I urge you to oppose this misguided bill and to support the filibusters by Senator Bryan and Senator Reid against the measure.

U.S. Public Interest Research Group:

> We are writing to urge your opposition to S. 1271, the Nuclear Waste Policy Act of 1996. S. 1271 is an environmental disaster and should be rejected. S. 1271 would roll back environmental protections, including most of the National Environmental Policy Act, forbidding EPA from setting radiation release standards—

It goes on to observe, "preempting all State and Federal environmental protection laws."

Friends of the Earth expresses its opposition to S. 1936:

> On behalf of the thousands of Friends of the Earth members nationwide, I urge you to oppose 1271.

Citizens Action has written to express its opposition.

Greenpeace has written to express its opposition.

Also opposing this are the Citizens Awareness Network, Military Production Network, Nuclear Information Resource Service, Environmental Action Foundation, Missouri Coalition for the Environment, 20/20 Vision, Native Youth Alliance, Nuclear Waste Citizens Coalition, Prairie Island Coalition, Safe Energy Communication Council, Nuclear Information Resource Service.

Mr. President, the point has been asserted on the floor that indeed this is a critical piece of environmental legislation. I agree. It is a disaster. It is a disaster. For a quarter of a century with, by and large, bipartisan support, a system of environmental measures has been enacted into law that has cleaned our air, improved the quality of our water, protected endangered resources in America, and that is why every national environmental organization that I am aware of has indicated its strong opposition to the bill.

So when my friends on the other side of this issue argue that this is an important environmental measure—perhaps the most important to be undertaken in this session—and that we need to enact this piece of legislation, S. 1936, because it is important for the environment, there is no evidence by any of the responsible national environmental organizations that share that conclusion. Indeed, their view is quite to the contrary, that this legislation would be a disaster.

Now, I want to take you through some of the key provisions of the bill. S. 1936, like S. 1271, emasculates a number of environmental laws. Let me call my colleagues' attention to the provisions that do this. I have heard it asserted on this floor that indeed we need to protect and retain those environmental provisions that currently are the law. S. 1936, in effect, is a rewrite of the Nuclear Waste Policy Act of 1982. If this were enacted—and I believe that it will not be, based upon the vote this morning. It is clear that there are enough votes to sustain a Presidential veto. But if it were enacted, this would rewrite the Nuclear Waste Policy Act of 1982. It is claimed that S. 1936 is an improvement over its predecessor, S. 1271, because it has been asserted that indeed we protect those environmental provisions of the law. That is not the case, Mr. President. Section 501, at page 73, makes it pretty clear. It is subtle. Give marks where marks are due to the nuclear utilities. They have crafted this very cleverly. But here is what it says:

> If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system.

Mr. President, I know the distinguished occupant of the chair is an able and distinguished scholar, and he need not have this Senator interpret the law for him, and I do not in any way denigrate his ability. But there are millions of people watching this Congress and what we are going to do. There has been, in my judgment, a drumbeat of misguided efforts on the part of the new Congress to simply roll back the protections that have been incorporated in our legislative framework for more than two decades. Twenty-five years ago, probably two-thirds of the rivers, streams, and lakes in America were so polluted that you could not swim in them and you could not fish in them. Air pollution problems were unchecked and growing in seriousness.

It is my view that when those who write about our time of the last quarter-century, they will not write favorably about much of what has been done. But one of the great public policy achievements of the 1970's and 1980's is what we have done in the environment. Let me say, giving credit where credit is due, that a Republican President had much to do with that early environmental legislation. Richard Nixon can certainly be faulted—and this Senator does fault him for other conduct unrelated to the environment—but much of what occurred early on enjoyed his very strong support and was bipartisan.

Today we have reversed those numbers. Today it is two-thirds of the rivers and streams and lakes in America are once again fishable and swimmable. One can only recall that a television nightly talk show host had a field day when, I believe, the Cuyahoga River in Cleveland caught fire in the late 1960's it was so polluted; the river that courses by the Nation's Capital, the river that George Washington watched from his home on the banks of the Potomac, so polluted you could not swim in it. You could not fish in it. Today you can.

None of this is to suggest that those rivers or that our air has returned to a pristine condition, but it is a fair analysis and a sound conclusion that the environment today is much better for our children, and if we do not emasculate those environmental laws it will be much better for our children's children as a result of the actions taken by our predecessors in this institution in enacting those major environmental provisions.

So I must say that this Congress does not have a good track record in terms of what some, particularly in the other body, would like to do with the environmental laws.

So that is why the National Environmental Policy Act, the Federal Land Policy and Management Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act that we know as the Superfund, the Clean Air Act, the Clean Water Act, Antiquities Act, the American Indian Religious Freedom Act, Archeological Resources Protection Act, the Endangered Species Act, the Safe Drinking Water Act, Farmland Protection Policy Act, Federal Facility Compliance Act, Fish and Wildlife Coordination Act, Federal Water Pollution Control Act, National Historic Preservation Act, Noise Control Act of 1972, Toxic Substances Control Act, Emergency Planning and Community Right-to-Know Act, and the Pollution Prevention Act of 1990, Mr. President, are part of an elaborate and comprehensive framework of environmental laws designed to protect all Americans—all Americans. They are not restricted to any region. No particular area or community is excluded. That is a right to which all Americans are entitled.

Here is what this act does. As I was sharing a moment ago, if any requirement of S. 1936 is in conflict with any one of these enactments, any one, this bill directs that they be ignored; that if there is a conflict S. 1936 prevails, wiping out the protection of a whole series of environmental laws.

That is one of the reasons the environmental community has advanced such strong opposition. This would be a major public policy disaster, and for the first time we would say in America that some of these environmental laws are not available for the protection of some Americans who happen to live in a particular region of the country.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. REID. Who yields time?

The PRESIDING OFFICER. Who yields time?

Mr. REID. It is my understanding, having spoken with Senator MURKOWSKI, that he wanted to yield some of his time to the Senator from Minnesota.

Mr. GRAMS. Senator MURKOWSKI yields time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRAMS. Mr. President, I commend the majority leader for his leadership in bringing S. 1936 to the Senate floor. I also commend my colleagues, Mr. CRAIG and Mr. MURKOWSKI, for their tireless efforts in creating a bipartisan solution to this national crisis, because S. 1936 will ensure a safe solution to the problem of nuclear waste storage for the 21st century and beyond. I believe this is the most critical piece of environmental legislation that Congress will consider this decade, if not for this century.

When our grandchildren look back at this historic debate, they should read that we fulfilled a pledge to resolve this Nation's spent nuclear fuel crisis, and we did it in an economically and environmentally friendly way.

This challenge has eluded us for nearly 15 years, but as the critical 1998 deadline rapidly approaches, Members from both sides of the aisle, from Alaska to my home State of Minnesota to Florida, have come together to devise a national solution. I firmly believe that S. 1936 represents our best hope, and today we stand ready to move ahead with this plan.

Over the last few days, we have heard from some of our colleagues that this legislation is unnecessary. Some have argued that we could leave the spent fuel at its current sites until we find a permanent place to put it. Some have argued that resolving this issue would put the taxpayers on the hook rather than those who are responsible.

But what my colleagues fail to mention in their statements is that the ratepayers are taxpayers. Every American, directly or indirectly, has benefited from nuclear power, and they are already on the hook, so to speak. After all, ratepayers nationwide have already paid over $10 billion into the nuclear waste trust fund.

Mr. President, I have two letters regarding this point. One comes from Commissioner Kris Sanda of the Minnesota Department of Public Service, and another comes from a CEO of a Minnesota utility. I ask unanimous consent to have both printed in the RECORD immediately following the text of my full statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAMS. Mr. President, anyone who has followed this contentious debate will agree achieving this legislative solution has been a very difficult process, but it is a process that we cannot afford to wait until after the next election to resolve.

The Department of Energy is legally bound to begin accepting spent fuel in the next few years, and yet, until this Congress, we have not identified even a temporary storage location, let alone finish suitability tests on a permanent one. And the pressure by the States for a solution continues to build.

Over 30 States across this Nation have commercial and nuclear waste that is now stored inside their borders. Unless Congress enacts a permanent solution soon, States, like my home State of Minnesota, will lose between 20 and 30 percent of their overall energy supply shortly after the turn of the century. The irony is that the ratepayers of my State have already paid $250 million-plus to the Federal Government for the promise that the waste would be removed.

Nearly two decades later, ratepayers are no closer to getting rid of their nuclear waste than they were before the Department of Energy gave its written promise to remove it.

Mr. President, I would also like to add that that has led Minnesota's Department of Public Service Commissioner Sanda to call for the halting of the ratepayer contributions to this fund.

While this decision is pending before Minnesota's Public Utility Commission, the State of Iowa has also just begun a similar process, announcing a notice of inquiry into such an option. The movement across the Nation has begun. The failure to enact S. 1936 will have a cascading effect across the Nation, and then it will truly require a taxpayer bailout.

But S. 1936 would change that. Under S. 1936, we will put into place the mechanism to begin spent fuel removal and storage. That will happen before the end of this century. This legislation enables the Federal Government to live up to its legal obligations to the taxpayers and also to live up to its moral obligations to the citizens of this country and also to the environment. By naming an interim storage site at area 25 of the Nevada test site, this bill unties the hands of the Secretary of Energy. Since the current Secretary requested such legislative action in a hearing before the Senate Energy and Natural Resources committee last year, one would wonder why this administration remains adamantly opposed to an initiative that fully empowers the DOE to move forward with the program, and particularly since the administration claims to want a permanent solution to this environmental crisis.

This is not the first time that the administration or the DOE has dragged its feet. Last year, I met with the Secretary and members of the Civilian Waste Program to discuss Minnesota's waste problem. While the DOE appeared sympathetic to the plight of Minnesotans, they could not foresee anything near having an interim site completed prior to the year 2003 and for a cost of less than $300 million.

Since this was significantly beyond the cost and the time projections for other private storage initiatives that were under development outside of the DOE, I introduced legislation to privatize the DOE interim storage facility. But then miraculously the DOE's own projections were nearly halved by both time and cost by the time we had the next Senate hearing.

So it is amazing how many tax dollars can be saved by the mere, simple introduction of competition into this process. That is why I was pleased to have the opportunity to work with the author of this legislation, Senator CRAIG, and the chairman of the Energy Committee to ensure the maximization of private-sector participation. Furthermore, Mr. President, I believe it also sets the stage for further privatization of the overall program.

Mr. President, there are many key elements of S. 1936 which have far-reaching benefits, but I believe the greatest benefit of the bill is that it does provide a real workable and environmentally safe solution for Minnesota's and also the Nation's spent nuclear fuel.

Since I came to Congress in 1993, resolving this issue for Minnesota has been one of my highest priorities. Today we begin the process of doing just that. So on behalf of my constituents, the men and women and children of Minnesota, I want to thank the authors of S. 1936 for providing us with a reason to restore the people's faith in their Federal Government. As we put aside the politics and get down to the work ahead of us, I look forward to the remaining debate as an opportunity to also move forward resolving this most difficult crisis. I urge all of my colleagues to support S. 1936 when this body begins full consideration of the measure. Thank you, Mr. President. I yield the floor.

EXHIBIT 1

MINNESOTA DEPARTMENT OF PUBLIC SERVICE, OFFICE OF THE COMMISSIONER,
ST. PAUL, MN, *June 6, 1996.*

Hon. ROD GRAMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAMS: I am writing to thank you for your support of Senate File 1271 (S.F. 1271). Passage of S.F. 1271 this session is crucial to our Nation's taxpayers/ratepayers. Entities as diverse as the Nuclear Energy Institute and the National Association of Regulatory Utility Commissioners have calculated cost savings of five to ten billion dollars to United States taxpayers/ratepayers if S.F. 1271 becomes law. We must succeed in our effort to stop the Department of Energy and the Clinton Administration from imposing these unnecessary costs on the Nation.

I has come to my attention that opponents to S.F. 1271 have stated that since not all Americans are served by utilities that own nuclear generating stations, those citizens will not benefit from the cost savings contained in S.F. 1271. As the Commissioner of your home state's lead energy policy agency, I can assure you that argument is flat out wrong. I trust the following discussion will illustrate this point.

For reliability reasons, our Nation's electrical grid is divided into several regional power pools. The Mid-Continent Power Pool (MAPP) serves our home state, North and South Dakota, Nebraska, Iowa, portions of Montana and Wisconsin, and the Canadian provinces of Manitoba an Saskatchewan. In addition to ensuring the reliable delivery of electrical energy, MAPP serves as a clearinghouse for spot and intermediate term market for energy and capacity transactions. MAPP executes transactions between electric utilities that have lower cost generation and those that have higher cost generation. Given that energy produced by Northern States Power Company's Prairie Island and Monticello nuclear plants are among the lowest cost units in the MAPP region, there are certain times of day and seasons of the year when energy from those plants is sold by NSP to other utilities in MAPP. While our records do not allow us to match the sale of energy from specific plants for resale to other utilities, energy from Prairie Island and Monticello formed part of sales made by NSP to the following utilities that serve Minnesota ratepayers in 1995: [1]

Cooperative Power Association;
Interstate Power Company;
Minnesota Power Company;
Otter Tail Power Company;
Missouri Basin Municipal Power Agency;
United Power Association
Minnkota Power Cooperative;
Dairyland Power Cooperative;
Southern Municipal Power Agency;
City of North St. Paul;
City of Olivia;
City of Shakopee;
City of Winthrop;
City of Delano;
City of Glencoe;
City of Truman;
City of New Ulm;
City of Sleepy Eye;
City of Blue Earth; and
City of East Grand Forks.

The utilities listed above have been benefited from the ability to substitute lower cost purchased power from NSP. Had they used their own plants to generate their power, the energy costs would have been higher. Those higher energy costs would translate into higher rates for consumers. I should also note that the Nuclear Waste Fund's (NWF) one mil per kilowatt hour fee is included in the price these utilities pay for power purchased from NSP. As a result, ratepayers from the utilities listed above also pay into the NWF. Consequently, it is without question that the vast majority of Minnesotans pay into the Nuclear Waste Fund via their electric rates and that all Minnesotans benefit from NSP's nuclear facilities, regardless of which utility provides their power. The same is true for electric consumers in North Dakota, South Dakota, Iowa and Wisconsin, as well as virtually all consumers across the country, even those whose primary utility does not use nuclear fuel to generate electricity.

Thanks again for your continued support for S.F. 1271.

Sincerely,

KRIS SANDA,
Commissioner.

NORTHERN STATES POWER CO.,
Minneapolis, MN, June 20, 1996.

Hon. ROD GRAMS,
U.S. Senate,
Anoka, MN.

DEAR SENATOR GRAMS: I wanted to take this opportunity to applaud you for your leadership efforts to resolve the commercial spent nuclear fuel disposal issue. Your cosponsorship of S. 1271, the Nuclear Waste Policy Act of 1996 is greatly appreciated. The bill provides the right national policy solution for Minnesota and the nation as a whole. Your support will assure a healthy business climate in our state due to the low cost power Prairie Island produces efficiently and safely.

Time is of the essence to move legislation in this session of Congress. Senate action is critical prior to the July 4th recess. Recently, the Minnesota Department of Public Service (DPS) recommended that customer payments into the Nuclear Waste Fund be withheld and placed into an escrow account. Other states could follow suit. The Minnesota DPS action underscores the growing frustration among state regulators with the Administration's delays in developing an integrated nuclear waste management system. We would appreciate your help in urging prompt floor action on S. 1271.

S. 1271 recognizes the unique funding mechanism for managing the nation's commercial spent nuclear fuel. The Nuclear Waste Policy Act of 1982 created a one-tenth of a cent surcharge on electricity generated by nuclear power plants so that consumers who benefit from the electricity also would fund the nation's radioactive waste management system.

As you have correctly stated, in many cases there is no difference between the consumers of electricity and taxpayers. All consumers of electricity in the Northern States Power Company (NSP) Service Territory System, whether in the Twin Cities or Fargo, North Dakota, have contributed to the nation's radioactive waste management fund. In addition, many other Minnesota citizens are contributing to the waste program. As with other nuclear utilities, nuclear waste fund payments are internalized in NSP's wholesale and retail power sales—making even wholesale customers (which could include cooperatives or municipal utilities) contributors to the nuclear waste fund.

Utility customers to date have committed more than $12 billion to the nuclear waste trust fund. Not only have Minnesota consumers paid $226 million to the fund, they also have paid about $20 million for added on-site storage capacity at the Prairie Island nuclear power plant, and are paying for significant wind development and other costs associated with the Prairie Island legislation.

Each year, more than $600 million from electricity consumers is paid to the U.S. Treasury to fund the program. However, Congress appropriated only $315 million for the Energy Department's civilian high-level waste management program in FY '96, and only $151.6 million of this came from the Nuclear Waste Fund. The remainder comes from the Treasury to pay for defense wastes. The balance in the fund is now more than $5.8 billion, which accrues interest each and every year.

The federal government is responsible for taking title to and managing spent nuclear fuel beginning in 1998 under provisions of the Nuclear Waste Policy Act and contracts signed with utilities who own and operate nuclear power plants. Each component of the waste management system-including the transportation-must meet rigorous Nuclear Regulatory Commission regulations to protect public health and safety.

S. 1271 does not expose taxpayers to an under funded liability. Just the opposite is true. As part of the funding profile for the program, the federal government must pay only the appropriate share for all defense-related nuclear waste that will be disposed at the repository. DOE has recently revised its estimates of the defense program's share of the program costs from 15 percent to 20 percent, and it will probably grow to at least 30 percent. This alone will likely offset any predicted "unfunded" shortfalls.

Furthermore, S. 1271 is directly concerned with the costs of the program. Provisions in S. 1271 are specifically designed to provide cost and schedule efficiencies that will ensure the 1.0 mill/kWhr fee, in addition to the defense contribution, will be more than adequate to fully fund this program. Studies that show the fee is not adequate are entirely based on the old DOE program which has been proven to be costly and inefficient.

However, delays will cost. It is estimated that electricity consumers will have to pay an additional $7.7 billion for extended on-site management of spent nuclear fuel if the federal government does not develop a central storage facility by 1998, and the repository does not begin operation by 2015. Like the Nuclear Waste Fund fee, this added cost will be borne by electricity consumers, not taxpayers.

As stated, studies attempting to show that the Nuclear Waste Fund is inadequate to cover the cost of high-level radioactive waste management are based on outdated DOE program data. S. 1271 refocuses the DOE program to provide cost and schedule efficiencies that will ensure that the fee, coupled with the DOE defense payments for the program, will fully fund America's spent fuel management system.

Finally, you are aware of the continuing controversy of nuclear waste in Minnesota. Just last session, efforts were being made to further penalize NSP and its customers for storing nuclear waste at Prairie Island. The federal government's failure to keep its commitments is a direct cause of this controversy, which has only added costs to our customers' bills.

I offer you my encouragement and support to move S. 1271 to the Senate floor for action this year. Many thanks for your leadership efforts on this issue of critical national importance.

Sincerely,

JIM HOWARD.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. I yield myself such time as I may need.

Mr. President, during the course of the debate on S. 1936, as it has resonated across this Chamber today and earlier, a contention has been advanced that indeed S. 1936 is a much improved form of its predecessor, S. 1271, because it has been asserted that there is the full application of the National Environmental Policy Act, one of these very important pieces of legislation which earlier I had described as an essential part of the environmental protection fabric that protects all Americans.

I invite my colleagues to read this bill, as I know they all have or will before casting their vote. Here is what it says about the National Environmental Policy Act, and particularly an environmental impact statement.

It provides for an environmental impact statement. So far so good. Then it goes on to say: But the Secretary shall not consider the need for an interim storage facility, shall not consider the time of the initial availability of the interim storage, shall not consider any alternatives to the storage of spent nuclear fuel and high-level radioactive waste, shall not consider any alternatives to the site of the facility, shall not consider any alternatives to the design of the criteria.

Mr. President, that is what an environmental impact statement is all about, to consider the range of options that may be available and to ascertain which of those may be the preferable course of action. So, for it to be contended that the National Environmental Policy Act is protected and provided for in this bill would be equivalent to asserting that the Bill of Rights is fully applicable, however, we have deleted the right of free speech, we have deleted the right of freedom of religion, we have deleted the right of bail, we have deleted the right to counsel. In effect you have nothing, you have absolutely nothing.

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[1] This information is taken from the Northern States Power Company's 1995 Federal Energy Regulatory Commission Form 1.

So that, again, Mr. President, is one of the more compelling arguments that brings every national environmental leader in America to the conclusion that enacting this piece of legislation, S. 1936, would savage the environmental protections which Americans have sought and enjoyed for more than two decades. It would, in effect, preempt State and other Federal laws, such as those depicted behind me on the chart. And it would, in effect, so restrict the Environmental Policy Act as to make those kinds of analyses almost worthless.

Let me turn to one other issue, fairly briefly, before I conclude. That is the question of standards. S. 1936, among its more astounding provisions is something that is pretty technical but something that affects the health and safety of every Nevadan. We are talking about the radioactive emissions standards. Those standards are measured, in terms of exposure, in terms of millirems. What this bill provides is for an annual dose of 100 millirems. So 100 millirems is the standard which is set under the provisions of this bill.

Now, 100 millirems—Mr. President, the Safe Drinking Water Act provides for a standard of 4 millirems. The EPA has set that standard. For WIPP, that is a facility in New Mexico that receives or is scheduled to receive transuranic waste, that provides for a 15-millirem standard. The National Academy of Sciences, in terms of its range of exposures, recommends 10 to 30 millirems. This piece of legislation has the audacity to say that 100 millirems is the standard for those of us in Nevada. Absolutely outrageous.

We have heard earlier in this Congress from our colleagues from New Mexico, who have been concerned about the health and safety of New Mexicans. One can certainly understand that. On the 20th of June of this year, Senator DOMENICI arose and made the comment: "What is most important to us," referring to himself and his colleague, Senator BINGAMAN, "and what is most important to the people of New Mexico is that as this underground facility proceeds," referring to the WIPP facility, "to the point where it may be opened and finally be a repository, that it be subject to the Environmental Protection Agency's most strict requirements with reference to health and safety."

Let me make that point again. Senator DOMENICI is absolutely right. What he and his colleague were saying is that before the transuranic waste is received at the WIPP facility in New Mexico, the New Mexico Senators want to be assured, in order to protect the health and safety of their constituents, residents of the State of New Mexico, that the Environmental Protection Agency's most stringent requirements with reference to health and safety be imposed. Now, that strikes me as being very reasonable.

Throughout that particular take, the distinguished senior Senator kept emphasizing the importance of leaving those standards in place and giving the EPA the ability to make such determinations. That, I submit, is sound policy. By what standard of logic, by what reasoning process, what kind of analytical, convoluted reasoning would lead to a conclusion that that is the reasonable standard to be applied in New Mexico— that is, let the EPA set the standard—but somehow in Nevada, which is targeted for high-level nuclear waste, for us, ought to be 100 millirems? That simply makes no sense at all, none, absolutely none, and it is outrageous.

Consistent with an evolving pattern of conduct, in 1992, as I was commenting earlier in my speech today, the nuclear utilities in the energy act that was enacted that year, circuitously sought to deprive the EPA of the ability to set the standard in Nevada should it become the recipient of nuclear waste. To refresh the recollection of my colleagues, that energy bill was processed with a number of amendments both in the House and on the floor of the Senate, and not a day of hearing was held with respect to the standards for nuclear waste in Nevada.

In the conference, where an attempt is made to reconcile differences between the Senate version and the House version, a provision is inserted that did deprive the EPA of setting the standard—the very thing that Senator DOMENICI and Senator BINGAMAN, rightly, and we all agree on the floor, needed for their protection in New Mexico in the transuranic facility. Namely, to make sure that the EPA sets the most stringent standard for health and safety.

Now, under the artifice of the conferenced process, the EPA is deprived of jurisdiction. My senior colleague and I pointed that out on the floor. I believe it is fair to say that most every colleague that we talked to agreed with our provision that it was absolutely scandalous that an attempt would be made to deprive the EPA of its ability to exercise its independent judgment to fix that standard.

We were locked into a parliamentary situation that was inescapable. The energy bill contained a number of very desirable provisions totally unrelated to the Nevada situation. Because in a conference we were unable to get an amendment to delete that provision, my colleague and I fought valiantly but unsuccessfully in terms of killing that bill.

Now, I share that background because the pattern I have described, if you do not like what the scientists you have empowered to make a decision tell you, then you ignore them. That is what occurred that so angered the nuclear utilities, when they were asked, as part of the Nuclear Technical Review Board to make some judgments, and they concluded there was no crisis, no urgency, no need whatever to have interim storage at this time. That was their conclusion. That does not fit with the strategy and the desire of the nuclear utilities, so immediately, in this legislation, S. 1936, they are legislatively spanked, and their jurisdiction authority is restricted.

Now we have the National Academy of Sciences. They are inserted in place of the EPA in the 1992 Energy Act and they are instructed to come back with their own report. Mr. President, they did. In a document entitled, "Technical Bases for Yucca Mountain Standards," some of the more eminent scientists of our time:

Robert W. Fri, chair, Resources for the Future, Washington, D.C.; John F. Ahearne, Sigma Xi, the Scientific Research Society, Research Triangle Park, N.C.; Jean M. Bahr, University of Wisconsin, Madison; R. Darryl Banks, World Resources Institute, Washington, D.C.; Robert J. Budnitz, Future Resources Associates, Berkeley, CA; Sol Burstein, Wisconsin Electric Power, Milwaukee (retired); Melvin W. Carter, Georgia Institute of Technology, Atlanta (professor emeritus); Charles Fairhurst, University of Minnesota, Minneapolis; Charles McCombie, National Cooperative for the Disposal of Radioactive Waste, Wettingen, Switzerland; Fred M. Phillips, New Mexico Institute of Mining and Technology, Socorro; Thomas H. Pigford, University of California, Berkeley, Oakland (professor emeritus); Arthur C. Upton, New Mexico School of Medicine, Santa Fe; Chris G. Whipple, ICF Kaiser Engineers, Oakland, CA; Gilbert F. White, University of Colorado, Boulder; and Susan D. Wiltshire, JK Research Associates, Inc., Beverly, MA.

I mention those names so my colleagues and those who are listening to the debate will know there are no Nevadans. These are scientists. Here is what they said in response to the 1992 amendment that was interjected into the conference. Let me make a line-by-line comparison with what we have in S. 1936. My colleagues will note it indicates S. 1271, but S. 1936 makes no change at all.

On the left side, Form of Standard, Level of Standard, Who Is To Be Protected—that is the classification. The top, NAS Recommendation, is the product of the scientists whose names I have read. On the far right would be what this piece of legislation does.

Form of standard recommended by the National Academy of Sciences is to be risk based. What does S. 1836 provide? Mr. President, 100 millirem a year, set by statute. We talked at some length about that a moment ago.

Level of standard: The National Academy says no specific recommendation, but points out internationally recognized consensus is between 5 millirem and 30 millirem a year. Let me just interject that is a standard that is rather universally acclaimed. I believe that every country that has considered that standard, and we will share the names of those countries that have nuclear power in Europe and have adopted a standard that is within that range or even less.

Who is to be protected? "Critical group"—a small, relatively homogenous group whose location and habits are representative of those expected to receive the highest doses. S. 1936 is a much more restricted standard. A person whose physiology, age, general health, agricultural practices, eating habits and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits or other relevant practices or characteristics shall not be considered.

Then the question goes on as to how long must a standard be met, because we are talking about something that is lethal for thousands and thousands of years. I might point out in the recorded history of civilization, no society that we are aware of has ever built or designed anything that has lasted for 10,000 years. It is a marvel to the modern world, as it certainly was to the ancient world, some of the impressive architectural achievements achieved by the ancients—the pyramids, the Colossus of Rhodes, the Hanging Gardens of Babylon, the Parthenon, and many others are all architectural wonders that today even in our sophisticated time, we marvel and admire.

But none of those have existed for 10,000 years. So how long a standard must be met is particularly significant to the health and safety of those persons who will be living in that area generations from now.

The National Academy of Sciences says, "The repository should be required to meet a standard during a period of greatest risk"—no scientific basis for limiting the time period to 10,000 years or any other value. What do we have in this piece of legislation? A thousand years.

Let me skip and go down to a couple more here. The human intrusion standard. The National Academy of Sciences said, "No scientific basis for assuming there would be no human intrusion. The performance of the repository having been intruded upon should be assessed using the same analytical methods and assumptions, including those about the biosphere and critical groups used in the assessment or performance for the undisturbed case."

What does S. 1936 direct? "The statute instructs the Nuclear Regulatory Commission to assume that human intrusion will not take place."

As to how to resolve public policy issues raised by the standard, here is the recommendation of the National Academy of Sciences: "We recommend that resolution of policy issues be done through a rulemaking process that allows opportunity for wide-ranging input from all interested parties."

You do not have to be an eminent scientist to believe that that is reasonable. That is a process that allows an opportunity for people to be heard, to express a viewpoint.

S. 1936 says, "No public comment allowed."

So, as you can see, S. 1936 evolved and is part of a pattern that ought to be patently obvious to any observer. Once again, the Congress invites a distinguished scientific group to make its recommendations, and if the recommendations are not to the liking of the nuclear utility industry and not to the liking of the industry because they impose some reasonably stringent standards to protect health and safety, we trash them, we ignore them and say, "Oops, sorry we asked. We had no idea you would tell us we had to do that to provide the very basic components of health and safety."

And so, by way of a concluding observation, before yielding to my colleague for him to continue his comments and observations, this bill, from an environmental and public health safety perspective, is an embarrassment, it is a travesty, it is a legislative abomination, it is an assault upon the health and safety and dignity of human life. It applies only to those of us in Nevada, who are targeted to receive this eye-level nuclear waste.

By what standard of fairness, by what standard of objectivity can it be defended or justified that one small area in America be set apart, and that it be advocated that the panoply of protections provided under the environmental laws of our country should have no application to them if they in any way conflict with the nuclear utilities' desire to pursue, as embodied in S. 1936? What is the moral justification of rejecting the recommendations of an objective body of scientists, who have said, "These are the standards that we recommend, in terms of exposure, for those persons who may be living in the vicinity"? They are rejected out of hand and simply ignored.

So not only is this, from a public policy point of view, indefensible, not only does it legally deprive Nevadans of their rights and their health and protection, it is morally flawed as well, because it suggests implicitly that somehow those of us who, by birth or choice, have chosen to make our homes in Nevada should be treated separate and apart from other Americans, and our health and safety is less important than those who live in New Mexico or in other States—all with the singular goal in mind of advancing the interests of the powerful special interest lobby, which is relentless in its purpose, and that is the nuclear utility industry, as they seek to foist their nuclear waste upon those of us in Nevada.

I yield the floor.

Mr. REID. Mr. President, I yield such time as I may consume.

Mr. President, I, first of all, want to talk about what some of the people have said who support this legislation. First of all, the supporters of S. 1936 are appealing to States with nuclear powerplants or nuclear operations, implying that their well-being depends upon the passage of S. 1936. This is not true. There will be brownouts without S. 1936. They said the same thing in 1980, as my colleague from Nevada so aptly pointed out in his earlier statement.

I say before my friend leaves the floor, I consider myself well-versed on the subject of nuclear waste, and I do not often acknowledge—publicly, at least—that someone knows more about a subject than I do. But it is without question that the Senator from Nevada, my colleague, has devoted months and months of his professional career to understanding this issue, and no one in America understands the issue better than he. So I appreciate very much the statement made by my colleague.

He clearly pointed out the verbatim statement made by the former chairman of the Energy Committee, now the ranking member, that there would be brownouts in 1980. Of course, there were none. There will be no brownouts if S. 1936 does not pass. There will be no brownouts without S. 1936. If there are brownouts, it will not be as a result of not hauling nuclear waste away from the plants.

They said the same in 1980, that there would be a brownout if offsite storage was not available in 1983. Here we are, 16 years later, without offsite storage and without brownouts from the shutdown of nuclear reactors at power generation sites. There will be no end to nuclear shipbuilding without S. 1936. We know that. There will be no nuclear waste dumps in these States if this bill does not pass. The current law and DOE programs are addressing all these issues.

We are searching for a permanent repository. S. 1936 will not advance that effort but will clearly set it back. But that is what the powerful lobby wants to do. They do not want to advance it. We will have safe storage with reactor sites for decades to come. We have no crisis. There will be only positive consequences of defeating this legislation—mainly, to allow us to continue the effort to find a permanent repository.

Mr. President, the one thing that is very, very clear and has not been addressed today, even though we have raised the issue not once, not twice, but numerous times, is that a report to Congress from the Secretary of Energy on March 20 of this year by the Nuclear Waste Technical Review Board said that there is no reason to move nuclear waste from where it now exists. Scientists said this. We have not heard a proponent of S. 1936 tell us why these scientists are wrong.

Supporters of S. 1936 continue to ask what the alternative is to 1936. "If not S. 1936, then what?" "What does the President and what do the opponents of S. 1936 propose?" That is what they have said today on several occasions.

The answer is very simple: Stay the course, the current law.

I have not always agreed with the course, but let us at least have some scientific bearing. We have a program that is addressing our long-term nuclear waste needs. We have a program that is addressing our immediate nuclear waste needs. Under current law we are able to implement the DOE's program plan, and it will give us an assessment of the suitability of Yucca Mountain by 1998. That is very soon.

What else do we need? Nothing new and certainly nothing now. Certainly not S. 1936 which would end the search for a permanent repository. But these fancy executives who are writing the letters, who are going to Chambers of Commerce and, quite frankly, being deceptive in what they say to the chambers and other responsible organizations, are being deceptive because they go and they say, "Our cooling ponds are full. Don't you agree that the only thing is to move it?"

What they fail to tell them is that the scientists disagree. The scientists say leave it where it is until we get a determination as to the permanent repository.

S. 1936 is not a solution to anything. S. 1936 is the problem. It is not the solution. The fact that the current program has not completed its work and has not moved as quickly as the powerful executives want and that we do not know the ultimate end point of this research does not mean we have to change course at this time. Independent reviews support this position. The Nuclear Waste Technical Review Board, I repeat, says keep the present course. We need not do anything more than we currently have for many years. There is no crisis. There is no need for new regulation.

We have heard referred to on a number of occasions today what the Washington Post said. The Washington Post is a newspaper that we in Washington read on occasion. I misplaced my copy. I appreciate a copy being handed to me. It is on every desk in the Chamber. The Post said today, among other things, in one sentence that sums up this whole debate:

> This is too important a decision to be jammed through the latter part of Congress on the strength of the industry's fabricated claim that it faces an emergency.

This, Mr. President, is not a statement made by the Senator from Nevada but a statement made by the editorial board of one of the largest, most prominent newspapers in the United States. There is no crisis.

We have also heard people say that S. 1936 does address the problems of S. 1271, its predecessor bill. Not true. They claim that the deficiencies in S. 1271 have been corrected in S. 1936. They acknowledge that there were problems with S. 1271 and they have taken care of them. Not true.

My colleague spoke at some length about why that is a fabrication. There is new window dressing. A new paint has been put on the same old wreck of a house but under the paint you still have the very old wood that will not last long. Substantive changes simply have not been made. S. 1936 still preempts all State and local laws and essentially all Federal laws. S. 1936 undermines the objectivity of the scientific research at Yucca Mountain. The criticisms by the President of the United States of S. 1936 are just as valid as his criticisms of S. 1271. There have been no substantive changes. That is why the President last night through his Chief of Staff did not sign a letter to the minority leader outlining his objections to this disastrous law, S. 1936, until it was thoroughly reviewed by the entire staff the White House.

You do not have to take my word. You can just read the bill. For example, take page 73 of this bill entitled "General and Miscellaneous Provisions," and its subheading is "Section 501, Compliance with Other Laws."

> If the requirements of any law are inconsistent with or duplicative of the requirements of * * * this act, the Secretary shall comply only with the requirements of the * * * act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

And it outlines the ifs; not very broad except it just emasculates every environmental law we have passed within the last 25 years:

> Complying with such requirement and a requirement of this act is impossible; or—

Listen to this dandy:

> Such requirement, as applied or enforced, is an obstacle to * * * this act * * *

I do not know what an obstacle is, but it does not take much.

One of the things that we have not talked about that we should be talking about, Mr. President, is the NRC, Nuclear Regulatory Commission, certification requirements for spent fuel transportation. And what I want to talk about there is that the certification requirements for spent fuel transportation containers certainly are not insurance against the consequences of a remote accident. And I might add, they are certainly not insurance against any act, but the consequences of an accident will not observe the boundaries of where the accident occurs. Just because the accident might be remote is no basis for comfort. And we know, we have described where the railroads and the highways go. Fifty million people live within a mile of the highways and railroads.

Radioactive waste will burn and disburse many tens of thousands of miles before deposition and contamination of far distant territory takes place. We know by looking at what happened at Chernobyl, Olga Korbut, the great Olympian I talked about earlier today, who lived 100 miles from Chernobyl, is dying of her disease that came about as a result of this nuclear accident. Are we going to warn this at-risk population, this 50 million people along the transportation route, are we going to warn them to stay tuned to some emergency frequency just in case something unexpected happens? Chernobyl never happened until it happened. Now we are concerned of other Chernobyls. And if we do that, that is, warn the at-risk population to stay tuned, what are we going to tell them if an accident does happen? Who will help? When will they help? Who will be liable?

The term "mobile Chernobyl" has been coined for this legislation. A trainload of waste may not contain the potential for disaster that Chernobyl did, but the result will be little different for those affected by the inevitable accident. I submit that we are not prepared to implement the transportation of this hazardous material—not today, not tomorrow. The risk is real, and we are responsible for ensuring readiness and preparation to reduce it to minimal levels of both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final site where these materials are to be disposed.

Terrorism, vandalism and protests. Unforeseeable accidents, even of small likelihood, are intolerable in the absence of responsible capability to respond to these accidents. Accidents are only one kind of a problem we must be able to deal with. We must be capable of dealing with accidents, but it is only one of the problems that develop. Much has been spoken recently of America's vulnerability to both domestic and foreign attacks. It really saddens me to agree that some of America's enemies today are American citizens. Misguided as they may be, enemies they certainly are. Vipers in Arizona—we have on film their little escapades, blowing up things. We had someone who was able to infiltrate that group, who heard the statements they made: Anybody who talks against them to authority, we will kill them. But that is only one of many.

The trade center in New York blown asunder, Oklahoma City—we can go all over the country and find these acts of terrorism that have taken place. But we certainly must look at our own States: Reno, Bureau of Land Management, roof blown off; IRS building, the bomb which was a dud; Carson City, Forest Service wall blown off; part of a Forest Ranger's home blown up.

So we know they are out there. There are known enemies of America and the values it promotes and stands for. Because of our constitutional rights, which are our national heritage, we cannot deny our enemies many of the same freedoms we ourselves enjoy.

Mr. President, I see the leader on the floor. I will be happy, at such time as he wants me to desist for whatever he might want to do—I will be happy to do that. All he has to do is give me the word.

Mr. LOTT. Mr. President, if the distinguished Senator is at a point where it would be appropriate?

Mr. REID. Certainly.

Mr. LOTT. Mr. President, we are in the process, now, of working with both sides to see if we cannot come up with a further agreement with regard to how we would handle the nuclear waste issue. We do have some agreements that have been worked out on the Executive Calendar and on a couple of bills. I would like to go ahead and get those done. These have been cleared with the Democratic leadership. Then, as soon as we get this other agreement finally worked out, we will take that up.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

SAFE DRINKING WATER

Mr. BYRD. Mr. President, there is an old adage that, "You never miss the water until the well runs dry." I come to the Senate floor today to speak about an issue that is essential to the health and well-being of every American—safe drinking water. All life as we know it depends on the necessary element of water.

Most Americans take safe drinking water for granted. Most Americans just assume that when they turn on the faucet, clean water will automatically flow out of the faucet. They assume that there will always be easy access to an unlimited supply of clean, safe drinking water. Only recently, the residents of the District of Columbia discovered that safe drinking water is no longer one of life's certainties. They found themselves and their families to be quite unexpectedly vulnerable—vulnerable to a possible contaminated water supply. Washington officials announced that certain residents should boil water, and that the city would increase chlorine levels for several days to cleanse possible contaminates in aging water pipes. Although this condition was said to be only temporary, and it is reported that the water is now safe, an outcry of rage arose. District residents were annoyed. They were upset. They were inconvenienced.

The Washington Times of July 9, in an editorial, entitled "Home rule stops at the water's edge," said, "Safe drinking water is not optional in the capital of the most prosperous and powerful nation on the face of the Earth." Mr. President, the same thing can be said with reference to safe drinking water all over this country—it should not be optional. "It is a fundamental element of modern civilization—such a given, in fact, that most Americans don't think twice about it."

So, without doubt, the condition of the water system in Washington, DC, is an important matter. However, it is time that the citizens of the District and other cities be told about the frightening reality regarding much of our entire Nation's supply of drinking water—the reality that faces much of rural America every day. In my view, safe drinking water should not be optional anywhere in the most prosperous and powerful nation on the face of the Earth.

Last year, the U.S. Department of Agriculture completed Water 2000, a study of safe drinking water needs in the United States. I hope everyone will take note of the results. Incredibly, in these United States, nearly 3 million families, representing 8 million people, do not have access to safe drinking water. Now, let me repeat that, 8 million people in the United States of America, the greatest country on the face of the Earth, do not have access to a reliable source of clean drinking water. Every day, every night, millions of Americans cannot turn on their faucets and assume that the water is safe to drink. That, in my view, is a national disgrace.

Regrettably, in my own State of West Virginia, the study reports that it would take $162 million to clean up and provide potable water to approximately 79,000 West Virginians. It would take another $405 million to meet the worsening drinking water supply situation of some 476,000 West Virginians. That's nearly half of the population of my State. Nearly half of the people in my state have cause for concern about their water supply. And many other States are facing a similar serious situation.

Sadly, the United States Congress has chosen not to help. During debate on the budget resolution, I made two attempts to restore some of the funding for our national infrastructure that is being carelessly axed at every turn. I offered an amendment that would restore $65 billion to the Federal budget for domestic infrastructure—water and sewer needs, bridges and highways, our national parks, and so forth. Regrettably, this Senate voted 61 to 39 in favor of $65 billion in corporate tax loopholes, rather than for basic infrastructure needs of this Nation. I tried again, offering a second amendment, one that would restore $1.5 billion specifically for Federal water and sewer programs, but this Senate again said no by a vote of 54 to 45. This very Senate said no to a most basic need—clean, drinkable water.

Given the sad outcome of my attempts in the Senate to restore common sense to the budget priorities of this Nation, I am pleased to acknowledge the efforts, which I strongly support, of the Clinton administration to provide safe drinking water to Americans. Today, the U.S. Department of Agriculture has reallocated $2.8 million for four water supply projects in West Virginia, and $70 million for projects throughout the United States. This is a very small step to be sure, national safe drinking water needs are assessed at some $10 billion.

But, I come to the Senate floor today to congratulate public service districts in four counties of West Virginia for finally securing funds that will help to provide adequate, safe drinking water systems to some of their rural residents in greatest need. I want those families to know that I care, and that I am pleased, very pleased, by the Department's announcement today. To families in West Virginia covered by the following public service districts—Page-Kincaid in Fayette County, Leadsville in Randolph, Downs in Marion, and Red Sulphur in Monroe County—I would like to say that finally there is some relief on the way.

Finally, at least these town residents will enjoy a basic standard of living that people residing in the United States of America ought to be able to expect. Finally, these communities will have the beginnings of an infrastructure which might encourage businesses to locate there. Finally, at least some of the residents in communities in my State will be free to offer a child a sip of water from the tap without fear.

I sometimes seriously wonder about the priorities in this Senate. We often blithely ignore the real-life, day-to-day essential needs of our own citizens. The need for 8 million Americans to confidently use water for drinking, cooking, and recreation ought to be a birthright. There ought never to be any question about government's doing all that it can in the first place, before there is a crisis, to insure that Americans have safe drinking water.

While this announcement is only a small victory for West Virginia and other rural communities across the Nation, I want to recognize this occasion. For those residents within Fayette, Randolph, Marion, and Monroe Counties, this is no doubt a most significant event.

I am also heartened by the increased levels of funding in the 1997 Agriculture appropriations bill, wherein the Senate added $231 million above the House level for rural development grant and loan programs, including water and sewer facilities, bringing the total for rural development programs to $5.7 billion.

All of this will help, but it is high time that Members of this body wake up and focus on the looming water quality crises in this Nation.

This could be your water, coming from your household faucet in your city or your town next month or next year. We cannot ask the American people to put up with this sort of outrage any longer.

DEFICIT REDUCTION

Mr. DOMENICI. Mr. President, let me just take a few minutes of the Senate's time to talk about something that the President of the United States put in the news a bit last night, and then his various Cabinet people today have disseminated across the spectrum, to the media, and to various committees here in the U.S. Congress. It is called the Mid-Session Review of the 1997 Budget. I only hold that up to show you the great lengths the President and the White House are going to to make the case that the deficit reduction that has occurred in the last 3½ years, as if that deficit reduction was attributable to things that the President of the United States had recommend as a matter of policy.

I would like to address that issue today in some detail. It has not been easy to get this point across to those who are observing the fiscal policy of our country. So let me start by saying today there is a new report out. The President's budget office suggests that this year's deficit will be reduced to $117 billion. This is more optimistic than the recent Congressional Budget Office estimate, this $117 billion.

Given that this is an election year, it should come as no surprise that the Clinton administration comes out crowing this morning. But the Clinton forces claiming credit for the deficit reduction that has occurred during the past 3 years is a little like the rooster taking credit for the sunrise.

Do not get me wrong. I am very happy that the deficit has declined these last 3 years. I have spent my Senate career working on various approaches to trying to balance our fiscal books. But I also understand why the deficit has declined. And it is not because of any dramatic action by this administration. The bulk of the deficit reduction has been due to reestimates of the money needed to bail out ailing savings and loans. Let me talk a minute about what that means.

When you put a budget together, and you have a program like the bailout of the savings and loans, which was not complete, you estimate how much it is going to cost the next year and the next year. What happened, plain and simple, is that the estimates of what it was going to cost to complete the bailout of the savings and loans across America was estimated way too high.

What happened is that eventually, on the President's watch, the reality, not the estimate, occurred. What did it actually cost, not, what was it estimated to cost. So that when the President, in this mid-session review, says that the deficit has been reduced by $406 billion, it is saying that the estimates were wrong and that the reality is that we are spending less for certain things.

The bulk of the deficit reduction has been due to estimating the money to complete the bailout of the savings and loans. That is one aspect. Second, a very big amount is attributable to the President and the Democratic tax increases, and last, to spending curbs by the Republicans. So let me look here and give you this in a pie chart.

The only deficit reduction in this chart—in this pie graph—that is attributable to policy changes by the President of the United States is this red piece of the pie, 30 percent. I hope the occupant of the chair can see what it is. Tax hikes of the largest tax increase in history. And $121 billion of that occurred during the period of time that the President is talking about cutting the deficit in half. So we will give him one positive policy change credit. And it is $121 billion in tax increases.

But now let us look at all the rest. The 6 percent in green here is called spending cuts. Mr. President, and fellow Senators, the spending cuts are $26 billion, all of which came in the spending caps imposed by the budget that we prepared here on our side that the President ultimately accepted in the appropriations process. So I do not believe those are positive policy changes recommended by the President, because if you look at the President's budgets, he would not have had those coming down, he would have those going up. So we should get credit for that. But we said you cannot spend as much as you want. Clearly, he would not get credit for cutting the budget and cutting the deficit had we let him have his way.

Now, looking here at 48 percent, this big orange part of the chart, that is made up of reestimates. The largest one is $80 billion. That means, of the $406 billion that this Mid-Session Review says the deficit came down over 3 years, of that $406 billion, $80 billion of it comes from the fact of the inability of Government budget analysts to accurately forecast the cost of the savings and loan bailout.

In other words, it would not matter who was President, it would not matter if any budget was adopted, it would not matter if Congress did anything, $80 billion of this reduction in the estimated deficits would just happen. In other words, we got up one morning and there is $80 billion worth of savings. That is why I was kind of prompted, in analyzing this, to say that taking credit for reducing the deficit during the past 3 years is a little like the rooster taking credit for the sunrise. I stand on that. The more I think of it and explain it, the better it sounds and the better it explains what is going on.

Moreover, it is interesting to note that the policies put into place under George Bush resulted in the dramatic reduction in the S&L program costs, which the President now would like to take credit for. I do not believe there is any real credit. We spent way too much. But President Bush took the blame on the upside. When we finally resolved the problem and overestimated the cost, President Clinton would like to take credit for that $80 billion overestimate as part of deficit reduction.

Second, some in the administration say the economic improvements have brought down the deficit. The truth is, improvements in the economy over the past 3 years have had only a marginal impact on the deficit, only 13 percent, roughly. That is about $50 billion in reduction in the estimate since 1993.

Now, why is it small, some would say? Well, it is not small at all. The truth of the matter is we were estimating a pretty robust economy in those budget years, those 3 years. It did not do much better than the estimates that were in our budgets and in the documents assessing the budget by the Congressional Budget Office.

Now, there are mistakenly claims of credit for this economic dividend. But, in reality, it is tied to an economic recovery that began 7 quarters before the President's inauguration and 10 quarters before his economic plan passed the Congress. In all honesty, we must give a lot of credit to the Federal Reserve System that steered this prudent course, keeping inflation in check and economic growth positive.

Exactly what did the Clinton administration do to help lessen the deficit as reflected in this Mid-Session Review? What did the Clinton administration do? In short, it raised taxes. Now, for those who think raising taxes is the primary way to reduce the deficit, they can put this up on the credit side. They get credit for that, because the only significant policy change—that is, a President says, "Change this," Congress changes it, and something good happens to the deficit—the only one that they can claim credit for, all of those assembled working for the President, is that one that I have just described, the $121 billion of tax increases during those three budgets. That $121 billion is an $8 billion tax increase, coupled with a few billion in defense cuts. That is all the deficit reduction the Clinton administration has gotten approved.

Now, frankly, Republicans, meanwhile, have been working the other side of the Federal ledger, attempting to control the incessant growth in Washington of spending programs. Republicans passed significant reforms in Federal programs and hundreds of spending cuts. We worked to eliminate needed bureaucracy, cut staff, slow the growth of Federal programs, and send more power back to the people at home in their States and communities. It has been Republican leadership that has been attempting to pressure the Clinton White House to cut spending.

Unfortunately, our attempts to reduce Federal spending have been consistently opposed and eventually vetoed by President Clinton. But we overcame their opposition and were still able to save $26 billion in appropriated accounts. Remember, a little more than a year ago, the Clinton White House was promoting a budget plan that called for $200 billion deficits as far as the eye can see. As this election year approaches, the President has turned 180 degrees now and supports a balanced budget. But imagine what the deficit would have looked like if the President's huge spending proposals had not been blocked by congressional Republicans and had become law. Remember that President Clinton planned the 1993 fiscal stimulus package that would have spent money, not saved money. The ill-fated, expensive health care plan would have spent huge amounts of money, not saved money. Had we followed the lead of the President and passed these plans, the deficit would be soaring, not coming down. There would not have been any reduction in the deficit that policies would have reflected.

Let me close by saying my greatest frustration with the budget debate has been our inability to make fundamental changes to the major Federal entitlement programs and, because the deficit has declined these last 4 years, some politicians may try to hoodwink the American public into believing the problem has been solved, but it has not because the automatic Federal spending programs have been left essentially unchanged. Despite the clamor of the last year, despite the clamor today of the Mid-Session Review, the American public early into the next century will find just how elusive any real, significant deficit reduction has been in these last 4 years.

The White House has focused solely on tax increases to reduce the deficit and taking credit for reestimates that would have happened whoever was President and whether or not a budget was even produced. This is not a real, long-term solution. Despite the White House deficit whitewash, the fact is that even with our current modest economic growth, the Federal deficit will again be growing next year and skyrocketing out of sight, burdening our children with absolutely impossible obligations in the next century.

Before we get too excited about the progress we have made on the deficit, keep in mind the real heavy lifting which has not yet been done and that the real test of leadership on the budget lies ahead. As the White House exalts the improved deficit estimates, I say to the American people in a straight-forward way, we have proposed how we would head off the real train wreck, and we anxiously wait for action.

I yield the floor.

FEDERAL BUDGET DEFICIT UNDER PRESIDENT CLINTON

Mr. CONRAD. Mr. President, I was interested to hear my colleague from New Mexico, the chairman of the Budget Committee, attempting to rewrite history with respect to what has happened to the Federal budget deficit under this President. Now, a lot can be said about the Federal budget, about deficits, and the growth of the debt, but the record of this President is really quite clear.

This President came into office promising that he would cut the deficit in half during his first 4-year term, and today we did get the results of what is likely to occur in those first 4 years. We heard from the Congressional Budget Office that the deficit this year is likely to be in the range of $115 billion to $130 billion.

Mr. President, when Bill Clinton came into office, he inherited a deficit of $290 billion. He pledged to cut that in half in his first 4 years. That would be a deficit of $145 billion. Today, the Congressional Budget Office—not the President's Office of Management and Budget, not the budget committees, but the bipartisan Congressional Budget Office, the head of it, June O'Neill—sent a letter to JOHN KASICH, chairman of the House Budget Committee, saying:

> At this point, a preliminary analysis of actual receipts and outlays through May and our estimates for June receipts and outlays suggests the 1996 deficit will be somewhere in the range of $115 billion to $130 billion.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC. July 16, 1996.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your July 11 request for our current estimate of the fiscal year 1996 deficit. Over the next several weeks, we will be reviewing carefully our budget estimates for 1996 in preparation for our summer economic and budget outlook update report that will be published in mid-August. At this point, a preliminary analysis of actual receipts and outlays through May and our estimates for June receipts and outlays suggests that the 1996 deficit will be somewhere in the range of $115 billion to $130 billion. Receipts are likely to be $20 billion to $25 billion higher than the level we estimated for our May economic and budget outlook report, and outlays could be $5 billion higher or lower than our May estimate.

As always, there is uncertainty about tax collections and spending for various programs, but two sources of uncertainty stand out this year. First, we are uncertain about the amount of offsetting receipts that will be credited to 1996 for the spectrum auctions. The uncertainty arises from two sources: (1) the timing of the FCC resolution of various petitions to deny the results of the auctions, and the issuance of promissory notes to the C-block licensees; and (2) whether the results will be recorded on a cash or credit reform basis in the monthly Treasury statements. The CBO and OMB estimates for the C-block auctions are on a credit reform basis, but the monthly Treasury statements may report the receipts from this auction on a cash basis. The possible range for spectrum auction receipts for 1996 is on the order of $5 billion.

Second, we are uncertain about the effects of the delay in the enactment of 1996 appropriations and the temporary shutdown of government activities earlier in the fiscal year. First quarter outlays were at least $15 billion lower than we would have expected for the level of enacted appropriations, and we don't know how much of this lower-than-expected spending will be made up before the close of the fiscal year.

Even with nine months of actual and estimated data, there is always some uncertainty about the final budget outcomes. Very small differences in rates of spending or tax collections can have large effects on the deficit when the total amounts of outlays and receipts involved are $1.5 trillion. Each 0.1 percentage estimating error in the rate of spending or tax collections would amount to about $1.5 billion. Over the past 15 years, the average absolute CBO percentage estimating errors in our summer economic and budget outlook update reports for the current fiscal year have been 0.4 percent for receipts and 0.7 percent for outlays. On this basis, a $15 billion estimating range for the 1996 deficit at this point in time is not out of line with CBO's past experience.

I look forward to providing a more detailed analysis in August, but I hope that this information is helpful until then.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Mr. CONRAD. Mr. President, whatever else one can say, this President has delivered on his promise to cut the budget deficit in half. In fact, he has more than delivered on his promise. I listened with great interest to my colleague, the chairman of the Senate Budget Committee. I respect and admire Senator DOMENICI, but I must say, facts are facts, the record is the record. The record of this administration and this President with respect to deficit reduction is clear and unassailable. This President said he would cut the budget deficit in half. He has cut the budget deficit in half.

If we compare his record to the record of his immediate predecessors, he can be especially proud of what he has accomplished. The fact is, as this chart demonstrates, this is what has happened under the previous three Presidents. President Reagan came in and inherited a deficit of about $60 billion. Under his leadership, those deficits skyrocketed. In fact, they were tripled until they were up in a range of $220 billion. At the end of his term, we saw some reduction, back to the range of $150 billion. Then, under the new administration, the administration of President Bush, the deficits again took off. They took off like a scalded cat. What we saw was record deficits. In fact, in the last year of the Bush administration, the budget deficit reached an all-time high of $290 billion.

President Clinton took office and in each year—in each succeeding year for now 4 years in a row—we have seen a reduction in the budget deficits, a substantial reduction. As I indicated, the head of the Congressional Budget Office, June O'Neill, has said in a letter dated today that she anticipates the deficit will be $115 to $130 billion this year. That is even better than this chart shows, because this chart indicates the last estimates we had. That indicated the deficit would come in at about $145 billion this year. That, too, would have kept the President's promise of cutting the deficit in half. The news today is even better, suggesting the deficit will be about down here with respect to this chart, a very steep decline. Four years in a row of deficit reduction under this President, for the first time in any administration since the 1840's. Let me repeat that. Not the 1940's; this is the first administration since the 1840's that has delivered 4 years in a row of deficit reduction.

Not only did the President deliver on his promise of deficit reduction, he also delivered on his promise of creating jobs in this country. He promised 8 million jobs. We have now had more than 10 million created in the 3½ years of this administration.

The President did not stop there. He also promised to reduce the Federal payroll by 100,000. The most recent numbers indicate that he has reduced the Federal work force by 230,000.

So, in each of these areas where this President made a direct promise to the American people of what he would achieve, that is what has happened. Deficit reduction; he said he would cut it by 50 percent. He has cut the deficit by 60 percent. The President said he would be part of an administration that would have a strategy that would create 8 million new jobs. They have created over 10 million new jobs in the 3½ years of this administration. The President said he would reduce the Federal payroll by 100,000. He has reduced the Federal payroll by nearly a quarter of a million, 230,000.

I think it is important, when we have these political debates, that we be direct and clear with the American people as to what has happened. The fact is, the Clinton record on deficits is an admirable one. The Senator from New Mexico may quibble about how he has achieved it, but there can be no question about the results. The deficit this year, the Congressional Budget Office says, will be between $115 and $130 billion. That is a dramatic improvement for this country. In fact, measured against the size of our economy, these are the smallest deficits in over 20 years, as measured by the share of our economy.

We now anticipate that the deficit this year will be 1.6 percent of the size of our economy, lower than any year since 1974. In fact, we now have the smallest deficits of any major economy in the world as a share of our gross domestic product.

In 1992, the last year of the Bush administration, the United States had a larger budget deficit as a share of the economy than Japan, Germany and France. In fact, we can all remember that we were embarrassed when we went to the international meetings on the economy and were on the defensive because of the size of our budget deficits. This year, when our President went to the international meetings of the economic leaders of the major industrialized countries, the United States was in the best position of any of the major economies in the world. This President was able to proudly say that we had not only cut our deficit in half in dollar terms, but we had reduced the deficit even more significantly when measured against the size of the economy.

This chart demonstrates what I am talking about with respect to the deficit as measured as a percentage of the gross domestic product, or, put perhaps more understandably, as measured against the size of our economy. President Reagan came in and inherited a budget deficit that was just below 3 percent, in terms measured against the size of our entire economy. During the Reagan years the deficits absolutely skyrocketed up to over 6 percent of the size of our economy. They saw a reduction back down to over 3 percent when President Bush took over and then, once again, they took off. They took off to a level of about 5 percent, deficits that were running 5 percent of our gross domestic product.

Under President Clinton, the deficit, as measured against the size of our economy, has gone down each and every year. This chart shows it at under 2 percent. The news today is even better than that. It indicates that the deficit this year, as measured against the size of our economy, will be about 1.6 percent, somewhere right in here on the chart. Those are the facts.

I do not mind criticism of this President or any other President with respect to their record. But this is the Clinton record, and this is the record of the previous Presidents—President Reagan and President Bush. They were the kings of deficits. We had the larger deficits, historically, under those Republican administrations. I might add, Republicans also controlled the Senate from 1980 to 1986. Those are the years when the deficits absolutely skyrocketed out of control. Interestingly enough, it is when we had President Clinton and Democratic control of the Senate and Democratic control of the House of Representatives that we saw the sharpest reduction in the budget deficit in this period.

This chart follows three Presidents, two Republicans, one Democrat. This is a period in which the Republicans controlled the U.S. Senate for 6 years.

This is a time when Democrats, for 2 years, controlled the Presidency, the Senate of the United States and the House of Representatives. During that period we finally got on a course of dramatic reduction of the budget deficits, whether we measure it in dollar terms or measure it against the size of the economy. In either case, we saw dramatic progress.

Those are the facts. No chart that shows how the deficits were reduced, how they were produced, can change the hard reality and the hard fact that this President delivered on his promise, that this President has produced 4 years in a row of deficit reduction, the best record of any administration for over 150 years. That is the reality, and this President deserves the credit. I might also add this President is the first one in 17 years to submit a Congressional Budget Office-certified balanced budget.

My friends on the other side of the aisle are quick to claim credit for the deficit reduction which has occurred. I remind them that none of their plans would balance without the plan that passed in 1993 with only Democratic votes in this Chamber and in the other Chamber and with the support of this President. Not a single Republican voted for that deficit reduction plan that put us on this path.

Talk is cheap. It is tough to actually cast the votes that lead to this result. This result is clear, and this result is important to the economic future of this country.

The other point I think needs to be made is the suggestion by the Senator from New Mexico that this has only occurred because of tax increases. I say to my colleague, he may have forgotten that the 1993 budget plan that passed here not only had tax increases, tax increases that were aimed at the wealthiest 1 percent in this country, but also substantial spending cuts. And, again, the record is clear.

If we look at spending as a share of the gross domestic product, we saw that spending under President Bush increased from 22.1 percent of the gross domestic product to 23.3 percent.

Under this administration, spending as a share of the economy has declined from that 23.3 to 21.7 percent, and that takes us to a lower level than at any time during the previous two administrations.

That might come as a surprise and a shock to some who want to portray the Democrats as the spenders. The fact is, the Democrats, in the plan that they passed in 1993, not only reduced the deficit but also reduced spending as a share of our national economy to the lowest level that we have had in the last three administrations, down from 23.3 percent of our national economy to 21.7 percent of our national economy today—the lowest spending level in the last three administrations.

Mr. President, we can debate a lot of things, but the record with respect to deficits is clear. In the previous administrations, headed by President Reagan and President Bush, the deficit skyrocketed, the highest deficits we have ever had in our history. Under the administration of President Clinton, the deficit has been cut by 60 percent, exceeding his stated goal of a 50-percent reduction. It has also reached the lowest level measured against the size of our economy in 20 years, and this is the first administration since the 1840's that has delivered 4 years in a row deficit reduction.

There is no way, I say to my colleagues on the other side, to rewrite the history of what has occurred here. You can show all the charts, make all the caveats, try to score all the political points one wants to try to score. It is not going to change the reality and the facts. The fact is, the reality is that this administration has delivered on its promise, and the result is we have a much stronger economy than we would otherwise have.

Let me just conclude by saying that there was an element to the remarks of my colleague from New Mexico, with which I strongly agree: The job is not yet finished, and it is in our collective interests and in our national interest to finish this job.

What does it mean? I was proud earlier this year to be part of a centrist coalition, 20 Senators, about evenly divided between Democrats and Republicans, that presented a plan to make further progress to move us toward a balanced budget to continue to reduce these deficits and to get the job done.

Mr. President, the Senator from New Mexico said we continue to face a significant challenge, even as we have seen these deficits come down. The fact is, if we look over the horizon at what is to come, we all understand that it is critically important that we stay on this course of deficit reduction. I think every responsible Member of this Chamber knows that there is much more to be done, because we face in the future a demographic time bomb, and that is the baby boom generation. When the baby boomers start to retire, the number of people eligible for our very basic social programs is going to double in very short order, from 24 million today to 48 million by the time the baby boomers have fully retired.

Mr. President, that ought to send a warning signal to all of us that while there has been significant progress, there is much more that needs to be done. I hope that can be done in a bipartisan effort, unlike 1993 when no Republicans came forward, stood up and were willing to vote to reduce the deficit. It is going to require that we work together so that we can keep this process underway and so that we can achieve the ultimate result of balancing the Federal budget to avoid leaving an enormous burden to our children and grandchildren.

I thank the Chair and yield the floor.

CLINTON'S CUBA DECISION IS DOUBLETALK, CHARADE

Mr. HELMS. Mr. President, early this afternoon President Clinton turned his back on the people of Cuba with an announcement which revealed that he had decided to try to doubletalk his way into appearing to be taking a tough stand against Fidel Castro.

But when one examines this charade, Mr. President, Mr. Clinton had in fact delayed the enforcement of the Libertad Act which Congress passed and the President immediately signed into law earlier this year when it would have been politically disastrous for him not to do so.

The Associated Press reported, correctly, that today's decision by the President could help Clinton to buy time knowing that his refusal to impose sanctions on Castro would risk losing Cuban-American votes in Florida and New Jersey, two key States in Mr. Clinton's reelection bid.

So, Mr. President, once again Mr. Clinton has taken a firm stand on both sides of an important issue. While today's announcement contains tough anti-Castro rhetoric, it is all talk and no substance. The truth is, Mr. Clinton has capitulated to Fidel Castro and his foreign business collaborators, who not only condone Castro's cruel dictatorship, but want to help it flourish.

But the President's problem is not going away. The Libertad Act is Clinton-proof. The President could not muster the courage to implement title III today, but the threat of lawsuits still hangs over the necks of Castro's business partners like the blade of a guillotine. Even before today's decision, businesses were fleeing Cuba because of the threat of such lawsuits. This will continue, and the law will not be mitigated by the President's lack of courage.

At a time like this, Mr. President, one is obliged to wonder: Is there no Teddy Roosevelt, no Winston Churchill ready to stand up for freedom? There was none on Pennsylvania Avenue today.

TRIBUTE TO JUDGE JOSEPH PHELPS

Mr. HEFLIN. Mr. President, we were deeply saddened recently by the death of one of Alabama's most distinguished jurists, former Judge Joseph Phelps. He had only retired in January 1995 after serving as Montgomery County Circuit Judge for 18 years. During his long tenure as a circuit judge, he earned a reputation for being thorough, fair-minded, and tough, all hallmarks of an outstanding jurist. After retiring from the bench, he still handled an expedited docket. He also spent time at his farm and doing volunteer work.

Judge Phelps was an outstanding leader in Alabama's judicial reform movement in the 1970's. His leadership in securing support for the passage of the judicial article and its implementing legislation was significant. He played a pivotal role in the educational effort of getting judges and lawyers, court clerks, registrars, and all court-related personnel to understand the new system. His planning, explanation, and leadership brought about a smooth transition from the old antiquated system to the new one. Alabama will always be indebted to him for his many contributions to a vastly improved judicial system.

Judge Phelps was appointed as a special circuit judge in 1976, then elected in his own right later that year. Prior to that, he helped found law awareness programs in Montgomery schools and served as dean of the Jones School of Law from 1968 to 1972. A 1958 graduate of the University of Alabama School of Law, Judge Phelps served as an assistant attorney general from 1958 to 1961, as an assistant city attorney from 1969 to 1973, and as acting dean of the State's judicial college from 1978 to 1979.

As one writer said so well of Joe Phelps, "It speaks volumes of this man that even though he was a successful lawyer and a highly respected circuit judge, he will be remembered—and missed—for the great good he did for his community and State. He was one of Montgomery's greatest natural resources." He was active in several organizations, including Strategies to Elevate People, Success by Six, and the YMCA. In 1990, the Alabama State Bar Association bestowed its highest honor on him when it awarded him the Judicial Award of Merit.

Judge Joe Phelps will long be remembered for his love, faith, commitment, and fairness. He will also go down as one of the best circuit judges to ever serve in Alabama. I extend my sincerest condolences to his wife, Peggy Black Phelps, and their entire family in the wake of this tremendous loss.

I ask unanimous consent that a Montgomery Advertiser article on Judge Phelps be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser, June 25, 1996]

PHELPS' LOVE, FAITH STRESSED BY SPEAKERS

(By Matt Smith)

Retired Circuit Judge Joseph Phelps passed through the doors of Trinity Presbyterian Church for the last time Monday, past an overflow crowd of family, friends and colleagues.

They came to pay last respects to the 61-year-old judge, eulogized as a man who translated his deep faith into community service outside the courtroom. He died Saturday at 61, when his 1991 Oldsmobile ran off Woodley Spur Road and overturned. He had retired less than 18 months before the accident.

"Joe Phelps was an embodiment of love for God and love for his fellow human beings," said the Rev. Curt McDaniel, pastor of the Garden District church where Judge Phelps had been a member for 51 years. His body left the church in a simple, pine coffin adorned by flowers from the farm he kept in south Montgomery County, where he hunted and invited friends each Thanksgiving for a holiday breakfast.

"Joe was a community leader, first of all," said Bill Chandler, director of Montgomery's YMCAs. When Mr. Chandler arrived in Montgomery in 1948, the future judge was one of the first to join the Y.

"One of his characteristics was he got other people to become involved in community activities who wouldn't otherwise have been involved in those activities," Mr. Chandler said. "He found a way to get others to give their time, multiplying their effect."

The flag outside the Montgomery County Courthouse flew at half staff Monday. County commissioners canceled their Monday meeting to attend the funeral. Family, friends, courthouse regulars and local dignitaries filled Trinity Presbyterian Church to capacity and then some. Mourners unable to find a seat in Trinity's sanctuary stood in hallways and back rooms, listening to the service via remote speakers.

The Rev. Dr. McDaniel was joined by two other ministers: the Rev. John Ed Mathison of Frazer United Methodist and the Rev. Jay Wolf of First Baptist Church. Both had served with him in numerous volunteer endeavors.

His efforts off the bench included positions on the YMCA's Metro board of directors; to helping found the Success by Six and STEP (Strategies to Elevate People) programs; working with the Fellowship of Christian Athletes, Leadership Montgomery, the Youth Legislature and the Capital City Boy's Club.

Judge Phelps graduated from the University of Alabama Law School in 1958 and returned to Montgomery, where he had graduated from Sidney Lanier High School. In 1976, after an extensive career in private practice, county voters made him a circuit judge.

He held that post until his third term ended in 1995. In 1990, the Alabama State Bar Association bestowed its highest honor, the Judicial Award of Merit, on him. Even after retirement, he handled an expedited docket for the circuit until a few months ago.

"He gave most defendants an opportunity for light treatment on a first offense," said John Hartley, who worked as a public defender in Judge Phelps' third-floor courtroom for more than three years.

Judge Phelps was buried in Greenwood Cemetery after Monday morning's services. He is survived by his wife, Peggy Black Phelps; and two daughters, Margaret Romanowski of Montgomery and Julia Phelps Lash of Birmingham.

THE CLINTON ECONOMY

Mr. ABRAHAM. Mr. President, I rise today to draw my colleagues' attention to recently released facts on the condition of our economy, and the fate of the American people in that economy.

For too long, Mr. President, we have been subjected to the old canard that tax cuts favor only the rich, while intrusive government programs help the poor. The experience of this administration proves that this is not so. Under the high-tax, high-spending policies of the current administration, the rich have gotten richer while the rest of America has been caught in a Clinton crunch of stagnating wages and increased taxes, finding it increasingly hard to make ends meet.

Federal taxes have risen under this administration to their second highest level in U.S. history. Federal revenues have risen from 19 percent of gross domestic product in the first quarter of 1993 to 10.5 percent in the first quarter of 1996. Taxes reached their highest level in 1981, just before the Reagan tax cut took effect, at 20.8 percent of GDP. At the peak of World War II, in 1945, taxes consumed just 20.1 percent of GDP.

Have this administration's high taxes produced a more equal income distribution in America? Hardly. As the rich have become richer, most Americans have seen their incomes stagnate. The average real income of the top 5 percent of households rose by 19.8 percent between 1992 and 1994. Those in the top 20 percent of households experienced an increase of 10.1 percent. Meanwhile, those in the bottom 80 percent of households saw an average increase of only 0.6 percent. The result: The share of total income going to the top 5 percent increased from 17.6 percent in 1992 to 20.1 percent in 1994, and the share going to the top 20 percent rose from 44.7 percent to 46.9 percent.

Republicans are not the party of envy. We do not believe it is government's job to penalize Americans for doing well in a free market economy. However, we can tell that something is wrong when the already well off are the only ones to see their incomes go up. And that is exactly what has happened under this administration.

Real median family income in 1994 dollars has fallen from $40,890 in 1989 to $38,782 in 1994. So far in the Clinton administration real median family income has averaged just $38,343, compared to $39,632 in 1992. Real compensation per hour, wages plus benefits actually fell 0.7 percent in 1993 and 0.5 percent in 1994, and grew only 0.3 percent in 1995. This compares with a 2.1 percent growth rate in 1992.

Why have most Americans experienced stagnant wages? Because the Clinton expansion, held back as it is by excessive taxes, has been lackluster at best. In 1995 real GDP grew at only a 1.3-percent rate. Growth in output per hour has fallen from 3.2 percent in 1992 to 0.1 percent in 1993, 0.5 percent in 1994 and 0.7 percent in 1995.

And the much-vaunted drop in the unemployment rate from 5.6 percent in May to 5.2 percent in June hides a deeper problem. The broader measure of unemployment, the U–6 rate, actually rose from 9.5 percent to 10 percent. This rate includes discouraged workers who have left the labor force and those working part time who cannot find full time work. Indeed, Mr. President, much of the decrease in the unemployment rate is illusory because 7.7 million workers now must hold down two jobs to make ends meet.

Even holding down two jobs is proving insufficient for many Americans to survive the Clinton crunch. The personal saving rate has fallen from 5.9 percent in 1992 to 4.5 percent in 1995. Consumer debt has skyrocketed from $731 billion in 1992 to over $1 trillion in 1995. And the American people cannot shoulder that much debt. The credit card delinquency rate reached 3.53 percent in the first quarter of 1996, compared with 2.93 percent in the fourth quarter of 1992. And personal bankruptcies reached 252,761 in the first quarter of 1996, only slightly below the yearly rate in the early 1980's. At this rate, personal bankruptcies will reach 1 million this year, an all time high.

What we have, then, is a weak recovery held back by an astounding burden of taxation. I am not engaging in mere hyperbole, Mr. President. Federal taxes would have to be cut by $111 billion this year just to get the tax burden back to where it was when President Clinton took office. Worse, this extra tax burden has brought us greater unemployment than would otherwise be the case, along with consumer hardship for all but the wealthiest Americans.

Mr. President, my friends on the other side of the aisle are fond of claiming that their's is the party of working families. But the economic news of recent months shows this to be false. Those who know how to hide their incomes do better under their high tax policies, while other Americans must take on extra work and go into debt just to hold ourselves and our families together. It is my hope that we can learn from this experience and set our Nation back on a course of lower taxes, less government and greater opportunity for the ordinary working families of America.

NOMINATION OF ANDREW S. EFFRON TO BE A JUDGE ON THE U.S. COURT OF APPEALS FOR THE ARMED FORCES

Mr. NUNN. Mr. President, on July 10, 1996 the Senate confirmed the nomination of Andrew S. Effron to be a judge on the U.S. Court of Appeals for the Armed Forces. I want to take a few moments today to speak about this fine individual, who as many in the Senate know, has served on the staff of the Committee on Armed Services since 1987.

I ask unanimous consent that a copy of Andy's complete and impressive biography be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, Andy comes from a family with a strong tradition of public and community service. His parents, Marshall and Marion Effron, have been deeply involved in political, civic, and charitable organizations in Andy's hometown of Poughkeepsie, NY. Andy's wife, Barbara, has held numerous offices in PTA and civic associations in Arlington and Fairfax Counties. Their children are continuing the tradition. Robin, a rising senior at W.T. Woodson High School, is on the student council and serves as an officer for the chorus, Model U.N., and Tri-M arts society. Michael, who will be entering seventh grade next year, was vice president of the Student Council at Canterbury Woods Elementary School, and he is also an All-Star Little Leaguer.

Andy's confirmation hearing on July 9 was a bittersweet day for me and, I am sure, for all the members of the committee. It was sweet because we were so pleased that someone whom we have known and worked with for so long and whom we have admired and respected for his extraordinary ability and expertise had been nominated by the President to be a Judge on the U.S. Court of Appeals for the Armed Forces.

It was bitter, though, because the committee will soon be losing one of the finest talents the committee has ever had the good fortune of having on its staff.

The Armed Services Committee first became familiar with Andy Effron in 1986 when he was in the Office of the General Counsel of the Department of Defense and was one of three individuals from the Department who worked with us during the Senate-House conference on the Goldwater-Nichols Department of Defense Reorganization Act. We were so impressed with Andy's expertise that we asked him to join the staff the following year and he has continuously confirmed our initial judgment ever since.

Andy has not just confirmed our initial judgment, he has consistently demonstrated an amazing capacity for hard work, an ability to perform at the highest level, and a willingness to tackle and master any issue of importance to the committee. As a matter of fact, Andy has been involved in so many important matters—important to the committee, to the Department of Defense, and to our national security—that I won't even attempt to enumerate them because the list would fill many pages of the RECORD.

Suffice it to say, that Andy Effron epitomizes the best in what a professional staff member should be. He is a consummate professional whose hallmarks of service have been his loyalty and his dedication. This Senator, and indeed the entire Senate, have been the fortunate beneficiaries of Andy's good judgment and wise counsel.

It was a wonderful tribute to Andy that his nomination, following close scrutiny, received the unanimous bipartisan support that it did. Those of us who have known and worked with Andy for so many years, of course, were not surprised.

Mr. President, I commend the President for nominating Andy Effron to this very important position. The U.S. Court of Appeals for the Armed Services will be gaining an extraordinary legal talent in the very near future. While the Senate is losing one of the very best to have ever served, gratefully Andy Effron will continue to serve the U.S. Armed Forces and the Nation. I am proud of Andy Effron and grateful to him for all the many sacrifices he has made in the course of his long service to the committee. I wish Andy and his family much continued happiness.

EXHIBIT 1

BIOGRAPHY OF ANDREW S. EFFRON

Andrew S. Effron serves on the staff of the Senate Armed Services Committee as Minority Counsel. He previously has served as the Committee's General Counsel (1988–95) and Counsel (1987–88).

Prior to joining the Committee, he served as an attorney-adviser in the Department of Defense Office of General Counsel (1977–87); as Trial Counsel, Chief of Military Justice, and Defense Counsel in the Office of the Staff Judge Advocate, Fort McClellan, Alabama (1976–77); and as a legislative aide to the late Representative William A. Steiger (1970–76; 2 years full-time, the balance between school semesters).

Mr. Effron was born September 18, 1948 in Stamford, Connecticut, and raised in Poughkeepsie, NY, where he graduated from Poughkeepsie High School (1966). He is a graduate of Harvard College (1970, B.A., magna cum laude), where he was Editor in Chief of the Harvard Political Review; Harvard Law School (1975, J.D. cum laude), where he was Executive Editor of the Harvard Civil Rights Civil Liberties Law Review; and the Judge Advocate General's School, U.S. Army (Basic Course Distinguished Graduate, 1976; Graduate Course, by correspondence, 1984).

Mr. Effron's publications include: "Supreme Court—1990 Term, Part I," Army Lawyer, Mar. 1991, at 76 (with Francis A. Gilligan and Stephen D. Smith); "Supreme Court Review of Decisions by the Court of Military Appeals: The Legislative Background," Army Lawyer, Jan. 1985, at 59; "Post-Trial Submissions to the Convening Authority Under the Military Justice Act of 1983," Army Lawyer, July 1984, at 59; "Military Participation in United States Law Enforcement Activities Overseas: The Extraterritorial Effect of the Posse Comitatus Act," 54 St. John's L. Rev. 1 (1979) (with Deanne C. Siemer); "Punishment of Enlisted Personnel Outside the UCMJ: A Statutory and Equal Protection Analysis of Military Discharge Certificates," 9 Harv. CR–CL L. Rev. 227 (1974).

Mr. Effron's awards include the Army Meritorious Service Medal (1977); the Defense Meritorious Service Medal (1979); and the Department of Defense Distinguished Civilian Service Medal (1987).

Mr. Effron and his wife, Barbara, live in Annandale, Virginia. They have a daughter, Robin, and a son, Michael.

CATHOLIC BISHOPS' STATEMENT ON IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, the Nation's Catholic bishops have long been concerned with the fair treatment of immigrants and refugees. In fact, the U.S. Catholic Conference maintains the Nation's largest immigrant and refugee service organizations in the country, and they provide a broad range of assistance to newcomers to America.

Last month, the bishops took up the immigration issue at their annual conference in Portland, OR. A statement issued by the bishops provides valuable insight and guidance to Congress as we consider the many important issues involved in immigration reform. The statement speaks forcefully for maintaining a strong safety net for immigrant families, and for continuing our tradition of providing a haven for persecuted refugees. The statement also urges Congress not to take the unwise step, as some have proposed, of denying innocent undocumented immigrant children access to public education.

I commend this statement to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT ON IMMIGRATION BY BISHOP ANTHONY M. PILLA, PRESIDENT, NATIONAL CONFERENCE OF CATHOLIC BISHOPS

The Catholic Bishops of the United States take seriously the responsibility entrusted to them as Pastors and Teachers to speak on behalf of those who cannot speak for themselves. We have spoken frequently in recent times of our concerns about the treatment of immigrants and refugees in the United States. Regrettably, since our last statement just a year ago, the public debate has become even more acrimonious, and Congress is now considering the final form of restrictive legislation that runs counter both to Christian teaching and the proud tradition of this nation of immigrants.

The Church has long acknowledged the right and the responsibility of nations to regulate their borders for the promotion of the common good. For that reason it is appropriate for the United States to engage in a debate about its immigration and refugee policies. Unfortunately, though, that debate has taken on a punitive tone which seems to seek to diminish the basic human dignity of the foreign born.

In particular, I express grave concern and dismay at provisions of the legislation which would target the most vulnerable among us—children, the sick, and the needy—in an impractical effort to cure our nation's social and economic ills. Health care and education are among the most basic of human rights to which all have a moral claim, yet this legislation seeks to restrict severely or flatly deny these rights to those who were not born in this country. Indeed, there is a disregard for human life in this legislation which is inconsistent with the Gospel and which I find morally objectionable.

Refugees and asylum seekers, those fleeing persecution and possible death in search of safehaven in the United States, risk the real possibility of being returned immediately to their oppressors as a consequence of this legislation. As emphasized by the Bishops in a statement last year, these people "have a special moral standing and thus require special consideration."[1]

The health and well-being of immigrants who gain entry into the United States are similarly threatened by this legislation. All of us at some point may be affected by hunger, poor health, housing needs, family crises, and aging. This legislation is so overreaching and restrictive that it would make it almost impossible for legal taxpaying immigrants to seek assistance when confronted with these vicissitudes of life. The undocumented are put even more at risk. They may be faced with deportation simply for seeking food and medical care for themselves and their children. By denying these most basic needs merely on the basis of where a person was born is to place the health and well-being of the entire community at risk.

Furthermore, undocumented children could be denied access to education in a misguided effort to hold them accountable for the actions of their parents. Consequently, immigrant youths face the possibility of being left illiterate and idle, turned out on the streets to be tempted by crime and deliquency—or to become their victims. Teachers will be forced to become de facto agents of the Immigration and Naturalization Service. Surely, the common good cannot be served by such measures.

Finally, at a time when great emphasis is being placed on the renewal of the American family, this legislation would effectively prevent the reunification of immigrant families by mandating financial tests which would be impossible for most sponsors to meet. I believe this to be contradictory and counterproductive. Immigrants, like the nature born, draw strength from their families in times of need, and as we said in our statement last year: "Family reunification remains the appropriate basis for just immigration policy."[2]

The principles of human dignity and human solidarity, which the Church has long taught, should be factors in shaping the goals of public policy, including immigration. Pope John Paul II has forcefully spoken on the need for solidarity:

"Solidarity is undoubtedly a Christian virtue. . . . One's neighbor is then not only a human being with his or her own rights and a fundamental equality with everyone else but becomes the living image of God the Father, redeemed by the blood of Jesus Christ and placed under the permanent action of the Holy Spirit. One's neighbor must therefore be loved, even if an enemy, with the same love with which the Lord loves him or her; and for that person's sake one must be ready for sacrifice, even the ultimate one: to lay down one's life for the brethren (cf. 1 Jn. 3:16)"[3]

Pope Paul VI's lament nearly 30 years ago that "[h]uman society is sorely ill,"[4] sadly is still true today. Now as then, we agree that the cause of society's illness may be attributed to "the weakening of brotherly ties between individuals and nations."[5] Therefore, all people, and particularly those who have been entrusted with leadership, are given the moral charge to build up the ties between individuals and nations. I call on Congress and the President to address and correct the punitive provisions of the pending immigration legislation which will provide for a more thoughtful bill respecting the human dignity of our foreign born sisters and brothers who aspire to come to our country. In welcoming them, we welcome Jesus Himself.

FOOTNOTES

[1] NCCB, Committee on Migration. "One Family Under God," 1995. p. 9.

[2] NCCB, Committee on Migration. "One Family Under God," 1995. p. 11.

[3] John Paul II, Encyclical letter "Sollicitudo Rei Socialis," 1987. §40–40.1.

[4] Paul VI, Encyclical letter "Populorum Progressio," 1967, §66.

[5] Ibid.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago when I commenced these daily reports to the Senate it was my purpose to make a matter of daily record the exact Federal debt as of the close of business the previous day.

In my very first report on February 27, 1992, the Federal debt the previous day stood at $3,825,891,293,066.80, at the close of business. The Federal debt has, of course, shot further into the stratosphere since then.

Mr. President, at the close of business yesterday, Monday, July 15, a total of $1,330,422,366,347.75 had been added to the Federal debt since February 26, 1992, meaning that the exact Federal debt stood at $5,156,313,659,414.55. On a per capita basis, every man, woman, and child in America owes $19,435.50 as his or her share of the Federal debt.

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 198. Concurrent resolution authorizing the use of the Capitol Grounds for the first annual Congressional Family Picnic.

The message also announced that the House has passed the following bill, in which it requests, the concurrence of the Senate:

H.R. 3396. An act to define and protect the institution of marriage.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3396. An act to define and protect the institution of marriage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3350. A communication from the Assistant Secretary of Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Department of the Interior Acquisition Regulation," (RIN 1090–AA55) received on July 2, 1996; to the Committee on Governmental Affairs.

EC–3351. A communication from the Attorney General, transmitting, pursuant to law, the report on the operations of the private counsel debt collection project for fiscal year 1995; to the Committee on Governmental Affairs.

EC–3352. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the rule entitled "Pay Under the General Schedule," (RIN 3206–AH09) received on July 2, 1996; to the Committee on Governmental Affairs.

EC–3353. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the rule entitled "Political Activities of Federal Employees," (RIN 3206–AH33) received on July 2, 1996; to the Committee on Governmental Affairs.

EC–3354. A communication from the Secretary of Defense, transmitting, pursuant to law, the report under the Inspector General Act for the period September 20, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3355. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the semiannual report to Congress from October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3356. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report to Congress from October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3357. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report entitled "Addressing the Deficit"; to the Committee on Governmental Affairs.

Footnotes at end of statement.

EC–3358. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report of the Resolution Trust Corporation for calendar year 1995; to the Committee on Governmental Affairs.

EC–3359. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule entitled "The Export of Nuclear Equipment and Materials," (RIN 3150–AF51) received on July 8, 1996; to the Committee on Governmental Affairs.

EC–3360. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, reports relative to Federal Home Loan Banks and the Financing Corporation; to the Committee on Governmental Affairs.

EC–3361. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to the Committee's Procurement List; to the Committee on Governmental Affairs.

EC–3362. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the management report of the Government National Mortgage Association for fiscal year 1995; to the Committee on Governmental Affairs.

EC–3363. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period September 20, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3364. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report regarding interactive video and data service licensees to provide mobile service to subscribers; to the Committee on Commerce, Science, and Transportation.

EC–3365. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Signal and Train Control: Miscellaneous Amendments," (RIN2130–AB06, 2130–AB05) received on July 11, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3366. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alteration of Jet Routes J–86 and J–92," (RIN2120–AA66) received on July 11, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3367. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report regarding the assessment and collection of regulatory fees for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3368. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish Fishery," received on July 11, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3369. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on July 11, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3370. A communication from the Office of the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of the rule concerning energy consumption and water use of certain home appliances and other products, received on June 26, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3371. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report of a description of the directed research needs for implementation of the Convention on Antarctic Marine Living Resources; to the Committee on Commerce, Science, and Transportation.

EC–3372. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations; to the Committee on Commerce, Science, and Transportation.

EC–3373. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, relative to FM broadcast stations; to the Committee on Commerce, Science, and Transportation.

EC–3374. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to video dialtone costs and revenues for local exchange carriers offering video dialtone services; to the Committee on Commerce, Science, and Transportation.

EC–3375. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the regulation of international accounting rates; to the Committee on Commerce, Science, and Transportation.

EC–3376. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations [Milton, West Virginia); to the Committee on Commerce, Science, and Transportation.

EC–3377. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations (Ingalls, Kansas); to the Committee on Commerce, Science, and Transportation.

EC–3378. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations (Denison-Sherman, Paris); to the Committee on Commerce, Science, and Transportation.

EC–3379. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations (Honor, Michigan); to the Committee on Commerce, Science, and Transportation.

EC–3380. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

EC–3381. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the operator service access and pay telephone compensation; to the Committee on Commerce, Science, and Transportation.

EC–3382. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries," (RIN0648–AI29) received on June 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3383. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the Television Consumer Protection and Competition Act of 1992; to the Committee on Commerce, Science, and Transportation.

EC–3384. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

EC–3385. A communication from the Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Zone Management Program Regulations," (RIN0648–AI43) received on June 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3386. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific," (RIN0648–AI18) received on June 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3387. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of four rules entitled "Airworthiness Directives," (RIN2120–AA64) received on June 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3388. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Operating-Differential Subsidy for Bulk Cargo Vessels," (2133–AB27) received on June 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3389. A communication from the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting jointly, pursuant to law, a report relative to quiet aircraft technology for propeller-driven airplanes and rotorcraft; to the Committee on Commerce, Science, and Transportation.

EC–3390. A communication from the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting jointly, pursuant to law, a report relative to subsonic noise reduction technology; to the Committee on Commerce, Science, and Transportation.

EC–3391. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the competition policy in the new high-tech, global marketplace; to the Committee on Commerce, Science, and Transportation.

EC–3392. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades," (RIN2115–AF17) received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3393. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of nine rules entitled "Implementation of the Equal Access to Justice Act: Payment of Attorneys Fees," (RIN2105–AC52, 2105–AC54, 2105–AC26, 2105–AC43, 2105–AC53, 2137–AC75, 2115–AF32, 2115–AE47, 2130–AA58) received on June 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3394. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of nine rules entitled "Operating Requirements: Domestic, Flag, Suplemental, Commuter, and On-Demand Operations," (RIN2120–AG03, 2120–AA66, 2120–AA64) received on June 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3395. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of four rules entitled "Airworthiness Directives," (RIN2120–AA64, 2120–AA66) received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3396. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulatory Review, Gas Pipeline Safety Standards," (RIN2137–AC25) received on June 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3397. A communication from the Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of six rules entitled "Training and Qualification Requirements for Check Airmen and Flight Instructors," (RIN2120–AF08, 2120–AF29, 2120–AA66, 2120–AD21, 2120–AA64) received on June 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3398. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the rule concerning implementation of the Farm Program provisions of the 1996 Farm Bill, received on July 11, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3399. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the rule concerning limitation on imports of meat, received on July 11, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3400. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation to amend the Panama Canal Act of 1979; to the Committee on Armed Services.

EC–3401. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, the report on the effectiveness and costs of carrying out the Department of Defense Civilian Separation Pay Program; to the Committee on Armed Services.

EC–3402. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a notification relative to the Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC–3403. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the rule on Management Official Interlocks Docket R–09007, received on July 11, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3404. A communication from the General Counsel fo the Federal Emergency Management Agency, transmitting, a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to extend the Act, authorize appropriations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–3405. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–3406. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–3407. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the rule on the State Energy Program, (RIN1904–AA81) received on July 11, 1996; to the Committee on Energy and Natural Resources.

EC–3409. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of an informational copy of a lease prospectus; to the Committee on Environment and Public Works.

EC–3410. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a determination relative to the assistance to strengthen the peacekeeping mission in Liberia; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–655. A resolution adopted by the Legislation Council of the Arkansas General Assembly relative to the National Voter Registration Act of 1993; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GORTON, from the Committee on Appropriations, with amendments:

H.R. 3662. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–319).

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1959. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–320).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 391. A bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes (Rept. No. 104–321).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 901. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes (Rept. No. 104–322).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. 1956. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 1953. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. Lott, Mr. Heflin, Mr. Abraham, Mr. Ashcroft, Mr. Burns, Mr. Craig, Mr. Faircloth, Mr. Grams, Mr. Kempthorne, Mr. Mack, Mr. McConnell, Mr. Bennett, Mr. Bond, Mr. Brown, Mr. Grassley, Mr. Nickles, Mr. Simpson, Mr. Stevens, Mr. Thurmond, Mr. Pressler, Mr. Shelby, Mr. Cochran, Mr. Warner, and Mr. Thomas):

S. 1954. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; read the first time.

By Mr. HATCH (for himself, Mr. Harkin, Mr. Faircloth, Mr. Bennett, Mr. Inouye, Mr. Thurmond, Mr. Simon, Mr. Pressler, and Mr. DeWine):

S. 1955. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Pain Research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 1956. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997; from the Committee on the Budget; placed on the calendar.

By Mr. PRESSLER (for himself, Mr. Lott, and Mr. Inouye):

S. 1957. A bill to amend chapter 59 of title 49, United States Code, relating to intermodal safe container transportation; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself, Mr. Feingold, Mr. Gregg, and Mr. Kerry):

S. 1958. A bill to terminate the advanced light water reactor program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 1959. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself and Mr. PRESSLER):

S. 1960. A bill to require the Secretary of Transportation to reorganize the Federal Aviation Administration to ensure that the Administration carries out only safety-related functions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1961. A bill to establish the United States Intellectual Property Organization, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. GLENN, Mr. THOMAS, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. MURKOWSKI, Mr. CAMPBELL, and Mr. SIMON):

S. 1962. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 1953. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE AND DISCLOSURE ACT OF 1996

• Mrs. HUTCHISON. Mr. President, today I am introducing legislation which I believe addresses shortcomings in the current campaign finance law.

First, though, if I were going to give a title to the campaign finance reform legislation under consideration in the Senate until now, I would call it the Incumbent Protection Act of 1996, because that is what proposed limitations on expenditures would accomplish.

For us to limit campaign contributions across the board would be counterproductive and self-serving. Any such limit, voluntary or otherwise, would favor incumbents because it would inhibit the right of a challenger to go out and raise more campaign funds than an incumbent who already enjoys greater name recognition.

Challengers would have no way of overcoming that very real disadvantage. We should strive to level the playing field, not tilt it further toward those who already enjoy the advantage.

That said, there are a number of commonsense principles I believe can be invoked in order strengthen the current campaign finance law and make it more equitable.

I support the idea of requiring that 60 percent of a Senate candidate's campaign funds be raised from individuals within his or her home State. This rule would ensure that those who would be represented by the candidate have the greatest say in the outcome of an election.

I support limiting the use of personal wealth to finance campaigns. Right now there are no limits on the amount of personal wealth a candidate can spend on his or her own political campaign and be reimbursed. Today, such candidates are entitled to make personal campaign contributions to their own campaigns, and repay themselves after the fact. The status quo is campaign finance based on creditworthiness, and as such is inherently inequitable.

I think we can fairly, and constitutionally, set a limit on the amount for which such candidates can be reimbursed for upfront expenditures from their personal pocketbooks.

The bill I am introducing today would set a personal reimbursement limit of $250,000 on the use of Senate candidates' personal funds or funds from members of their immediate families.

I support limiting political action committee [PAC] donations to the same amount as individuals are entitled to donate to a candidate.

This legislation decreases the PAC contribution limit to the same limit as an individual. Under the bill individual contributions are limited to $1,000 and PAC contributions are lowered from $5,000 to $1,000 to make both categories of limitations equal.

The vast majority of PAC's are cooperative, grassroots efforts within a specific group, or company, such as a teachers' association, a union, or a tax-limitation group. Most people who contribute to PACs give small amounts of money. If someone wants to participate in the process, they should be encouraged. Our campaign finance law should be neutral. Neither PAC's, nor individuals, should be given preferential treatment.

I support the idea of doing away with the congressional franking privilege for mass mailings during election years. I do not use and have never used the franking privilege of mass mailings at any time. It is, frankly, an advantage for incumbents provided at taxpayer expense which should be canceled.

My legislation would eliminate mass mailings as franked mail from January 1 of an election year through the date of an incumbent Senator's general election. This may seem strenuous, but it is absolutely necessary.

Mr. President, campaign finance reform is a work in progress. We are in the process of restoring confidence in the political process. For the American people, this is a plus—not a weakness. The ability to fine tune and strengthen the political process while preserving our basic democratic institutions is one of the great strengths of our country. It requires our greatest dedication.•

By Mr. HATCH (for himself, Mr. LOTT, Mr. HEFLIN, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GRAMS, Mr. KEMPTHORNE, Mr. MACK, Mr. MCCONNELL, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. GRASSLEY, Mr. NICKLES, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. PRESSLER, Mr. SHELBY, Mr. COCHRAN, Mr. WARNER, and Mr. THOMAS):

S. 1954. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; read the first time.

THE OMNIBUS PROPERTY RIGHTS ACT

Mr. HATCH. Mr. President, I am pleased today to introduce a new version of the Omnibus Property Rights Act of 1996. This bill is a narrower version of the bill introduced as S. 605, on March 23, 1995.

Americans everywhere are losing their fundamental right to property. They cannot build homes, farm land, clear ditches or cut firebreaks in property that clearly belongs to them. Often, this property has been in their family for years. The Omnibus Property Rights Act is the proper vehicle to vindicate property rights and limit arbitrary actions by Federal bureaucrats.

The criticisms of S. 605, in my view, are vastly overblown. But, in a good faith effort to address concerns raised by critics of the original bill, I am introducing this revised version. This version will: First, narrow the definition of property to include only real property, including fixtures on land, such as crops, timber, and mining interests, and water rights; Second, increase the threshold amount that property or a portion of property need be diminished in value before compensation for a taking be sought from 33 to 50 percent; Third, expressly exempt civil rights laws from the bill's purview, including those protecting persons with disabilities; Fourth, remove the takings regulatory reform "look back" provision from the bill by striking all of section 404, this in an effort to address the fear that any and all agency review provisions are too burdensome; and Fifth, amend the owner's consent to enter land provision to allow for nonconsensual agency access to private land pursuant to criminal law enforcement and emergency access exceptions.

In addressing the bill oponent's claims by making these significant changes, I would like to say once again that our critics' real problem is not with the overall bill, but with the U.S. Supreme Court. In 1992, the Supreme Court held in Lucas versus South Carolina Coastal Council that restrictions on property use based on "background principles of the State's law of property and nuisance" need not be compensated. Common law nuisance is either the use of property that harms or interferes with another's property or that injures public health, safety, or morals. This common law exemption for compensation has been codified literally in this bill as a "nuisance exception." All we did in our bill was to codify the "law of the land." The bill codifies and clarifies recent Supreme Court standards as to what constitutes a "taking" of private property and ameliorates the arbitrary nature of court and administrative proceedings.

What this bill does is to limit big government's ability to regulate and control private property without paying innocent or nonpolluting property holders compensation. Currently, the Federal Government and agency bureaucrats are able to shift the cost of public regulation to individual property owners.

The Omnibus Property Rights Act helps to take away this arbitrary free ride. The bill helps secure and protect private property rights guaranteed by the takings clause of the fifth amendment of our Constitution, which the Supreme Court in Armstrong versus United States (1960) determined is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by public as a whole."

In adopting the Supreme Court's recent Lucas holding, the Omnibus Property Rights bill provides that only innocent property holders are to be compensated for government takings. Those that misuse their property to pollute or to harm public health and safety are not entitled to compensation under the bill's nuisance provision. Property owners remain subject to the same laws and regulations as everyone else. Only if government cannot demonstrate that their use of property amounts to a harm recognized as common law nuisance will a property holder be compensated under this bill. What could be fairer than this?

What about those Federal statutes, named by opponents of the Omnibus bill, that might not fall under the nuisance exception? Will enforcement of those statutes, designed to protect the public, diminish the value of property and require compensation? The answer is no: property holders are subject to the same general laws and regulations as everyone else. Only where enforcement of regulatory schemes amounts to a taking under current law, and arbitrarily singles out property holders to their detriment by requiring them, through reduced property values, to fund programs that should be paid out of the public treasury, will property holders be compensated. Moreover, even in these limited circumstances, the Federal Government can still regulate by paying compensation when it takes property. Current law—even without this bill—recognizes that justice and fairness require the government to pay for the property it takes. Thus, contrary to the bill's critics and the administration, if the Omnibus Property Rights Act is enacted into law, the sky will not fall. In reality, the Federal bureaucracy has a poor record in protecting the right of the American public to use and own property. That is why we need a vehicle—such as this bill—to force the government by statute to heed the public's rights.

Indeed, the omnibus bill includes provisions that require Federal agencies to account for the costs of taking property when formulating policy, and it provides for a more efficient administrative remedy for property owners who seek compensation. It also allows for alternative dispute resolution mechanisms to encourage quicker settlements of takings claims. For cases that go to Federal court under the bill, the bill codifies recent Supreme Court decisions and clarifies the law in regulatory takings cases. Because the bill provides for clearer, bright-line rules of liability, it will lead to lower costs overall, as both agencies and property owners become fully aware of the limits of the government's power to take property. Importantly, the codification of bright-line rules will ameliorate the ad hoc and arbitrary nature of takings jurisprudence.

I ask my colleagues to support this bill and breathe life into the fifth amendment of the U.S. Constitution.

By Mr. HATCH (for himself, Mr. HARKIN, Mr. FAIRCLOTH, Mr. BENNETT, Mr. INOUYE, Mr. THURMOND, Mr. SIMON, Mr. PRESSLER and Mr. DEWINE):

S. 1955. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Pain Research, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL CENTER FOR PAIN RESEARCH ESTABLISHMENT ACT OF 1996

Mr. HATCH. Mr. President, I rise today to introduce S. 1955, a bill to establish a National Center for Pain Research within the National Institutes of Health. This is legislation that I have developed working closely with Senators HARKIN and FAIRCLOTH. S. 1955 is also cosponsored by Senators BENNETT, INOUYE, THURMOND, SIMON, PRESSLER and DEWINE.

Pain is a condition that each of us experiences throughout our lives. Millions of individuals suffer from pain, sometimes chronic and often needlessly. Yet, there is insufficient knowledge about the basic mechanisms of pain, relatively few resources dedicated to the development and evaluation of pain treatment modalities, and inadequate transfer of new knowledge and information to health care professionals.

To show the magnitude of the problem, I will cite several statistics. Studies show that four in five Americans will have low back pain at some point in their lives. Nearly one in six Americans suffers from some form of arthritis, a very painful condition. In fact, according to the American Chronic Pain Association, pain is a part of the daily lives of one in three Americans.

These painful conditions are not only common, they are also expensive. A recent survey has shown that absences from work due to pain totaled 50 million days in 1995, accounting for billions of dollars in lost wages for sick days or medical and disability payments.

Mr. President, with an appropriation of $12 billion a year, you would think that the NIH would be devoting a substantial amount of funding toward a medical condition which is so prevalent. In fact, I was shocked to learn that such is not the case. According to statistics provided to me by the agency, NIH is spending only $54 million per year on pain-related research, only one-half of one percent. And that number is down almost 10 percent from the previous year.

To take one example, acute back pain, a serious condition which will affect about 80 percent of all Americans sometime in their lives, is alone responsible for a $40-billion-a-year drain on the U.S. economy. Yet, NIH reports that it currently funds only $2.5 million of research into this area.

My study of this issue has led me to conclude there is another serious problem associated with our Government campaign against pain. Pain research is spread across many of the Institutes, yet there is little coordination of these research activities to make sure these resources are effectively used.

Mr. President, this is not to say that NIH has neglected pain research. In fact, I want to make clear that NIH deserves high marks for its significant contributions in the field of pain research. NIH scientists have been integral in the cataloging of neurotransmitters and have been the key to improved understanding of the process of nociception. This basic science research has allowed for the development of several new drugs to treat pain.

I want to take this opportunity to thank Dr. Harold Varmus, NIH Director, and Dr. Harold Slavkin, NIDR Director, for their continued support of a most impressive program within the National Institute of Dental Research. The NIDR's Intramural Pain Research Program, operated through the Neurobiology and Anesthesiology Branch [NAB] of NIDR, exemplifies the high quality of pain research that I hope can be multiplied with enactment of this bill.

The NAB has trained almost 100 basic and clinical science pain researchers around the world, many of who have become deans of dental and medical schools, department chairs and successful grantees of many NIH Institutes. In fact, the American Pain Society has recently awarded two major research medals to two NAB investigators in recognition of their collaborative basic and clinical science research on neuropathic pain.

The National Center for Pain Research Act of 1996 will allow us to build on the successful pain research activities currently underway at the NIH.

This bill will improve integration of pain-related research within NIH, establish a national agenda for pain research, and expand the utilization of interdisciplinary pain research teams.

Specifically, it will, first, establish a Center for Pain Research within NIH. The purpose of this Center is to improve the quality of life of individuals suffering from pain by fostering clinical and basic science research into the causes of and effective treatments for pain; second, authorize the Center to coordinate pain research throughout the Institutes at NIH, as well as fund priority pain-related research through its own research budget; third, create an advisory board that will be made up of experts in pain research and pain management from a wide variety of health care disciplines, including physicians who practice pain management, psychology, physical medicine and rehabilitative services, nursing, dentistry, and chiropractic health care professionals; and fourth, establish six regional pain research centers to facilitate and enhance pain-related research, training, education, and related activities to be carried out by the Center.

In addition to increasing our knowledge about pain, it is important to disseminate information about advances made in the pain research. Through pioneering research supported by the NIH, we have already made great strides in increasing our knowledge of pain and in treating painful conditions.

However, the treatment of patients suffering from painful conditions remains woefully inadequate. Too many of our health professionals lack specific training in pain management. With adequate pain control, much of the suffering from painful conditions can be prevented or greatly attenuated.

Sadly, pain control is a significant problem for patients with cancer. A statement from the National Cancer Institute indicated that, "the under treatment of pain and other symptoms of cancer is a serious and neglected public health problem." With 1 million new cases of cancer diagnosed each year, this problem cannot be ignored.

Additional studies have shown that pain associated with cancer is most frequently under treated in the elderly and children—two of our most vulnerable populations. The need for a national movement to help these individuals is illustrated by the fact that cancer pain can be virtually abolished in approximately 90 percent of patients by the intelligent use of drugs.

This bill has widespread support from organizations representing the providers of pain management, pain researchers, and the people they serve. These organizations include: American Academy of Pain Management, American Academy of Pain Medicine, American Chiropractic Association, American Chronic Pain Association, American Pain Society, Arthritis Foundation, Back Pain Association of America, Endometriosis Association, Interstitial Cystitis Association, National Chronic Pain Outreach Association, National Committee on the Treatment of Intractable Pain, Pain Research Group of the University of Wisconsin, Reflex Sympathetic Dystrophy Syndrome Association of America, American Cancer Society, Sickle Cell Disease Association of America, and the Vulvar Pain Foundation.

In closing, I would like to thank the chiropractic community for bringing this issue to the forefront of public attention. The chiropractic profession, through its ability to effectively treat many painful conditions—including low back pain, headaches and neck pain—has been on the leading edge of pain management for years. They have joined their colleagues in the health professions in initiating and developing this important legislation and our bill recognizes the substantial role chiropractors play in the pain treatment community.

I would also like to thank the contributions of the American Pain Society, which represents the interdisciplinary pain management research and care community. They also have actively participated in the development of this legislation.

Mr. President, the creation of the Center for Pain Research will facilitate the discovery of new treatments for painful conditions afflicting almost all of our fellow Americans. This bill also makes certain that these discoveries reach the people who now suffer from needless pain as soon as possible.

I urge my colleagues to support creation of a Center for Pain Research within the National Institutes of Health.

Mr. President, I ask unanimous consent that the text of the bill be placed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for Pain Research Act of 1996".

SEC. 2. NATIONAL CENTER FOR PAIN RESEARCH.

(a) Establishment.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end thereof the following new subparagraph:

"(F) The National Center for Pain Research.".

(b) Operation.—Part E of title IV (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 5—National Center for Pain Research

"SEC. 485E. ESTABLISHMENT AND PURPOSE OF THE CENTER.

"(a) Establishment.—The Secretary shall establish within the National Institutes of Health, a center to be known as the National Center for Pain Research (hereafter referred to in this subpart as the 'Center'). The Center shall be headed by a Director (hereafter referred to in this subpart as the 'Director') who shall be appointed by the Director of NIH, after consultation with experts in the fields of pain research and treatment representing the disciplines designated in subsection (b)(3), and have the powers described in section 405.

"(b) General Purpose.—The general purpose of the National Center for Pain Research is—

"(1) to improve the quality of life of individuals suffering from pain by fostering of clinical and basic science research into the causes of and effective treatments for pain;

"(2) to establish a national agenda for conducting and supporting pain research in the specific categories described in subparagraphs (A), (B), (C), and (D) of paragraph (3);

"(3) to identify, coordinate and support research, training, health information dissemination and related activities with respect to—

"(A) acute pain;

"(B) cancer and HIV-related pain;

"(C) back pain, headache pain, and facial pain; and

"(D) other painful conditions;

including the biology of pain, the development of new and the refinement of existing pain treatments, the delivery of pain treatment through the health care system and the coordination of interdisciplinary pain management, that should be conducted or supported by the National Institutes of Health;

"(4) to conduct and support pain research, training, education and related activities that have been identified as requiring additional, special priority as determined appropriate by the Director of the Center and the advisory council established under subsection (c);

"(5) to coordinate all pain research, training, and related activities being carried out among and within the National Institutes of Health;

"(6) to initiate a comprehensive program of collaborative interdisciplinary research among schools, colleges and universities, including colleges of medicine and osteopathy, colleges of nursing, colleges of chiropractic who are members of the Association of Chiropractic Colleges, schools of dentistry, schools of physical therapy, schools of occupational therapy, and schools of clinical psychology, comprehensive health care centers, and specialized centers of pain research and treatment; and

"(7) to promote the sufficient allocation of the resources of the National Institutes of Health for conducting and supporting pain research in the specific categories described in subparagraphs (A), (B), (C), and (D) of paragraph (3).

"(c) Advisory Council.—

"(1) In general.—The National Pain Research Center Advisory Board shall be the advisory council for the Center. Section 406 applies to the advisory council established under this paragraph, except that—

"(A) the members of the advisory council shall include representatives of the broad range of health and scientific disciplines involved in research and treatment related to those categories of pain described in subsection (b)(2), and shall include an equal number of representatives of physicians who practice pain management, clinical psychologists, individuals who provide physical medicine and rehabilitative services (including physical therapy and occupational therapy), nurses, dentists, and chiropractic health care professionals;

"(B) the nonvoting ex officio members shall include—

"(i) the Director of the National Cancer Institute;

"(ii) the Director of the National Institute of Dental Research;

"(iii) the Director of the National Institute of Child Health and Human Development;

"(iv) the Director of the National Institute of Nursing Research;

"(v) the Director of the National Institute of Allergy and Infectious Diseases;

"(vi) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(vii) the Director of the National Institute of Neurological Disorders and Stroke;

"(viii) the Director of the National Institute on Drug Abuse; and

"(ix) the Director of the National Institute on Disability and Rehabilitation Research of the Department of Education; and

"(3) the council shall meet at least two times each fiscal year.

"(2) DUTIES.—The advisory council shall advise, assist, consult with and make recommendations to the Director of the Center concerning matters relating to the coordination, research, training, education, and related general purposes set forth in subsection (b), including policy recommendations with regard to grants, contracts, and the operations of the Center.

"(d) ESTABLISHMENT OF REGIONAL PAIN RESEARCH CENTERS.—

"(1) ESTABLISHMENT.—To facilitate and enhance the research, training, education, and related activities to be carried out by the Center, the Director of the Center, in consultation with the advisory council established under subsection (c), shall establish not less than six regional pain research centers.

"(2) FOCUS AND DISTRIBUTION.—

"(A) FOCUS.—The regional centers established under paragraph (1) shall have as their primary focus one of the categories of pain described in subparagraphs (A), (B), (C), and (D) of subsection (b)(3).

"(B) DISTRIBUTION.—One regional pain research center shall be established in each of the following six regions of the United States as defined by the Secretary:

"(A) The northeast region.

"(B) The southeast region.

"(C) The midwest region.

"(D) The southwest region.

"(E) The west region, including Hawaii.

"(F) The Pacific Northwest region, including Alaska.

"(2) USE OF TECHNOLOGY.—The regional centers established under paragraph (1) shall be a part of the Center and shall be interconnected to the Center headquarters through the utilization of distance learning technologies, satellites, fiber optic links, or other telecommunications and computer systems, to allow for the interactive exchange of information, research data, findings, training programs, educational programs, and other Center research and related initiatives.

"(3) INITIAL REGIONAL CENTERS.—The initial regional centers shall be selected through a competitive process from among institutions and centers of the type described in subsection (b)(6).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purposes of carrying out this section, there are authorized to be appropriated $20,000,000 for each of fiscal years 1997, 1998, and 1999, and such sums as may be necessary for fiscal year 2000.

"(2) REGIONAL CENTERS.—Of the amount appropriated under paragraph (1) for fiscal year 1998 and each subsequent fiscal year, not less than $1,000,000 shall be made available to each of the regional centers established under subsection (d).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1998, and each January 1, thereafter, the Director of the Center shall prepare and submit to the committees of Congress a report concerning the total amount of funds expended to support pain-related research in the year for which the report was prepared.".

By Mr. DOMENICI:

S. 1956. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997; from the Committee on the Budget.

THE PERSONAL RESPONSIBILITY WORK OPPORTUNITY AND MEDICAID RESTRUCTURING ACT OF 1996

Mr. DOMENICI. Mr. President, for purposes of the Senate's consideration of the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996, pursuant to section 423(f)(2) of the Unfunded Mandates Reform Act of 1995 I hereby submit the mandate cost estimates for the Agriculture and Finance Committees reconciliation submissions and ask unanimous consent that they by printed in the RECORD

The entire cost estimate will be available in a Committee print proposed by the Senate Committee on the Budget.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 3, 1996.

Hon. RICHART G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared enclosed cost estimate for the Agricultural Reconciliation Act of 1996, as recommended by the Senate Committee on Agriculture, Nutrition, and Forestry. Enactment of this bill would affect direct spending. Therefore, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, Director).

Enclosure.

* * * * *

8. Estimated impact on State, local, and tribal governments: The bill contains at least two mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), but the total costs of the mandates would not exceed the $50 million annual threshold established in the law. The bill would require state agencies that administer the Food Stamp program to provide information to law enforcement agencies under certain circumstances. CBO estimates that the additional costs of this mandate would be negligible because such information is readily available from other sources.

The bill would also require states to implement an electronic benefit transfer (EBT) system before October 1, 2002, unless the Secretary of Agriculture provides a waiver. Based on information provided by the Department of Agriculture, CBO expects that under current law all states will have such systems in place by October 1, 2002, or would receive a waiver from the Secretary of Agriculture under the bill. Therefore, no additional direct costs would be associated with this new mandate.

Other provisions of the bill would also affect state budgets, but CBO is uncertain whether these provisions would be considered mandates as defined by Public Law 104-4. One provision would reduce the amount that states are allowed to retain when they collect overissuances of food stamp benefits. The bill would also reduce amounts that states receive from the Federal Government for administering Child Nutrition programs. The receipt of these funds is based on a percentage of funds spent on certain Child Nutrition programs during the second preceding fiscal year. Thus, reductions in programmatic funding beginning in fiscal year 1997 would result in less administrative funding two years later.

Public Law 104-4 defines a mandate for large entitlement programs, including the Food Stamp program, as a provision that would increase the stringency of conditions under the program or would place caps upon, or otherwise decrease, the federal government's responsibility to provide funding to state, local, or tribal governments under the program if the state, local, or tribal governments lack the authority under the program to amend their financial or programmatic responsibilities to continue providing required services.

In the case of overissuances of food stamp benefits, it is unclear whether the amounts states retain from collection of overissuances should be considered part of the federal government's responsibility to provide funding to states for administering the Food Stamp program. It is also unclear whether states have sufficient flexibility in the administration of the overall program to offset the losses they would experience with savings elsewhere in the program, then any losses would not be the result of a mandate as defined by the law. CBO estimates that states could lose federal funds totaling $15 million annually in fiscal years 1997–2001 and $200 million in fiscal year 2002 as the result of this provision.

In the case of administrative funding for Child Nutrition programs, it is also unclear whether states have sufficient flexibility in the administration of the program to offset the losses in federal funding. If such flexibility exists, then any losses would not be the result of a mandate as defined by the law. CBO estimates that states would lose $1.5 million in fiscal year 1999 and approximately $7 million annually by fiscal year 2002.

The bill would have other impacts on the budgets of state and local governments that would not be the result of mandates as defined by the law. The bill would eliminate funding for startup and expansion costs associated with the school breakfast program totaling $10 million to $25 million annually. The bill would also allow states to opt to receive funding for the Food Stamp program through a block grant. States opting to receive the block grant would be given flexibility to administer the program within broad parameters in exchange for receiving funding levels established in the bill.

9. Estimated impact on the private sector: The bill contains no private-sector mandates as defined in Public Law 104-4.

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U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 1996.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for federal, state and local, and private sector cost estimates for the reconciliation recommendations of the Senate Committee on Finance, as ordered reported on June 26, 1996. Enactment of the bill would affect direct spending and receipts; therefore, pay-as-you-go procedures would apply.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES F. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill number: Not yet assigned.

2. Bill title: Not yet assigned.

3. Bill status: As ordered reported by the Senate Committee on Finance on June 26, 1996.

4. Bill purpose: The bill would restructure or modify the federal welfare programs and Medicaid by reducing federal spending and granting states greater authority in operating many of these programs.

5. Intergovernmental mandates contained in bill: The bill contains a number of new mandates as defined under the Unfunded Mandates Reform Act of 1995, Public Law 104-4, and repeals a number of existing mandates.

Block Grants for Temporary Assistance for Needy Families. The bill would eliminate a mandate by allowing states to lower their payment levels for cash assistance. Current law requires states to maintain their AFDC payment levels at or above their levels on May 1, 1988, as a condition for having their Medicaid plans approved, and at or above their levels on July 1, 1987, as a condition for receiving some Medicaid funds for pregnant women and children. This bill would repeal those requirements but would replace it with the new requirement that states maintain their overall level of expenditures for needy families at 80 percent of their historical level.

Supplemental Security Income (SSI). SSI is a federal program, but most states supplement the federal program. Current federal law requires states to either maintain their supplemental payment levels at or above 1983 levels or maintain their annual expenditures at a level at least equal to the level from the previous year. Once a state elects to supplement SSI, federal law requires it to continue in order to remain eligible for Medicaid payments. This bill would eliminate that mandate.

Child Support. The bill would mandate changes in the operation and financing of the state child enforcement system. The primary changes include using new enforcement techniques, eliminating a current $50 payment to welfare recipients for whom child support is collected, and allowing former public assistance recipients to keep a greater share of their child support collections.

Restricting Welfare and Public Benefits for Aliens. Future legal entrants to the United States would be banned, with some exceptions, from receiving federal benefits until they have resided in the country for five years. Thereafter, the bill would require states to use deeming (including a sponsor or spouse's income as part of the alien's) when determining financial eligibility for federal means-tested benefits. The bill would also require states to implement an alien verification system for determining eligibility for federal benefit programs that they administer. The requirements associated with applying deeming in these programs and implementing verification systems could result in costs to some states. However, the flexibility afforded states in determining eligibility and benefit levels reduces the likelihood that these requirements would represent mandates as defined by Public Law 104-4.

6. Estimated direct costs of mandates to State, local, and tribal governments:

(a) *Is the $50 Million Threshold Exceeded?* No.

(b) *Total Direct Costs of Mandates:* On balance, spending by state and local governments on federally mandated activities could be reduced by billions of dollars over the next five years as a result of enactment of this bill, although states are not likely to take full advantage of this new flexibility to reduce spending. While the new mandates imposed by the bill would result in additional costs to some states, the repeal of existing mandates and the additional flexibility provided are likely to reduce spending by more than the additional costs. (Other aspects of the bill that do not relate to mandates could be very costly to state and local governments. These impacts are discussed in the "other impacts" section of this estimate.)

Block Grants for Temporary Assistance for Needy Families. The bill would grant states additional flexibility in maintaining their spending for needy families. This flexibility could save states a significant amount of money; however, CBO is unable to estimate the magnitude of such savings at this time.

Supplemental Security Income. Eliminating the current maintenance of effort requirement on state supplements to SSI could reduce spending for federally mandated activities by nearly $4 billion annually.

Child Support. The mandates in the child support portion of the bill would produce a net saving to states. CBO estimates that the direct savings from increasing child support collections retained by the states and eliminating the $50 pass through would outweigh the additional costs of improving the child support enforcement system and allowing former public assistance recipients to keep a greater share of their child support collections.

The table below summarizes the costs and savings associated with the child support portion of the bill. In total, CBO estimates that states would save over $163 million in 1997 and $1.9 billion over the 1997–2002 period.

CHANGES IN SPENDING BY STATES ON CHILD SUPPORT ENFORCEMENT

[By fiscal years, outlays in millions of dollars]

	1997	1998	1999	2000	2001	2002
Enforcement and Data Processing[1]	62	−5	50	60	40	48
Direct Savings from Enforcement	−20	−45	−127	−216	−302	−380
Elimination of $50 Pass Through	−206	−221	−244	−267	−292	−315
Modifying Distribution of Payments	0	47	52	58	112	138
Total	−163	−223	−269	−364	−442	−510

[1] Net of technical assistance provided by the Secretary of Health and Human Services.

(c) *Estimate of Necessary Budget Authority:* None

Basis of estimate

Supplemental Security Income

States annually supplement federal SSI payments with nearly $4 billion of their own funds. Even though some states supplement SSI beyond what is required by the federally mandated levels, most of the $4 billion can be attributed to the mandate to maintain spending levels. While CBO would not expect states to cut their supplement programs drastically, they would no longer be required by federal law to spend these amounts.

Child support

Enforcement and Data Processing Costs. The new system for child support enforcement would focus on matching Social Security numbers in the states' registries of child support orders and directories of new hires. The states would track down non-cooperative parents and insure that support payments would be withheld from their pay checks.

Much of the costs of improving the system would involve automated data processing. The bill would require states to develop computer systems so that information can be processed electronically. The federal government would pay for 80 percent to 90 percent of these costs. Other mandates include suspending a variety of licenses of parents who are not paying child support and providing enforcement services to recipients of Temporary Assistance for Needy Families, Foster Care, and Medicaid and anyone else who requests assistance. The federal government would pay 66 percent of these costs. The numbers in the table in the previous section reflect only the states' share of these costs.

Direct Savings from Enforcement. Under current law, states can recoup some of the costs of supporting welfare recipients by requiring child support payments to be assigned to the state. As child support enforcement improves, state and federal collections would increase. In addition, by strengthening and increasing collections, states would achieve other savings, such as a reduction in the number of people eligible for Medicaid.

Elimination of the $50 Passthrough. Under current law, the first $50 in monthly child support collections is paid to welfare families receiving cash assistance. The rest is retained by the state and federal government. Because states and the federal government would be allowed to keep the first $50 if this bill is enacted, states would annually save between $200 million and $300 million.

Modifying Distribution of Payments. Under current law, when someone ceases to receive public assistance, states continue to collect and enforce the family's child support order. All amounts that are collected on time are sent directly to the family. If states collect past-due child support, however, they may either send the amount to the family or use the amount to reimburse themselves and the federal government for past AFDC payments. Under this bill, after a transition period, payments of past-due child support would first be used to pay off arrearages to the family accrued when the family was not on welfare. The bill would thus result in a loss of collections that otherwise would be recouped by the states.

Restricting welfare and public benefits for aliens

The bill would afford states broad flexibility to offset any additional costs associated with the deeming and verification requirements. Because in general states would have sufficient flexibility to make reductions in most of the affected programs, the new requirements would not be mandates as defined in Public Law 104-4. (Additional requirements imposed on states as part of large entitlement programs are not considered mandates under Public Law 104-4 if the states have the flexibility under the program to reduce their own programmatic and financial responsibilities.) Deeming requirements and verification procedures would thus constitute mandates only in those states where such flexibility does not exist. Furthermore, any additional costs would be at least partially offset by reduced caseloads in some programs. On balance, CBO estimates that the net cost of these requirements would not exceed the $50 million annual threshold established in Public Law 104-4.

7. Appropriation or other Federal financial assistance provided in bill to cover mandate costs: The federal government would provide 66 percent to 90 percent of the costs of improving the child support enforcement system. The costs reflected in this estimate are just the share of the costs imposed on the states.

8. Other impacts on State, local, and tribal governments: The bill would have many other impacts on the budgets of state, local, and tribal governments, especially the loss of federal funding to the states or their residents.

This loss of funding would not be considered a mandate under Public Law 104-4, however, because states would retain a significant amount of flexibility to offset the loss with reductions in the affected programs. Under Public Law 104-4, an increase in the stringency of conditions of assistance or a reduction in federal funding for an entitlement program under which the federal government spends more than $500 million annually is a mandate only if state, local, or tribal governments lack authority under that program to amend their own financial or programmatic responsibilities.

Block grants for temporary assistance for needy families

The bill would convert Aid to Families with Dependent Children (AFDC), Emergency Assistance, and Job Opportunities and Basic Skills Training (JOBS) into a block grant under which states would have a lot of freedom to develop their own programs for needy families. The bill, however, would impose several requirements and restrictions on states, most importantly work requirements. By fiscal year 2002, the bill would require states to have 50 percent of certain families that are receiving cash assistance in work activities. CBO estimates that the cost of achieving these targets would be $10 billion in fiscal year 2002. CBO assumes that, rather than achieving the targets, most states would opt to pay the penalty for not meeting these requirements.

The federal government's contribution to assistance to needy families would be capped. By fiscal year 2002, annual contributions for assistance (excluding child care) would be about $1 billion less than what is expected under current law. In order to deal with the shrinking federal support and the requirements discussed above, the states would have the option of cutting benefit levels or restricting eligibility. Some state and local governments could decide to offset partially or completely the loss of federal fund with their own funds.

Supplemental Security Income

The bill would reduce SSI benefits (net of increases in food stamp benefits) by about $2 billion annually by fiscal year 2002. Some state and local governments may choose to replace some or all of these lost benefits.

Child protection and foster care

The bill would maintain the current open-ended entitlement to states for foster care and adoption assistance and the block grant to states for Independent Living. The bill would also extend funding to states for certain computer purchases at an enhanced rate for one year.

Child care

The bill would authorize the appropriation of $1 billion in each of fiscal years 1996 through 2002 for the Child Care and Development Block Grant. The appropriation for the block grant for fiscal year 1996 is $935 million.

In addition, the bill would provide between $2.0 billion and $2.7 billion between 1997 and 2002 in mandatory funding for child care on top of the $1 billion authorization. This mandatory spending would replace AFDC work-related child care—an open ended entitlement program—Transitional Child Care, and At-Risk Child Care. By fiscal year 2002, annual mandatory spending for child care under the bill would be about $800 million higher than federal spending for current child care programs is currently projected to be.

Miscellaneous

This bill would reduce funding of the Social Services Block Grant to States by $560 million annually between fiscal year 1997 and 2002.

Medicaid

The new Medicaid program would be primarily funded by a capped grant rather than an open entitlement to the states as under current law. But the availability of an "umbrella" fund would allow states to receive additional federal funds in the event of certain unanticipated increases in enrollment. In addition, some states would be eligible for supplemental payments for treatment of illegal aliens and Native Americans. Compared to current levels, the annual federal contribution to Medicaid would drop by $29 billion by fiscal year 2002. Some states may decide to offset the loss of federal funds with additional state funds rather than reduce benefits, restrict eligibility, or reduce payments to providers. In addition, to the extent that public hospitals and clinics decide to serve individuals who lose Medicaid benefits, state and local government spending would increase.

Increased Flexibility for States. The bill would restructure the Medicaid program by granting states greater control over the program. For example, the bill would allow states to operate their programs under a managed care structure without receiving a federal waiver. In addition, states would no longer be constrained to provide the same level of medical assistance statewide, nor would comparability of coverage among beneficiaries be required. States would also have greater flexibility in determining provider reimbursement levels, because the proposal would repeal the Boren amendment.

Limits on Flexibility for States. The bill would prohibit states from supplanting state funds expended for health services with federal funds provided under this bill. As currently written, this provision is not clear. Based on verbal communications with Senate staff, CBO assumes that the intent of this provision is to prevent states from reducing spending for health services that do not qualify for federal matching under Medicaid. If the term "state funds" includes the states' share of Medicaid, however, this provision may conflict with the proposed increase in the federal matching rate for some states.

In addition, the bill would limit the new flexibility to use managed care without a waiver. If states mandate enrollment in managed care, they would have to provide beneficiaries with a choice of at least two health plans. States would also have to set aside funds for Federally Qualified Health Clinics and Rural Health Clinics. The set aside for each state would equal 95 percent of that state's expenditures for these clinics in fiscal year 1995.

Finally, the bill would prohibit Medicaid plans from imposing treatment limits or financial requirements on services for mental illnesses that are not imposed on services for other illnesses. Similar language for health insurance plans is included in H.R. 1303, the Health Reform Act of 1996, as passed by the Senate on April 23, 1996. Based on our interpretation of the provision in H.R. 3103, we assume that the intent of the Medicaid provision is not to mandate mental health services but to require parity if states provide any mental health services. If states choose to provide mental health services, parity for inpatient hospital services would be costly. Current law prohibits states from using Medicaid funds to provide inpatient care at psychiatric institutions for individuals who are between the ages of 21 and 65. Although not a guaranteed benefit, the bill would expand the definition of inpatient mental health services to include coverage of these individuals for acute care. Therefore, if a state provides any mental health services, the parity provision would require the state to provide these individuals with acute inpatient care without restrictions that differ from other inpatient services.

If the parity provision is interpreted to mandate mental health services, states with the least flexibility in their Medicaid program may not be able to offset the costs of this requirement by decreasing their responsibilities in other parts of the program. In those states, this provision could thus result in a mandate with costs that could exceed the $50 million annual threshold established in Public Law 104-4.

Drug Rebate Program. The bill would also restructure the drug debate program so that states would keep the entire rebate, rather than share it with the federal government.

* * * * *

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COST OF PRIVATE SECTOR MANDATES

1. Bill number: Not yet assigned.
2. Bill title: Not yet assigned.
3. Bill status: As ordered reported by the Senate Committee on Finance on June 26, 1996.
4. Bill purpose: The bill would reform and restructure the welfare and Medicaid programs and provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

5. Private sector mandates contained in the bill: Subtitle A contains several private-sector mandates as defined in Public Law 104-4. Chapter 3 would require employers to provide information on all new employees to new-hire directories maintained by the states, generally within 20 days of hiring the workers. This requirement could be satisfied by submitting a copy of the employee's W-4 form.

Chapter 4 would impose new requirements on individuals who sign affidavits of support for legal immigrants. Under current law, any new immigrant who is expected to become a public charge must obtain a financial sponsor who signs an affidavit promising, as necessary, to support the immigrant for up to three years. The affidavit is not legally binding, however. During this three-year period, a portion of the sponsor's income is counted as being available to the immigrant, and is used to reduce the amount of certain welfare benefits for which the immigrant may be eligible. After the three-year period, immigrants are eligible for welfare benefits on the same basis as U.S. citizens.

The bill would make the affidavit of support legally binding on sponsors of new immigrants, either until those immigrants became citizens or until they had worked in the U.S. for at least 10 years. This requirement would impose an enforceable duty on the sponsors to provide, as necessary, at least a minimum amount of assistance to the new immigrants. The bill would also make most new immigrants completely ineligible for welfare benefits for a period of five years. In addition, the bill would require sponsors to report any change in their own address to a state agency.

Chapters 4 and 9 include changes in the Earned Income Credit that would raise private-sector costs. Specific changes include modifying the definition of adjusted gross income used for calculation of the credit, altering provisions related to disqualifying income, denying eligibility to workers not authorized to be employed in the U.S., and suspending the inflation adjustment for individuals with no qualifying children.

6. Estimated direct cost to the private sector: CBO estimates that the direct cost of the private sector mandates in the bill would be $92 million in fiscal year 1997 and would total about $1.3 billion over the five-year period from 1997 through 2001, as shown in the following table.

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001
Requirement on Employers	....	10	10	10	10
Requirements on Sponsors of New Immigrants	5	20	55	195	400
Changes in the Earned Income Credit	87	107	126	138	155

The mandate requiring employers to provide information on new employees to new-hire directories maintained by the states would impose a direct cost on private sector employers of approximately $10 million per year once it becomes effective in 1998. Based on data from the Bureau of the Census, CBO estimates that private employers hire over 30 million new workers each year. Even so, the cost to private employers of complying with this mandate would be expected to be relatively small. Many states already require some or all employers to provide this information, so that a federal mandate would only impose additional costs on a subset of employers. In addition, employers could comply with the mandate by simply mailing or faxing a copy of the worker's W-4 form to the state agency, or by transmitting the information electronically.

The mandate to make future affidavits of support legally binding on sponsors of new immigrants would impose an estimated direct cost on the sponsors of $5 million in 1997, rising to $400 million in 2001. These estimates represent the additional costs to sponsors of providing the support to immigrants that would be required under the bill. The added costs are larger after the first three years because of the new responsibility sponsors would have to provide support after the three-year deeming period.

The Joint Committee on Taxation estimates that the direct mandate cost of the changes in the Earned Income Credit in the bill would be $87 million in 1997, rising to $155 million in 2001. These estimates include only the revenue effect of the changes in the credit, and not the effect on federal outlays.

CBO estimates that the other mandates in the bill would impose minimal costs on private sector entities.

7. Appropriations or other Federal financial assistance: None.

By Mr. PRESSLER (for himself, Mr. LOTT and Mr. INOUYE):

S. 1957. A bill to amend chapter 59 of title 49, United States Code, relating to intermodal safe container transportation; to the Committee on Commerce, Science, and Transportation.

THE INTERMODAL SAFE CONTAINER TRANSPORTATION AMENDMENTS ACT OF 1996

Mr. PRESSLER. Mr. President, today I am introducing the Intermodal Safe Container Transportation Amendments Act of 1996. I am pleased to be joined by Senators LOTT and INOUYE, chairman and ranking member of the Surface Transportation and Merchant Marine Subcommittee. This is a bipartisan technical corrections bill and I urge its swift passage.

Before I explain the purpose of this legislation, I want to provide some history on intermodal container shipments in order for my colleagues to better understand the time-sensitive nature of the bill we are introducing today. Let me explain.

Intermodal containers are used throughout the world to transport cargo by ship, rail, and highway. These containers facilitate the timely movement of imports and exports. More often than not, they pose no overweight concerns while transported by ship or rail. However, if a container is too heavy, it can cause problems when transferred to a truck. In some cases, trucks carrying heavy containers end up on our Nation's highways operating in violation of vehicle weight regulations. This can damage our highway infrastructure and reduce highway safety for the traveling public.

In an effort to mitigate these problems, Congress enacted the Intermodal Safe Container Transportation Act of 1992. The purpose of that law was to require shippers to provide a carrier involved in intermodal transportation with a certification of the gross cargo weight of the intermodal container prior to accepting the shipment. This information, including weight and a general cargo description, should assist the operator in determining whether transporting a particular container could result in violations of highway gross weight or axle weight regulations. Without the communication of this information, the trucker has no way of knowing whether he or she may be operating an overweight vehicle. In short, the act let the trucker beware.

Mr. President, the 1992 act has yet to be implemented. Final Regulations were issued by the Department of Transportation [DOT] in December 1994. However, significant concerns about implementation were raised by shippers and carriers, causing DOT to reassess its final rule and implementation was delayed until September 1, 1996.

Unfortunately, the implementation as currently proposed could have devastating consequences on intermodal transportation. At best, shipments of intermodal cargo will be late in reaching their destination. At worst, a complete backlog of shipments and severe gridlock at our Nation's ports will result.

Many of these operational concerns could be alleviated by administrative action. Yet, DOT informs us that some of the issues can only be resolved by legislation. That is why we are introducing this bill today.

As chairman of the Senate Committee on Commerce, Science, and Transportation, I want to assure my colleagues that the sponsors of today's technical corrections proposal are very concerned about the lengthy delay in implementing the 1992 law. As I said earlier, overweight vehicles negate safety and cause severe damage to our Nation's highway infrastructure. We need to help our motor carrier operators receive information to prevent overweight carriage. That is the intent of the 1992 act. That congressional intent must be carried forward during implementation.

Indeed, we are all frustrated over the delays. We also are frustrated that the various industry concerns have not been brought to our attention far earlier to facilitate a timely legislative resolution. However, in the past few weeks, we worked with representatives from all of the affected groups, including shippers, motor carriers, rail carriers, and ocean carriers. We also requested and received input from the administration and safety advocates.

After many meetings and lengthy discussions, we have developed what I consider to be a very sound and reasonable technical amendments bill. Of course, we also are willing to consider further refinements and other suggestions. Nonetheless, our goal is to ensure the long overdue implementation of the 1992 1ct can be responsibly carried out as soon as possible.

This technical corrections bill also is designed to reduce unnecessary paperwork by allowing greater use of electronic interchange technology to expedite the transfer of information. Moreover, it provides incentives to encourage the private sector to comply with overweight container regulations.

Our bill raises the intermodal container weight threshold requiring certification from 10,000 to 29,000 pounds. Studies have concluded the new threshold weight will still prevent gross vehicle weight violations while eliminating unnecessary compliance burdens that would otherwise be imposed on smaller shipments. Because the 1992 enacted trigger was not based on any conclusive data concerning gross vehicle weight or axle weight limitations, we feel it is appropriate to institute a more appropriate level for certification. In fact, Federal Highway Administration officials have confirmed the new trigger provision would be quite sufficient to effectively meet the intent of the 1992 act.

Finally, the bill would clarify liability for failing to provide the certification or transferring the information during the intermodal movement. It ensures the party responsible for the failure is the party liable for the costs incurred for overweight violations.

Clearly, it is important for my colleagues to understand the technical changes proposed by this bill. It is equally important, however, for my colleagues to understand what this bill does not do. Given the limited time left in this legislative session, we simply cannot afford to fall victim to misconceptions or misrepresentations of this measure.

This bill does not make any changes to regulations or enforcement of laws concerning the carriage, documentation, placarding, or handling of hazardous materials transportation. It does not allow for an increase in Federal truck gross vehicle weights nor affect State enforcement of such regulations in any way. And, the bill does not affect truck axle weight regulations either. The bill meets the objectives of the 1992 act, but reduces unnecessary compliance burdens and service disruptions.

Mr. President, I urge all of my colleagues to recognize the urgency for moving this measure forward expeditiously. I also urge the administration to work diligently to address those problematic areas which do not need legislative action. Working together, we can advance the safety of our Nation's roads and highways.

I urge my colleagues to support this bipartisan legislation.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Safe Container Transportation Amendments Act of 1996".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49 of the United States Code.

SEC. 3. DEFINITIONS.

Section 5901 (relating to definitions) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) except as otherwise provided in this chapter, the definitions in section 13102 of this title apply.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) 'gross cargo weight' means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.".

SEC. 4. NOTIFICATION AND CERTIFICATION.

(a) PRIOR NOTIFICATION.—Subsection (a) of section 5902 (relating to prior notification) is amended—

(1) by striking "Before a person tenders to a first carrier for intermodal transportation a" and inserting "If the first carrier to which any";

(2) by striking "10,000 pounds (including packing material and pallets), the person shall give the carrier a written" and inserting "29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a";

(3) by striking "trailer." and inserting "trailer before the tendering of the container or trailer.";

(4) by striking "electronically." and inserting "electronically or by telephone."; and

(5) adding at the end thereof the following: "This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier."

(b) CERTIFICATION.—Subsection (b) of section 5902 (relating to certification) is amended to read as follows:

"(b) CERTIFICATION.—

"(1) IN GENERAL.—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

"(2) CONTENTS OF CERTIFICATION.—The certification required by paragraph (1) shall include—

"(A) the actual gross cargo weight;

"(B) a reasonable description of the contents of the container or trailer;

"(C) the identity of the certifying party;

"(D) the container or trailer number; and

"(E) the date of certification or transfer of data to another document, as provided for in paragraph (3).

"(3) TRANSFER OF CERTIFICATION DATA.—A carrier who receives a certification may transfer the information contained in the certification to another document or to electronic format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

"(4) SHIPPING DOCUMENTS.—For purposes of this chapter, a shipping document, prepared by the person who tenders a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

"(5) USE OF 'FREIGHT ALL KINDS' TERM.—The term 'Freight All Kinds' or 'FAK' may not be used for the purpose of certification under section 5902(b) after December 31, 2000, as a commodity description for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the total weight of the contents of the trailer or container. This subsection does not prohibit the use of the term after that date for rating purposes.

"(6) SEPARATE DOCUMENT MARKING.—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked 'INTERMODAL CERTIFICATION'.

"(7) APPLICABILITY.—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.".

"(c) FORWARDING CERTIFICATIONS.—Subsection (c) of section 5902 (relating to forwarding certifications to subsequent carriers) is amended—

(1) by striking "transportation." and inserting "transportation before or when the loaded intermodal container or trailer is tendered to the subsequent carrier. If no certification is received by the subsequent carrier before or when the container or trailer is tendered to it, the subsequent carrier may presume that no certification is required."; and

(2) by adding at the end thereof the following "If a person inaccurately transfers the information on the certification, or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest for any such fine, penalty, cost (including storage), or interest incurred as a result of the inaccurate transfer of information or failure to forward the certification. A subsequent carrier who incurs a bond, fine, penalty, or cost (including storage), or interest as a result of the inaccurate transfer of the information, or the failure to forward the certification, shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.".

(d) LIABILITY.—Section 5902 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) LIABILITY TO OWNER OR BENEFICIAL OWNER.—If—

"(1) a person inaccurately transfers information on a certifcation required by subsection (b)(1), or fails to forward a certification to the subsequent carrier;

"(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest; and

"(3) that subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner, or to any other person paying the amount of the lien to the subsequent carrier, for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with it.

(e) NONAPPLICATION.—Subsection (e) of section 5902, as redesignated, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) The notification and certification requirements of subsections (a and b) of this section do not apply to any intermodal container or trailer containing consolidation shipments loaded by a motor carrier if that motor carrier—

"(A) performs the highway portion of the intermodal movement; or

"(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation.".

SEC. 5. PROHIBITIONS.

Section 5903 (relating to prohibitions) is amended—

(1) by inserting after "person" a comma and the following: "to whom section 5902(b) applies,";

(2) by striking subsection (b) and inserting the following:

"(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

"(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

"(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Nothwithstanding any other provision of this chapter to the contrary, a copy of the certification required by section 5902(b) is not required to accompany the intermodal container or trailer."; and

(3) by striking "10,000 pounds (including packing materials and pallets)" in subsection (c)(1) and inserting "29,000 pounds".

SEC. 6. LIENS.

Section 5905 (relating to liens) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

"(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;

"(2) the failure of the party required to provide the certification to the first carrier to provide it;

"(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

"(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c),

then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.";

(2) by inserting a comma and "or the owner or beneficial owner of the contents," and "first carrier" in subsection (b)(1); and

(3) by striking "cost, or interest." in subsection (b)(1) and inserting "cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.".

SEC. 7. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 (relating to perishable agricultural commodities) is amended by striking "Sections 5904(a)(2) and 5905 of this title do" and inserting "Section 5905 of this title does".

SEC. 8. REGULATIONS; EFFECTIVE DATE.

(a) REGULATIONS.—Section 5907(a) (relating to regulations) is amended by striking the first sentence and inserting the following: "Not later than 30 days after the date of enactment of the International Safe Container Transportation Amendments Act of 1996, the Secretary of Transportation shall initiate a proceeding to consider adoption or modification of regulations under this chapter to reflect the amendments made by that Act. The Secretary shall prescribe final regulations, if such regulations are needed, within 90 days after such date of enactment.".

(b) EFFECTIVE DATE.—Section 5907(b) (relating to effective date) is amended to read as follows:

"(b) EFFECTIVE DATE.—This chapter is effective on the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996. The Secretary shall implement the provisions of this chapter 180 days after such date of enactment.".

SEC. 9. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end thereof the following:

"§ 5908. Relationship to other laws

"Nothing in this chapter affects—

"(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

"(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end thereof the following:

"5908. Relationship to other laws"

Mr. LOTT. Mr. President, I rise today to speak in support of the Intermodal Safe Container Transportation Amendments Act of 1996 which is being introduced today by Senator PRESSLER. It was drafted in a completely bipartisan manner with other members of the Senate's Committee on Commerce, Science, and Transportation.

Let me be clear. Without a doubt, there is a problem with overweight containers in the transportation world. There is also a problem with how the government disciplines offenders under the current law. This legislation will go to the root of the problem and provide effective remedies.

The present system places the truck operators, who in most cases are least responsible for the problem, in the greatest jeopardy. It is like getting mad at your local letter carrier for delivering a month old letter to you. It makes no sense because the letter carrier just received the letter today. The intermodal carrier receives the container already overweight. They did not make it overweight. For the government policy to be effective, Senator PRESSLER has proposed legislation which goes directly at the cause and not the symptom. This will make the world's intermodal transportation system safer.

Let me also be up-front. This bill will raise the threshold for certification from 10,000 pounds to 29,001 pounds. This action is definitely needed and acknowledged as a responsible action. Studies from all segments of the transportation industry have concluded that this new trigger weight would not increase the risks to the public. I believe this will permit better regulatory compliance.

The efficiency of the intermodal system is addressed by reducing or virtually eliminating unnecessary paperwork. Senator PRESSLER allows for the use of electronic data interchange technology to speed intermodal transfers. No longer will a driver have to carry a hard copy paper certification. The shippers also benefit with the elimination of the burdensome separate intermodal certifications. This will permit shippers to use a standard bill of lading or other existing shipping document as the certification.

Let's talk enforcement. Senator PRESSLER put teeth into this amendment by focusing action on the beneficial owner of the cargo. While this requires no additional State action, it permits the truck operator to resolve an overweight violation with greater efficiency. It preserves State authority to regulate all highway safety laws. Let me be clear, this bill ensures that the parties who cause the container to be overweight will be identified and held accountable and liable.

Let me conclude by complimenting all those who worked skillfully and diligently in order to forge this bipartisan and very necessary piece of legislation. The dedication in resolving the many technical details is reflected in this legislation. This legislation is a collaborative effort through the leadership of Senator PRESSLER and with input from the Department of Transportation, The Advocates for Highway and Auto Safety, National Industrial Transportation League and the Intermodal Safe Container Coalition.

The bottom line is that the world of intermodal transportation needs to be improved, and Senator PRESSLER's Intermodal Safe Container Transportation Amendments Act of 1996 offers the right legislative solutions. It will produce many enhancements and safety practices which will benefit all the parties involved. This legislation will also increase speed and efficiency in the intermodal world without jeopardizing the concerns of the general public.

I ask all my colleagues to take a closer look at Senator PRESSLER's proposal and consider joining us as cosponsors to this important transportation legislation.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. GREGG, and Mr. KERRY):

S. 1958. A bill to terminate the Advanced Light Water Reactor Program, and for other purposes; to the Committee on Energy and Natural Resources.

THE ADVANCED LIGHT WATER REACTOR PROGRAM FUNDING ACT OF 1996

• Mr. MCCAIN. Mr. President, this legislation would terminate funding for the Advanced Light Water Reactor [ALWR] Program which provides taxpayer funded subsidies to corporations for the design, engineering, testing, and commercialization of nuclear reactor designs.

I am very pleased that Senators FEINGOLD, GREGG, and KERRY have joined me as original cosponsors on this important legislation and I urge our colleagues to support us in ending this wasteful Government spending and corporate welfare. Organizations such as Public Citizen, Citizens Against Government Waste, Competitive Enterprise Institute, Taxpayers for Common Sense, and the Heritage Foundation have lent their strong support to eliminating ALWR funding. And last year, a bipartisan Senate coalition, with the help of the Progressive Policy Institute and Cato Institute, included the ALWR Program as one of a dozen high priority corporate pork programs to be eliminated.

Although, the ALWR Program has already received more than $230 million in Federal support over the past 5 years and is due to be completed at the end of fiscal year 1996, the Department of Energy has requested $40 million for the ALWR Program in fiscal year 1997. The House appropriations subcommittee recently marked up the fiscal 1997 energy and water appropriations bill and provided $17 million in corporate subsidies for commercialization efforts under the ALWR Program. The Senate appropriations subcommittee has appropriated $22 million for the design certification phase of the ALWR Program.

The ALWR Program was created under the Energy Policy Act [EPACT] of 1992. EPACT makes clear that design certification support should only be provided for ALWR designs that can be certified by the Nuclear Regulatory Commission by no later than the end of fiscal year 1996. DOE has acknowledged that no ALWR designs will be certified by the end of fiscal year 1996. Therefore, under EPACT, no funds should be appropriated to support ALWR designs.

In addition, although EPACT specifies that no entity shall receive assistance for commercialization of an advanced light water reactor for more than 4 years, DOE's fiscal year 1997 funding request would allow for a fifth year of Federal financial assistance to the program's chief beneficiaries—well to do corporations which can afford to bear commercialization costs on their own. General Electric, Westinghouse, and Asea Brown Boveri/Combustion Engineering have already received 4 years of Federal assistance under the ALWR program since at least 1993. Significantly, these three companies had combined 1994 revenues of over $70 billion and last year their combined revenues exceeded $100 billion. These corporations certainly can afford to bring new products to the market without taxpayer subsidies.

Moreover, one of the primary recipients of ALWR Program funds, General Electric, recently announced that it is cancelling its Simplified Boiling Water Reactor [SBWR] after receiving $50 million from DOE because "extensive evaluations of the market competitiveness of a 600 MWe size advanced Light Water Reactor have not established the commercial viability of these designs." Westinghouse's AP–600, a similarly designed reactor scheduled to receive ALWR support, is a similar sized design facing similar market forces that led GE to cancel the SBWR.

Mr. President, the ALWR Program exemplified the problems and unfairness corporate welfare engenders. If the ALWR designs are commercially feasible, large, wealthy corporations like Westinghouse do not need taxpayers to subsidize them because the market will reward them for their efforts and investment in this research. If the ALWR designs are not commercially viable, then the American taxpayer is unfairly being forced to pay for a product, in complete defiance of market forces, that a company would not pay to produce itself.

As a matter of fundamental fairness, we cannot ask Americans to tighten their belts across-the-board to put our fiscal house in order while we provide taxpayer funded subsidies to large corporations. As a practical matter, such unnecessary and wasteful Government spending must be eliminated if we are to restore fiscal sanity. Simply put, corporate welfare of this kind is unfair to the American taxpayer, it increases the deficit and we cannot allow it to continue.

Enough is enough. After 5 years and $230 million, it is time that we bring the ALWR Program to an end.

I ask unanimous consent that copies of letters from Citizens Against Government Waste, Public Citizen and Competitive Enterprise Institute supporting this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC CITIZEN,
Washington, DC June 25, 1996.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are pleased to support your efforts to terminate further government support for the Advanced Light Water Reactor (ALWR) program at the U.S. Department of Energy. The ALWR program, having received five years of support and more than $230 million of taxpayer money, is a prime candidate for elimination in the coming budget cycle. It represents a textbook example of corporate welfare, provides little value to taxpayers and fails to account for the fact that domestic interest in new nuclear technologies is at an all-time low.

As of today, not one utility or company participating in the ALWR program has committed to building a new reactor in this country nor are there any signs that domestic orders will be forthcoming in the foreseeable future. Instead of providing reactors for American utilities, the ALWR program has become an export promotion subsidy for General Electric, Westinghouse and Asea Brown Boveri in direct violation of the intent of the Energy Policy Act. These companies, with combined annual revenues of over $70 billion, are hardly in need of such generous financial support.

Continuing to fund the ALWR program would send a strong message that subsidies to large, profitable corporations are exempt from scrutiny while other programs in the federal budget are cut to reach overall spending targets. The industry receiving this support is mature, developed and profitable and should be fully able to invest its own money in bringing new products to market.

This legislation is consistent with your long-standing campaign to eliminate wasteful and unnecessary spending in the federal budget. We salute your effort and offer our help in pruning this subsidy from the fiscal year 1997 budget.

Sincerely,

BILL MAGAVERN,
Director, Critical Mass Energy Project.

COMPETITIVE ENTERPRISE INSTITUTE,
Washington, DC, June 14, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR CONGRESSMAN MCCAIN: I wish to commend you for your efforts to eliminate funding for Advanced Light Water Reactor (ALWR) research. As a longtime opponent of federal subsidies for energy research of this kind, I am glad to see members of Congress representing the interests of the taxpayer on this issue.

Since 1992, the Department of Energy has spent over $200 million on ALWR research, with little to show for it. If such reactors are commercially viable, as supporters claim, then there is no need to waste taxpayer dollars on what amounts to corporate welfare. If the ALWR is not commercially viable, then throwing taxpayer dollars at it is even more wasteful. The fact that no utility plans to build such a reactor in this country any time soon suggests that the latter is more likely. Either way, federal funding for this program should end.

I full support your efforts to eliminate the ALWR research subsidy and hope that this effort is the first step in the eventual elimination of the Department of Energy as a whole.

Sincerely,

FRED L. SMITH, JR.,
President.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, June 18, 1996.

Hon. JOHN MCCAIN,
U.S. Senate
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to urge you to introduce legislation to eliminate the Advanced Light Water Reactor (ALWR) program. This program has already surpassed its authorized funding level, and extending its funding will exceed the goals of the Energy Policy Act of 1992 (EPACT).

In 1992, EPACT authorized $100 million for first-of-a-kind engineering of new reactors. In addition, EPACT specified that the Department of Energy should only support advanced light water reactor designs that could be certified by the Nuclear Regulatory Commission no later than the end of FY 1996.

In a surprise announcement on February 28, 1996, General Electric (GE) terminated one of its taxpayer-subsidized R&D light water reactor programs (the simplified boiling water reactor), stating that the company's recent internal marketing analyses showed that the technology lacked "commercial viability." Westinghouse, which is slated to receive ALWR support between FYs 1997–99 for its similar AP-600 program, is not expected to receive design certification until FY 1998 or FY 1999. Taxpayers should not be expected to throw money at projects with little or no domestic commercial value.

EPACT also stipulates that recipients of any ALWR money must certify to the Secretary of Energy that they intend to construct and operate a reactor in the United States. In 1995, the Nuclear Energy Institute's newsletter, Nuclear Energy Insight, reported that "all three [ALWR] designers see their most immediate opportunities for selling their designs in Pacific Rim countries." In fact, GE has sold two reactors developed under this program to Japan, and still the government has not recovered any money.

As you may recall, CCAGW endorsed your corporate welfare amendment, including the elimination of the ALWR program, to the FY 1996 Budget Reconciliation bill. We are again looking to your leadership to introduce legislation to now eliminate this program. I also testified before the House Energy and Environment Subcommittee on Science on May 1, 1996 calling for the elimination of the ALWR. The mission has been fulfilled, now the program should end.

Sincerely,

THOMAS A. SCHATZ,
President.•

By Ms. SNOWE (for herself and Mr. PRESSLER):

S. 1960. A bill to require the Secretary of Transportation to reorganize the Federal Aviation Administration to ensure that the Administration carries out only safety-related functions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL AVIATION ADMINISTRATION LEGISLATION

• Ms. SNOWE. Mr. President, on June 18, the Secretary of Transportation, Federico Peña, called on Congress to "* * * change the FAA charter to give it a single primary mission: safety and only safety." And that is exactly what the bill I am introducing today, along with the distinguished Chairman of the Commerce, Science and Transportation Committee, Senator PRESSLER, will do.

In light of the many safety concerns that have become public as a result of the tragic ValuJet crash, it is important to restate Congress' commitment to ensuring the safety of air travel in this country. By removing the dual and dueling missions of safety and air carrier promotion, as one reporter accurately put it, there will be no room for doubt in the minds of the traveling public, or the staff of the Federal Aviation Administration that safety is their job—first, last and always.

My bill will require the removal of all nonsafety related duties from the FAA. It also requires the Secretary of Transportation to provide Congress, within 180 days, with legislation outlining where all the nonsafety related duties will be transferred to, within his Department.

We cannot expect the FAA to regain the trust of the traveling public while it maintains the mission to both ensure their safety while at the same time continuing to promote the growth of the carriers. The current mission of the FAA places it in the untenable position of being both the enforcer and the best friend of the airlines—no one can perform both roles and do them well.

The ValuJet crash and the startling information about the safety problems at the airline that have come out as a result, only serve to clarify the need for this legislation. If FAA is to learn its lesson from this tragedy, and to meet the Secretary's call for zero accidents, it must turn its attention to improving training for its inspectors, to providing a better way to track problems at airlines and to design a more systematic approach to inspections—in other words, to return their attention to safety issues. My bill will require them to do just that.

There have been those who have stated that removing the promotion of air carriers from the mandate is simply a word fix, that it will change nothing. The FAA needs to be changed if it is to meet the challenges of the coming new century. A Boeing study projects that if worldwide aviation maintains the same level of safety that it has for the past 5 years, by 2013 we can expect to lose an aircraft worldwide every 8 days. A very sobering statistic.

The bill I am introducing today with Senator PRESSLER should serve as Congress' wake up call to the FAA. And it will be the job of Congress to make sure that the agency moves beyond the status quo to embrace the safety only mandate, as well as to provide them with the resources necessary to step up enforcement and improve their training programs.

No one should be promoting an unsafe airline. And by limiting its role to improving the safety of U.S. air carriers, the FAA will be providing the best reason to purchase a ticket—a safe trip.•

By Mr. HATCH:

S. 1961. A bill to establish the United States Intellectual Property Organization, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes; to the Committee on the Judiciary.

THE OMNIBUS PATENT ACT OF 1996

Mr. HATCH. Mr. President, today I am introducing the Omnibus Patent Act of 1996. The purposes of this bill are: First, to rationalize the way intellectual property policy is formulated; second, to provide for more efficient administration of the patent, trademark, and copyright systems; third, to save the U.S. taxpayers' money by making the patent, trademark, and copyright systems self-funding; fourth, to discourage gaming the patent system while ensuring against loss of patent term and theft of American inventiveness; fifth, to protect the rights of prior users of inventions which are later patented by another; sixth, to increase the liability of patents by allowing third parties more meaningful participation in the reexamination process; seventh, to make certain that American provisional applications are given the same weight as other countries' provisional applications in other countries' courts; eighth, to make technical corrections in the plant patent provisions of the Patent Act; ninth, to require the Federal Government to pay a successful plaintiff's reasonable attorney's fees in a suit for the taking of a patent; and tenth, to allow for the filing of patent and trademark documents by electronic medium.

U.S. INTELLECTUAL PROPERTY ORGANIZATION

Intellectual property normally signifies patents, trademarks, and copyrights. Intellectual property is of vital importance not only to continued progress in science and the arts but also to the economy. A vast array of industries depend on intellectual property. From the chemical, electrical, biotechnological, and manufacturing industries to books, movies, music, and computer software and hardware. Indeed, trademark is important to all businesses, period.

Intellectual property industries also contribute mightily to our balance of trade. American-produced software, for example, accounts for 70 percent of the world market. U.S. recorded music constitutes approximately 60 percent of the international market, with annual foreign sales totaling in excess of $12 billion. Together, U.S. copyright industries accounted for an estimated $45.8 billion in foreign sales in 1993, an 11.7 percent increase over 1992 sales figures.

The remarkable overall performance of these industries continues to manifest itself in their tremendous rate of growth. For example, between 1991 and 1993, core copyright industries grew at twice the annual rate of the U.S. economy, while the rate of employment growth in these industries outpaced the rate of employment growth in the Nation's economy as a whole by nearly 4 to 1 between 1988 and 1993.

Keep in mind that these figures do not even begin to take into account the significant trade benefits attributable to the ever-expanding world market for patented American inventions and products enjoying U.S. trademark or trade secret protection. While these benefits are more difficult to quantify, we need only to look at such American companies as DuPont, Ford, General Electric, IBM, Kodak, Motorola, Monsanto, Palaroid, Xerox, and countless others whose development was founded in large part on U.S. patent protection to realize the utility of strong intellectual property protection to our Nation's economy and our international predominance in creative industries.

Because intellectual property protection is so essential to our economy, intellectual property policy must be given a high priority, and because our markets are becoming increasingly global, international intellectual property policy will inevitably loom larger. In some instances, domestic policy will be affected by international developments. For example, as a direct result of the General Agreement on Tariffs and Trade [GATT], the basic U.S. patent term of 17 years from issuance was changed to 20 years from filing. I certainly don't advocate a slavish following of foreign models. Whatever is one's view of what international policy should be, however, the fact remains that international policy will have a great impact on domestic intellectual property policy.

These developments argue for better coordination between international and domestic intellectual property policymaking. Currently, there is no official agency in the U.S. Government centralizing intellectual property policy formulation. Indeed, not only are there two government entities that deal with intellectual property—the Patent and Trademark Office [PTO] and the Copyright Office—but they are in different branches. The PTO is in the executive branch, while the Copyright Office is in the legislative branch of the Government.

The conduct of international affairs has constitutionally been delegated to the executive branch. Because the international aspects of intellectual property will increasingly affect domestic intellectual property policy, it is appropriate that intellectual property policy should be initially formulated in the executive branch. Thus, the bill I am introducing today creates a U.S. Intellectual Property Organization [USIPO] in the executive branch.

By centering the initial formulation of intellectual property policy in the executive branch, my bill not only predicts a trend but reflects the current reality. Despite the fact that there is no official intellectual property office, international and domestic intellectual property policy for the current administration is originating largely from the Patent and Trademark Office. Despite its name, the PTO is heavily involved in copyright policy as well. For example, the current negotiations for a Protocol and a New Instrument for the Berne Convention, the world's premiere copyright treaty, are being led by PTO personnel. In addition, the Commissioner of Patents and Trademarks chaired the working group that drafted the original version of the National Information Infrastructure Copyright Protection Act. This de facto intellectual property office is unlikely to disappear regardless of the outcome of the Presidential elections because it simply makes sense. My bill makes it official.

I want to make clear that this restructuring of intellectual property policy is not motivated by dissatisfaction with the performance of the Copyright Office. I have the highest respect for the Register of Copyrights, Ms. Marybeth Peters, and I have always found her advice and that of her staff to be extremely helpful. Indeed, on a number of occasions, I have modified my legislation after listening to her wise counsel. This, however, does not detract from the fact that I believe that there would be an improvement in formulating and coordinating intellectual property policy if the Copyright Office were located within the USIPO, as I have proposed.

Under current practice, the role of the Copyright Office in international policy formulation has diminished. Under this bill, with the elimination of the bifurcation of intellectual property policy between the legislative and the executive branches, it is likely that its role would be enhanced. In formulating copyright policy, the Commissioner of Intellectual Property would naturally turn to the Copyright Office subdivision of the USIPO for assistance and advice.

In addition to policymaking, the PTO administers the system which grants patents and registers trademarks. The Copyright Office registers copyrights and oversees adjudication incident to the compulsory licenses. Under my bill, these administrative functions would continue under the umbrella of the USIPO. The bill provides for three subdivisions within the USIPO: the Patent Office, the Trademark Office, and the Copyright Office. Each Office is responsible for the administration of its own system. Each Office controls its own budget and its management structure and procedures. Each Office must generate its own revenue.

The efficiency of the Patent, Trademark, and Copyright Offices will be enhanced by the status of the USIPO as a Government corporation, as proposed in my bill. This status allows the USIPO and its subdivisions to function without the bureaucratic restraints that bedevil much of the Federal Government.

The personnel problems of the Copyright Office illustrate this point. As a part of the Library of Congress, the Copyright Office is subject to the rigid complexity and great delay which characterize the Library's hiring policy. For example, the Copyright Office has been unable to fill the position of General Counsel for several years.

A management review of the Library of Congress prepared for the General Accounting Office [GAO] by Booz, Allen and Hamilton notes in its May 7, 1996 report that the median time for hiring a replacement worker is 177 days, much longer than for other Government agencies. Currently, the Library utilizes a 30-step hiring process with multiple hand-offs.

The report levels many other criticisms at the Library of Congress' management, but time does not permit me to detail them here. For purposes of this legislation, however, the most important conclusion was that "[t]here is little operational reason for housing the copyright function at the Library of Congress."

Although I concur in this conclusion, I am sensitive to the concern of the Librarian of Congress, Dr. James Billington, about the importance for the collection of the Library of the deposits made incident to copyright registrations. This bill makes no change in the deposit requirement, and it makes the Librarian of Congress a member ex officio of the Management Advisory Board of the Copyright Office to insure that this very important matter is given the attention it deserves.

This legislation also simplifies and streamlines the adjudication that takes place under the auspices of the Copyright Office regarding compulsory licenses. Currently, the Copyright Office oversees the work of ad hoc arbitration panels, called Copyright Arbitration Royalty Panels [CARPs], which engage in rate setting and distribution proceedings as provided by the Copyright Act for certain compulsory licenses. I was an original cosponsor of the legislation that created them, and I had great hopes that they would be less costly than the Copyright Royalty Tribunal [CRT] that they replaced. Recent experience with distribution proceedings under the cable compulsory license, however, have proved otherwise. Whereas the last annual budget of the CRT was nearly $1 million for all rate setting and distribution, the cable distribution alone has to date exceeded $700,000 under the CARPs, and it is still not concluded.

This bill returns to the tried and true method of administrative adjudication, namely, decisions rendered by administrative law judges subject to the Administrative Procedure Act. This solution is a natural one for a government body in the executive branch, although in the legislative branch this solution was always problematic under Buckley versus Valeo. Indeed, because of separation of powers constitutional concerns, the ultimate authority in the current CARP system is the Librarian of Congress, not the Register of Copyrights, because the Librarian is a Presidential appointee.

Currently, whenever the Copyright Office is tasked with an executive-type function, the constitutional question arises. This concern discourages utilization of the Copyright Office from playing a more significant role in copyright matters. This issue has arisen, for example, in discussions about instituting virtual magistrates in the Copyright Office to render quick decisions on on-line service provider liability and on fair use.

In sum, my bill vests primary responsibility for intellectual property policy in the head of the USIPO, the Commissioner of Intellectual Property and primary responsibility for administration of the patent, trademark, and copyright systems in the respective Commissioners of Patents, Trademarks, and Copyrights. The corporate form of the USIPO inoculates the Patent, Trademark, and Copyright Offices as much as possible from the bureaucratic sclerosis that infects many Federal agencies.

Although I considered making the USIPO an independent agency in the executive branch, this bill links the USIPO to the Secretary of Commerce by providing that the Commissioner of Intellectual Property, the head of the USIPO, will be the policy advisor of the Secretary regarding intellectual property matters.

The parties interested in patents, copyrights, and trademarks support having close access to the President by having the chief intellectual policy advisor directly linked to a cabinet officer. The Secretary of Commerce is a logical choice. The PTO, which today has the major role in intellectual property policy as such is in the Department of Commerce. I do not believe, however, that the USIPO necessarily belongs there.

Mr. President, although the creation of the USIPO may be the most dramatic part of this bill, it also contains several important changes to substantive patent law that will, taken as a whole, dramatically improve our patent system.

With the adoption of the GATT provisions in 1994, the United States changed the manner in which it calculated the duration of patent terms. Under the old rule, utility patents lasted for 17 years after the grant of the patent. The new rule under the legislation implementing GATT is that these patents last for 20 years from the time the patent application is filed.

In addition to harmonizing American patent terms with those of our major trading partners, this change solved the problem of submarine patents. A submarine patent is not a military secret. Rather, it is a colloquial way to describe a legal but unscrupulous strategy to game the system and unfairly extend a patent term.

Submarine patenting is when an applicant purposefully delays the final granting of his permit by filing a series of amendments and delaying motions. Since, under the old system, the term did not start until the patent was granted, no time was lost. And since patent applications are secret in the United States until a patent is actually granted, no one knows that the patent application is pending. Thus, competitors continue to spend precious research and development dollars on technology that has already been developed.

When a competitor finally does develop the same technology, the submarine applicant springs his trap. He stops delaying his application and it is finally approved. Then, he sues his competitor for infringing on his patent. Thus, he maximizes his own patent term while tricking his competitors into wasting their money.

Mr. President, submarine patents are terribly inefficient. Because of them, the availability of new technology is delayed and instead of moving to new and better research, companies are fooled into throwing away time and money on technology that already exists.

By changing the manner in which we calculate the patent term to 20 years from filing, we eliminated the submarine problem. Under the current rule, if an applicant delays his own application, it simply shortens the time he will have after the actual granting of the patent. Thus, we have eliminated this unscrupulous, inefficient practice by removing its benefits.

Unfortunately, the change in term calculation potentially creates a new problem. Under the new system, if the Patent Office takes a long time to approve a patent, the delay comes out of the patent term, thus punishing the patent holder for the PTO's delay. This is not right.

The question we face now, Mr. President, is how to fix this new problem. Some have suggested combining the old 17 years from granting system with the new 20 years from filing and giving the patent holder whichever is longer. But that approach leads to uncertainty in the length of a patent term and even worse, resurrects the submarine patent problem by giving benefits to an applicant who purposefully delays his own application. I believe that titles II and III of the Omnibus Patent Act of 1996 solve the administrative delay dilemma without recreating old problems.

EARLY PUBLICATION

Title II of the bill provides for the early publication of patent applications. It would require the Patent Office to publish pending applications 18 months after the application was filed. An exception to this rule is made for applications filed only in the United States. Those applications will be published 18 months after filing or 3 months after the office issues its first response on the application, whichever is later. By publishing early, competitors are put on notice that someone has already beaten them to the invention and thus allowing them to stop spending money researching that same invention.

The claims that early publication will allow foreign competitors to steal American technology are simply not true. To start with, between 75 and 80 percent of patent applications filed in the United States are also filed abroad where 18 month publication is the rule. Further, I have provided in my bill for delayed publication of applications only submitted in the United States to protect them from competitors. Additionally, once an application is published, title II grants the applicant provisional rights, that is, legal protection for his invention. Thus, while it is true that someone could break the law and steal the invention, that is true under current law and will always be true. And the early publication provision will result in publication only 2 or 3 months before the granting of most patents, so there is little additional time for would-be pirates to steal the invention.

PATENT TERM RESTORATION

Title III deals directly with the administrative delay problem by restoring to the patent holder any part of the term that is lost due to undue administrative delay. This title is very similar to a bill I introduced earlier this Congress, S. 1540. Some concerns were raised about that bill because it left the decision of what was an undue delay to the Commissioner of the PTO. I took those concerns to heart and adopted the provision that appears in H.R. 3460, Congressman MOORHEAD's Omnibus Patent bill, giving clear deadlines for the Patent Office to act. Any delay beyond those deadlines is considered undue delay and will be restored to the Patent term. Thus, title III solves the administrative delay problem in a clear, predictable, and objective manner.

PRIOR DOMESTIC COMMERCIAL USE

Title IV deals with people who independently invent something and use it in commercial sale but who never patent their invention. Specifically, this title provides rights to a person who has commercially sold an invention more than 1 year before that invention was patented by another person. Anyone in this situation will be permitted to continue to sell his product without being forced to pay a royalty to the patent holder. This basic fairness measure is aimed at protecting the innocent inventor who chooses to use trade secret protection instead of pursuing a patent and who has expended enough time and money to begin commercial sale of the invention. It also serves as an incentive for those who wish to seek a patent to seek it quickly, thus reducing the time during which others may acquire prior user rights. The incentives of this title will improve the efficiency of our patent system by protecting ongoing business concerns and encouraging swift prosecution of patent applications.

PATENT REEXAMINATION REFORM

Title V provides for a greater role for third parties in patent re-examination proceedings. It is taken almost verbatim from my free-standing re-examination bill, S. 1070.

Nothing is more basic to an effective system of patent protection than a reliable examination process. Without the high level of faith that the PTO has earned, respect for existing patents would fall away and innovation would be discouraged for fear of a lack of protection for new inventions.

In the information age, however, it is increasingly difficult for the PTO to keep track of all the prior art that exists. It does the best job it can, but inevitably someone misses something and grants a patent that should not be granted. This is the problem that Title V addresses.

Title V allows third-parties to raise a challenge to an existing patent and to participate in the re-examination process in a meaningful way. Thus, the expertise of the patent examiner is supplemented by the knowledge and resources of third-parties who may have information not known to the patent examiner. Through this joint effort, we maximize the flow of information, increase the reliability of patents, and thereby increase the strength of the American patent system.

PROVISIONAL APPLICATIONS FOR PATENTS

Title VI is comprised of miscellaneous provisions. First, it fixes a matter of a rather technical nature. Some foreign courts have interpreted American provisional applications in a way that would not preserve their filing priority. This title amends section 115 of title 35 of the United States Code to clarify that if a provisional application is converted into a nonprovisional application within 12 months of filing, that it stands as a full patent application, with the date of filing of the provisional application as the date of priority. If no request is made within 12 months, the provisional application is considered abandoned. This clarification will make certain that American provisional applications are given the same weight as other countries' provisional applications in other countries' courts.

PLANT PATENTS

Title VI also makes two fairly technical corrections to the plant patent statute. First, the ban on tuber propagated plants is removed. This depression-era ban was included for fear of limiting the food supply. Obviously, this is no longer a concern. Second, the plant patent statute is amended to include parts of plants. This closes a loophole that foreign growers have used to import the fruit or flowers of patented plants without paying a royalty because the entire plant was not being sold.

ATTORNEY'S FEES FOR TAKINGS OF PATENTS

Title VI has an additional provision that requires the Federal Government to pay a successful plaintiff's reasonable attorney's fees in a suit for the taking of a patent. This is only fair as the nature of both patent litigation and takings litigation is long and expensive. In many cases the award that is finally won is reduced dramatically when attorney's fees are factored in. This provision allows a successful plaintiff to truly be made whole.

ELECTRONIC FILING

Last, this title also allows for the filing of patent and trademark documents by electronic medium.

Mr. President, I have already mentioned H.R. 3460, Congressman MOORHEAD's omnibus patent bill. H.R. 3460 provides for restructuring of the Patent and Trademark Office and deals with virtually all of the substantive patent issues that are in my bill, and in a similar way. The most significant difference is that my bill restructures all of intellectual property policymaking and administration by the Federal Government. If we are going to restructure patents and trademarks, I believe that copyright policymaking and administration cannot be ignored.

H.R. 3460 has been reported out of the House Committee on the Judiciary and is awaiting floor action. I hope for swift action by the Senate on the bill I am introducing today.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OMNIBUS PATENT ACT OF 1996 SUMMARY

JULY 16, 1996

TITLE I—THE UNITED STATES INTELLECTUAL PROPERTY ORGANIZATION

This title establishes the United States Intellectual Property Organization (USIPO). The USIPO brings together in one entity patent, trademark, and copyright policy formulation and the administration of the patent, trademark, and copyright systems. The USIPO is a government corporation connected to the Department of Commerce.

The USIPO is headed by a Commissioner of Intellectual Property [CIP] who is the chief advisor to the President through the Secretary of Commerce regarding intellectual property policy. He or she is appointed by the President with Senate confirmation, and he or she serves at the pleasure of the President.

The USIPO has three autonomous subdivisions: the Patent Office, the Trademark Office, and the Copyright Office. Each office is responsible for the administration of its own system. Each office controls its own budget and its management structure and procedures. Each office must generate its own revenue in order to be self-sustaining and to provide for the office of the CIP. The Patent, Trademark and Copyright Offices are headed by the Commissioner of Patents, the Commissioner of Trademarks, and the Commissioner of Copyrights, respectively. The three Commissioners are appointed by the CIP and serve at his or her pleasure.

Title I also abolishes the Copyright Arbitration Royalty Panels [CARPs] for rate-setting and distribution under some of the compulsory licenses and replaces them with administrative law judges.

TITLE II—EARLY PUBLICATION

Title II of the bill provides for the early publication of patent applications. It would require the Patent Office to publish pending applications eighteen months after the application was filed. An exception to this rule is made for applications filed only in the United States. Those applications will be published eighteen months after filing or three months after the office issues its first response on the application, whichever is later. Additionally, once an application is published, Title II grants the applicant "provisional rights," that is, legal protection for his or her invention.

TITLE III—PATENT TERM RESTORATION

Title III deals with the problem of administrative delay in the patent examination process by restoring to the patent holder any part of the term that is lost due to undue administrative delay. Title III gives clear deadlines in which the Patent Office must act. Any delay beyond those deadlines is considered undue delay and will be restored to the patent term.

TITLE IV—PRIOR DOMESTIC COMMERCIAL USE

This title provides rights to a person who has commercially sold an invention more than one year before that invention was patented by another person. Anyone in this situation will be permitted to continue to sell his or her product without being forced to pay a royalty to the patent holder.

TITLE V—PATENT RE-EXAMINATION REFORM

Title V provides for a greater role for third parties in patent re-examination proceedings by allowing third-parties to raise a challenge to an existing patent and to participate in the re-examination process in a meaningful way.

TITLE VI—MISCELLANEOUS

Provisional Applications for Patents

This title amends section 115 of Title 35 of the U.S. Code to clarify that if a provisional application is converted into a non-provisional application within twelve months of filing, that it stands as a full patent application, with the date of filing of the provisional application as the date of priority. If no request is made within twelve months, the provisional application is considered abandoned. This clarification will make certain that American provisional applications are given the same weight as other countries' provisional applications in other countries' courts.

Plant Patents

Title VI also makes two fairly technical corrections to the plant patent statute. First, the ban on tuber propagated plants in removed. This depression-era ban was included for fear of limiting the food supply. This is no longer a concern. Second, the plant patent statute is amended to include parts of plants. This closes a loophole that foreign growers have used to import the fruit or flowers of patented plants without paying a royalty because the entire plant was not being sold.

Attorney's Fees for Takings of Patents

Title VI has an additional provision that requires the federal government to pay a successful plaintiff's reasonable attorney's fees in a suit for the taking of a patent.

Electronic Filing

Lastly, this title also allows for the filing of patent and trademark documents by electronic medium.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. GLENN, Mr. THOMAS, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. MURKOWSKI, Mr. CAMPBELL and Mr. SIMON):

S. 1962. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN CHILD WELFARE ACT OF 1978

Mr. McCAIN. Mr. President, I rise today with great pleasure to introduce a measure which has been laboriously crafted to resolve many of the differences between Indian tribes and advocates of adoption. The voices of reason and good will have prevailed. The measure I am introducing today, along with Senators INOUYE, Thomas, DOMENICI, KASSEBAUM, COCHRAN, MURKOWSKI, CAMPBELL, GLENN, and SIMON, enjoys the support of both the Indian tribes and the adoption community.

The bill reflects a very delicate compromise. But fragile it is not. Its strength lies in both the process by which it was developed and the substance it embodies.

More than one year ago, several high-profile cases adoption cases captured national attention because they involved Indian children caught in protracted legal disputes under the Indian Child Welfare Act of 1978 [ICWA]. Adoption advocates believed these cases would provide political support for amendments they had long sought to the act. Indian tribes felt like they were under siege, battling distorted news stories about what the ICWA does and does not do while simultaneously having to fend off overly broad amendments to ICWA. As more time passed, the rhetoric heightened, the stakes of the game rose, and positions hardened.

It is remarkable that a few visionaries on both sides ventured away from these battle lines last year to begin to talk with each other about what common ground might exist. These talks began a long process of negotiation over possible compromise amendments to ICWA. Over time, the protagonists began to see ways in which some of each side's objectives could be accomplished through common agreement. Mr. President, I know it is perhaps an over-used phrase, but I can think of no more fitting example of a win-win resolution of an otherwise intractable problem.

ICWA was enacted in 1978 in response to growing concern over the consequences to Indian children, families and tribes of the separation of large numbers of Indian children from their families and tribes through adoption or foster care placements by the State courts. Studies conducted by the Association of American Indian Affairs [AAIA] in the mid-1970s revealed that 25 to 35 percent of all Indian children had been separated from their families and placed into adoptive families, foster care, or other institutions. For example, in the State of Minnesota nearly one in every four Indian children under the age of 1 year was placed for adoption between 1971 and 1972, and approximately 90 percent of adoptive placements of Indian children at that time were with non-Indian families. In response, Congress protected both the best interest of Indian children and the interest of Indian tribes in the welfare of their children, by carefully crafting ICWA to make use of the roles traditionally played by Indian tribes and families in the welfare of their children through a unique jurisdictional framework, favorably described in the majority opinion of the United States Supreme Court in Mississippi Band of Choctaw Indians versus Holyfield as follows:

> At the heart of the ICWA are its provisions concerning jurisdiction over Indian child custody proceedings. Section 1911 lays out a dual jurisdictional scheme. Section 1911(a) establishes exclusive jurisdiction in the tribal courts for proceedings concerning an Indian child 'who resides or is domiciled within the reservation of such tribe,' as well as for wards of tribal courts regardless of domicile. Section 1911(b), on the other hand, creates concurrent but presumptively tribal jurisdiction in the case of children not domiciled on the reservation: on petition of either parent or the tribe, state-court proceedings for foster care placement or termination of parental rights are to be transferred to the tribal court, except in cases of 'good cause,' objection by either parent, or declination of jurisdiction by the tribal court. 490 U.S. 30, 36 (1989).

The issue of Indian child welfare stirs the deepest emotions. Nothing is more sacred than children. And while developing common ground is always extremely difficult during a battle, it is especially difficult on such a deeply personal issue.

As with all compromises, I am sure each side would prefer language that is better for them. I am told many Indian tribes would rather not have any amendments at all, and that many in the adoption community would rather have the House-passed amendments be the law of the land. But on behalf of the Indian children and their parents, both biological and adoptive, I want to extend my personal thanks to persons on both sides of this debate who have led the way to a compromise in which both sides, and most importantly, Indian children, are the winners.

I am especially grateful for the position taken by the Indian tribes, and particularly, for the leadership of the National Congress of American Indians [NCAI], its President, the Honorable Ron Allen and his able NCAI staff, and that of Terry Cross, Jack Trope, Mike Walleri and other tribal leaders or representatives associated with the National Indian Child Welfare Association [NICWA], Tanana Chiefs Conference, and others. Their efforts to reach out to the adoption community, even as the debate was quickening, made all the difference.

Likewise, I am indebted to the courage and foresight that led adoption advocates like Jane Gorman and Marc Gradstein to pursue a reasonable and fair-minded approach in dialogue with their tribal counterparts. These two practicing attorneys gave many hours to the task of fashioning a compromise that has now been endorsed by their colleagues in the American Academy of Adoption Attorneys and the Academy of California Adoption Attorneys.

Finally, I want to commend the tribal delegates and representatives who labored for many long hours at the mid-year convention of the National Congress of American Indians in Tulsa, OK in early June in order to respond to the request I and Congressman DON YOUNG, Chairman of the House Committee on Resources, made to them, asking that they work in good faith with adoption attorneys to finalize a minimum set of compromise amendment provisions that could be adopted as an alternative to the House-passed amendments. I am told that hundreds of delegates worked around the clock for several days to come up with the language that I am introducing today. The process makes for a remarkable story.

And the product is even more remarkable. The bill I am introducing today will amend the Indian Child Welfare Act of 1978 to better serve the best interests of Indian children without trampling on tribal sovereignty and without eroding fundamental principles of Federal-Indian law.

The compromise bill would achieve greater certainty and speed in adoptions involving Indian children through new guarantees of early and effective notice in all cases combined with new, strict time restrictions placed on both the right of Indian tribes and families to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement. The compromise bill would encourage early identification of the relatively few cases involving controversy, and promote settlement of cases by making visitation agreements enforceable.

It would limit when and how an Indian family or tribe may intervene in an adoption case involving an Indian child; 25 U.S.C. 1911(c) and 1913(e) would be substantially amended to curtail the present right of an Indian family or tribe to intervene at any point in the proceeding. Under the compromise, this right of intervention could be exercised only within the following periods of time: within 30 days of receipt of notice of a termination of parental rights proceeding, or within the later of 90 days of receipt of notice of an adoptive placement or 30 days of receipt of notice of a voluntary adoption proceeding. With proper notice, an Indian tribe's failure to act within these timeframes early in the placement proceedings would be considered final. An Indian tribe's waiver of its right to intervene would be considered binding. If an Indian tribe seeks to intervene, it must accompany its motion with a certification that the child at issue is, or is eligible to be, a member of the tribe and it must provide documentation of this pursuant to tribal law.

The compromise bill would limit when an Indian biological parent may withdraw his or her consent to adoption or termination of parental rights; 25 U.S.C. 1913(b) would be substantially amended to curtail the present right of an Indian parent to withdraw his or her consent to an adoption placement or termination of parental rights at any time prior to entry of a final decree. Under the bill, such consent could be withdrawn before a final decree of adoption has been entered only if less than 6 months has passed since the Indian child's tribe received the required notice, or if the adoptive placement specified by the parent ends, or if less than 30 days has passed since the adoption proceeding began. An Indian biological parent may otherwise revoke consent only under applicable State law. In the case of fraud or duress, an Indian biological parent may seek to invalidate an adoption up to 2 years after the adoption has been in effect, or within a longer period established by the applicable State law.

This legislation would require those facilitating an adoption to provide early and effective notice and information to Indian tribes; 25 U.S.C. 1913 would be substantially amended to add a requirement for notice to be sent to the Indian child's tribe by a party seeking to place or to effect a voluntary termination of parental rights concerning a child known to be an Indian. Under the bill, this notice must be sent by registered mail within 100 days following a foster care placement, within 5 days following a pre-adoptive or adoptive placement, and within 10 days of the commencement of a termination of parental rights proceeding or adoption proceeding. The bill would specify the particular information that is to be provided. In addition, 25 U.S.C 1913(a) would be amended to require a certification by the State court that the attorney or public or private agency facilitating the voluntary termination of parental rights or adoptive placement has informed the biological parents of their placement options and of other provisions of ICWA and has certified that the natural parents will be notified within 10 days of any change in the adoptive placement.

The compromise bill would authorize and encourage open adoptions and enforceable visitation agreements between Indians and non-Indians; 25 U.S.C. 1913 would be amended to encourage and facilitate voluntary agreements between Indian families or tribes and non-Indian adoptive families for enforceable rights of visitation or continued contact after entry of an adoption decree. This provision would have the effect of authorizing such agreements where independent authority does not exist in a particular State's law. This should help encourage early identification and settlement of controversial cases.

Finally, this bill would apply penalties for fraud and misrepresentation as a sanction against efforts to evade responsibilities under the act. The bill would apply criminal penalties to any efforts to encourage or facilitate fraudulent representations or omissions regarding whether a child or biological parent is an Indian for purposes of the act. The exclusive jurisdiction of tribal courts under 25 U.S.C. 1911(a) would be clarified to continue once a child is properly made a ward of that tribal court, regardless of the location of the treatment ordered by the court. And the bill would make a few minor changes to existing law to clarify several issues which have caused delays in child custody and placement proceedings.

I view this compromise bill as a wholly appropriate and fair-minded alternative to the title III provisions which the Committee on Indian Affairs voted on June 19 to strike from H.R. 3286, the Adoption Promotion and Stability Act of 1996. Title III, proposed by Congresswoman DEBORAH PRYCE, WOULD SUBSTANTIALLY AMEND ICWA IN WAYS I AND MANY OTHERS ON THE COMMITTEE CONCLUDED WOULD EVISCERATE THE ACT. TITLE III WAS PASSED BY THE HOUSE IN MAY BY A NARROW MARGIN AFTER EXTENDED DEBATE. THE SENATE COMMITTEE ON INDIAN AFFAIRS DELETED THAT CONTROVERSIAL TITLE BECAUSE OF OUR SERIOUS CONCERN ABOUT THE BREADTH OF ITS LANGUAGE AND THE FUNDAMENTAL CHANGES IT WOULD MAKE TO THE GOVERNMENT-TO-GOVERNMENT RELATIONS BETWEEN THE UNITED STATES AND INDIAN TRIBES. TITLE III WAS STRENUOUSLY OPPOSED BY VIRTUALLY EVERY TRIBAL GOVERNMENT IN THE NATION AND BY THE JUSTICE AND INTERIOR DEPARTMENTS.

At the same time, I told Congresswoman Pryce that I and many others believed that some of the problems identified by her and other proponents of title III were legitimate. It seemed to me that adoptive families seek certainty, speed, and stability throughout the adoption process. They do not want surprises that threaten to take away from them a child they have loved and cared for after they have followed the law. At the same time, Indian tribes have long sought early and substantive notice of proposed adoptions and the continued protections of tribal sovereignty. They do not want to learn that their young tribal members have been placed for adoption outside of the Indian community many months or years after the fact.

I was pleased to see that the negotiators of the compromise bill responded to these concerns. And I am extremely pleased to say that Congresswoman PRYCE has indicated to me she will now lend her support to prompt enactment of this landmark, compromise legislation. Because it is a delicately balanced package, I am strongly committed to moving this compromise language without substantial change as quickly as possible through the Senate and the House in the remaining weeks before the close of this Congress. Mr. President, I ask my colleagues to join me in this effort.

There is no doubt in my mind that in the case of an Indian child there are special interests that must be taken into account during an adoption placement process. But these interests, as provided for in ICWA, must serve the best interests of the Indian child. And those best interests are best served by certainty, speed, and stability in making adoptive placements with the participation of Indian tribes. This is the key, these concerns can be addressed in ways that preserve fundamental principles of tribal sovereignty by recognizing and preserving the appropriate role of tribal governments in the lives of Indian children.

Mr. President, I urge my colleagues to support the compromise bill so that the agreement reached by the parties can be realized.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Indian Child Welfare Act Amendments of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) (25 U.S.C. 1911(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking the last sentence and inserting the following:

"(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

"(A) resides or is domiciled within the reservation of the Indian tribe and is made a ward of a tribal court of that Indian tribe; or

"(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.".

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) (25 U.S.C. 1911(c)) is amended by striking "In any State court proceeding" and inserting "Except as provided in section 103(e), in any State court proceeding".

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) (25 U.S.C. 1913(a)) is amended—

(1) by inserting "(1)" before "Where";

(2) by striking "foster care placement" and inserting "foster care or preadoptive or adoptive placement";

(3) by striking "judge's certificate that the terms" and inserting the following: "judge's certificate that—

"(A) the terms";

(4) by striking "or Indian custodian." and inserting "or Indian custodian; and" ;

(5) by inserting after subparagraph (A), as designated by paragraph (3) of this subsection, the following new subparagraph:

"(B) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has informed the natural parents of the placement options with respect to the child involved, has informed those parents of the applicable provisions of this Act, and has certified that the natural parents will be notified within 10 days of any change in the adoptive placement.";

(6) by striking "The court shall also certify" and inserting the following:

"(2) The court shall also certify";

(7) by striking "Any consent given prior to," and inserting the following:

"(3) Any consent given prior to,"; and

(8) by adding at the end the following new paragraph:

"(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.".

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) (25 U.S.C. 1913(b)) is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

"(A) no final decree of adoption has been entered; and

"(B)(i) the adoptive placement specified by the parent terminates; or

"(ii) the revocation occurs before the later of the end of—

"(I) the 180-day period beginning on the date on which the Indian child's tribe receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

"(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

"(3) The Indian child with respect to whom a revocation under paragraph (2) is made shall be returned to the parent who revokes consent immediately upon an effective revocation under that paragraph.

"(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), a consent to adoption or voluntary termination of parental rights has not been revoked, beginning after that date, a parent may revoke such a consent only—

"(A) pursuant to applicable State law; or

"(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

"(5)(A) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

"(i) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

"(ii) if a final decree of adoption has been entered, that final decree shall be vacated.

"(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.".

SEC. 6. NOTICE TO INDIAN TRIBES.

Section 103(c) (25 U.S.C. 1913(c)) is amended to read as follows:

"(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the Indian child's tribe. A notice under this subsection shall be sent by registered mail (return receipt requested) to the Indian child's tribe, not later than the applicable date specified in paragraph (2) or (3).

"(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) in each of the following cases:

"(i) Not later than 100 days after any foster care placement of an Indian child occurs.

"(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

"(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

"(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

"(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

"(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

"(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

"(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement made reasonable inquiry concerning whether the child involved may be an Indian child.".

SEC. 7. CONTENT OF NOTICE.

Section 103(d) (25 U.S.C. 1913(d)) is amended to read as follows:

"(d) Each written notice provided under subsection (c) shall contain the following:

"(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

"(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

"(A) known after inquiry of—

"(i) the birth parent placing the child or relinquishing parental rights; and

"(ii) the other birth parent (if available); or

"(B) otherwise ascertainable through other reasonable inquiry.

"(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

"(4) A statement of the reasons why the child involved may be an Indian child.

"(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

"(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

"(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

"(7) If any, the tribal affiliation of the prospective adoptive parents.

"(8) The name and address of any public or private social service agency or adoption agency involved.

"(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

"(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

"(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

"(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.".

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 (25 U.S.C. 1913) is amended by adding at the end the following new subsections:

"(e)(1) The Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

"(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe filed a notice of intent to intervene or a written objection to the termination, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

"(B) in the case of a voluntary adoption proceeding, the Indian tribe filed a notice of intent to intervene or a written objection to the adoptive placement, not later than the later of—

"(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

"(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(2)(A) Except as provided in subparagraph (B), the Indian child's tribe shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

"(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

"(i) the intent of the Indian tribe not to intervene in the proceeding; or

"(ii) the determination by the Indian tribe that—

"(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe; or

"(II) neither parent of the child is a member of the Indian tribe.

"(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

"(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

"(1) affect any placement preference or other right of any individual under this Act;

"(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

"(3) except as specifically provided in subsection (e), affect the applicability of this Act.

"(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the Indian child's tribe receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

"(h) Notwithstanding any other provision of law (including any State law)—

"(1) a court may approve, as part of an adoption decree of an Indian child, an agreement that states that a birth parent, an extended family member, or the Indian child's tribe shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

"(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.".

SEC. 9. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 is amended by adding at the end the following new section:

"SEC. 114. FRAUDULENT REPRESENTATION.

"(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person—

"(1) knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

"(A) a child is an Indian child; or

"(B) a parent is an Indian; or

"(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

"(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1).

"(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

"(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

"(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.".

SECTION-BY-SECTION ANALYSIS—INDIAN CHILD WELFARE ACT AMENDMENTS OF 1996

SECTION 1. SHORT TITLE; REFERENCES

Section 1 cites the short title of the bill as the "Indian Child Welfare Act Amendments of 1996" and clarifies that references in the bill to amendment or repeal relate to the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SECTION 2. EXCLUSIVE JURISDICTION

Section 2 adds a provision to 25 U.S.C. 1911(a) to clarify that an Indian tribe retains exclusive jurisdiction over any child otherwise made a ward of the tribal court when the child subsequently changes residence or domicile for treatment or other purposes.

SECTION 3. INTERVENTION IN STATE COURT PROCEEDINGS

Section 3 makes a conforming technical amendment conditioning an Indian tribe's existing right of intervention under 25 U.S.C. 1911(c) to the time limitations added by Section 8 of the bill.

SECTION 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS

Section 4 amends 25 U.S.C. 1913(a) to clarify that the Act applies to voluntary consents in adoptive, preadoptive and foster care placements. In addition, Section 4 adds a requirement that the presiding judge certify that any attorney or public or private agency facilitating the voluntary termination of parental rights or adoptive placement has informed the birth parents of the placement options available and of the applicable provisions of the Indian Child Welfare Act, and has certified that the birth parents will be notified within 10 days of any change in the adoptive placement. An Indian custodian vested with legal authority to consent to an adoptive placement is to be treated as a parent for purposes of these amendments, including the requirements governing notice provided or received and consent given or revoked.

SECTION 5. WITHDRAWAL OF CONSENT

Section 5 amends the Act by adding several new paragraphs to 25 U.S.C. 1913(b). The additional paragraphs would set limits on when an Indian birth parent may withdraw his or her consent to an adoption. Paragraph (2) would permit revocation of parental consent in only two instances before a final decree of adoption is entered except as provided in paragraph (4). First, a birth parent could revoke his or her consent if the original placement specified by the birth parent terminates before a final decree of adoption has been entered. Second, a birth parent could revoke his or her consent if the revocation is made before the end of a 30 day period that begins on the day that parent received notice of the commencement of the adoption proceeding or before the end of a 180 day period that begins on the day the Indian tribe has received notice of the adoptive placement, whichever period ends first. Paragraph (3) provides that upon the effective revocation of consent by a birth parent under the terms of paragraph (2), the child shall be returned to that birth parent. Paragraph (4) requires that if a birth parent has not revoked his or her consent within the time frames set forth in paragraph (2), thereafter he or she may revoke consent only pursuant to applicable State law or upon a finding by a court of competent jurisdiction that the consent was obtained through fraud or duress. Paragraph (5) provides that upon the effective revocation of consent by a birth parent under the terms of paragraph (4)(B), the child shall be returned to that birth parent and the decree vacated. Paragraph (6) provides that no adoption that has been in effect for a period of longer than or equal to two years can be invalidated under any of the conditions set forth in this section, including those related to a finding of duress or fraud.

SECTION 6. NOTICE TO INDIAN TRIBES

Section 6 requires notice to be provided to the Indian tribe by any person seeking to secure the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child. The notice must be provided no later than 100 days after a foster care placement occurs, no later than five days after a preadoptive or adoptive placement occurs, no later than ten days after the commencement of a proceeding for the termination of parental rights, and no later than ten days after the commencement of an adoption proceeding. Notice may be given prior to the birth of an Indian child if a particular placement is contemplated. If an Indian birth parent is discovered after the applicable notice periods have otherwise expired, despite a reasonable inquiry having been made on or before the commencement of the placement about whether the child may be an Indian child, the time limitations placed by Section 8 upon the rights of an Indian tribe to intervene apply only if the party discovering the Indian birth parent provides notice to the Indian tribe under this section not later than ten days after making the discovery.

SECTION 7. CONTENT OF NOTICE

Section 7 requires that the notice provided under Section 6 include the name of the Indian child involved and the actual or anticipated date and place of birth of the child, along with an identification, if known after reasonable inquiry, of the Indian parent, grandparent, and extended family members of the Indian child. The notice must also provide information on the parties and court proceedings pending in State court. The notice must inform the Indian tribe that it may have the right to intervene in the court proceeding, and must inquire whether the Indian tribe intends to intervene or waive its right to intervene. Finally, the notice must state that if the Indian tribe fails to respond by the statutory deadline, the right of that Indian tribe to intervene will be considered to have been waived.

SECTION 8. INTERVENTION BY INDIAN TRIBE

Section 8 adds four new subsections to 25 U.S.C. 1913, which would limit the right of an Indian tribe to intervene in a court proceeding involving foster care placement or termination of parental rights and which would authorize voluntary agreements for enforceable rights of visitation.

Under subsection (e), an Indian tribe could intervene in a voluntary proceeding to terminate parental rights only if it has filed a notice of intent to intervene or a written objection not later than 30 days after receiving the notice required by Sections 6 and 7. An Indian tribe could intervene in a voluntary adoption proceeding only if it has filed a notice of intent to intervene or a written objection not later than the later of 90 days after receiving notice of the adoptive placement or 30 days after receiving notice of the adoption proceeding pursuant to sections 6 and 7. If these notice requirements are not complied with, the Indian tribe could intervene at any time. However, an Indian tribe may no longer intervene in a proceeding after it has provided written notice to a State court of its intention not to intervene or of its determination that neither the child nor any birth parent is a member of that Indian tribe. Finally, subsection (e) would require that an Indian tribe accompany a motion for intervention with a certification that documents the tribal membership or eligibility for membership of the Indian child under applicable tribal law.

Subsection (f) would clarify that the act or failure to act of an Indian tribe to intervene or not intervene under subsection (e) shall not affect any placement preferences or other rights accorded to individuals under the Act, nor may this preclude an Indian tribe from intervening in a case in which a proposed adoptive placement is changed.

Subsection (g) would prohibit any court proceeding involving the voluntary termination of parental rights or adoption of an Indian child from being conducted before the date that is 30 days after the Indian tribe has received notice under sections 6 and 7.

Subsection (h) would authorize courts to approve, as part of the adoption decree of an Indian child, a voluntary agreement made by an adoptive family that a birth parent, a member of the extended family, or the Indian tribe will have an enforceable right of visitation or continued contact after entry of the adoption decree. However, failure to comply with the terms of such agreement may not be considered grounds for setting aside the adoption decree.

SECTION 9. FRAUDULENT REPRESENTATION

Section 9 would add a new section 114 to the Indian Child Welfare Act that would apply criminal sanctions to any person other than a birth parent who—(1) knowingly and willfully falsifies, conceals, or covers up a material fact concerning whether, for purposes of the Act, a child is an Indian child or a parent is an Indian; or (2) makes any false or fraudulent statement, omission, or representation, or falsifies a written document knowing that the document contains a false or fraudulent statement or entry relating to a material fact described in (1). Upon conviction of an initial violation, a person shall be subjected to the fine prescribed in 18 U.S.C. 3571 for a Class A misdemeanor (not more than $100,000), imprisonment for not more than 1 year, or both. Upon conviction of any subsequent violation, a person shall be subjected to the fine prescribed in 18 U.S.C. 3751 for a felony (not more than $250,000), imprisonment for not more than 5 years, or both.

JULY 16, 1996.

Hon. JOHN MCCAIN,
Chairman, Senate Indian Affairs Committee, Washington, DC

DEAR CHAIRMAN MCCAIN: Thank you for your swift attention and hard work on the issue of the Indian Child Welfare Act (ICWA) as it relates to adoption.

I have reviewed a draft of the legislation you plan to introduce to amend the ICWA and, after careful consideration, have decided that I can lend the bill my qualified support. As you know, your legislation offers a much different approach to reform of the ICWA than what I prefer and what was passed by the House, your changes being procedural and mine substantive. I believe, however, the procedural reforms will help to facilitate compliance with the ICWA and prevent some of the adoption tragedies that have occurred under the current Act.

Further, I appreciate your willingness to address some of my concerns by incorporating protections for adoptive parents in cases where there is no disclosure or knowledge of a child's Native American heritage. These provisions are necessary in situations like that of the Rost family of Columbus, Ohio. The Rosts were unaware of the Native American ancestry of their twin adoptive daughters because that information was withheld by the birth parents.

While I believe the reforms in your bill are useful, I still feel that additional reforms are necessary to address the underlying and fundamental problems with the ICWA as it relates to adoption. The definition and jurisdiction problems involved in the application of the ICWA remain unsolved, as it is still unclear to whom this Act should apply. More and more frequently, the courts are deciding that application of the ICWA based on race alone is unconstitutional. I believe it would be desirable for your committee to address this issue at some point, or the legitimate purpose of the ICWA—to preserve the Indian family and culture—may be lost with the Act's eventual demise.

However, at this point, I support your legislation, recognizing that it has the support of Native Americans, adoption attorneys, and the Rost family. In my view, this legislation represents a step toward ICWA reform that will provide stability and security to the adoption process and more importantly decrease the likelihood of adoption tragedies.

Thank you for your consideration of my views and for your hard work to develop a solution to some of the problems that the ICWA poses as currently applied. I look forward to continuing to work with you on this issue as we monitor the implementation of the changes purposed by your legislation.

Very truly yours,

DEBORAH PRYCE,
Member of Congress.

Mr. INOUYE. Mr. President, the Indian Child Welfare Act was enacted by the Congress in 1978 to secure long overdue protection for Indian children. In enacting the Indian Child Welfare Act, the Congress was concerned not only with the removal of Indian children from their families, but also their removal from their Indian heritage, culture, and identity.

For the past 18 years, the Indian Child Welfare Act has served as a ray of hope and promise to Indian people striving to protect their children and the security and integrity of their families and tribal communities.

While there is much debate about whether or not amendments are needed to the Indian Child Welfare Act, I have great respect for the leaders of the tribal governments who have come together to address the concerns of others notwithstanding the fact that these amendments will affect their most precious resource—the children of the native people of America.

I wish to take this opportunity to make it clear to my colleagues that the amendments contained in this bill are intended to and will apply to all child custody proceedings affecting Indian children and their families.

Mr. GLENN. Mr. President, I am pleased to join Senator MCCAIN as an original cosponsor of this legislation to amend the Indian Child Welfare Act [ICWA]. By clarifying and improving a number of provisions of ICWA, this legislation brings more stability and certainty to Indian child adoptions while preserving the underlying policies and objectives of ICWA. This bill embodies the consensus agreement reached when Indian tribes from around the Nation met in Tulsa, OK, to address questions regarding ICWA's application. Mr. President, I believe that the overriding goal of this agreement, which I support, is to serve the best interests of children.

The bill being introduced today deals with several issues critical to the application of ICWA to child custody proceedings including notice to Indian tribes for voluntary adoptions, time lines for tribal intervention in voluntary cases, criminal sanctions to discourage fraudulent practices in Indian adoptions and a mandate that attorneys and adoption agencies must inform Indian parents under ICWA. I believe that the formal notice requirements to the potentially affected tribe as well as the time limits for tribal intervention after the tribe has been notified are significant improvements in providing needed certainty in placement proceedings.

Mr. President, I am also pleased that this legislation contains provisions addressing my specific concern: the retroactive application of ICWA in child custody proceedings. ICWA currently allows biological parents to withdraw their consent to an adoption for up to 2 years until the adoption is finalized. With the proposed changes, the time that the biological parents may withdraw their consent under ICWA is substantially reduced. I believe that a shorter deadline provides greater certainty for the potential adoptive family, the Indian family, the tribe, and the extended family. This certainty is vital for the preservation of the interest of the child.

Mr. President, my concern with this issue and my insistence on the need to address the problem of retroactive application of ICWA was a direct response to a situation with a family in Columbus, OH. The Rost family of Columbus received custody of twin baby girls in the State of California in November 1993, following the relinquishment of parental rights by both birth parents. The biological father did not disclose his native American heritage in response to a specific question on the relinquishment document. In February 1994, the birth father informed his mother of the pending adoption of the twins. Two months later, in April 1994, the birth father's mother enrolled herself, the birth father, and the twins with the Pomo Indian tribe in California. The adoption agency was then notified that the adoption could not be finalized without a determination of the applicability of ICWA.

The Rost situation made me aware of the harmful impact that retroactive application of ICWA could have on children. While I would have preferred tighter restrictions to preclude other families enduring the hardships the Rosts have experienced, I appreciated the efforts of Senator MCCAIN, other members of the Committee and the Indian tribes to address these concerns. I believe that the combination of measures contained in this bill will significantly lessen the possibility of future Rost cases. Taken together the imposition of criminal sanctions for attorneys and adoption agencies that knowingly violate ICWA, the imposition of formal notice requirements and the imposition of deadlines for tribal intervention, provide new protections in law for children and families involved in child custody proceedings.

Mr. President, I have reviewed the Rost case to reiterate that my interest in reforming ICWA has been limited to the issue of retroactive application. I have no intention to weaken ICWA protection, to narrow the designation of individuals as members of an Indian tribe, or to change any tribes' ability to determine its membership or what constitutes that membership. Once a voluntary legal agreement has been entered into, I do not believe that it is in the best interest of the child for this proceeding to be disrupted because of the retroactive application of ICWA. To allow this to happen could have a harmful impact on the child. I know that my colleagues share my overriding concern in assuring the best interest of children.

Mr. President, I look forward to continued efforts to reform ICWA in ways that protect the best interest of children. I appreciate the work of Senator MCCAIN and others to accommodate my concerns in this legislation and am pleased to cosponsor the bill.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 1233

At the request of Ms. MIKULSKI, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1483

At the request of Mr. KYL, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1632

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1651

At the request of Mr. WARNER, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1651, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program.

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1756

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17, 1903.

S. 1898

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1898, a bill to protect the genetic privacy of individuals, and for other purposes.

S. 1911

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 1929

At the request of Mr. WELLSTONE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1929, a bill to extend the authority for the homeless veterans' reintegration projects for fiscal years 1997 through 1999, and for other purposes.

S. 1936

At the request of Mr. CRAIG, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Vermont [Mr. JEFFORDS], the Senator from New Hampshire [Mr. SMITH], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Arizona [Mr. KYL], the Senator from Virginia [Mr. ROBB], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S.

1936, a bill to amend the Nuclear Waste Policy Act of 1982.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

AMENDMENT NO. 4446

At the request of Mr. SIMON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 4446 intended to be proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4575

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of amendment No. 4575 intended to be proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

LEVIN AMENDMENTS NOS. 4579–4580

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

AMENDMENT No. 4579

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operation and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Beginning with fiscal year 1997, the Secretary of Defense shall establish a program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities. Funds available for that program element for fiscal year 1997 shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism and are available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

AMENDMENT No. 4580

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operation and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. It is the sense of the Congress that (1) beginning with fiscal year 1997, the Secretary of Defense should establish a program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities, (2) funds appropriated for that program element should be in addition to other funds available under this Act for anti-terrorism, and (3) the funds appropriated for that program element should be available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

GRAMM AMENDMENTS NOS. 4581–4582

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT No. 4581

Strike all after the first word and insert the following:

SEC. . Of the funds appropriated in title II of this act, not less than $7.1 million shall be available only to perform the environmental impact statement and associated baseline studies necessary to prepare an application for renewal of use of the McGregor Range at Fort Bliss, Texas.

AMENDMENT No. 4582

At the appropriate place add the following: Of the funds appropriated in title II of this act, not less than $7.1 million shall be available only to perform the environmental impact statement and associated baseline studies necessary to prepare an application for renewal of use of the McGregor Range at Fort Bliss, Texas.

LEVIN AMENDMENTS NOS. 4583–4586

(Ordered to lie on the table.)

Mr. LEVIN submitted four amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT No. 4583

On page 88, between lines 7 and 8, insert the following:

SEC. 8009. Beginning with fiscal year 1997, the Secretary of Defense shall establish a program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities. Funds available for that program element for fiscal year 1997 shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism and are available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

AMENDMENT No. 4584

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. It is the sense of the Congress that (1) beginning with fiscal year 1997, the Secretary of defense should establish a program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities, (2) funds appropriated for that program element should be in addition to other funds available under this Act for anti-terrorism, and (3) the funds appropriated for that program element should be available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

AMENDMENT No. 4585

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operation and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained in this Act.

AMENDMENT No. 4586

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

THE FAIR LABOR STANDARDS ACT OF 1938 CHILD LABOR PROVISION AUTHORIZATION ACT OF 1996

HARKIN (AND CRAIG) AMENDMENT NO. 4587

Mr. LOTT (for Mr. HARKIN, for himself and Mr. CRAIG) proposed an amendment to the bill (H.R. 1114) to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY FOR 16- AND 17-YEAR-OLDS TO LOAD MATERIALS INTO SCRAP PAPER BALERS AND PAPER BOX COMPACTORS.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding to the end thereof the following new paragraph:

"(5)(A) In the administration and enforcement of the child labor provisions of this Act, employees who are 16 and 17 years of age shall be permitted to load materials into, but not operate or unload materials from, scrap paper balers and paper box compactors—

"(i) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors; and

"(ii) that cannot be operated while being loaded.

"(B) For purposes of subparagraph (A), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

"(i)(I) the scrap paper balers and paper box compactors meet the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers and Standard ANSI Z245.2-1992 for paper box compactors; or

"(II) the scrap paper balers and paper box compactors meet an applicable standard that is adopted by the American National Standards Institute after the date of enactment of this paragraph and that is certified by the Secretary to be at least as protective of the safety of minors as the standard described in subclause (I);

"(ii) the scrap paper balers and paper box compactors include an on-off switch incorporating a key-lock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;

"(iii) the on-off switch of the scrap paper balers and paper box compactors is maintained in an off position when the scrap paper balers and paper box compactors are not in operation; and

"(iv) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on the scrap paper balers and paper box compactors stating—

"(I) the scrap paper balers and paper box compactors meet the applicable standard described in clause (i);

"(II) 16- and 17-year-old employees may only load the scrap paper balers and paper box compactors; and

"(III) any employee under the age of 18 may not operate or unload the scrap paper balers and paper box compactors.

The Secretary shall publish in the Federal Register a standard that is adopted by the American National Standards Institute for scrap paper balers or paper box compactors. and certified by the Secretary to be protective of the safety of minors under clause (i)(II).

"(C)(i) Employers shall prepare and submit to the Secretary reports—

"(I) on any injury to an employee under the age of 18 that requires medical treatment (other than first aid) resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor; and

"(II) on any fatality of an employee under the age of 18 resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor.

"(ii) The reports described in clause (i) shall be used by the Secretary to determine whether or not the implementation of subparagraph (A) has had any effect on the safety of children.

"(iii) The reports described in clause (i) shall provide—

"(I) the name, telephone number, and address of the employer and the address of the place of employment where the incident occurred;

"(II) the name, telephone number, and address of the employee who suffered an injury or death as a result of the incident;

"(III) the date of the incident;

"(IV) a description of the injury and a narrative describing how the incident occurred; and

"(V) the name of the manufacturer and the model number of the scrap paper baler or paper box compactor involved in the incident.

"(iv) The reports described in clause (i) shall be submitted to the Secretary promptly, but not later than 10 days after the date on which an incident relating to an injury or death occurred.

"(v) The Secretary may not rely solely on the reports described in clause (i) as the basis for making a determination that any of the employers described in clause (i) has violated a provision of section 12 relating to oppressive child labor or a regulation or order issued pursuant to section 12. The Secretary shall, prior to making such a determination, conduct an investigation and inspection in accordance with section 12(b).

"(vi) The reporting requirements of this subparagraph shall expire 2 years after the date of enactment of this subparagraph.".

SEC. 2. CIVIL MONEY PENALTY.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking "section 12," and inserting "section 12 or section 13(c)(5),"; and

(2) by striking "that section" and inserting "section 12 or section 13(c)(5)".

SEC. 3. CONSTRUCTION.

Section 1 shall not be construed as affecting the exemption for apprentices and student learners published in section 570.63 of title 29, Code of Federal Regulations.

THE IRAN OIL SANCTIONS ACT OF 1996

KENNEDY (AND D'AMATO) AMENDMENT NO. 4588

Mr. LOTT (for Mr. KENNEDY, for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 3107) to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; as follows:

On page 7, line 8, strike all through page 8, line 20 and insert:

(b) MANDATORY SANCTIONS WITH RESPECT TO LIBYA.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of $40,000,000 or more (or any combination of investments of at least $10,000,000 each, which in the aggregate equals or exceeds $40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a hearing before the Committee on Energy and Natural Resources to receive testimony on S. 1920, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes, has been cancelled.

The hearing was scheduled to take place Wednesday, July 17, 1996, at 9:30 a.m. in room SD—366 of the Dirksen Senate Office Building in Washington, DC.

I plan to reschedule this hearing at a later date. For further information, please contact Brain Malnak or Jo Meuse.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. Speaker, I would like to announce for the public that an oversight hearing has been scheduled from the Subcommittee on Forests and Public Land Management.

The hearing will take place Tuesday, July 30, 1996, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the conditions that have made the national forests in Arizona susceptible to catastrophic fires and disease.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 16, at 2 p.m., for a hearing on S. 1629, the Tenth Amendment Enforcement Act of 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 16, at 10:30 a.m., to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, July 16, 1996, at 9:30 a.m. until business is completed, to hold a hearing on "Public Access to Government Information in the 21st Century, Title 44/GPO."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Aging be authorized to meet for a hearing on "Proposals for Reform: Ensuring Our Workers' Retirement Security" during the session of the Senate on Tuesday, July 16, 1996, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 16, to hold hearings on security in cyberspace.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 16, 1996, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHURCH ARSON PREVENTION ACT

• Mr. FAIRCLOTH. Mr. President, last week at the White House, the President held a ceremony to thank the Congress for acting swiftly on legislation to make it a Federal crime to burn a church.

H.R. 3525 passed the House on June 18, 1996 by a vote of 422 to 0. The Senate approved a broader bill on June 26, 1996 by a vote of 98–0. The House passed the Senate version on June 27, 1996 by unanimous consent.

Due to the compelling need to pass legislation, House and Senate Democrats and Republicans met on a bipartisan basis where the differences between the two bills were reconciled. Because of the speed with which we acted, there was little time to prepare a statement of the conferees.

In lieu of a conference report, I ask that this statement of managers be printed in the RECORD, and be made part of the legislative history of H.R. 3525.

The statement follows:

JOINT STATEMENT OF FLOOR MANAGERS REGARDING H.R. 3525, THE CHURCH ARSON PREVENTION ACT OF 1996

(By: Senators Faircloth and Kennedy, and Congressmen Hyde and Conyers)

I. INTRODUCTION

Recently, the entire Nation has watched in horror and disbelief as an epidemic of church arsons has gripped the Nation. The wave of arsons, many in the South, and a large number directed at African American churches, is simply intolerable, and has provoked a strong outcry from Americans of all races and religious backgrounds.

Congress has responded swiftly and in a bipartisan fashion to this troubling spate of arsons. On May 21, 1996, the House Judiciary Committee held an oversight hearing focusing on the problem of church fires in the Southeast. Two days later, on May 23, Chairman Hyde and Ranking Member Conyers introduced H.R. 3525, the Church Arson Prevention Act of 1996. H.R. 3525 was passed by the House of Representatives on June 18, 1996, by a vote of 422–0. On June 19, 1996, the Senate introduced a companion bill, S. 1890.

In the interests of responding swiftly to this pressing national problem, Congressman Henry Hyde and Congressman John Conyers, the original authors of the bill in the House of Representatives, and Senator Lauch Faircloth and Senator Edward Kennedy, the original authors of the bill in the Senate, with the cooperation and assistance of the Chairman and Ranking Member of the Senate Judiciary Committee, have crafted a bipartisan bill that combines portions of H.R. 3525, as passed on June 18, 1996 by the House of Representatives, and S. 1890, as introduced in the Senate on June 19, 1996. On June 26, 1996, an amendment in the form of substitute to H.R. 3525 was introduced in the Senate, and passed by a 98–0 vote. This substitute embodies the agreement that was reached between House and the Senate, on a bipartisan basis. The House of Representatives, by unanimous consent, took up and passed H.R. 3525 as amended on June 27, 1996.

This Joint Statement of Floor Managers is in lieu of a Conference report and outlines the legislative history of H.R. 3525.

II. SUMMARY OF THE LEGISLATION

The purpose of the legislation is to address the growing national problem of destruction and desecration of places of religious worship. The legislation contains five different components.

1. AMENDMENT OF CRIMINAL STATUTE RELATING TO CHURCH ARSON

Section three of the bill amends section 247 of Title 18, United States Code to eliminate unnecessary and onerous jurisdictional obstacles, and conform the penalties and statute of limitation with those under the general Federal arson statute, Title 18, United States Code, Section 844(i). Section two contains the Congressional findings that establish Congress' authority to amend section 247.

2. AUTHORIZATION FOR LOAN GUARANTEES

Section four gives authority to the Department of Housing and Urban Development to use up to $5,000,000 from an existing fund to extend loan guarantees to financial institutions who make loans to organizations defined in Title 26, Section 501(c)(3), United States Code, that have been damaged as a result of acts of arson or terrorism, as certified by procedures to be established by the Secretary of Housing and Urban Development.

3. ASSISTANCE FOR VICTIMS WHO SUSTAIN INJURY

Section five amends Section 1403(d)(3) of the Victim of Crime Act to provide that individuals who suffer death or personal injury in connection with a violation described in Title 18, United States Code, Section 247, are eligible to apply for financial assistance under the Victims of Crime Act.

4. AUTHORIZATION OF FUNDS FOR THE DEPARTMENT OF THE TREASURY AND THE DEPARTMENT OF JUSTICE

Section six authorizes funds to the Department of Justice, including the Community Relations Service, and the Department of the Treasury to hire additional personnel to investigate, prevent and respond to possible violations of Title 18, United States Code, Sections 247 and 844(i). This provision is not intended to alter, expand or restrict the respective jurisdictions or authority of the Department of the Treasury and the Federal Bureau of Investigation relating to the investigation of suspicious fires at places of religious worship.

5. REAUTHORIZATION OF THE HATE CRIMES STATISTICS ACT

Section seven reauthorizes the Hate Crimes Statistics Act through 2002.

6. SENSE OF THE CONGRESS

Section eight embodies the sense of the Congress commending those individuals and entities that have responded to the church arson crisis with enormous generosity. The Congress encourages the private sector to continue these efforts, so that the rebuilding process will occur with maximum possible participation from the private sector.

III. AMENDMENT TO TITLE 18, UNITED STATES CODE, SECTION 247

Section 3 of H.R. 3525, as passed by the Senate and the House, amends section 247 in a number of ways.

1. EXPANSION OF FEDERAL JURISDICTION TO PROSECUTE ACTS OF DESTRUCTION OR DESECRATION OF PLACES OF RELIGIOUS WORSHIP

The bill replaces subsection (b) with a new interstate commerce requirement, which broadens the scope of the statute by applying criminal penalties if the "offense is in or affects interstate or foreign commerce." H.R. 3525 also adds a new subsection (c), which provides that: "whoever intentionally defaces, damages or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so," is guilty of a crime. Section two of H.R. 3525 contains the Congressional findings which establish Congress' authority to amend section 247.

The new interstate commerce language in subsection (b) is similar to that in the general Federal arson statute, Title 18, United States Code, Section 844(i), which affords the Attorney General broad jurisdiction to prosecute conduct which falls within the interstate commerce clause of the Constitution.

Under this new formulation of the interstate commerce requirement, the Committee intends that the interstate commerce requirement is satisfied, for example, where in committing, planning, or preparing to commit the offense, the defendant either travels in interstate or foreign commerce, or uses the mail or any facility or instrumentality of interstate commerce. The interstate commerce requirement would also be satisfied if the real property that is damaged or destroyed is used in activity that is in or affects interstate commerce. Many of the places of worship that have been destroyed serve multiple purposes in addition to their sectarian purpose. For example, a number of places of worship provide day care services, or a variety of other social services.

These are but a few of the many factual circumstances that would come within the scope of H.R. 3525's interstate commerce requirement, and it is the intent of the Congress to exercise the fullest reach of the Federal commerce power.

The floor managers are aware of the Supreme Court's ruling in *United States* v. *Lopez*, 115 S.Ct. 1624 (1995), in which the Court struck down as unconstitutional legislation which would have regulated the possession of firearms in a school zone. In Lopez, the Court found that the conduct to be regulated did not have a substantial effect upon interstate commerce, and therefore was not within the Federal Government's reach under the interstate commerce clause of the Constitution.

Subsection (b), unlike the provision at issue in Lopez, requires the prosecution to prove an interstate commerce nexus in order to establish a criminal violation. Moreover, H.R. 3525 as a whole, unlike the Act at issue in Lopez, does not involve Congressional intrusion upon "an area of traditional state concern." 115 S.Ct. at 1640 (KENNEDY, J. concurring). The Federal Government has a longstanding interest in ensuring that all Americans can worship freely without fear of violent reprisal. This Federal interest is particularly compelling in light of the fact that a large percentage of the arsons have been directed at African-American places of worship.

Congress also has the authority to add new subsection (c) to section 247 under the Thirteenth Amendment to the Constitution, an authority that did not exist in the context of the Gun Free School Zones Act. Section 1 of the Thirteenth Amendment prohibits slavery or involuntary servitude. Section 2 of the Amendment states that "Congress shall have the power to enforce this article by appropriate legislation." In interpreting the Amendment, the Supreme Court has held that Congress may reach private conduct, because it has the "power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States." *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 439 (1968). *See also Griffin* v. *Breckinridge*, 403 U.S. 88 (1971). The racially motivated destruction of a house of worship is a "badge or incident of slavery" that Congress has the authority to punish in this amendment to section 247.

Section two of H.R. 3525 sets out the Congressional findings that establish Congressional authority under the commerce clause and the Thirteenth Amendment to amend section 247.

In replacing subsection (b) of section 247, H.R. 3525 also eliminates the current requirement of subsection (b)(2) that, in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction be more than $10,000. This will allow for the prosecution of cases involving less affluent congregations where the church building itself is not of great monetary value. It will also enhance Federal prosecution of cases of desecration, defacement or partial destruction of a place of religious worship. Incidents such as spray painting swastikas on synagogues, or firing gunshots through church windows, are serious hate crimes that are intended to intimidate a community and interfere with the freedom of religious expression. For this reason, the fact that the monetary damage caused by these heinous acts may be de minimis should not prevent their prosecution as assaults on religious freedom under this section.

H.R. 3525 also amends section 247 by adding a new subsection (c), which criminalizes the intentional destruction or desecration of religious real property "because of the race, color or ethnic characteristics of any individual associated with that property." This provision will extend coverage of the statute to conduct which is motivated by racial or ethnic animus. Thus, for example, in the event that the religious real property of a church is damaged or destroyed by someone because of his or her hatred of its African American congregation, section 247 as amended by H.R. 3525 would permit prosecution of the perpetrator.

H.R. 3525 also amends the definition of "religious real property" to include "fixtures or religious objects contained within a place of religious worship." There have been cases involving desecration of torahs inside a synagogue, or desecration of portions of a tabernacle within a place of religious worship. These despicable acts strike at the heart of congregation, and this amendment will ensure that such acts can be prosecuted under section 247.

2. Amendment of Penalty Provisions

H.R. 3525 amends the penalty provisions of section 247 in cases involving the destruction or attempted destruction of a place of worship through the use of fire or an explosive. The purpose of this amendment is to conform the penalty provisions of section 247 with the penalty provisions of the general Federal arson statute, Title 18, United States Code, Section 844(i). Under current law, if a person burns down a place of religious worship (with no injury resulting), and is prosecuted under section 247, the maximum possible penalty is 10 years. However, if a person burns down an apartment building, and is prosecuted under the Federal arson statute, the maximum possible penalty is 20 years. H.R. 3525 amends section 247 to conform the penalty provisions with the penalty provisions of section 844(i). H.R. 3525 also contains a provision expanding the statute of limitations for prosecutions under section 247 from 5 to 7 years. Under current law, the statute of limitations under section 844(i) is 7 years, while the statute of limitations under section 247 is 5 years. This amendment corrects this anomaly.

IV. Severability

It is not necessary for Congress to include a specific severability clause in order to express Congressional intent that if any provision of the Act is held invalid, the remaining provisions are unaffected. S. 1890, as introduced on June 16, 1996 contained a severability clause, while the original version of H.R. 3525 which was introduced in the House did not. While the final version of H.R. 3525, as passed by the Senate and the House of Representatives, does not contain a severability clause, it is the intent of Congress that if any provision of the Act is held invalid, the remaining provisions are unaffected.•

POSSESSIONS TAX CREDIT

• Mr. BREAUX. Mr. President, last week on Tuesday, July 9, the Senate passed H.R. 3448, the Small Business Job Protection Act of 1996. I rise today to speak about the provision in that bill relating to Section 936 of the Internal Revenue Code, the Possessions Tax Credit. The Senate passed version of this legislation creates a long-term wage credit for the 150,000 employees currently working in Puerto Rico through section 936 of the code. Without question, this provision represents a major step forward for those working Americans in our poorest jurisdiction. Unfortunately, Mr. President, the House passed bill contains no such long-term incentives for the economy of Puerto Rico. I want to urge the Conferees, under the leadership of the distinguished Chairman of the Senate Finance Committee, Senator ROTH, and the distinguished ranking member, Senator MOYNIHAN, to preserve the Senate position on section 936. Also, at the earliest opportunity we should address the important issues of economic growth, new jobs, and new investments in Puerto Rico including the proposals offered by the Governor of Puerto Rico, Pedro Rossello, to replace the possessions tax credit.•

CENTRALIA HIGH SCHOOL BOYS BASKETBALL TEAM

• Mr. SIMON. Mr. President, I would like to commend the Orphans of Centralia High School of Centralia, IL, for the amazing success of their boys basketball program. They have the best winning record of any high school basketball team in the Nation, according to the 1996 edition of the National High School Sports Record Book. Since 1907, the basketball program has been dedicated to excellence on the basketball court. In this span, the Centralia High boys team has recorded 45 regional championships, 16 district titles, 16 sectional crowns, two second-, one third- and one fourth-place finish in the State tournament. With 20 wins and 6 losses during the 1995–96 season, their record now stands at 1,780–761. This is quite an achievement.

I would also like to extend my appreciation to coach Rick Moss. In the three seasons he has been coach, he has posted a 71–12 record—a record that looks a lot like the Chicago Bulls' great success of the past season. Coach Moss and his staff have done a magnificent job in preparing his team for competition.

Again, I offer my congratulations to the Centralia High School boys basketball team for achieving this feat. I look forward to seeing them maintain this winning tradition during the 1996–97 season, which will make the 90th year of the boys basketball program.•

TRIBUTE TO CMDR. JOHN J. JASKOT, U.S. COAST GUARD

• Mr. KERRY. Mr. President, I want to take this opportunity to express my sincere thanks to Cmdr. John Jaskot of the U.S. Coast Guard who has served as the Coast Guard liaison to the Senate for the past 3 years and who will retire this month from the service after a distinguished 20-year career.

John, or J.J. as he is better known, has done an outstanding job in his role of Senate liaison and has honored himself and the Coast Guard with his dedication and devotion to duty. A graduate of the U.S. Coast Guard Academy and George Washington University Law School, J.J. has served commendably as the conduit between the Senate and the Coast Guard when Coast Guard-related legislation was under development and when difficult problems involving the Coast Guard were being dealt with by Members of the Senate.

Mr. President, it is my pleasure to serve as the ranking Democratic member of the subcommittee responsible for Senate oversight of the Coast Guard, the Senate Commerce Committee's Subcommittee on Oceans and Fisheries. It is from this position that my staff and I have had the pleasure to work on a continual basis with Commander Jaskot and the Coast Guard. Therefore, I know firsthand that J.J. is a professional who deservedly prides himself on being a responsive and efficient problem solver. His comprehensive knowledge of Coast Guard law and programs has been extremely valuable to the Senate. Coast Guard issues in general are nonpartisan and the Nation's oldest continuous maritime service enjoys support from both sides of the aisle. During his tenure, Commander Jaskot has been successful in continuing this bipartisan collegiality.

After an exemplary career and service to our country, J.J. is now retiring. His departure will be a loss to both the Coast Guard and the Senate, but I am sure that his family will be the ones to gain as they will see much more of him than they saw in the past 3 years. I am pleased for them—and pleased for him in this respect.

As he leaves the Senate and the Coast Guard, I join everyone who has had the pleasure to work with John Jaskot during his time in the Senate in wishing him well in whatever follows his Coast Guard service. Doubtlessly, he will have opportunities to do other useful and valuable work even as he spends more time with his family.

Good luck, Cmdr. John J. Jaskot, and thank you for a job well done.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 258, No. 511, No. 678, No. 637 through No. 644.

I might note, this is for the appointment of Richard Stern to the National Council on the Arts, Mr. Greenaway to the New Jersey District Court, Mr. Kahn to the New York District Court, National Institute for Literacy Advisory Board, the James Madison Memorial Fellowship Foundation, the National Foundation on the Arts and Humanities, National Commission on Libraries and Information Science, the Corporation for National and Community Service, and the EEOC.

I further ask unanimous consent the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

THE JUDICIARY

Joseph A. Greenaway, of New Jersey, to be U.S. District Judge for the District of New Jersey.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board, for a term expiring October 12, 1998.

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2001.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Doris B. Holleb, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

LeVar Burton, of California, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Luis Valdez, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2000.

THE JUDICIARY

Lawrence E. Kahn, of New York, to be U.S. District Judge for the Northern District of New York.

NOMINATION OF JOSEPH A. GREENAWAY

Mr. BRADLEY. Mr. President, I am extremely pleased that my colleagues voted today to confirm the nomination of Joseph Greenaway to the United States District Court for the District of New Jersey. Mr. Greenaway, who is currently a corporate attorney with Johnson and Johnson, is an extraordinarily talented attorney who will serve the State of New Jersey with distinction.

Mr. President, Mr. Greenaway was nominated by the White House to serve on the Federal district court in New Jersey on November 27, 1995. He was reported by unanimous vote out of the Judiciary Committee on March 13, 1996. During his hearing before the Judiciary Committee, Mr. Greenaway impressed Members on both sides of the aisle with his stately demeanor and intimate knowledge of the law.

Mr. President, Mr. Greenaway is no stranger to public service. Prior to joining Johnson and Johnson as a corporate attorney, Mr. Greenaway served as an assistant U.S. attorneys for the State of New Jersey from 1985 to 1990. While at the U.S. attorney's office, Mr. Greenaway, in his capacity as the chief of the narcotics division, coordinated narcotics investigations by all Federal agencies in New Jersey and supervised all narcotics prosecutions.

During his tenure at the U.S. attorney's office, Mr. Greenaway handled, in addition to narcotics prosecutions, bank fraud, hijacking, check kiting, sexual abuse, and mail fraud cases. Mr. Greenaway also prosecuted perhaps the most significant drug case in the history of New Jersey, United States versus Pray. His prosecution culminated in the conviction of Wayne Pray, AKA "Akbar", a notorious criminal who for almost 20 years masterminded a multimillion dollar cocaine operation in northern New Jersey.

In this case, Mr. Greenaway led a 15 month investigation, which required the cooperation of the DEA, FBI, Customs Service and ATF in New Jersey, Florida, Michigan, New York, and Texas. After a 6-month trial, the evidence showed that Akbar's operation imported 100-plus kilogram shipments of cocaine directly from Columbia to Mexico and across the United States border into New Jersey. The efforts of Mr. Greenaway resulted in Akbar being sentenced to life in prison without the possibility of parole. This court victory was indeed a victory for all New Jerseyans.

Mr. President, Mr. Greenaway graduated from Columbia University in 1978. After receiving his law degree from Harvard Law School, where he served as a teaching assistant to Prof. David Rosenberg and was a member of the Harvard Civil Rights and Civil Liberties Law Review, Mr. Greenaway secured a prestigious judicial clerkship with the Hon. Vincent Broderick of the United States District Court for the Southern District of New York. Following the clerkship, he specialized in complex commercial litigation at the law firm of Kramer, Levin, Nessen, Kamin, and Frankel.

Mr. President, Mr. Greenaway's nomination has been supported by the New Jersey legal community, including the New Jersey Bar Association; Garden State Bar Association; New Jersey Corporate Counsel Association; National Bar Association; and George Fraza, the vice president and general counsel of Johnson and Johnson.

Moreover, because of Mr. Greenaway's strong law and order background, New Jersey's law enforcement community has wholeheartedly endorsed the nomination. The New Jersey State Policemen's Benevolent Association, the New Jersey Fraternal Order of Police, the Policemen's Benevolent Association of Newark, and the State Troopers Non-Commissioned Officers Association of New Jersey proclaimed without reservation their strong support for Mr. Greenaway.

Mr. President, today is a great day for the citizens of New Jersey. Mr. Greenaway's impeccable character, excellent legal background, and demonstrated commitment to public service indicate that his addition to the court will only enhance the excellent reputation that the court enjoys. I applaud my colleagues for their action today, which will benefit the State of New Jersey for years to come. I also congratulate Mr. Greenaway, his wife, Veronica, and their son, Joey. I wish them every success as Joe Greenaway joins the Federal bench in service to people of New Jersey.

Mr. President, this is a proud day for Joe Greenaway and his family. Joe is an outstanding person and will be an outstanding judge.

Prior to this moment, he has had many highlights in his career. Probably the biggest professional highlight was his work over a lengthy trial of a drug kingpin in Newark, NJ, and sending that person to jail for life without parole. He is an outstanding law enforcement official. He was an outstanding corporate attorney, and he will be an outstanding judge. The people of New Jersey are fortunate to have his talents and the value of his service in the years to come. I thank the Chair.

Mr. LAUTENBERG. Mr. President, it is my pleasure to offer congratulations to Joseph A. Greenaway, Jr., President Clinton's nominee for appointment to one of the two vacancies on the District Court of New Jersey, on his confirmation to the Federal bench.

I also extend my congratulations to his very proud family—his father Joseph Greenaway, Sr., his wife Veronica, and son Joey Greenaway III.

Mr. President, although I have just recently met Mr. Greenaway, I can tell you that he has a strong record as a distinguished attorney, having practiced extensively in Federal court in both civil and criminal cases.

He has also expressed to me his honor at being nominated for this appointment and his deep commitment to serving the public and to administering justice fairly for all who appear before him.

Joe is very much a product of the American dream.

As a young man, he emigrated to this country from England and attended public schools in New York as his parents strove to provide a better future for their children. Joe was selected to attend the esteemed Bronx High School of Science, and he then attended Columbia University, from which he graduated in 1978.

Mr. Greenaway received his law degree from Harvard Law School, where he was the recipient of the Earl Warren Legal Scholarship, and where he served as a member of the Harvard Civil Rights and Civil Liberties Law Review.

After a year of private practice, Mr. Greenaway secured a prestigious judicial clerkship with the Hon. Vincent Broderick of the United States District Court for the Southern District of New York.

He then returned to private practice, where he specialized in commercial litigation.

His most recent employment with Johnson and Johnson in New Brunswick, NJ has deepened his knowledge of Federal civil law and taught him first hand how corporations function.

But, Mr. President, Joe also has a strong grounding in Federal criminal law. One of his strongest credentials as a nominee is his personal familiarity with our criminal justice system.

From 1985 to 1990, Mr. Greenaway served as an assistant U.S. attorney for the district of New Jersey.

While at the U.S. attorney's office, in his capacity as the chief of the narcotics division, Mr. Greenaway coordinated narcotics investigations by all Federal agencies in New Jersey and supervised all narcotics prosecutions.

During his tenure at the U.S. attorney's office, Joe handled, in addition to narcotics prosecutions, bank fraud, hijacking, check kiting, sexual abuse, and mail fraud cases.

Since 1990, Mr. Greenaway has served as a corporate counsel with Johnson and Johnson.

Mr. President, I want to again congratulate Joe on his appointment, and wish him all the best in his new position. I hope he will serve on our district court for many years. I know he will serve with distinction, dispensing justice to each person who appears before him with compassion, fairness, and wisdom.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

BALERS AND COMPACTORS SAFETY STANDARDS MODERNIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent the Labor Committee be immediately discharged from further consideration of H.R. 1114, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1114) to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compacters that meet appropriate American National Standards Institute design safety standards.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4587

(Purpose: To provide for a substitute amendment)

Mr. LOTT. I understand there is a substitute amendment at the desk offered by Senators HARKIN and CRAIG. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HARKIN, for himself and Mr. CRAIG, proposes an amendment numbered 4587.

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY FOR 16- AND 17-YEAR-OLDS TO LOAD MATERIALS INTO SCRAP PAPER BALERS AND PAPER BOX COMPACTORS.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding to the end thereof the following new paragraph:

"(5)(A) In the administration and enforcement of the child labor provisions of this Act, employees who are 16 and 17 years of age shall be permitted to load materials into, but not operate or unload materials from, scrap paper balers and paper box compactors—

"(i) that are safe for 16- and 17-year-old employees loading the scrap paper balers or paper box compactors; and

"(ii) that cannot be operated while being loaded.

"(B) For purposes of subparagraph (A), scrap paper balers and paper box compactors shall be considered safe for 16- or 17-year-old employees to load only if—

"(i)(I) the scrap paper balers and paper box compactors meet the American National Standards Institute's Standard ANSI Z245.5-1990 for scrap paper balers and Standard ANSI Z245.2-1992 for paper box compactors; or

"(II) the scrap paper balers and paper box compactors meet an applicable standard that is adopted by the American National Standards Institute after the date of enactment of this paragraph and that is certified by the Secretary to be at least as protective of the safety of minors as the standard described in subclause (I);

"(ii) the scrap paper balers and paper box compactors include an on-off switch incorporating a keylock or other system and the control of the system is maintained in the custody of employees who are 18 years of age or older;

"(iii) the on-off switch of the scrap paper balers and paper box compactors is maintained in an off position when the scrap paper balers and paper box compactors are not in operation; and

"(iv) the employer of 16- and 17-year-old employees provides notice, and posts a notice, on the scrap paper balers and paper box compactors stating that—

"(I) the scrap paper balers and paper box compactors meet the applicable standard described in clause (i);

"(II) 16- and 17-year-old employees may only load the scrap paper balers and paper box compactors; and

"(III) any employee under the age of 18 may not operate or unload the scrap paper balers and paper box compactors.

The Secretary shall publish in the Federal Register a standard that is adopted by the American National Standards Institute for scrap paper balers or paper box compactors and certified by the Secretary to be protective of the safety of minors under clause (i)(II).

"(C)(i) Employers shall prepare and submit to the Secretary reports—

"(I) on any injury to an employee under the age of 18 that requires medical treatment (other than first aid) resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor; and

"(II) on any fatality of an employee under the age of 18 resulting from the employee's contact with a scrap paper baler or paper box compactor during the loading, operation, or unloading of the baler or compactor.

"(ii) The reports described in clause (i) shall be used by the Secretary to determine whether or not the implementation of subparagraph (A) has had any effect on the safety of children.

"(iii) The reports described in clause (i) shall provide—

"(I) the name, telephone number, and address of the employer and the address of the place of employment where the incident occurred;

"(II) the name, telephone number, and address of the employee who suffered an injury or death as a result of the incident;

"(III) the date of the incident;

"(IV) a description of the injury and a narrative describing how the incident occurred; and

"(V) the name of the manufacturer and the model number of the scrap paper baler or paper box compactor involved in the incident.

"(iv) The reports described in clause (i) shall be submitted to the Secretary promptly, but not later than 10 days after the date on which an incident relating to an injury or death occurred.

"(V) The Secretary may not rely solely on the reports described in clause (i) as the basis for making a determination that any of the employers described in clause (i) has violated a provision of section 12 relating to oppressive child labor or a regulation or order issued pursuant to section 12. The Secretary shall, prior to making such a determination, conduct an investigation and inspection in accordance with section 12(b).

"(vi) The reporting requirements of this subparagraph shall expire 2 years after the date of enactment of this subparagraph.".

SEC. 2. CIVIL MONEY PENALTY.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended in the first sentence—

(1) by striking "section 12," and inserting "section 12 or section 13(c)(5),"; and

(2) by striking "that section" and inserting "section 12 or section 13(c)(5)".

SEC. 3. CONSTRUCTION.

Section 1 shall not be construed as affecting the exemption for apprentices and student learners published in section 570.63 of title 29, Code of Federal Regulations.

Mr. HARKIN. Mr. President, I am pleased that we are taking action on, H.R. 1114, a common-sense bill that has broad bipartisan support. I especially want to thank my colleague, Senator CRAIG, from the State of Idaho for his hard work with me on this issue.

Use of scrap paper balers and paper box compactors in the grocery industry has expanded since the 1970's due to the increase in recycling of cardboard boxes. The balers and compactors that are prevalent today have gone through significant safety design improvements over the last 20 years-design features that, for example, prevent compression action unless a gate over the loading area is shut.

In other words, modern balers and compactors cannot be loaded while the machine is operating. Such safety features have, since 1982, been codified in design safety standards now recognized as the norm by the waste equipment industry as well as the insurance industry.

Back in 1954, however, balers did not have such safety features. Because they could be loaded while they were being operated they presented a significant danger to individuals unfamiliar with the machines. In response to this concern, the Labor Department issued hazardous occupation order No. 12 (HO 12), prohibiting 16- and 17-year-olds from loading, operating, or unloading balers.

Unfortunately, HO 12 has not been updated to account for the advances in baler and compactor safety. Modern balers cannot be operated when the loading gate is open and are shut off by a key lock held by the store manager or adult supervisor. They are safe, yet 16- and 17-year-olds are still prohibited from even placing cardboard boxes into balers.

As a result, grocery stores all over the country have been fined when 16- and 17-year-old part-time and summertime workers inadvertently toss cardboard into dormant balers. Millions of dollars in fines have been collected, resulting in a reluctance on the part of grocers to hire anyone under the age of 18. A survey of its members by the Food Marketing Institute showed that 60 percent of grocers reduce the employment opportunities for teenagers because of HO 12. Some simply no longer hire anyone under 18—a needless loss of teen employment. H.R. 1114 addresses this problem.

H.R. 1114 allows 16- and 17-year-olds simply to load—not operate or unload—balers and compactors that meet the safety standards established by the American National Standards Institute. Other provisions dealing with proper notice to employees and safety signs on the equipment further protect the safety of minors.

In order to track the safety impact of this bill, for 2 years employers would be obligated to report to the Secretary of Labor any injury or fatality of an employee under the age of 18 within 10 days of when the incident occurred. The maximum penalty for failure to file such a report would be $10,000 per violation.

Under these reporting requirements, it is not the intention of Congress to have an employer subjected to a fine of any amount if there is an inadvertent error, such as a wrong street number in an address, or a misspelled name.

Mr. President, I am especially pleased that the bill was negotiated with the United Food and Commercial Workers Union as well as the grocery industry, represented by the Food Marketing Institute and the National Grocers Association. These groups came together and were able to come up with a win-win scenario while still addressing each other's concerns.

This bill passed the House on a voice vote with several members speaking in favor. We are continuing in this bipartisan spirit today. I urge the immediate adoption of H.R. 1114.

Mr. CRAIG. Mr. President, I am pleased to join with the Senator from Iowa [Mr. HARKIN] in offering a substitute amendment to H.R. 1114, and I rise in support of that amendment and that bill. Last year, I introduced the companion bill in the Senate, S. 744.

This legislation, also referred to as the Balers and Compactors Safety Standards Modernization Act, is simple, common-sense legislation to end a regulatory prohibition on minor employees loading balers and compactors that are safe and locked in the off position. These machines commonly are used in supermarkets, grocery stores, and other retail establishments, for preparing and bundling cardboard and paper waste materials for recycling purposes.

Almost 2 years ago, Senator HARKIN and I stood on the floor of this Senate and engaged in a colloquy on this same issue. Then, we were demonstrating one last round of patience with the Department of Labor and discussing a congressional directive, in the Labor-HHS-Education appropriations bill, that DOL reevaluate and take action to update the rule in question.

Today, we urge the Senate to join the House of Representatives in passing a simple bill to accomplish this end.

The amendment offered today by Senator HARKIN and myself addresses concerns that some have had about continuing to ensure the safety of minor employees. This bill, with our amendment, is a balanced, bipartisan approach that has achieved consensus among employers, labor unions, and safety experts.

I commend the Senator from Iowa for his consistent efforts on this issue, and have appreciated working with him.

The Balers and Compactors Safety Standards Modernization Act will make long-overdue revisions to safety standards set by the Department of Labor [DOL] in its hazardous occupation order No. 12 (HO 12).

HO 12 is a regulation issued by DOL in 1954 and intended to protect employees who are under 18 years of age. In brief, it specifically prohibits minors from operating more than a dozen different types of equipment in the workplace. I certainly agree with the underlying purpose of HO 12, which is that younger workers should not be allowed to operate certain types of machinery when doing so would place them in harm's way.

DOL's current interpretation of HO 12 goes so far as to prohibit minors from placing, tossing, or loading cardboard or paper materials into a baler or compactor. Such activities take place during a loading phase that is prior to, and separate from, the actual operation of the machine. While such a loading-phase prohibition may have made sense 42 years ago, when HO 12 was originally issued, such is not the case today.

As often happens, technology has overtaken regulation. Significant safety advances have been made in the design and manufacture of balers and compactors. Much like a household microwave oven or trash compactor, the newest generation of balers now in use in grocery stores and other locations cannot be engaged and operated during the loading phase.

This important design feature is a result of safety standards issued by the American National Standards Institute [ANSI]. An employee is not at risk when placing cardboard materials into a baler that is in compliance with ANSI standard Z.245.5 1990, or putting paper materials into a compactor that is in compliance with ANSI standard Z245.2 1992.

Nonetheless, DOL treats all balers and compactors the same, and considers the placement of materials into these machines, if performed by a minor, to be a clear-cut violation of HO 12. Each violation can result in a fine of $10,000 against an employer.

If DOL could produce injury data showing that workers are at risk when loading materials into a machine that meets current ANSI standards, I might agree that the current interpretation and enforcement of HO 12 is warranted. However, DOL has acknowledged that it has no injury data for balers that meet current ANSI standards.

Despite the complete lack of evidence that workers are at risk in these situations, DOL has cited numerous supermarkets throughout the United States and has assessed several million dollars in fines against grocery owners in recent years.

It is difficult to understand the logic behind this kind of enforcement. It benefits no one, especially workers. Worker protection is not enhanced by issuing large fines against employers that use balers meeting current safety standards.

Such a policy also is clearly inconsistent with the goal of creating employment opportunities for young people. Because so many grocers have been fined by DOL for loading violations, the industry has become less inclined to hire younger workers.

Originally, DOL applied this interpretation of HO 12 to cardboard balers. As burdensome and objectionable as this policy has been, concerning cardboard balers, DOL more recently went a step farther and now is applying the same interpretation to compactors, a similar piece of equipment that retail establishments use to recycle paper materials.

Without the benefit of formal rulemaking and the opportunity for interested parties to file comments, DOL extended the jurisdiction of HO 12 to compactors at the beginning of 1994, and employers found themselves subjected to fines when it was documented that a minor had placed materials into a compactor.

This is one more example of the speed trap mentality of Federal agencies, and the Department of Labor, in particular. Balers and compactors are both governed by ANSI safety standards and cannot be engaged or operated during the loading phase. This means, to reemphasize, that employees loading machines meeting ANSI standards are not at risk.

Clearly, DOL's position on HO 12, as it relates to cardboard balers and compactors, is not in step with the technology being used in the workplace. In view of the fact that this equipment can not be operated during the loading phase, there is no compelling reason to continue treating the placement of materials by minors a violation of HO 12.

The old joke goes that, when something is difficult to accomplish, you compare it to passing an Act of Congress. If there is one process more intractable, it must be modernizing Federal agency regulations.

Our bill provides a narrow amendment to the Fair Labor Standards Act, to revise the application of HO 12, so that the placement of paper or cardboard materials into a baler or compactor that meets current ANSI safety standards by an employee under age 18 is no longer a violation of the regulation. It affects only the loading phase, which is completely distinguished from the operating phase of the machine.

I have seen these grocery store balers operate. What is needed is a simple, common-sense change, and the bill we are passing today will make that change in a simple, straightforward way.

This bill will open up thousands of youth summer job opportunities without relying on Government programs and grants. The jobs will be there. The young people want them. This bill will remove one significant, unnecessary, regulatory wall between them.

This bill will not change the critically important safety focus of the regulation. In fact, I agree that DOL should remain vigilant and enforce the regulation in cases when the safety of young workers is compromised by use of equipment that does not meet current ANSI safety standards.

This bill would provide only that young workers would be allowed to load balers and compactors that meet the current industry standards that ensure complete safety in their operation. The safety record of this new approach will be borne out by a compromise provision in this amendment that includes specific, modest reporting requirements.

I urge passage of H.R. 1114, with adoption of the amendment offered by Senator HARKIN and myself.

Mr. KENNEDY. Mr. President, I support the substitute for H.R. 1114 that

Senator HARKIN and Senator CRAIG have proposed. This legislation is needed to clarify the prohibition in our child labor laws banning the employment of minors in the loading, unloading, or operation of paper balers and paper box compactors. The substitute retains the general prohibition in current law that applies to all such machines. However, where a baler or a compactor meets the current safety standards of the American National Standards Institute, and has an on-off switch with a key lock system in which the key is always in the possession of an adult, then 16- and 17-year-olds will be permitted to load, but not to operate or unload, such machines.

Paper balers have been responsible for the injury and death of too many minors. There is a real danger that the grocery stores that use these machines will allow minors to load balers and compactors that do not meet strict safety standards. Store managers may well assume their machines are safe and allow minors to load them without learning what the standards require.

To reduce that danger, the sponsors of the substitute have included a provision to require reports to the Secretary of Labor of all significant injuries to minor caused by these machines during the 2 years following enactment. The reports must be filed within 10 days of any injury or death, which will provide adequate time for the Department of Labor or the National Institute for Occupational Safety and Health to investigate the accident and determine its cause. If this change in the law leads to increased injuries or deaths of minors, Congress will have the information to act to require whatever additional prohibition is needed. Failure to make timely and complete injury reports will be penalized by fines up to $10,000.

We have also received written assurances from the Food Marketing Institute, the largest trade association representing stores that use balers and compactors, that it will undertake a thorough educational campaign to inform its members about the requirements of the standards and the legislation. They have agreed to supply warning labels for the machines their members own and operate that will distinguish between approved machines and those that do not meet the standards. Clearly, we must do all we can to protect those who use these machines.

Finally, the substitute makes two other changes. The bill is drafted as an amendment to the Fair Labor Standards Act, and all of the normal burdens of proof and interpretive principles that apply to exceptions to the act will apply to this amendment. To prevent an unconstitutional delegation of authority to a private organization, the substitute requires the Secretary of Labor to certify that any new standards must be at least as protective of the safety of minors as the current standards, before they take can effect.

The goal of this legislation is to make new—and safe—employment opportunities available for young men and women in grocery stores across the Nation.

In closing, I want to thank Dr. Linda Rosenstock and the staff of NIOSH for all of their help in increasing our understanding of the safety problems associated with these machines. Their expertise in occupational safety issues is truly invaluable.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be considered read and agreed to, the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the measure be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4587) was agreed to.

The bill (H.R. 1114), as amended, was deemed read the third time and passed.

MEASURE READ FOR THE FIRST TIME—H.R. 3396

Mr. LOTT. Mr. President, I understand H.R. 3396 has arrived from the House. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3396) to define and protect the institution of marriage.

Mr. LOTT. I now ask for a second reading.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. The bill will remain at the desk to be read, as I understand it, a second time upon the next adjournment of the Senate.

The PRESIDING OFFICER. The Senator is correct.

MEASURE READ FOR THE FIRST TIME—S. 1954

Mr. LOTT. Mr. President, I understand that S. 1954, introduced today by Senator HATCH, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1954) to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

Mr. LOTT. I now ask for a second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. BRADLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. REID. Mr. President, what I was talking about when the majority leader came upon the floor—and I will also indicate that at such time as he or his representative returns for other unanimous consent requests, I will be happy to yield the floor at that time—Mr. President, in our open society, which is our national heritage and the essence of America, we cannot deny our enemies many of the same freedoms we ourselves enjoy. There are, as well, many foreign interests, some secret, that will want to promote and publicize their existence and goals through outrageous acts of blatant terrorism and destruction. We know this is happening. Indiscriminate killing of women and children is enough to tear at your heart strings.

What better stage could be set for these enemies than a trainload or a truckload of the most hazardous material known to man, clearly and predictably moving through our free and open society.

Think of the train wreck that occurred in a remote area of Arizona. A man went there—they think they know who it is, but there has been no arrest made—and put something on the track to cause the train to go off the track. The train went head over heels, killing people, causing all kinds of damage to the load that was on the train.

Mr. President, this happens all over the country, and with nuclear waste being carried, certainly I think there will have to be some way to identify the nuclear waste. We face a fraction of risk every day in our cities, our airports and around our centers of local and State governments, but the opportunity to inflict widespread contamination, to engender real health risks to millions of Americans, to encumber our Treasury in hundreds of millions of dollars of cleanup costs, maybe billions, to further reduce the confidence of all Americans in our treasured freedoms will be irresistible to our enemies.

If Chernobyl happened in the United States, what would we have spent to clean up that mess? We must prepare for such realities that accompany the massive campaign to consolidate waste at a repository site. We are not yet ready, and this is a fact.

An example is, in Nevada earlier this year, there was an evaluation of emergency response capabilities along the potential WIPP waste routes in Nevada. This was prepared for the Western Governors Conference, and they clearly said that emergency plans in most areas lack radiological response sections or are vague. They certainly require updates.

The general lack of radiological training in outlying areas is a major issue affecting the capability for response of these transuranic waste incidents. There are few alpha radiation detection instruments available. It appears that notification procedures for radiological incidents are not well understood.

They concluded, among other things, that out of 60 departments surveyed, only 16 had emergency responder capabilities. Most of the responder departments surveyed cited weather, isolated roads, sheer distance, and open range with game animals as factors affecting emergency response in these areas. Only 16 of the 60 departments stated they felt equipped for a radiological incident. The remainder cited a need for training, protective clothing, and calibrated detection equipment, among other things.

This is the way it is all over America. I think probably, Mr. President, in Nevada, because we have been exposed to new things nuclear with the aboveground testing, the underground testing, the other things that go on at the test site, we are probably better prepared than most places, but this independent review by the Western Governors Conference said even Nevada is terribly inadequately prepared, and that must be the way it is all over the train routes and highways over which this dangerous substance would be carried.

I have already mentioned the growing danger in this country from both domestic and international terrorism. I described the irresistible target that tons and tons of high-level radioactive waste and spent fuel provide. This dangerous material would be shipped in lots of tens of tons to hundreds of tons in trucks on our highways, in rail cars on our railway system.

The material would be contained in substantial canisters that are resistant to some physical damage and some leakage. Just how survivable these canisters are to accident is questionable. But, Mr. President, we know that if the truck is not going very fast or the train is not going very fast, you are probably OK. If a fire occurs and does not last very long, not too hot, you are probably OK. But if those things do not occur, we have some problems.

So just how survivable these canisters are to both accident and potential assault is terribly important to our environment, our safety, our health, our lives, and our budgets. The canister's survivability is critical to all these things, because an accident or potential breach of these containers could lead to contamination of hundreds of square miles of rural, suburban, or urban areas.

That contamination would be, by some, the most dangerous that has ever occurred. Exposure could lead to immediate sickness and early death from acute exposure, and for less than acute exposure to years of anxiety and uncertainty as exposed populations would look for the first signs of the onset of cancer of the thyroid, of bone cancer, leukemia, liver, kidney, and other cancers.

We, in Nevada, have had firsthand experience with this kind of risk and its effect on the people of Nevada and on our regional development and economic options.

Mr. President, as young boys, well over 100 miles from where the bombs were set off, we would get up early in the morning in the dark skies of the desert and wait for the blast. The first thing we would see was the light, this orange ball we could see, and then sometimes we felt and heard the sound. Sound, though, bounces along. Sometimes the sound would bounce over us, and we would not hear the sound.

But, Mr. President, I was one of the lucky ones, because when these aboveground shots were fired, the winds did not blow toward Searchlight, NV. They blew toward Lincoln County. The winds blew toward southern Utah where these areas have the highest rate of cancer anyplace in the United States. These were known as downwinders. The problems were so bad that we had to pass a law here—Senator HATCH and I worked on that for a long time—to provide moneys for the damages that the Federal Government inflicted on these people.

So we have firsthand experience with this kind of risk and its effect on our people and regional development and even our economic options. It is paramount, not only to Nevada but to the whole country, that if and when we move this dangerous material, that we do it absolutely right, we do it the right way and that we do it absolutely right not the second time but the first time.

I have already spoken about the state of readiness to respond to emergencies anywhere anytime along the transportation routes proposed for this massive program of spent-fuel transportation, and it is quite clear—it is quite clear—that we have some problems along these transportation routes.

Mr. President, we are not ready yet to respond effectively to an accident or an incident were it to happen. Nevada has just completed a comprehensive assessment of its capacity to respond, and I have explained, sadly, that that assessment found the State of Nevada less than ready.

Sponsors of this bill have said, and I will say again, that the canisters will survive any kind of conceivable accident so that emergency preparedness, or lack thereof, is irrelevant. We have explained today on several occasions how these canisters will not survive a fire that is hot that lasts for more than 30 minutes. We have explained how the canisters are in trouble if you have an accident with a speed of over 30 miles an hour.

But let's also talk about terrorists. That is what we are doing here. I say, Mr. President, that I do not agree, because the requirements for certification of canisters will meet the stresses experienced in very common scenarios, that these canisters will survive being exposed to other types of incidents and accidents and terrorist activities.

Should the containers be manufactured to meet the performance standards claimed by the bill's sponsors—even if that were the case, which it is not—they would not survive the effects of a determined attack by terrorists. The sponsors claim, maybe, because they are privy to the same information we are—some tests had been performed some years ago that showed little or no leakage as a consequence of a terrorist attack on these canisters.

These tests were performed, but they were fatally flawed by the choice of weapon allowed by the so-called experimental terrorists.

The weapon used to test the canister's response was a device designed to destroy reinforced concrete pillars, piers, bridges, wharfs, and other structures. The weapon was not designed to attack structures like a nuclear waste canister. In fact, the weapon used for the testing performed its military mission so poorly that our military forces have abandoned these weapons for a better desire. The tests that were done resulted in perforation of the canister, but the experimenter said the hole was so small that there was very little leakage.

Mr. President, the whole country has seen on TV, as a result of what we saw in the gulf war, the effects of modern weapons on enemy vehicles, especially tanks. These targets have many things in common with nuclear waste transportation containers. They have a substantial thickness of steel with intervening layers of different materials just like a tank. The effects of these modern weapons astonished even military professionals who marveled at the energy release and the damage inflicted on armored vehicles designed to survive environments of more stress than the benign accident requirement required by the NRC.

Let me remind us all of the images from Desert Storm. We can recall in our mind's eye, Mr. President, the sight of a 100-ton-tank turret spinning wildly up, landing more than 100 yards from the targeted tank.

Mr. President, this is the kind of attack we must be prepared for because these shipments will be irresistible targets to determined terrorists. They may do more than fix the train tracks out in remote rural Arizona that causes the train to go out into the desert. They may fire one of these weapons. Terrorists do have access to these weapons. These weapons will do, to waste containers, the same damage they do to enemy vehicles, including tanks. They will perforate, rupture, disburse the contents and burn the waste in these containers. They will cause a massive radioactive incident.

We have not invested in the transportation planning and the preparations that are absolutely necessary for the safe transportation of these dangerous materials through our heartland. We have not addressed the spectrum of threats to its safe transportation and have not developed a transportation process that guards against these threats. We are not ready to meet the emergencies that could develop because of accident or terrorism.

Mr. President, this bill is unnecessary. It is going to be vetoed by the President. We are going to sustain the veto if it carries that far. It is absolutely unnecessary. We know the nuclear waste can be stored on-site where it is now located. We know this because of eminent scientists that have told us so from the Nuclear Waste Technical Review Board.

I close, Mr. President, by saying that, as from the newspaper this morning, "This is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim it faces an emergency." These, Mr. President, are not my words. They are the words of the editorial department from the Washington Post.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Nevada yield the floor?

Mr. REID. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time is remaining on this side relative to the business of the Senate?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes.

Mr. MURKOWSKI. I wonder if I could interrupt the majority leader at this time to determine whether he wants to propose a unanimous-consent agreement. I reserve the balance of my time and will seek recognition after that, Mr. President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I want to thank the distinguished Senator from Alaska for the good work he has been doing and for his cooperation in getting this unanimous-consent agreement. I did just have an opportunity to check it further with the Democratic leader. I think this is a fair agreement and will help move things along, not only on nuclear waste, but on the Department of Defense appropriations bill and hopefully even other issues.

NUCLEAR WASTE POLICY ACT OF 1996

Mr. LOTT. I ask unanimous consent, Mr. President, that the motion to proceed to S. 1936 be withdrawn, that the Senate now proceed to its immediate consideration, without further action or debate, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982.

The Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the nuclear waste bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate S. 1936, the Nuclear Waste Policy Act.

Trent Lott, Frank H. Murkowski, Larry E. Craig, Don Nickles, Strom Thurmond, Rick Santorum, Conrad R. Burns, Kay Bailey Hutchison, Sheila Frahm, Mitch McConnell, Jim Jeffords, Jim Inhofe, Rod Grams, Dirk Kempthorne, Christopher S. Bond, Fred Thompson.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Thursday, July 25, at a time to be determined by the majority leader, after notification of the Democratic leader, and that the mandatory quorum under rule XXII be waived.

Mr. REID. Mr. President, I just reserve the right to object. I do not intend to object, but I ask the majority leader if he, in consultation with the minority leader sometime prior to that vote, would give us a reasonable period of time to talk before the cloture vote, whatever would be determined reasonable between the two leaders.

Mr. LOTT. Would the Senator repeat?

Mr. REID. The cloture vote will occur sometime on July 25. Can we have a few minutes to talk about that?

Mr. LOTT. Mr. President, I would rather not set the time right now.

Mr. REID. I did not want the time——

Mr. LOTT. It is a reasonable request we have some time before we go to a vote. We will consult with the Senator and the Democratic leader.

Mr. REID. I do not expect the time to be set now. I do not expect the leader to set the time. I am just asking if the majority leader and the minority leader would consider giving us a few minutes.

Mr. LOTT. We will.

The PRESIDING OFFICER. Is there objection. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1894

Mr. LOTT. Mr. President, I further ask unanimous consent to resume the consideration of the DOD appropriations bill at 11 a.m., on Wednesday, and the cloture vote scheduled to occur be postponed to occur at a time determined by the majority leader after notification of the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate has just begun consideration of the nuclear waste bill and will continue with that legislation next Thursday, July 25. The Senate will debate the Department of Defense appropriations bill tomorrow. It is the intention of the majority leader to reach an agreement that would significantly reduce the number of amendments to be offered to the DOD appropriations bill by 11 a.m., Wednesday. If agreement cannot be reached, then it would be my intent to have the cloture vote with respect to that bill, which would limit debate and amendments to 30 hours.

I want to say that we do have, however, cooperation now from both sides of the aisle, by the managers of the bill and Senators that have amendments that would like to have them considered. We are, again, talking with the Democratic leader and trying to identify the serious amendments and see if we can get an agreement and deal with those in a reasonable period of time.

The Department of Defense appropriations bill is very important for the country. We need to get that done in a reasonable time tomorrow. So Senators should be on notice that a late session is expected in order to complete action on the Department of Defense appropriations bill tomorrow.

IRAN OIL SANCTIONS ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 450, H.R. 3107.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3107) to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4588

(Purpose: To make sanctions against investments that contribute to the development of Libya's petroleum resources mandatory rather than discretionary)

Mr. LOTT. Mr. President, I understand that there is an amendment at the desk offered by Senators KENNEDY and D'AMATO. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. KENNEDY, for himself and Mr. D'AMATO, proposes an amendment numbered 4588.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 8, strike all through page 8, line 20 and insert:

(b) MANDATORY SANCTIONS WITH RESPECT TO LIBYA.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of $40,000,000 or more (or any combination of investments of at least $10,000,000 each, which in the aggregate equals or exceeds $40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

Mr. KENNEDY. Mr. President, I welcome the Senate's action to approve the amendment that Senator D'AMATO and I offered to restore mandatory sanctions against Libya.

The Government of Libya continues to harbor the suspects indicted for the terrorist bombing of PanAm flight 103 over Lockerbie, Scotland, in 1988, in which 270 people were killed, including 189 Americans. Colonel Qadhafi, the Libyan dictator, continues to defy the world community by refusing to surrender the suspects for trial.

Congress should not compromise with terrorism. The same sanctions that apply to Iran should apply to Libya too. I urge the House to join the Senate in standing firm for this fundamental principle. Foreign oil companies that traffic with terrorists should not expect subsidies from the United States to help them produce oil in Libya. Oil industry profits are not more important than justice for the victims of that atrocity.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4588) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, as amended, the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate and, finally, that any statements relating to the Senate's action be inserted at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3107), as amended, was deemed read the third time and passed.

The Chair appointed the following conferees from the Committee on Banking, Housing and Urban Affairs: Mr. D'AMATO, Mr. MACK, and Mr. SARBANES; from the Committee on Finance, Mr. ROTH and Mr. MOYNIHAN.

GAMBLING IMPACT STUDY COMMISSION

Mr. LOTT. Mr. President, for the information of all Senators, I do want to emphasize my continuing desire to get an agreement on the handling of the gaming commission. I believe we are very close to getting that agreement. I hope we will achieve that tomorrow and that issue can be taken up and dealt with expeditiously, hopefully, either by unanimous consent agreement or perhaps with a vote on the final passage. We are still working on that, and I want all Senators to know while we have not reached an agreement this afternoon, we will be pursuing that very aggressively tomorrow.

ORDERS FOR WEDNESDAY, JULY 17, 1996

Mr. LOTT. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, July 17; further, that following the prayer, the Journal of proceedings be deemed approved to date; the morning hour be deemed to have expired; the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 11:00 a.m. with Senators permitted to speak for up to 5 minutes with the following exceptions: Senator KYL for 10 minutes, Senator ROCKEFELLER for 15 minutes, Senator BYRD or DORGAN for 20 minutes, Senator FAIRCLOTH for 10 minutes, Senator BRADLEY for 15 minutes, and Senator THURMOND for 5 minutes.

I further ask at the hour of 11 a.m. the Senate resume consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, under the previous order, the Senate will resume the consideration of the DOD appropriations bill tomorrow. Amendments will be considered throughout the day, and we would like to reach an agreement with respect to the number of amendments to be offered to that bill. If an agreement cannot be reached on the bill, a cloture vote will occur during tomorrow's session. Senators can anticipate rollcall votes throughout Wednesday's session and the Senate may be asked to consider any other legislative or executive items that can be cleared for action, including the gaming commission measure.

Also, as a reminder to all Members, there will be a cloture vote on the Nuclear Waste Policy Act on Thursday, July 25.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the Senator from Alaska, Senator MURKOWSKI.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

NUCLEAR WASTE POLICY ACT OF 1996

The Senate continued with consideration of the bill.

Mr. MURKOWSKI. Mr. President, we had a good discussion today about the status of the proposed Yucca Mountain repository and I think the record should reflect discussion of some points that have been made that require a little further examination.

First of all, we have heard the terminology "millirem" as the standard measure for radioactivity. Much has been said about the 100-millirem standard in protecting the public health and safety. We have that responsibility, but I think we should put it in perspective because the average member of the public really does not know how to relate 100 millirems to his or her everyday life.

The proposed limit in the bill has been set at 100 millirems as a standard. It may interest my colleagues that one receives over 100 millirems extra per year by living in a house, a White House, at 1600 Pennsylvania Avenue. It is a stone building with attendant natural radiation. Now, the Senator from Nevada says 100 extra millirems is too high. Is the Senator suggesting that 100 extra millirems is OK for the White House but not OK for a fence line deep in the Nevada desert; that 100 extra millirems OK for the President of the United States, his family or Socks, the cat, but not OK for jackrabbits or roadrunners out in Nevada?

Mr. President, you also get 100 extra millirems from living in Denver, because of its altitude. Do we prohibit people from living in Denver? Of course not, because 100 millirems do not harm anyone. It is an internationally accepted standard. So the public should keep in perspective these terms.

Today, Mr. President, we got 65 votes for cloture. That was a good vote, but, unfortunately we did not get votes from some of the States where this nuclear waste issue is a legitimate concern. I had hoped we would get votes, say, from our Members from Connecticut. Now, what is the justification for Connecticut, you might wonder. Mr. President, we build naval submarines in Connecticut. These are nuclear submarines. These submarines produce waste. Connecticut gets the jobs. They do not have to keep the waste. Where does the waste go? Well, currently a lot of it is going to Idaho. My point is simple: we all have a responsibility. We all have a share in the question of what to responsibly do with nuclear waste.

Now, another interesting thing, as we look at the voting makeup of this body, Connecticut generates 73.7 percent of its electricity from nuclear power. Connecticut ratepayers have paid $429 million into the waste fund. What have they got to show for it? Absolutely nothing. I think as we look at the various States and their positions, we have to recognize we all have a share in this. Florida—well, we did not do quite as well as we had hoped, but we did about half-and-half. Florida ratepayers pay more than half a billion into the fund, yet nuclear waste sites at Turkey Point Power Plant right in between two national parks, the Everglades National Park and the Biscayne National Monument.

Now, there are other States where we did not get a level of support that we might have. My good friends from Hawaii do not have a nuclear power plant, but they do store highly enriched naval fuel. If we can't solve the waste problem this fuel in Hawaii has no place to go. It stays in Hawaii. Also, if we do not pass this bill, I assume we will see more and more pressure to find some site, perhaps in the Pacific. We have seen Palmyra brought up time and time again as a possible dump site. I do not support that at this time but, again, I think we all have a voice in resolving this issue.

There are other States that have an interest in resolving this issue. The State of Delaware imports nuclear power and has paid $29 million into the fund. New Mexico imports nuclear power and has paid $32 million into the fund. California, 26.3 percent of its generation is nuclear energy. California has paid $645 million into this fund that the Federal Government has collected, which now totals nearly $12 billion.

This was a fund established, if you will, Mr. President, to ensure that the Federal Government had the means in order to take this nuclear waste by 1998. Arkansas, 33 percent of the generation comes from nuclear power. They put $266 million into the fund.

Colorado has an interest. They are concerned about access of nuclear waste through their State, but they have a reactor that has been shut down, awaiting decommissioning, no place for the fuels to go. So what will happen, Mr. President? Well, nothing will happen. Colorado is going to be stuck with that reactor until such time as Congress authorizes a repository and the fuel can be removed.

Indiana imports nuclear power. It paid $288 million into the fund. North Dakota relies on nuclear power, it paid $11 million into the fund. Nebraska, 30 percent generating from nuclear power paid $136 million into the fund. Wisconsin, 23 percent of Wisconsin generation comes from nuclear energy, and they paid $336 million into the fund. Kentucky relies on nuclear power and $81 million has been paid into the fund. Ohio, 7.7 percent of their generation, $253 million into the fund. Iowa, 13 percent, $192 million. Massachusetts, 15 percent of the power comes from nuclear power. They paid $319 million. What do they have to show for it? What did the ratepayers get in Massachusetts? Absolutely nothing. Maryland, next door to us, 24 percent of their power is nuclear, $257 million paid in, nothing to show for it. New York, 28 percent of their power is nuclear, they paid in $734 million. Rhode Island relies on nuclear power, $8 million paid into the fund.

It is important, Mr. President, that every Senator reflect as he represents his or her own State, the realization that we are all in the nuclear waste situation together, and we all have to get out of it together. Senate bill 1936 is the most important meaningful environmental legislation to come before the Senate because it addresses the health, safety, and environment of the American people who live with this high-level waste in storage sites in 41 States in our Nation.

Senate bill 1936 was well-crafted and developed after years of study and months of discussion and negotiation. It is based on sound science and meets every legitimate concern imaginable. Much of the rhetoric we have heard today is based on fear, and a good deal is based on politics. The bottom line is that somebody has to get it and, unfortunately, the site that has been chosen is a site where we have had nuclear testing for some 50 years out in the desert in Nevada.

The opposition would, in my opinion, attempt to delay this process of addressing health, safety, and environmental issues on behalf of the American people for a short-term political advantage, and it also lacks the responsibility of coming up with viable alternatives. The right decision is to support Senate bill 1936. It is right in terms of health, safety, and the environment.

There are a couple of other points that I think are necessary to make as a consequence of the debate that we have had throughout the day. I compliment my two friends from Nevada because I know how they feel. I know how they are fighting to represent the interests of their State. But, again, somebody has to take this waste. Now, there has been generalization that somehow we are waiving some of the environmental laws. That is not the case, Mr. President. Complaints by environmental groups about the NEPA waivers in Senate bill 1271 have been addressed in S. 1936. We do not waive NEPA for the intermodal transfer facilities, as the previous bill did. Unlike the previous bill, there is no general limitation on NEPA in Senate bill 1936.

During the debate, there was a list of laws that were proposed that would be waived or would not be applicable that were suggested by the Senators from Nevada. I would like to briefly mention that S. 1936 contains a comprehensive regulatory licensing program plan for a permanent facility. This is a unique facility, Mr. President. There is no other facility like it. That is why. Thus, there are no specific environmental laws, other than the Nuclear Waste Policy Act that is designed to regulate permanent geologic repositories for nuclear waste. So it is self-evident. There is no use in trying to develop a situation where we cannot possibly achieve this because we do not have a prototype to go on. We are bound by the existing environmental laws, the Nuclear Waste Policy Act. We are not waiving basically anything relative to this repository.

The language in S. 1936, section 501, simply provides that the specific environmental standards set forth in that bill will govern if they conflict with other more general laws that were mentioned by the Senators from Nevada.

Mr. President, the language in this bill merely prevents environmental law from being misused to reconsider the decisions that we are making today in this Congress. Senate bill 1936 is a bill to prevent a gridlock—and that is what we have been in—and to prevent stalemate—and that is what we have been in. All we have to do is to say that Congress has decided that we will build an interim site in Nevada, and we do not let the NEPA process revisit that decision. That is what we are saying, Mr. President.

We started on this, I think, in 1983 or thereabouts. We have expended 15 years. We have expended almost $6 billion trying to determine a process and a site. The responsibility to conclude that is now. As we proceed with a permanent repository at Yucca Mountain, this will provide the movement and the storage in casks of the high-level waste from the various sites around the country.

Mr. President, I have a couple of other points, and I will conclude because the hour is late.

The State of California, as an example, has six nuclear units, including the Rancho Seco. These are reactors that have been shut down since about 1989, or thereabouts. But they cannot be decommissioned until the spent fuel is taken away from the site. What do the people of California want? They want that former reactor removed and the site brought back to its previous state? Surely, they do. But it is not going to happen unless we pass a bill like this. The estimated cost of monitoring each shut down reactor is some $50 million per year. You will never get rid of them unless you have a place to put the spent fuel. And the place to put it is in the one place that has been designated in S. 1936.

Now, finally, there have been references to the industry's role and that somehow this process is a fabrication. The RECORD will note letters from some 23 Governors and attorneys general relative to the necessity of this bill passing, so that they can get some relief for the storage of nuclear waste that is in their States in pools and is about to exceed the licensing capability. And as far as suggesting that the Washington Post editorial somehow is the beneficial voice of reason, I think one should simply go back and read it. It says, "Waste Makes Haste." Well, Mr. President, we have been at this 15 years. We have been at it to the tune of $6 billion. The Washington Post editorial does not propose a solution. S. 1936 is a responsible solution to the problem of nuclear waste. May I suggest that the Washington Post is a responsible solution to the problem of parakeet pet waste.

I was very pleased with the vote today. We got 65 votes for cloture on the motion to proceed. We had one Senator out, who is inclined to vote for us. So that gives us 66. That is one short of overriding the Presidential veto. That is why I went on to great length in my statement, to encourage those Senators who did not vote with us on cloture to reflect a little bit on their own situation in their own State relative to whether or not they are building nuclear submarines and do not want to have any part of the responsibility for the waste when those submarines are cut off, but purporting to simply give the responsibility to the State of Idaho is being unrealistic and unfair.

I am sure that, as we address the new technology in nuclear submarines, there are some Members here that will remind the Senators from Connecticut, as an example, that they, too, must bear the responsibility associated with what nuclear technology provides our country in the interest of our national defense, but, as well, in the responsibility of addressing what we could do with the nuclear waste in Senate bill 1936, which is the best answer we have had so far—certainly a responsible one, unlike the position of the administration, which has chosen to duck the issue.

We would have an entirely different matter if we were debating a proposal that the administration had vis-a-vis a proposal that had come through the Committee on Energy and Natural Resources. That is not the case, as the evidence has suggested. In the communications with the White House that I have had over the last couple of years relative to trying to address this, along with my colleague, Senator JOHNSTON, we have found that the White House has simply chosen to duck the issue. They do not want it to come up before the election. They are satisfied with the status quo. Well, the American public is not satisfied with the status quo. The Governors in the States are not satisfied with the status quo. The attorneys general are not satisfied. And the Government has reneged on its commitment to the ratepayers to provide, by 1998, the capability of storing that waste, and the Government is not prepared to deliver. Yet, they have collected $12 billion from the ratepayers.

I think I have made my case for the merits of this legislation. As we continue to debate, I urge my colleagues to reflect a little bit on the fact that we are all in this together and we all have to share the responsibility together.

Mr. President, I yield the floor. I see no other Senator wishing recognition. I wish the Chair a good day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, at 7:20 p.m., the Senate adjourned until Wednesday, July 17, 1996, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 1996:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RICHARD J. STERN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD, FOR A TERM EXPIRING OCTOBER 12, 1998.

REYNALDO FLORES MACIAS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ALAN G. LOWRY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2001.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DORIS B. HOLLEB, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

LEVAR BURTON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LUIS VALDEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VICTOR H. ASHE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 5, 2000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGINALD EARL JONES, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE ON THE SENATE.

THE JUDICIARY

JOSEPH A. GREENAWAY, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

LAWRENCE E. KAHN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

HOUSE OF REPRESENTATIVES—*Tuesday, July 16, 1996*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. HASTINGS of Washington].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 16, 1996.

I hereby designate the Honorable RICHARD "DOC" HASTINGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH] for 5 minutes.

TRAVEL AND TOURISM

Mr. ROTH. Mr. Speaker, here is what travel and tourism has done for the Atlanta Olympics.

When Atlanta was chosen to host the 1996 summer games, the tourism industry immediately began working with State and local governments.

Their goal was to take advantage of the Olympics to make Atlanta a top international travel destination.

To achieve their goal, they came up with a 5-year plan.

The Olympic games have not begun and Atlanta is already receiving benefits.

Since they started the plan, tourism has increased 10 percent annually. Atlanta hotels have the highest occupancy rate in their history. In the last 5 years, 7 million visitors have spent $3.5 billion. In other words, travel and tourism is creating jobs and economic growth for Atlanta and for Georgia.

Once the games begin, Atlanta expects another 2 million visitors.

They expect 3 billion people to watch the Olympics on TV. That is 60 percent of the world's population. It is 3 billion potential travelers. And Atlanta is making the most of it. Because of the 5-year plan, they expect tourism to increase 8 percent a year after the Olympics. They are succeeding because they are united. They know that the Olympics are not only an athletic competition. It is an opportunity to showcase Atlanta to the world.

But organizing such an enormous event is no easy task. It calls for a common purpose and shared resources. Atlanta answered the call. Now they are seeing the benefits. We can learn something from their effort in Atlanta. Drawing visitors to the United States requires hard work and cooperation.

But we obviously have not worked hard enough. Over the last 3 years, fewer and fewer tourists have been coming to the United States. Even though tourism is growing 23 percent faster than the world economy. By the year 2006, the United States could potentially create an additional 2.4 million tourism-related jobs. That is a new job every 2 minutes. But this is not a foregone conclusion. Those jobs could easily go somewhere else.

In 1995, 2 million fewer visitors came to the United States. Translated: That drop cost us 177,000 jobs.

We need to adopt the same work ethic as the organizers of the Olympics. They brought many different groups together to ensure success in Atlanta this summer. Travel and tourism can benefit from being united; 99 percent of the tourism businesses in the United States are small businesses.

They do not have the resources to tap into the international market by themselves. But, when they combine their resources, they are powerful. Overall, tourism is the second largest industry in America. It employs, directly and indirectly, over 14 million Americans. In 1995, tourism pumped $76 billion into the U.S. economy and $58 billion in tax revenue.

Tourism is our leading export with a $18 billion trade surplus. But we are rapidly losing ground. Our businesses lack the resources necessary to compete with their huge international rivals. We lack unity. Other nations pour billions of dollars into campaigns to attract tourists. Our small tourism businesses are left to their own devices.

The travel and tourism industry recognized the problem. So they came to Washington last year to find a solution. At the White House Conference on Travel and Tourism, they found their answer—H.R. 2579. This bill brings together representatives from many segments of the tourism industry. These groups will formulate a national strategy for travel and tourism.

The goal is to bring more international visitors to the United States and to steer them toward American businesses for every part of their trip. We should have 100 million visitors to the United States by the year 2000. Working independently, tourism could never hope to reach such a goal. But when these groups and businesses are united, they will be unstoppable. The travel and tourism industry will not be the only winners. Every American will benefit from its success.

Millions of new jobs will be created. Billions of dollars in revenue will be generated. H.R. 2579 is the economic shot in the arm we are looking for. The entire world will be watching America this year. Travel and tourism is determining how the world sees us. Atlanta will succeed because they are united. It is about time we gave travel and tourism the same advantage. Support travel and tourism by cosponsoring H.R. 2579.

Mr. Speaker, when we pass H.R. 2579 and it is signed into law by the President, then America is going to have a chance to be in this global competition for tourism and for business.

THE STEAL AMERICAN TECHNOLOGIES ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the House will soon vote on a bill concerning patent law in the United States of America, and that is a ho-hum of an issue for most people. In fact, it is one of those issues that people want to turn their radios off if it even comes on a local talk show to discuss, but the fact is this piece of legislation will make the difference as to whether or not America remains the leading economic power on this planet or whether or not our economic adversaries destroy us and destroy us as business competitors in a few short years ahead. It will also determine whether or not those people who are yawning at the other end of their radios saying should I listen to this or forget it, whether or not their families will have the standard of living that is higher than the standard of living of working people around the world.

What has given America the edge has been our technological edge on the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

competition. This has been true throughout our history, and we are about to pass a bill that will dramatically change American patent law and permit America's economic adversaries to steal every one of our new innovative and technological ideas.

H.R. 3460 has already passed out of subcommittee and committee. I have spoken to some of the members of that subcommittee who had no idea what was in the legislation that they passed.

First of all, let us note that Patent Commissioner Bruce Lehman, our patent commissioner, several years ago went and made a hushed agreement with his counterpart in Japan, to do what? And we have a copy of that agreement. That agreement superimposes, says we will superimpose the Japanese patent system on the United States of America.

So, my colleagues, we are about to change our patent law and make it exactly like the Japanese patent law, and of course we know the Japanese are so creative. What we do know about Japan is that they are not creative; they are improvers and perfecters, but they are not creators. All the new ideas that have come out of that country, and now they want to change our system to make it like Japan's. Also in Japan, of course, the huge special interests steal from the ordinary people any new idea that they have.

Well, this hushed agreement was first implemented when they tried to sneak something into the GATT implementation legislation, and succeeded, which ended the guaranteed patent term for Americans, and again it is a ho-hum issue. Who could pay attention to little details to whether the patent term is guaranteed or whether it is an uncertain patent term?

Well, step No. 2 in trying to make our patent system like Japan's is very easy to understand. It mandates that every American inventor who applies for a patent will be forced to see every detail of his invention published for the entire world, every Asian copycat, every economic adversary of the United States. Every enemy of the United States will have every one of our technological ideas before the patent is issued to the inventor. This does not make sense to anybody. Nobody says is that really happening?

Do not turn off that radio dial, Mr. and Mrs. America. Listen to the details of what is going on, or we are going to find our children's future being robbed because H.R. 3460 should be called the Steal American Technologies Act. It mandates every one of our technological secrets to be published for the world to steal, which will eliminate America's technological edge and our ability to compete, and ultimately the standard of living of our people will decline, and that will not be ultimately 20 years from now, that will be ultimately 5 years from now.

This bill also obliterates the Patent Office. The one thing that we have had, these civil servants at the Patent Office, these patent examiners who struggle to define what you own as a patent applicant as they issue your own patent, they are having basically their civil service protection ripped away. They are eliminating the Patent Office; literally they are obliterating. This is part of our Constitution, and they are going to resurrect it as what? Sort of an independent quasi, quasi-private corporation. This quasi-private corporation operation is going to have no board of directors. It is not a part of the legislation. Instead it creates a czar of patents who will be able to be appointed for 5 years but cannot be removed unless it is for cause, and that man, who is it going to be? The same guy who made the deal with the Japanese to eliminate our patent system.

No; we need to save America's technology by voting against H.R. 3460 and for the Rohrabacher substitute which would replace the bad parts of that bill. People need to talk to their Congress men and women, or the big corporations who are in favor of this change will have their way and the American people will lose our standard of living. People need to talk to their congressmen to support the Rohrabacher substitute to H.R. 3460, the Steal American Technologies Act.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess until 12 noon.)

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEFLEY) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe into us, O God, the breath of life; place Your hand upon us and support us all the day long; may Your spirit be welcomed in our hearts and allow us a full measure of Your grace; accept us when we miss the mark; forgive us when we fail; enlighten us when we are wearisome and give us all a new vision of faith and hope and love so we will be the people You would have us be, this day and everyday. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announce to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky [Mr. LEWIS] come forward and lead the House in the Pledge of Allegiance.

Mr. LEWIS of Kentucky led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1757. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the Act, and for other purposes.

POSTPONING CALL OF PRIVATE CALENDAR

Mr. FUNDERBUNK. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order later today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REFORM WELFARE NOW

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, welfare should not be a way of life. Republicans are committed to replacing welfare with real work. However, President Clinton just wants to play politics with this issue, and there is no excuse that is too vague or too convoluted for President Clinton. As a candidate in 1992, the President promised to reform welfare as we know it, but he has vetoed welfare reform, not just once but twice. He has yet to keep his promise to the people of Wisconsin to sign their waiver to allow the Wisconsin works program to go into effect. He promised that he would have these waivers signed by last week, and now it is a week later.

If welfare reform was so important to President Clinton, why can he not sign a welfare reform plan working with this new Congress and approve the Wisconsin reform waiver?

Mr. Speaker, no more excuses, no more Washington political game. Let us reform welfare now.

REPORT ON H.R. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1997

Mr. Rogers, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–676) on the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

SUPPORT ROMANIA MFN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today we have a change in a bipartisan fashion to do something together on foreign policy. We should grant MFN to Romania. What we are doing is just extending parity. This is no special treatment. We did it under Ceausescu, the dictator. We should do it now under a burgeoning democracy. Romania is a burgeoning democracy. It has made progress since the revolution of 1989 on human rights, the rule of law and a free market. Romania has been a loyal ally in recent foreign policy initiatives including sending troops to Bosnia, peacekeeping in Angola, large contingent in the U.S. training under the IMET program and an impressive record of support in the United Nations. Two out of our last three Ambassadors on a bipartisan basis have supported MFN to Romania.

Mr. Speaker, Romanians are looking to the United States a the primary source of business opportunities to foster the development of their economy. They have met the legal criteria for MFN, free immigration of its citizens.

Mr. Speaker, let us do something in a responsible bipartisan fashion.

MEDIA BIAS ON FILEGATE

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I could not disagree more with the previous speaker, but today I want to speak about the media bias on Filegate.

Mr. Speaker, where is the national media on filegate?

Where are the Woodwards and Bernsteins?

Is the liberal left not shocked and outraged about the invasion of privacy of American citizens?

Are the liberals only outraged when it happens under a Republican President?

During Watergate, Chuck Colson went to prison for looking at one personnel file.

During Watergate, the Washington Post daily pounded the Nixon administration and tirelessly worked to find where the trail led.

Is the national press not interested because they overwhelmingly voted for Bill Clinton in 1992?

There are many unanswered questions.

Who in the White House hired Clinton's dirty tricksters and to whom did they report?

And finally in Clinton's inaugural address he said he would have the most ethical administration in history.

Since that is clearly not the case, when is the national press going to call Bill Clinton on the carpet?

BORIS HAS FALLEN AND HE CANNOT GET UP

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in August 1994, after a champagne lunch, Boris Yeltsin fell off a platform in Germany. In September 1994 Boris was too drunk to get off a plane in Ireland. In February 1995, after an in-flight party, Boris had to be carried by aides off his plane. Just recently in July, Boris mysteriously disappeared for 7 days right before his election, and yesterday Boris Yeltsin missed a meeting with almost Santa Claus, Vice President AL GORE, but Vice President AL GORE came to his defense and said, "Boris looks good to me."

I ask, Mr. Speaker, compared to who? Jack Daniels? Foster Brooks?

The truth of the matter is while millions of Americans are worried sick about losing Medicare, Social Security, the White House is pouring billions of dollars into Russia, and Boris, who cannot walk a straight line while touching his nose.

Beam me up, Mr. Speaker, and while we are at it, we better beam up Boris. Evidently, he has fallen and he cannot get up and he is getting drunk on Napa Valley champagne. Unbelievable.

THE REPUBLICAN COMMONSENSE WELFARE REFORM PLAN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, just as President Wilson once claimed that World War I was going to be "the war to end all wars," President Clinton has promised to "end welfare as we know it."

Of course, unlike President Wilson, and despite two previous welfare vetoes, President Clinton still has a chance to renew his vow by supporting and signing the Republican commonsense welfare reform plan.

The Republican welfare reform plan is built upon five pillars which ensure that any assistance is temporary and not self-destructive.

It imposes a 5-year lifetime limit for collecting AFDC and vouchers. It requires able-bodied recipients to work for their benefits. It denies welfare benefits to noncitizens and felons. It restores power and flexibility to the States. And, it encourages personal responsibility to halt rising illegitimacy rates.

Mr. Speaker, redemption is at hand. President Clinton need not defend the status quo of a failed welfare system any longer. He needs only to support and sign the Republican commonsense welfare reform plan.

WELCOME TO REFORM "WEAK"

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the hard part is being to do this with a straight face because we are welcoming everyone to the Republicans' reform week. Yesterday in Roll Call, the majority leader said reform week was not meant to be "floorcentric." Now what does that mean to people beyond the Beltway?

Well, "floorcentric" means to really do something on the floor. Apparently, all along, reform week was supposed to be about rhetoric, about fast-breeder, press-release reactors cranking out things on how much we care about reform, and everybody is allowed to go up to the third floor in the Committee on Rules where there may be a whole of 10 public seats talking about how much they care about reform.

Mr. Speaker, I think the idea is, if they say the word "reform" long enough, people will forget that this Congress has set the record on being by the special interests, for the special interests and of the special interests. That is very sad. We are in desperate need of a reform week. Roll Call is right. They are spelling week W-E-A-K.

WE NEED WELFARE REFORM NOW

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, in 1965, our country launched a war on poverty. The intentions were good, but 31 years and $5.4 trillion later, we have nothing to show but poverty, despair, hopelessness, broken families, and a damaged work ethic.

Mr. Speaker, 18 months ago, this Congress set out to truly reform welfare. Twice our efforts were stopped by two Presidential vetoes. This week we're trying again.

Bill Clinton wants to keep business as usual, with bureaucrats in Washington running welfare by blindly handing out checks. But, in order for us to reform the welfare system and bring it into the 21st century we have no choice but to fix it.

Mr. Speaker, our plan not only changes the "business as usual" attitudes of the White House but will bring sweeping reforms. The Republican plan will keep welfare from becoming a way of life; restore power and flexibility to the States; keep noncitizens and felons from receiving these benefits; and encourage personal responsibility.

Mr. Speaker, we need welfare reform, and we need it now.

IT IS TIME TO FREE THE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is day 6, and Republicans in the Senate continue to hold the minimum wage hostage. Their unreasonable ransom demands include adding medical savings accounts to health care reform. While the Republicans in the Senate hold the minimum wage increase hostage, they also hold the wages of 12 million Americans hostage, all for the sake of special interests and big donor insurance companies.

The Consumers Union, the same group that publishes Consumers Report and tells us what to buy and what is a real lemon, has called MSA's a "time bomb * * * that will make health insurance less accessible and less affordable for many Americans."

Over 80 percent of the American people support a minimum wage increase. It is time to free the minimum wage.

Let us give the 12 million hardworking Americans who depend on the minimum wage what they deserve; that is a raise. Stop holding them and their hard-earned paychecks hostage.

WELFARE SHOULD NOT BE A WAY OF LIFE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, one of the most troubling legacies of the decades of liberal control of Congress is a failed welfare system that encourages complacency and punishes those who attempt to work.

Welfare was originally proposed as a temporary safety net for those who fell victim to unfortunate circumstances. It has evolved into a system that 5 million families depend upon for an average length of 13 years.

The Republican plan to reform welfare believes that this system has failed not just economically, but philosophically. A well-intentioned plan to help people get back onto their feet has turned into a system that penalizes people who try to work and traps them in a cycle of welfare dependancy.

The Republican bill will restore welfare to a system that reflects the original intentions of its authors and reflects the philosophies that an overwhelming majority of Americans support: that welfare should not be a way of life and that the system should encourage work and personal responsibility.

KIRBY PUCKETT: AN AMERICAN ROLE MODEL

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I rise today to praise a very special person from the Third District of Minnesota, who exemplifies the unconquerable spirit of America, a man who overcame tremendous obstacles to become one of the greatest baseball players in major league history.

All Minnesotans and baseball fans across the Nation were stunned last Friday when Kirby Puckett announced his retirement from baseball because of irreversible damage to his right eye. But Kirby Puckett's place in the hearts of Minnesotans and baseball fans everywhere will live everywhere.

What a remarkable career: 2,304 hits. In 1989, he became the first right-handed hitter to win a batting title in two decades, played in 10 consecutive All-Star games and won the Most Valuable Player Award in 1993.

Kirby collected more hits in his first 10 seasons than any other major league player in this century.

Kirby Puckett's hall of fame career closely parallels his hall of fame performance as a role model for young people, his hall of fame work ethic, and his hall of fame public service in our community. From visiting kids in the hospital to raising badly needed funds for Children's Heartlink and inner city youth programs, Kirby Puckett has done so much for our community and State.

On behalf of all of the people of Minnesota, I want to thank Kirby Puckett for the joy he has brought to our lives. Kirby Puckett's greatness and impact on the lives of people, Mr. Speaker, cannot be measured by mere statistics. His power will forever be felt in one place, where numbers do not matter, in the heart.

Good luck, Kirby; we will be cheering for you for the rest of our lives. And we wish Kirby and Tonya and their two beautiful children the very best that life has to offer.

WE NEED COMMONSENSE REFORM OF THE FAILED WELFARE SYSTEM

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, according to the Department of Commerce, about 50 percent of all unwed teenage mothers go on welfare within 1 year after giving birth to their first child. More than 75 percent go on welfare within 5 years.

Mr. Speaker, it is almost impossible to disentangle illegitimacy from welfare. They are interrelated to a degree that is undeniable. Welfare, instead of helping people, encourages a value system that distorts the work ethic, destroys family, enables and encourages illegitimacy, and entraps people in a cycle of dependency. In fact, the qualifications for welfare in many instances are just that: One, do not get a job; and two, do not get married.

Since liberals started the war on poverty in the 1960's, the number and the percentage of out-of-wedlock births has skyrocketed. The rise of the welfare state has coincided with widespread family breakdown. Is it really just a coincidence?

Mr. Speaker, we need to restore the work ethic. We need to strengthen families and we need to instill the positive values of personal responsibility and work. simply put, we need serious commonsense reform of the failed welfare system.

THE COMMITTEE ON THE JUDICIARY, WORKING TO PROHIBIT AMERICANS FROM VOTING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

WHAT WELFARE REFORM MEANS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but take issue with my colleague who has just spoken about what welfare means. I hope the Republicans understand that welfare reform means giving people an opportunity to bridge out of dependence with child care, with health care, with job training.

There is not one of any of the individuals who are Americans who have said that welfare is the claim of their life. They want to be independent. It is a shame, however, that the welfare reform that our Republicans have tried to put forward simply says that we will abandon those, the least of our brothers and sisters.

Mr. Speaker, let me offer, first of all, the tragedy of what is going on in the Committee on the Judiciary this morning. We in the Committee on the Judiciary, of high ideals and standards holding up the Constitution, are there now trying to deny those citizens who have come to this country and are citizens the lack of ability, if you will, to be able to express themselves by voting on the ballot.

We want now to eliminate bilingual ballots for the U.S. Government for those senior citizens who have lived and worked here, those Asians, Hispanics, and others who have come, who have given of themselves, can speak the language, but may not be able to read as well so they can vote in the U.S. election.

How tragic it is that we are turning the clock back, as well as denying minorities the opportunity to do business with the American Government. What a shame. What a tragedy.

HEROIN USE HAS BECOME EVEN MORE DEADLY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, in recent years, while cocaine abuse has leveled off, heroin use once again is rapidly on the rise.

Today's heroin from abroad is cheaper, purer, and much more deadly than ever before. In fact, estimates of heroin's street-level purity indicate it has gone from an average of 4 percent up to a staggering 70 percent or more on purity level.

A recent GAO study indicated that worldwide opium production has nearly doubled since the late 1980's, while U.S. emergency room episodes from heroin overdoses increased by some 50 percent.

Just recently, in New York City, we had the much-publicized Red Rum heroin overdose death of a member of the Smashing Pumpkins Band, along with the arrest of that band's drummer for possession of heroin, and cancellation of the band's sold-out performances.

Spelled backward, Red Rum is murder, and in the case of the Smashing Pumpkins member's overdose, it was indeed lethal, taking his life. It surely is murder. Let us hope that the Red Rum message is not one that Red Rum and other forms of heroin are trendy; rather than heroin use is serious and in this case can be deadly.

LINK BETWEEN ILLEGITIMACY AND WELFARE?

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, to my astonishment, I just heard my good friend, the gentleman from Ohio, MARTIN HOKE, the distinguished member of the Committee on the Judiciary from Cleveland, OH, make an incredible link between illegitimacy and welfare. I think he knows what he is talking about, because he is a very brilliant Member of this body. Perhaps his 1-minute was so truncated that we were not able to get to the bottom of what it was that was bothering him.

But I would like to invite him privately to join with me to discuss this serious matter of welfare, because I do not want the kind of assumptions that were linked together in a 1-minute presentation to be taken as a serious point of view by my good friend, the gentleman from Cleveland, OH.

THE PRESIDENT'S LATEST FLIP-FLOP, APPEASING FIDEL CASTRO ON SANCTIONS

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, within the hour the President of the United States has waived sanctions on Fidel Castro that he himself, Bill Clinton, signed into law just 5 months ago. This latest flip-flop is an extraordinary appeasement of the Communist dictator that will not work.

Since Castro began his sadistic and pathologically anti-American rule in 1959, he has denied civil rights and political liberties at home and exported revolution throughout the hemisphere.

Indeed, beyond assisting dictators and dictatorships, in our own hemisphere he has fielded soldiers and troops in no less than 14 African countries in 1 moment. Cuba has not one independent newspaper, not one independent school, not one independent labor union. Castro continues to execute and imprison political prisoners, and has driven 1.3 million Cubans into exile in this country.

The fall of the Berlin Wall and the collapse of the Soviet Union should have choked off Castro's rule, but he still is alive, in large part because of sustenance from the Clinton administration. Having signed the Libertad Act 5 months ago and said that he was for sanctions on Castro, Bill Clinton is now using his Presidential authority to waive those very sanctions.

Appeasing Castro is the wrong way for America to proceed. This latest flipflop of Bill Clinton's is more than a broken promise to the American people and the world. It is, in fact, capitulation that will endanger the world's security. Bill Clinton should be ashamed of himself.

THE FEDERAL GOVERNMENT IS GOING THE WRONG WAY ON BILINGUAL BALLOTING, AFFIRMATIVE ACTION, AND THE RIGHTS OF INDIVIDUALS

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Illinois for his kindness in yielding to me. It was difficult for me to be able to complete a statement that I wanted to make regarding the Committee on the Judiciary on this very historic day of July 16.

I mentioned bilingual balloting, which just simply allows those adults who may speak English, but may not read it very clearly, to cast their vote as American citizens. But likewise, we are reviewing this whole issue of affirmative action, and clearly, it has taken the wrong direction.

I rise for the purpose of citing the Wall Street Journal, where there is an article on an angry CEO from California who happens to be blasting a Catholic nun. The Catholic nun simply wrote to say "As a stockholder, I would encourage you to have minorities and women on your board." This CEO took it upon himself to write an ugly spirited letter, castigating the nun, suggesting she should mind her own business.

That is what happens when the Federal Government begins to take away rights. The private sector then thinks it must rally around ugliness and divisiveness.

I would commend to this CEO to think that this country is full of talented, diverse individuals who understand cyperspace, understand the superhighway, and I commend to him that it is reasonable that he could find minorities and women to serve on his board. What a tragedy. The reason we have that is because the Federal Government is going the wrong way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3166) to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, as amended.

The Clerk read as follows:

H.R. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Accountability Act of 1996".

SEC. 2. RESTORATION OF FALSE STATEMENT PENALTIES.

Section 1001 of title 18, United States Code, is amended to read as follows:

"§ 1001. Statements or entries generally

"(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of Government of the United States, knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(2) makes any materially false, fictitious, or fraudulent statement or representation; or

"(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years or both.

"(b) Subsection (a) does not apply—

"(1) to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge in that proceeding; or

"(2) to—

"(A) any non-administrative matter; or

"(B) any investigative matter, other than with respect to a person furnishing information pursuant to a duly authorized investigation;

within the jurisdiction of an entity within the legislative branch.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1995, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case Hubbard versus United States, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the offenses of misleading Congress and the courts outside its scope.

On June 30, 1995, the crime subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead any branch of the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our commitment to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government. The witnesses also counseled that we proceed with care. Certain legislative fixes may be unintentionally problematic over the long run.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply to a party to a judicial proceeding or that party's counsel, for statements, representations, writings, or documents submitted by such party or counsel to a judge in that proceeding. This exception applies the criminal penalties of section 1001 to those representations made to a court when it is acting in its administrative function, and exempts those representations that are part of a judicial proceeding from the scope of section 1001. I believe that the failure to establish such a judicial function exception would chill vigorous advocacy, and, as such, would have a substantial detrimental effect on the adversarial process. I am pleased to note that the Department of Justice supports the bill's judicial advocacy exception.

The second exception is the legislative advocacy exception. This exception, which I introduced at the Judiciary Committee markup, and which was agreed to without opposition, is the result of much work by Members on both sides of the aisle.

Without such an exception section 1001 would be a blanket application to all communications made to Congress, including unsworn testimony and constituent mail. Such an unlimited application would create an intimidating atmosphere in which all communications would be made with the threat of section 1001's criminal penalties constantly at hand. Such an atmosphere would undermine the free flow of information that is so vital to the legislative process.

This bill's legislative function exception limits section 1001's application in a legislative context to administrative and duly authorized investigative matters, thereby avoiding the creation of such a counterproductive atmosphere.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars. That is the result accomplished by this amendment.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who willfully mislead Congress when they knowingly and willfully mislead Congress.

I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution for misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution. H.R. 3166 avoids creating such an atmosphere.

I would like to thank my friend from New Jersey, Congressman MARTINI, for his leadership and hard work on this bill. He has been out front on this issue since the Supreme Court handed down Hubbard, and has worked with parties on both sides of the aisle to make sure that we moved a good bill through this House. I want to congratulate Mr. MARTINI on a job well done.

□ 1230

Mr. Speaker, when I yield again I am going to yield to the gentleman from New Jersey [Mr. MARTINI] to let him describe this legislative work he has done.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the provisions in the bill. Could I inquire of my good friend, the chairman of the Subcommittee on Crime, why this bill has no report?

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, it has no report because we were trying to get it out here on time. It should be. There is a report that is coming with it, but it has none at the present time.

Mr. CONYERS. Could I ask my good friend if he would withdraw this bill until such time there is a report for all of the Members?

Mr. MCCOLLUM. If the gentleman will yield further, there will be a report filed before the vote on this bill.

Mr. CONYERS. I said will he withdraw this bill now? We are asking everyone to get a report sometime in the future, sir. That is not according to the rules of the House?

Mr. MCCOLLUM. If the gentleman will yield further to me, it is according to the rules that we have a report out here before the bill is voted on and it will be out here before it is voted on, before we actually have a vote.

Mr. CONYERS. Is someone supposed to trust the gentleman in the meantime?

Mr. MCCOLLUM. If the gentleman will yield further, no one has to vote on it until they get a report to read.

Mr. CONYERS. Mr. Speaker, I am not going to yield to the gentleman any more. I think his answer should have been "no" about 2 minutes ago.

Mr. Speaker, I object to the procedure that is going on now. I object to this bill being brought up until, according to the rules, Mr. Parliamentarian, there is a report accompanying it. Therefore, I ask that this measure be withdrawn from the floor of the House of Representatives.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair is advised that that is up to the gentleman from Florida [Mr. MCCOLLUM].

Mr. CONYERS. It is up to the gentleman from Florida [Mr. MCCOLLUM]. That is what I thought.

I would like to appeal to the gentleman from Florida again, a distinguished and able member of Judiciary with whom I have worked ever since his first day in the House of Representatives. Would the gentleman please take the bill off of the floor until such time as he gets a report?

Mr. Speaker, I yield to the gentleman to say yes or no.

Mr. MCCOLLUM. No, I will not do that.

Mr. CONYERS. I did not ask for the rest. I just wanted a yes or no.

Mr. Speaker, I object to the procedure on the floor, and I would like to press my objection to the Speaker.

The SPEAKER pro tempore. The gentleman has 20 minutes. He may debate the question. This is a motion to suspend the rules, which will require a two-thirds vote. Does the gentleman raise a specific point of order?

Mr. CONYERS. Mr. Speaker, my point of order is that we are acting out of order even on a suspension of the rules here. This is not a club meeting, Mr. Speaker. The least that the subcommittee chairman could have done was advise us that he did not have a report, which would have led me to some form of my usual generosity, but just to say we don't have a report, we'll get one later this is under suspension of the rules, nobody needs to read the report. What would 400 other Members want to know about the report for? Just listen to the debate and vote for it when it passes. What is the difference? Why do we need reports here, anyway, by the way?

Has the gentleman not learned anything in the course of all the years we have been trying to be legislators, responsible? What is this? I think it is extremely inappropriate for the Committee on the Judiciary, of all committees, that we would be proceeding this way. Are we going to just continue to have informed debate around here without reports? Because it will be here shortly, it's on the way, it's at the printer? The truck is pulling it up to the Capitol any minute. I don't know what you need a report for.

Then to have the unmitigated gall to say, "Well, so what? I'm not going to withdraw it, I'm not going to apologize, I'm not going to do anything because we're in control here. We don't need reports, the majority. If you don't like it without the report, vote against it, I guess."

Mr. Speaker, there is nothing we can do here but be subject to the gentleman from Florida's arbitrary, uncooperative decision that we will not have a report accompanying his bill.

How come? Well, I do not know. He just felt like it today.

Well, I say to the gentleman from Florida [Mr. MCCOLLUM], the House of Representatives does not work like this, and the gentleman as a committee chairman, I know he has not been a subcommittee chairman long, but it seems to me that he should check the procedure, maybe with the Parliamentarian, maybe with the counsel for the committee, maybe with even our people if he would like. We would be delighted to do that. But just to say "We're bringing a measure on the floor, a very important measure, by the way. But we don't need reports around here, gang. Check with us this evening, tomorrow, whenever. But let's have some informed debate that nobody but the Members of the Committee on the Judiciary know anything about, and then let's hold it over for a vote and then we'll decide whether you want to pass a law into the United States Code Annotated."

Oh, is it unimportant? Is it a technical amendment? No; it is very serious. It modifies a U.S. Supreme Court decision. It would seem that lawyers, of all people, would have some kind of civil consideration for the way we pass things in the House of Representatives.

If the Committee on the Judiciary does not care about the rules and procedure of the House, should anybody else? We are the ones that try to set the rules and procedure for the Committee on the Judiciary, for the Congress. We are the ones that are able to modify the Supreme Court's decisions, as we are doing.

And so we come in here, dragging in on Tuesday afternoon, the first measure up, and the first thing we say is, "Well, there's no report, Ranking Member of Judiciary. What do you need a report for?"

"Well, would you please consider getting one?" "No; I will not. Anybody that wants to read the report can read it when we get it."

"Well, when will you get it?"

"We'll get it this afternoon. I guess we will get it this afternoon. Read it after the debate if you really want to find out what happened, because we don't have to do that around here. Don't you understand? Republicans run the House. So it's OK. You don't like it? Vote no. You don't like it? Appeal to the Speaker. You don't like the Speaker's ruling? He says see the subcommittee chairman."

And so this is what it is like in 1996 in the people's body, in the House of Representatives, where we have a bunch of my wonderful friends over here looking at each other saying, "I wonder why we don't just go ahead and pass this bill and forget the report."

But what about the next bill, I would ask the gentleman from Florida [Mr. MCCOLLUM]? Does that one need a report? Or does the subcommittee chairman of that measure have the same option that you do to tell everybody, "You don't need a report. It's on the way. Get it later. We'll debate this some other time. Or if you don't understand the debate, get a copy when it's printed."

But the rules of the House require this elemental courtesy to every single Member of the House of Representatives, and the gentleman is refusing to go along with the rules. I think that is very unseemly, I think it is very inappropriate, particularly coming from the committee that we both serve on.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan, of course, is a very distinguished Member of this body and I know that he intends to characterize the situation as it accurately should be characterized, but the truth be that the rules of the House of Representatives in this Congress are no different than they were in the last on this point, and, that is, that when we have a bill under suspension, there is no requirement that any report be filed whatsoever by any committee on a bill under suspension, which is what we have today with this bill that is before us. It is customary for Judiciary bills to get a report because that is something we would like to do, that is something that Judiciary members like you and I like to produce. We like to have those filed with bills. And if a report is going to be filed, because we want to do that, we like to do that, to explain the bill in the record, then that has to be done technically before the bill is formally voted on. We are going to request a recorded vote, I am, and I suspect we will get one based on the number of people here today, and there will be a delay of a vote, so that a report can be filed and will be. But there is absolutely no requirement that a report be filed.

I might also remind the gentleman from Michigan, my good colleague, that this bill is not controversial in its nature, it passed without a single vote in opposition in both the subcommittee and the full committee, it was worked out in a fully bipartisan sense, as the gentleman knows, and there is no intent whatsoever on our part to pass a bill with any kind of pulling the wool over somebody's eyes with not having some technical whatever. We are abiding by those rules on a very noncontroversial, though a very important bill.

Last but not least I might add why we do not actually have the report we would like to file out here today and fully intend to do so is because the leadership had initially scheduled this bill for next week and did not give us sufficient notice that it would be out here this week. We would like to get this bill passed as soon as possible, as I am sure the gentleman from Michigan would, and this is the window of opportunity, this week, to pass it. If we do not do it today, if we waited around to voluntarily do the report we do not have to do before we brought it out here and debated it, we would not get it accomplished.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 12½ minutes remaining.

Mr. McCOLLUM. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey [Mr. MARTINI], who is the author of this legislation. I congratulate him again. It is a fine bill and it does something that has been needed to be done for a long time.

☐ 1245

Mr. MARTINI. Mr. Speaker, I thank the gentleman for yielding.

Before I begin, I want to take a moment to thank Chairman McCOLLUM as well and the crime subcommittee counsel, Paul McNulty and Dan Bryant, for their hard work and efforts in bringing this important legislation to the floor today.

Mr. Speaker, the question facing the House of Representatives is whether or not individuals who knowingly and intentionally issue a materially fraudulent or false statement to the legislative or judicial branch of the Federal Government should be subject to criminal prosecution under title 18, section 1001 of the United States Code.

The Government Accountability Act, H.R. 3166, is intended to amend section 1001 of 18 United States Code in a manner that would make its application consistent with the legal precedents established prior to the Supreme Court's May 15, 1995, decision in Hubbard versus United States.

As a result of the Court's action in Hubbard, this year, for the first time in over 15 years, Members of Congress filed their financial disclosure statement without fear of prosecution or penalty for issuing fraudulent or false statements on these forms.

Mr. Speaker, I believe that is wrong and I also believe that the public has a right to know that congressional financial disclosure forms are filled out truthfully and accurately. The requirement to do so is one of the many applications of section 1001 of 18 United States Code that need to be addressed. That is why I introduced the Government Accountability Act.

I am pleased to say that this bipartisan legislation enjoys cosponsorship and support from by both the chairman and ranking member of the crime subcommittee.

My legislation closes a loophole in Federal law that was created by the Supreme Court's ruling in Hubbard versus United States.

As a result of this decision, section 1001 of 18 United States Code is now only applicable to individuals who knowingly and willfully issue a materially false statement to the executive branch of the Federal Government.

Individuals who issue false statements to the legislative or judicial branch of Government can no longer be prosecuted under section 1001.

In Hubbard, the Supreme Court held that, "a court is neither a department nor an agency within the meaning of section 1001." This clearly infers that Congress is certainly not an agency or department of the executive branch. In fact, Federal courts have recently used Hubbard to overturn the conviction of a former Member of Congress and a former HUD official who lied to Congress.

Federal prosecutors have also been forced to drop key indictments or counts in criminal proceedings against several former Members of Congress as a result of this decision.

As a former assistant U.S. attorney in Newark, NJ, I know firsthand the importance of section 1001 of 18 United States Code. In my opinion, this is a critical provision of the law which protects the Federal Government from false or fraudulent statements.

Mr. Speaker, quite simply, this is an issue of parity. I can think of no reason why we would hold false statements issued to Congress or the Judiciary with any less severity then those issued to the executive branch.

In the past, section 1001 of 18 United States Code has been used to successfully prosecute Members of Congress who have lied on their financial disclosure form, initiated ghost employee schemes, knowingly submitted false vouchers, and purchased personal goods and services with taxpayer dollars.

Without a viable false statement statute these crimes could very well go unpunished.

Mr. Speaker, I want to make it abundantly clear that the intention of my legislation is not to create a tidal wave of special prosecutor and independent counsel investigations into this Administration or any future administrations.

Rather, H.R. 3166 is meant to restore and clarify the Federal False Statement Statute to its pre-Hubbard application.

Much of the initial attention surrounding congressional efforts to restore the Federal false statement statute focused on applicability of section 1001 to the judicial branch.

My legislation applies section 1001 to the judicial, as well as the legislative branch, however it specifically exempts formal courtroom proceedings.

Federal law enforcement officials must have the ability to bring charges against those who willfully and knowingly mislead the Federal Government. However, I felt that statements made to a judge in a courtroom setting should be exempted from the scope section 1001.

Accordingly, H.R. 3166 includes language drafted by the Department of Justice to address this concern in a manner that will not have an adversarial effect on the judicial process, a negative effect on the judicial process, but also remains consistent with Federal case-law precedents stemming from the Morgan and Mayer decisions, which were decisions which followed Hubbard.

An attorney should not be exposed to a criminal indictment for simply defending an unscrupulous client who is advancing a false or fraudulent defense.

The goal in applying section 1001 to the judicial branch should be to provide a penalty for individuals who may lie or issue false statements in the context of the administrative duties of the judiciary branch, not its litigation proceedings.

Further, during the House Subcommittee on Crime markup of H.R. 3166, some of my colleagues also expressed concern that the Government Accountability Act did not contain a congressional advocacy exception that would exempt certain types of legislative advocacy from the scope of section 1001.

These individuals were concerned that by codifying 1001's applicability to Congress we may inadvertently chill legislative advocacy.

Congress has always been the arena in which the American people have come to express their ideas and beliefs. We must ensure that we do not stifle public debate on the issues before this body.

While I believe that H.R. 3166 as originally drafted would afford protection to those individuals who engage in advocacy of the legislative branch, I am supportive of the bipartisan amendment, the gentleman from Florida, chairman McCOLLUM, offered in Committee that exempts the application of section 1001 from nonadministrative matters before the Congress.

By limiting the application of section 1001 in a congressional setting to administrative matters and exempting legislative advocacy from its scope, we avoid the stifling of public debate before this great body.

The McCollum language will apply section 1001 to administrative matters like the Member's Financial Disclosure Form and duly authorized investigations of the congress.

Prior to the Hubbard decision, an uncertainty or vagueness existed among the various Federal courts concerning the applicability of section 1001 to Congress. Accordingly, Federal prosecutors pursued indictments under the Federal false statement statute with extreme caution in matters pertaining to Congress.

Enactment of legislation like H.R. 3166 would leave no doubt about the application of section 1001 to Congress. That is why this bill now contains a so-called legislative advocacy exception in order to avoid unintended consequences of codifying 1001's applicability to the legislative branch.

Mr. Speaker, the American people have demanded a Federal Government that is not above the law. Without an applicable Federal false statement statute, we will seriously jeopardize the ability of this institution to protect itself from both internal and external fraud.

I am pleased that the leadership has recognized the importance of this legislation and has brought it to the floor today.

In closing, I want to again thank Chairman McCOLLUM and his capable staff, and I urge my colleagues to support this bipartisan reform bill.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentleman of the House of Representatives, we are in the process of amending a U.S. Supreme Court decision whose ruling applies to Members of the House of Representatives, applies to witnesses that may come before the House of Representatives and there are Members in broad daylight alleging that this is a minor provision, amending the Supreme Court's decision and we are talking about how minimal this is. The distinguished subcommittee chairman, the gentleman from Florida [Mr. McCOLLUM], alleges that there is no objection. How on Earth would he know? Nobody has ever seen the report. Nobody would even know about the bill if my colleague was not on the Committee on the Judiciary. What in the world is going on around here that makes this matter so important that without a report, we would ask on a suspension calendar that a matter changing the Supreme Court, the law of the land, that it be sent without a report. Well, I do not know why. What is the rush? Question: How can we have an informed debate without a report? The gentleman from New Jersey [Mr. MARTINI], author of the measure, is familiar with this. The gentleman from Florida [Mr. McCOLLUM], chairman of the Subcommittee on Crime, is familiar with this. But what about the 400 other Members of Congress that may not have attended the Committee on the Judiciary meetings? What do they get? Well, they get nothing. They get the response that customarily we give Members a report, but today, because Republican leadership has indicated that this bill goes today, it is not going at all. Question: Why not?

Another inquiry that I may have, is are we saying here that the Republican leadership, or may I speak more personally, the Speaker of the House saying that we will not allow a vote on this bill if it does not come up today or that it will not be brought forward? And by the way, where is this matter in the Senate? Does anybody happen to know or care? Are they waiting for us to send it over to them so that they can send it out? Do you know if it is marked up or not? Well, look, the House takes care of its own business and the Senate takes care of its.

So we are in a very embarrassing situation, because if that is the way this House is going to be run, this is one Member that is going to take exception to this. I think it is unseemly. I think that it completely misses the point of a very important law that is in the process of being made. Someone said it will be—not someone, I am sorry, the chairman of the subcommittee, the gentleman from Florida [Mr. McCOLLUM], said it would be printed in form and would be sent to the Members today. Well, what time today, I ask the gentleman from Florida [Mr. McCOLLUM]? Will it be before the vote or after the vote? And how much time would the Members have to read the report before they vote on it? Or does it matter, really? I mean, if you like it, we are putting it on suspension, we are rushing it through. No one can amend this, and now we do not have a report because we only supplied it customarily, we do not have to supply. So if you like this law or do not like it, just listen to the debate, listen to the author, and as far as we know, everybody should go along with this and that is the way we make laws in the United States now under the Gingrich regime. I take exception to this, sir, and I am ashamed of my subcommittee chairman who would allow himself to get drug into this ridiculous and embarrassing process.

Now, both parties usually send out a whip package which gives us a heads-up on what is coming up on the legislation. Usually for Members that would like a detail, they include the report that it can be referred to, but there is no report here. Members can read the brief summary. I do not know what Republicans put in their whip packages, but we put a brief outline of the measure. Why, the gentleman from New Jersey [Mr. MARTINI], with a bill which he deserves full credit for, would he allow this measure to come up in such a haphazard way? Does the gentleman not have any respect for the law or the process? Does the gentleman not understand how the House of Representatives customarily works? Does he not want Members to at least vaguely understand what in the world he is doing that changes a U.S. Supreme Court standing decision? Does it not reach that level of seriousness that the other 400 Members might at least, if they chose to be informed, would have a report available to them? Does the gentleman have no respect for the process of this great House of Representatives? What do we want to turn this into, a club, a political club where the biggest gang gets up and says, well, this is it, there is not objection? How do we know there is no objection? How do we know there are not reservations? My colleague does not, and neither do I. But I have enough respect for the rest of my colleagues to object as strenuously as I can to this very shabby process.

☐ 1300

This is a very important piece of legislation. It is not a simple bill. The changes that the gentleman has grafted on to the Supreme Court decision and the existing law are very important and are very serious. I only wish that the gentleman and the Members on his side of the aisle would take it as seriously as we do on ours.

We think it is a good measure, but that does not mean that I can arbitrarily cut off the debate from everybody else in this body because they have not seen the report. Do we not have any pride about this House of Representatives in which we serve? Do we not want to really make the House a democratic forum for all of us so that the American people can understand how we make process? Maybe the gentleman does. I think deep down in our hearts all the Members do.

I think we are very serious about the business that brings us here to Washington, DC. I am looking into the faces of some very serious Members. But what about the process? What if there was one Member in the House that wanted to take exception, maybe even wanted to ask a question, where would he or she go to get the information? Does that not concern the gentleman at all? Does he not want to say that this bill was passed in broad daylight with the acquiescence and full understanding in the customary manner that we pass legislation around here?

The gentleman has already bumped it up to the Suspension Calendar. We cannot amend it now. We only have limited debate, and still we cannot do it right. I think this is disgraceful. And then to refuse to take it off the floor for no good explanation whatsoever insults not just the Members of Congress, I say to the gentleman from Florida [Mr. MCCOLLUM], but everybody in America that is expecting that we will pass legislation, especially from the lawyers in the Congress, in a fair and decent bipartisan manner. And that is not what is happening here today.

So with all deference to all of my colleagues and for all my colleagues who are pleased that at least one Member would have the temerity to raise his voice and say, "Process, fellas. Process." That is what tests whether a House is working fairly or not.

It is not that, oh, we customarily send out reports but we were in a hurry today; we did not need it today. If Members do not like it, they can catch the report when it is printed. If they have a question, they can see me off the floor or check with staff and they will give that Member a response. But we are pushing this baby through Tuesday afternoon, first up, whether we are ready or not, whether people have had a chance to study it or not. Who cares. We are going to do it our way. It is unanimous anyway, which we do not know about at all. It is simple. It is not; it is very complex.

So I ask the gentleman from Florida [Mr. MCCOLLUM] again, with all the fairness of which I am able to muster at this time, please withdraw this measure from the floor and have it rescheduled.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute.

First of all, I happen to know this is a very serious matter, and the gentleman from Michigan [Mr. CONYERS] and I agree on that point.

Second, I am not in the least bit embarrassed or disgraced or feel ridiculous about bringing this out here without a report, because the rules of this Congress, as have been the rules for many years, do not require a report on a bill that comes under suspension.

This is a special procedure for those bills that are considered noncontroversial. Those are bills that are scheduled only once a week, normally, sometimes in the late sessions, once or twice more frequently, so that we can expedite the process of handling them within the scheduled confines the House has for deliberating on those bills that will take more time on the floor, hours and hours of amendments.

The Justice Department just recently has endorsed even the amendments to this bill and fully supports it. There is nobody that I know of, though maybe somebody is opposed to this bill, but the point is that the reason for the report is not to prepare people on a Suspension Calendar bill to vote on a bill, but to provide legislative history. However, this report is ready. It will be filed here sometime today before we have the vote, and anybody who wants to read the report, scan it or otherwise before they vote, will have that opportunity.

I am sorry the gentleman feels inconvenienced, but the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, had full notice that we did not have the report, would not have it ready, well before we brought it out here today.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time. This is a corrections bill, it is necessary, and it is necessary now.

Mr. Speaker, a stunning decision by the Supreme Court last spring once again leaves this institution above the law. In Hubbard versus United States, the Court held that section 1001 of 18 United States Code is only applicable to individuals who knowingly issue a false statement to the executive branch, implying that penalties for lying do not apply if the individual is lying to Congress. So, in effect, we have a law on the books that says individuals cannot lie to the executive branch, but it is OK to make false statements to the legislative branch of the Government. That is not good government. Think about what that means. It means individuals who do business with the Government or testify before congressional committees are not legally accountable for the accuracy of what they say and do, and that includes Members of Congress themselves. In fact, the Supreme Court's decision makes it very difficult, if not impossible, to prosecute Members of Congress who have been charged with kickback schemes, ghost employee schemes, check-kiting and falsifying financial disclosure reports. It also means that pending prosecution cases and prior convictions of Members of Congress are in jeopardy of being overturned.

Mr. Speaker, I serve on the Committee on Standards of Official Conduct. There are no rules for criminal behavior in the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct does not become a criminal enforcement committee.

Mr. Speaker, this institution cannot allow criminal activity to go unpunished—and unless all three branches of Government are included in the false statement statute that is exactly what may happen. H.R. 3166, the Government Accountability Act, will extend the false statement statute, clearly and incontrovertibly, to all three branches of the Government. If we are to restore some honor to this institution and hold all Members accountable for a breach of trust—then we must include ourselves in the false statement statute, and this is what we are doing. I support this measure and encourage my colleagues to do the same.

Mr. Speaker, I congratulate the gentleman from Florida [Mr. MCCOLLUM] on the way he has handled this, and the gentleman from New Jersey [Mr. MARTINI] for his insistence on bringing it to this stage.

Mr. MCCOLLUM. Mr. Speaker, I would inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining, and the time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would ask the gentleman if there is a way for a Member to file a dissenting view on this report if the report is already being printed?

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time. If the gentleman can get it to us on time, we will be glad to give him a dissenting view and put it in. We are going to be doing a report and putting it in before we have a recorded vote later on today. So if the gentleman has a few minutes to do it, we will get it in.

Mr. CONYERS. Mr. Speaker, if the gentleman will continue to yield, how much time is the gentleman giving any Member that might want to file a dissenting view?

Mr. MCCOLLUM. Well, Mr. Speaker, reclaiming my time, again I might add, to anybody that wants to know, the rules are there is no report required at all in a suspension bill. We are not doing anything unusual today.

I think the most unusual thing is that there has been not one whit of discussion on that side of the aisle about the merits of this bill, about the substance of it. We are today talking about restoring the False Claims Act of the U.S. Congress to all three branches of the U.S. Government, executive, legislative, and judicial, and it is remarkable in its nature. It should be aired and debated fully, I agree.

We have, on our side of the aisle, discussed it in great detail. The report will give the technical information for legislative history, and I would encourage the gentleman and all participants on both sides of the aisle to vote for this bill. It is a very positive bill, supported by the administration, one that is needed to correct an error, in my judgment, of what the Supreme Court has said to us about how the law reads now, and I will again urge a very favorable and a strong vote in support of passage of this bill under suspension of the rules today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 3166, as amended.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3458) to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read as follows:

H.R. 3458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1996".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1996, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF PERCENTAGE INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1996. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not an even multiple of $1 shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increased made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased pursuant to section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3458.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill increases the rates of compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The increase would be effective on December 1, 1996, and would be the same percentage increase as applied to Social Security benefits.

The bill also rounds down to the next lower dollar amount, all compensation and DIC benefit payments when not a whole dollar amount.

Mr. Speaker, this is a clean COLA bill without any other provisions attached to it.

In the past, additional provisions on veterans' COLA bills have become controversial, so we have avoided that potential and I urge all Members to support the bill.

I want to thank my good friend, SONNY MONTGOMERY, the ranking minority member of the full committee, for his hard work and guidance on this measure.

Before yielding to him, I also want to thank TERRY EVERETT, chairman of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs and LANE EVANS, the ranking minority member on the subcommittee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, H.R. 3458 will provide a cost of living allowance increase for those who receive compensation and pension as well as other related benefits. The COLA will be in an amount equal to the COLA given to Social Security recipients, and is currently estimated at 2.8 percent. The bill will also round the COLA down to the next lower dollar.

Mr. Speaker, I am pleased we can give a full COLA this year to help our most deserving and neediest veterans and their survivors. I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that increases the compensation for service-connected veterans, their survivors, and certain disabled veterans. This bill is one that millions of veterans and spouses of veterans who died of a service-connected cause depend on the Congress to enact. Each time we do so we reaffirm our commitment to disabled veterans and the survivors of veterans. Many of these beneficiaries depend on their monthly VA check, Mr. Speaker, to pay their rent and to feed their families.

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The married veteran with no other dependents who is rated totally disabled, 100 percent disabled, is currently eligible for $1,975 per month in VA disability payments.

In most cities and communities this amount is enough to allow the veteran and his family to live in some comfort, but it does not allow for many frills or luxuries. My colleagues can understand that even modest increases in food and housing costs must be addressed by providing cost of living increases to these veterans.

Mr. Speaker, I want to thank the gentleman from Arizona, Chairman STUMP, for his cooperation. I think we probably have the most nonpartisan committee in the Congress of the United States. We are very proud of that. I want to commend on my side of the aisle the gentleman from Illinois, LANE EVANS, for his work on this subcommittee and also to the gentleman from Alabama, Mr. EVERETT, chairman of that subcommittee.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I rise in support of this legislation and to commend Chairman STUMP, Subcommittee Chairman TERRY EVERETT, and all of the members who have supported providing adequate compensation to veterans with service-connected disabilities and to spouses of veterans who die of service-connected causes.

This legislation which we are considering today is a small token of our esteem for those who left the service with disabilities. It provides for an increase estimated to be 2.8 percent for veterans drawing disability compensation as well as the spouses of veterans who die of a service-connected cause. There are other measures that we will consider today that make improvements in veterans programs, but none will touch as many lives as this legislation.

I urge my colleagues to pass this far-reaching and vital legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman for yielding time to me.

I also stand to salute our chairman, the dean of the Arizona delegation, for the commonsense approach he brings to the challenges we face on the Committee on Veterans' Affairs, as does the ranking member, my good friend from Mississippi, Mr. MONTGOMERY, who we share in the despair of him leaving this institution at the end of this term.

My colleague from Illinois, Mr. EVANS, said it quite succinctly. No other measure will affect more people who have worn the uniform of this Nation than this cost-of-living adjustment.

Mr. Speaker, I stand in this well today simply to take note of the fact, as I have before, where on many different occasions we come here with profound philosophical differences and different approaches on how we should solve the problems, that today, once again, the Committee on Veterans' Affairs serves as an example of what is possible when Members agree to rather commonsense, broad precepts such as a cost-of-living adjustment for deserving veterans with disabilities and their survivors. This is an outstanding piece of legislation. It is a commonsense approach that brings the concept of fairness to those who have worn this Nation's uniform. I endorse it wholeheartedly.

I urge my colleagues to vote in the affirmative for the legislation. I thank those Members on both sides of the aisle for their meaningful participation in getting this work done, and I salute the subcommittee chairman.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN] chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the distinguished ranking member of the subcommittee and the chairman of the committee for bringing this measure to the floor at this time. Mr. STUMP and Mr. MONTGOMERY have been continual advocates of our veterans' benefits.

Mr. Speaker, I rise today in strong support of H.R. 3458, the Veterans' Compensation Cost-of-Living Adjustment Act.

H.R. 3458 authorizes a full cost-of-living adjustment for veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] for the survivors of certain disabled veterans, for fiscal year 1997.

The Disability Compensation Program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The Survivors Benefit Program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

Mr. Speaker, I believe this is a worthy piece of legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Mr. STEARNS. Mr. Speaker, I rise today in strong support of H.R. 3458 The Veterans' Compensation Cost-of-Living Adjustment Act.

As a cosponsor of this legislation, I believe that H.R. 3458 takes great strides in securing that our veterans are fairly and adequately compensated for their service to our country.

The bill calls for an increased rate of compensation for the 2.2 million veterans whose injuries are connected to their military service, as well as 300,000 survivors of veterans who died from service-connected injuries.

We have an obligation to provide for those injured while serving to defend our country. This bill provides for a much needed increase in compensation, bringing it up to the same level as Social Security benefits. The current estimate of a 2.8-percent increase will provide relief from the impaired earning capacity of disabled veterans and their families.

Mr. Chairman, it is time that we recognize the sacrifices of our Nation's disabled veterans and adjust their compensation fairly. This legislation serves our veterans, as they so selflessly and heroically served our Nation, and I urge my colleagues to support it.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3458.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENDING BENEFITS TO VETERANS EXPOSED TO AGENT ORANGE

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3643) to amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to agent orange or who served in the Persian Gulf war and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(e)(1)(A) A herbicide-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G) for any disease suffered by the veteran that is—

"(i) among those diseases for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined—

"(I) that there is sufficient evidence to conclude that there is a positive association between occurrence of the disease in humans and exposure to a herbicide agent;

"(II) that there is evidence which is suggestive of an association between occurrence of the disease in humans and exposure to a herbicide agent, but such evidence is limited in nature; or

"(III) that available studies are insufficient to permit a conclusion about the presence or absence of an association between occurrence of the disease in humans and exposure to a herbicide agent; or

"(ii) a disease for which the Secretary, pursuant to a recommendation of the Under Secretary for Health on the basis of a peer-reviewed research study or studies published within 20 months after the most recent report of the National Academy under section 2 of the Agent Orange Act of 1991, determines there is credible evidence suggestive of an association between occurrence of the disease in humans and exposure to a herbicide agent.

"(B) A radiation-exposed veteran is eligible for hospital care and nursing home care under subsection (a)(1)(G) for any disease suffered by the veteran that is—

"(i) a disease listed in section 1112(c)(2) of this title; or

"(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.";

(2) in paragraph (2)—

(A) by striking out "Hospital" and inserting in lieu thereof "In the case of a veteran described in paragraph (1)(C), hospital"; and

(B) by striking out "subparagraph" and all that follows through "subsection" and inserting in lieu thereof "paragraph (1)(C)";

(3) in paragraph (3), by striking out "of this section after December 31, 1996" and inserting in lieu thereof "after December 31, 1998, in the case of care for a veteran described in paragraph (1)(A) or paragraph (1)(C)"; and

(4) by adding at the end the following new paragraph:

"(4) For purposes of this subsection and section 1712 of this title:

"(A) The term 'herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to a herbicide agent.

"(B) The term 'herbicide agent' has the meaning given that term in section 1116(a)(4) of this title.

"(C) The term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(4) of this title.".

(b) AUTHORIZED OUTPATIENT CARE.—Section 1712 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking out "and" at the end of subparagraph (C);

(B) in subparagraph (D)—

(i) by striking out "before December 31, 1996," and inserting in lieu thereof "before January 1, 1999,"; and

(ii) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon;

(C) by adding at the end the following new subparagraphs:

"(E) during the period before January 1, 1999, to any herbicide-exposed veteran (as defined in section 1710(e)(4)(A) of this title) for any disease specified in section 1710(e)(1)(A) of this title; and

"(F) to any radiation-exposed veteran (as defined in section 1112(c)(4) of this title) for any disease covered under section 1710(e)(1)(B) of this title."; and

(2) in subsection (i)(3)—

(A) by striking out "(A)"; and

(B) by striking out ", or (B)" and all that follows through "title".

(c) SAVINGS PROVISIONS.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

(d) PRIORITY HEALTH CARE FOR SERVICE IN ISRAEL OR TURKEY DURING PERSIAN GULF WAR.—(1) Section 1710(e)(1)(C) of title 38, United States Code, is amended by inserting after "Southwest Asia theater of operations" the following: ", or who may have been exposed while serving on active duty in Israel or Turkey during the period beginning on August 2, 1990, and ending on July 31, 1991,".

(2) Section 1712(a)(1)(D) of such title is amended by inserting after "during the Persian Gulf War" the following: ", or who served on active duty in Israel or Turkey during the period beginning on August 2, 1990, and ending on July 31, 1991,".

SEC. 2. DEPARTMENT COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7318 the following new section:

"§7319. Committee on Care of Severely Chronically Mentally Ill Veterans

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

"(b) DUTIES.—The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department, *including the needs of such veterans who are women*. In carrying out that responsibility, the committee shall—

"(1) evaluate the care provided to such veterans through the Veterans Health Administration;

"(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

"(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

"(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

"(c) ADVICE AND RECOMMENDATIONS.—The committee shall—

"(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

"(2) make recommendations to the Under Secretary—

"(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

"(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

"(C) regarding research needs and priorities relevant to the care of such veterans; and

"(D) regarding the appropriate allocation of resources for all such activities.

"(d) ANNUAL REPORT.—(1) Not later than April 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

"(A) A list of the members of the committee.

"(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(C) The plans of the committee for further assessments.

"(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

"(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

"(2) Not later than February 1, 1998, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7318 the following new item:

"7319. Committee on Care of Severely Chronically Mentally Ill Veterans.".

SEC. 3. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 2(a), the following new section:

"§7320. Centers for mental illness research, education, and clinical activities

"(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from mental illness (especially mental illness related to service-related conditions) through—

"(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

"(2) the education and training of health care personnel of the Department; and

"(3) the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

"(A) research on mental health services;

"(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

"(C) education and training of health-care professionals of the Department; and

"(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

"(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

"(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

"(B) the Secretary makes the finding described in subsection (d); and

"(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

"(3) Not more than five centers may be designated under this section.

"(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

"(c) A proposal submitted for the designation of a center under this section shall—

"(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

"(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

"(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

"(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

"(2) An arrangement with an accredited graduate school of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

"(3) An arrangement under which nursing, social work, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

"(4) The ability to attract scientists who have demonstrated achievement in research—

"(A) into the evaluation of innovative approaches to the design of mental health services; or

"(B) into the causes, prevention, and treatment of mental illness.

"(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

"(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

"(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

"(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(f) Clinical and scientific investigation activities at each center established under this section—

"(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

"(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

"(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

"(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

"(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

"(A) $3,125,000 for fiscal year 1998.

"(B) $6,250,000 for each of fiscal years 1999 through 2001.

"(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7319, as added by section 2(b), the following new item:

"7320. Centers for mental illness research, education, and clinical activities.".

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1998, 1999, and 2000, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness, research, education, and clinical activities established pursuant to section 7320 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7320 of title 38, United States Code, not later than January 1, 1998.

SEC. 4. DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS.

Section 7406(c) of title 38, United States Code, is amended—

(1) by striking out "Department hospital" each place it appears and inserting in lieu thereof "Department facility furnishing hospital care or medical services";

(2) by striking out "participating hospital" in paragraph (4)(C) and inserting in lieu thereof "participating facility"; and

(3) by striking out "hospital" both places it appears in paragraph (5) and inserting in lieu thereof "facility".

SEC. 5. AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS.

Section 7432(b)(2) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) The Secretary may suspend a special pay agreement entered into under this section in the case of a physician or dentist who, having entered into the special pay agreement, enters a residency training program. Any such suspension shall terminate when the physician or dentist completes, withdraws from, or is no longer a participant in the program. During the period of such a suspension, the physician or dentist is not subject to the provisions of paragraph (1).".

SEC. 6. REPORTING REQUIREMENTS.

(a) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1710 note) is amended by striking out "Not later than January 1, 1993, January 1, 1994, and January 1, 1995" and inserting in lieu thereof "Not later than January 1 of 1993 and each year thereafter through 1998".

(b) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (2)(A), by inserting "(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)" after "facility"; and

(2) by adding at the end the following new paragraph:

"(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 7. ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT HEALTH SERVICES.

(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103–446), in consultation with the Advisory Committee on Women Veterans, shall assess the use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

(1) the extent to which women veterans described in section 1710(a)(1) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the most recent report of the Center for Women Veterans under subsection (a);

(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.

SEC. 8. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7320, as added by section 3(a), the following new section:

"§ 7321. Mammography quality standards

"(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

"(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

"(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

"(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

"(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

"(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7320, as added by section 3(b), the following new item:

"7321. Mammography quality standards.".

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7321 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7321 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the later of (1) the date on which the Secretary prescribes the quality standards required under subsection (b) of that section, or (2) the date of the enactment of this Act.

SEC. 9. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps, to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

SEC. 10. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States so as—

(1) to permit Milwaukee County, Wisconsin, to grant all or part of such land to another party with a condition on such grant that the grantee use such land only for civic and recreational purposes; and

(2) to provide that the conditions under which title to all or any part of such land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 28 acres of land, more or less, conveyed to Milwaukee County, Wisconsin, pursuant to the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866).

(c) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each control 20 minutes.

The Chair recognizes the gentleman from Arizona, [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3643, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3643 extends for 2 years expiring authorities for the VA to provide priority health care to Persian Gulf veterans and veterans exposed to agent orange.

This bill makes VA's authority to provide priority care to veterans exposed to ionizing radiation permanent.

It also contains additional provisions which will be explained by the subcommittee chairman momentarily, and I urge my colleagues to support this bill.

I want to thank my good friend, SONNY MONTGOMERY, the ranking minority members of the full committee for his work on this measure. Before yielding to him, I also want to thank TIM HUTCHINSON, chairman of the Sub-Committee on Hospitals and Health Care, and CHET EDWARDS, the ranking minority member on the subcommittee.

Additionally, Mr. Speaker, CORRINE BROWN and JACK QUINN, both members of the VA Committee, should be commended for their contributions to the bill.

I also want to recognize LANE EVANS for bringing provisions to the VA Committee's attention which are needed to modify the title restrictions in a 1954 VA land conveyance to the county of Milwaukee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I rise in strong support of H.R. 3643, legislation to extend through December 31, 1998, the period which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to agent orange or who served in the Persian Gulf war and to make such authority permanent in the case of certain veterans exposed to ionizing radiation.

The Committee on Veterans' Affairs has demonstrated a long history of bipartisan support for those veterans who may have been exposed to chemical or environmental hazards during their service in the Southeast and Southwest Asian theaters of war. specifically, the bill extends priority health care to agent orange and Persian Gulf veterans to December 31, 1998.

With regard to agent orange, this bill incorporates those provisions accepted by the full committee in the last session and were dropped out during conference with the Senate. As you may remember, the provisions recognize the categorical list of diseases and their respective association with agent orange exposure to provide priority health care for veterans suffering from diseases in the first three of the five categories. The provisions neither alter nor have any bearing on the recent decision of the Secretary to presumptively service-connected veterans with prostate cancer and peripheral neuropathy.

The bill also makes permanent priority health care for radiation-exposed veterans and creates a VA committee on the care of severely chronically mentally ill veterans and centers for mental illness research, education, and clinical activities. This provision, originally introduced by subcommittee Ranking Member CHET EDWARDS, would require that committee members be VA employees with expertise in the care of the chronically mentally ill and that it submit annual reports to the House and Senate Veterans' Affairs Committees on ways of improving care to this priority treatment group. Over 40 percent of VA's patients are treated for mental health problems.

The bill would also require the VA to establish centers of excellence in mental illness research and clinical activities with the acronym MIRECC. The purpose of the MIRECC's would be to facilitate the improvement of health care services for veterans suffering from mental illness, especially from conditions which are service-related, and to develop improved models for the furnishing of clinical services. MIRECC's would be modeled after the successful Geriatric Research, Education, and Clinical Centers [GRECC's].

Under the provisions of this bill, the VA is authorized to appropriate the amount of $3,125 million for fiscal year 1998 and $6.25 million for the fiscal years 1999–2001.

The bill also makes technical changes to title 38 to facilitate the training of physicians and dentists in any VA facility and suspends special pay agreements for physicians and dentists who enter residency training programs.

Two amendments which encompass the committee's bipartisan concern for veterans were added to the bill during the Subcommittee on Hospitals and Health care markup.

The first amendment, offered by my friend and colleague JACK QUINN, provides that those veterans who served in Turkey and Israel during the time period of August 2, 1990, to July 31, 1991, be included in the definition of Persian Gulf veterans for the purpose of priority health care. The Department of Defense has estimated that approximately 8,145 veterans served in Israel and Turkey during the 11-month period. Under the current definition of the gulf war theater, these veterans are excluded and therefore not eligible for priority health care as provided under this bill.

JACK has also been a leader in the fight for mammography sceening at VA facilities, and has introduced legislation which has been incorporated into the second amendment, offered by Congresswoman CORRINE BROWN, which would reinstate reporting requirements through 1998 on the number of women who receive VA health care services; requires VA to assess barriers that may prevent women veterans from receiving proper health care; and identifies patient privacy deficiencies and makes recommendations on the correction of existing deficiencies. It also requires VA to adopt the same mammography standards used by the private sector and HHS. Finally, it directs that the mental health needs of women veterans who are chronically mentally ill be addressed by the Committee on the Care of Severely Chronically Mentally Ill Veterans.

The hard work of Mr. QUINN and Ms. BROWN is invaluable and I appreciate all they did to strengthen this bill.

I would also like to recognize the bipartisan efforts of LANE EVANS and GERALD KLECZKA, who have worked hard to ensure that language which would transfer VA land to the State of Wisconsin to facilitate the building of a new Milwaukee Brewers stadium is included in the bill.

Finally, I would like to extend my heartfelt thanks to Committee Chairman BOB STUMP, Ranking Member SONNY MONTGOMERY, and subcommittee Ranking Member CHET EDWARDS for all the hard work they have done in ensuring that this bill is brought to the floor today.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the gentleman from New York [Mr. GILMAN] is not a member of our committee but he always comes over when we have bills on the floor about veterans and makes some comments. The gentleman from Arizona [Mr. STUMP] and I are very appreciative that he takes that time and interest.

This bill is the result of the excellent work done by our Subcommittee on Hospitals and Health Care. At one time, the Honorable John Paul Hammerschmidt and I served as ranking member and chairman of this subcommittee. Today, Representative TIM HUTCHINSON, who serves in the seat which Mr. Hammerschmidt used to hold, is the chairman of the subcommittee, and CHET EDWARDS of Texas whose district includes the Olin E. Teague VA hospital, is the ranking member.

The subcommittee oversees 173 medical centers, all of which provide outpatient care and inpatient care. At 131 of these medical centers, the Veterans Health Administration also operates a nursing home care unit. In addition to these facilities, there are 391 independent, satellite, community based, rural outreach or mobile clinics operated by VHA, and this number should grow in future years as VHA tries to make VA care more convenient for veterans.

For my colleagues who may not know how important the VA health care system is to veterans, let me recite a few numbers from the most recent national survey of veterans.

The VA treated 64 percent of the most seriously disabled service-connected veterans who needed hospital care.

Almost half of the veterans with no health insurance, and 44 percent of veterans with incomes below $10,000, were treated by VA if they needed hospital care.

There are very significant changes taking place inside the veterans medical system. The Under Secretary for Health, Dr. Kenneth Kizer, is really shaking up the way things are done. He's trying to make sure the veterans are satisfied with the health care that VA provides them. Even at a time when the VA medical budget is under some pressure, Dr. Kizer assures us that he can serve the same number of veterans with fewer employees

The chairman of the committee, my good friend BOB STUMP, has been very supportive of the needs of veterans, and I wash to commend him for his leadership of the committee. He has continued to work with me and other members on both sides of the aisle to report legislation which will improve the services provided to veterans.

This bill, H.R. 3643, as amended, is an example of the bipartisan work of our committee. It includes provisions to extend the authority to provide health care to Vietnam veterans and Persian Gulf veterans, and includes an expansion of that authority suggested by Mr. QUINN for service members who served in Israel or Turkey during the Persian Gulf war. The bill also includes several provisions authored by my colleague from Florida, Ms. CORINNE BROWN, dealing with the special health care needs of women veterans.

Mr. Speaker, this bill also includes a provision which would resolve a technical problem clouding the future use of a 28-acre parcel of land conveyed by the VA to Milwaukee County, WI, as authorized by statute in 1954, for recreational and other purposes. The terms of that conveyance provided that if the county were to attempt to transfer title to a third party, title would automatically revert back to the VA. Unlike two other adjacent parcels of land previously transferred from VA to the county, the deed of conveyance made no provision for reversion "at the option of the United States".

A major league baseball stadium was constructed on the site made up of these three parcels of land. In October 1995, the State legislature of Wisconsin authorized financing and construction of a new stadium to replace the existing stadium on the site. That legislation requires Milwaukee County to convey all three tracts of land to the State.

That proposed conveyance raised a question of law as to whether, under such a transfer, the three tracts would revert back to the United States under the terms of the earlier conveyances. As described by the Department of Veterans Affairs' General Counsel, a "reversionary interest is a property right that runs with the land* * *" and the Secretary lacks the authority to waive or otherwise extinguish the right of reversion. With respect to the parcels VA conveyed in 1949, however, the deed of conveyance provides for reversion, in the event of alienation of any part of the tract, at the option of the United States. The General Counsel concluded, in a February 2, 1996, memorandum opinion, that "the Secretary of the VA has authority to exercise the option of the right of reversion on behalf of the United States, and the concomitant discretion to decline the option." The General Counsel further concluded, however, with respect to the property conveyed in 1954, that the law gives VA no discretion and a reversion would be automatic.

The Department of Veterans Affairs has advised, with respect to its authority to weigh the option of reversion regarding the two parcels, that it will not exercise the option in favor of reversion back to the United States so long as the existing statutory restrictions on use are followed. The Department has further advised that in the event that legislation is introduced to modify the deed restrictions, the VA would not object to releasing the properties from the restriction against alienation.

While recent press reports indicate success in developing other elements of a financing plan for the proposed new stadium, legislation is clearly needed to enable the county to transfer the 28-acre tract, which would otherwise revert to the United States, to the State of Wisconsin.

Section 10 of the amended bill would authorize the Secretary of Veterans Affairs to execute such instruments as may be needed to modify the conditions under which VA conveyed the 28-acre tract to Milwaukee County in 1954. Such authorization would permit the county to grant all or part of the land to another party, subject to the condition that the land be used only for civic and recreational purposes, and to provide that any reversion to the United States would occur at the option of the United States. The measure would also provide that the Secretary may carry out this provision subject to such terms and conditions as the Secretary considers necessary to protect the interests of the United States.

Also included, are provisions suggested by the ranking member, Mr. EDWARDS, which would improve the VA's treatment of mentally ill veterans.

Mr. Speaker, veterans with mental illness are five times more likely to use VA for health care services than the rest of the veteran population. This bill calls for VA to establish a committee of experts to assess its mental health programs and make recommendations for improvement. It also authorizes the establishment of up to five centers of excellence that would provide mental health research, education and clinical care.

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Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, the extension of priority care for veterans who were exposed to agent orange reflects the compromise reached in the Veterans' Affairs Committee last year on this issue. I must admit that I was not completely satisfied with the legislation and I still have reservations. Specifically, I still believe that we should be covering all of the categories in the Agent Orange Act of 1991.

However, I still believe, as I did last year, that this is a solid compromise which will ensure that the health care needs of deserving Vietnam veterans will be met. The recent release of the Institute of Medicine's report on agent orange only reaffirms that we must continue to honor the health care needs of our Vietnam veterans.

I would again like to thank Chairman STUMP, Mr. EDWARDS, Mr. HUTCHINSON, and Mr. MONTGOMERY for their efforts last year to work out legislation which I feel protects the rights of veterans. The rest of legislation, which also provides for our Persian Gulf war and atomic veterans, is right on target and should be supported by all of my colleagues.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased today to rise in support of H.R. 3643, extending benefits to veterans who have been exposed to agent orange, and I commend the gentleman from Arizona, the distinguished chairman of our Committee on Veterans' Affairs, and the gentleman from Mississippi, the distinguished ranking minority member, Mr. MONTGOMERY, for bringing this measure to the floor at this time, and I thank the gentleman from Mississippi for his kind remarks.

This legislation provides for the extension of much needed assistance to those veterans who have contracted health problems due to their exposure to radiation in World War II, to exposure to agent orange in Vietnam or to their service in the Persian Gulf.

Mr. Speaker, specifically, this measure extends through December 31, 1998, health care benefits to veterans suffering long-term side effects of exposure to agent orange as well as for those veterans suffering health problems from their service in the Persian Gulf.

Most important, it also recognizes the National Academy of Sciences categorical list of diseases and their respective association to agent orange exposure and provides priority health care for veterans from diseases in the first three categories.

In doing this, this bill gives the veterans the benefit of the doubt, allowing treatment for any disease conceivably related to wartime herbicide exposure unless scientific evidence clearly shows that no association exists. Additional conditions may be added for coverage at the VA secretary's discretion, if based upon credible evidence of an association.

This legislation also extends through 1997 the VA policy of offering care to veterans suffering from ailments that may have been caused by exposure to ionized radiation during atomic weapons testing after World War II.

Finally, this bill extends the authority of the VA to provide health care on a priority basis for Persian Gulf veterans through December 31, 1998, and extends coverage to those veterans serving in Israel and Turkey during the conflict.

Mr. Speaker, this legislation addresses many longstanding critical issues in veterans' health care and is a fitting response to the service provided by these dedicated veterans on behalf of their country.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding time to me.

Let me echo the remarks of my friend, the gentleman from New York [Mr. GILMAN], in support of H.R. 3643. Not only does the bill provide priority health care for those veterans who were exposed to a agent orange, but also broadens the definition for the veterans who served in the Persian Gulf.

I think a more important portion of the bill requires the Veterans' Administration to promulgate mammography quality standards for our service men and women.

The last portion of the bill, which I asked be inserted, and I want to thank the gentleman from Arizona [Mr. STUMP] and the minority leaders, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Illinois [Mr. EVANS], my friends, for helping me out on this; the situation is that in Milwaukee County the current baseball stadium lies on three parcels of land owned by the Veterans' Administration. Two of the parcels were transferred way back in 1948, and the third was transferred in 1954.

Now there is a new stadium being contemplated, the financing is almost put together on the new ball park, and we found that two of the parcels already have been transferred by the Secretary's authority. The third needed congressional legislation.

The provision in the bill today provides that since the use is going to be the same, for a public purpose, that the Veterans' Administration Secretary, at his authority or on his authority, can transfer the land. I want to thank the chairman for helping us out on this situation.

Mr. STEARNS. Mr. Speaker, the legislation we consider today, H.R. 3643, is a credit to the Veterans Committee. I want to compliment both Chairman BOB STUMP and ranking minority member Representative SONNY MONTGOMERY for the bipartisan spirit they have shown in getting this bill to the House floor. This bill extends priority health care for veterans exposed to agent orange and those who served in the Persian Gulf war through December 31, 1998.

Mr. Speaker, my commitment to providing priority health care to the Vietnam veterans who were exposed to agent orange and to those who served in gulf war is longstanding. As you know, I have long supported efforts to find a link between exposure to agent orange and the plethora of illnesses which have occurred in Vietnam veterans.

With respect to what has been known as the gulf war syndrome, I took a deep interest in requesting that we aggressively seek answers to the many unexplained illnesses experienced by gulf war veterans. One of first casualties of this mysterious group of disease was a constituent of mine, Michael C. Adcock of Ocala, FL, who died at the age of 22 after serving in Operation Desert Storm.

After returning home from the gulf war, Michael suffered from a number of symptoms which had befallen many other gulf war veterans, including persistent nausea, skin rashes, aching joints, hair loss, bleeding gums, blurred vision, and lack of energy, among others.

Michael died in 1993, 3 years after coming home from the Desert Storm operation. We are still looking for answers to the causes of this mysterious syndrome which appears to be indigenous to those who served in the gulf war.

I think we all know how terribly urgent it is that we continue with our research efforts until we find the answer to the cause for this syndrome which is so ubiquitous to veterans of Desert Storm.

In light of the controversy surrounding unexplained illnesses Desert Storm veterans are experiencing, the VA, DOD, NIH, and HHS have been conducting extensive research into possible causes of the unexplained illnesses associated with this military campaign.

On March 19, 1995, Dr. Kizer testified that the VA would be initiating a national survey of Persian Gulf veterans and that this study that would involve selecting a random sample of 15,000 Persian Gulf veterans and 15,000 contemporaneous non-Persian Gulf era veterans. The survey would include a mail-in health questionnaire as well as physical examinations for a subgroup of those veterans included in a broader survey. Hopefully, the data collected will shed further light and provide us with additional clues surrounding the various illnesses being experienced by the men and women who served in Desert Storm.

I believe the results of the VA mortality followup study comparing Persian Gulf veterans with a control group of Persian-Gulf-era veterans could produce some answers to several troubling questions.

I am optimistic that through such efforts we might find the missing link that will explain this rash of perplexing illnesses which seem to be indigenous to these particular veterans. We all know how invaluable the research being conducted is and the need to find answers as to what is causing thousands of gulf war veterans to be plagued by a rash of unexplained symptoms.

I hope that the DOD and the VA will continue to both aggressively treat symptoms associated with Desert Storm syndrome and investigate its cause or causes.

My reason for sounding skeptical is that the medical follow up agency of medicine [IOM] made an independent study of the collective efforts to date. The IOM was rather harsh in its evaluation of the piecemeal study and the duplication of efforts between DOD, VA, and HHS. The IOM made several suggestions regarding the data and databases, the coordination process, and the consideration of study design needs. Hopefully, implementation of these suggestions will prove beneficial.

I also noted that the IOM concluded that it could not find any reliable intelligence of medical or biological justification for allegations that U.S. troops were exposed to chemical warfare agencies. Unfortunately, this seems to be at odds with statements from our troops both then and now.

On March 14, 1996, "Veterans and Agent Orange: Update 1996" found sufficient evidence between herbicide exposure and soft tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease, chloracne, and porphyria cutanea tarda. The primary focus in these updated studies was whether or not there is a connection between birth defects of children of those servicemen who were sprayed with herbicides while serving in Vietnam. Previous studies conducted by the National Academy of Sciences for the Department of Veterans Affairs at the direction of Congress found a link between agent orange and that at certain levels it caused a plethora of cancers and other health hazards.

It is my hope that further studies may be conducted so that we have a final pronouncement as to whether or not agent orange is culpable for causing such deformities in children born to Vietnam veterans. This bill would also establish five centers of excellence for mental illness, research, education and clinical activities [MIRECC]. I have long advocated that we provide our veterans with access to mental health services and care. In fact, I proposed a 120-bed psychiatric unit be a component of the ambulatory care addition in Gainesville. While I am gratified by the fact the VA in Gainesville just received a $19.8 million grant for this ambulatory care center, I suggest here today that one of these proposed centers, be housing in the VA in Gainesville, FL.

Another important component of this bill is that it requires VA to promulgate mammography quality standards, and it also directs the VA to report to Congress and efforts being made by the Department to ensure privacy and safety for women veterans who require hospitalization for psychiatric reasons.

Mr. Speaker, I strongly support this important legislation and urge my colleagues to give it their full support and pass this bill today.

Mrs. SMITH of Washington. Mr. Speaker, I rise today in strong support of H.R. 3643. This legislation will provide priority health care for Persian Gulf veterans suffering from the gulf war syndrome. In addition, this bill ensures our commitment to these veterans by providing funding to establish five centers for mental illness research, education and clinical activities, and improve VA health care services for women veterans.

Mr. Speaker, I recently had the opportunity to read some disturbing testimony from the Department of Defense at the House Government Reform and Oversight Committee hearing on the gulf war syndrome. The Pentagon admitted that when an Army unit blew up an Iraqi ammunition depot, soldiers might have been exposed to nerve gas. This announcement may help explain some of the mysterious illnesses reported by Americans who served in the gulf.

I will continue to do all that I can to ensure that VA resources are focused and coordinated to yield answers for Persian Gulf veterans. I will not tolerate the Federal Government dragging its feet for the fear of the financial consequences as it did with agent orange. This bill sends a message that we will not abandon our soldiers when they get in harm's way. Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. EDWARDS. Mr. Speaker, H.R. 3643, as amended, is an omnibus health care bill which tackles a broad spectrum of issues affecting special veteran populations—women, veterans exposed to toxic and hazardous substances, and veterans suffering with chronic mental illness.

Mr. Speaker, I'm very pleased that this bill includes two provisions I introduced last year. One calls for VA to establish a committee of experts to assess its mental health programs and make recommendations for improvements. The other authorizes appropriations for VA to establish up to five centers of excellence that would provide mental health research, education, and clinical care.

Mr. Speaker, I think it's important to appreciate that more than 50 percent of all eligible veterans who suffer from severe mental illness rely on VA for care; that's more than five times the proportion of veterans in the general population who use VA for any health care. The Department reports that 64 percent of those veterans are service-connected for a psychiatric condition. I believe these data underscore the importance of VA mental health programs, and the need for this legislation.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 3643 and to commend my fellow members of the House Veterans' Affairs Committee for their hard work this year. I am pleased to be a member of a committee that has put forth many beneficial revisions for our Nation's veterans. I especially want to thank Chairman BOB STUMP for his tenacious advocacy for servicemen and women and his fine ability to expedite veterans' legislation.

H.R. 3643 improves health care delivery to minority groups within our Nation's veterans population such as women veterans and those who served the country in the Persian Gulf war.

The bill also includes provisions which I introduced earlier this year. For one, the bill extends priority healthcare to those service men and women who were stationed in Israel and Turkey during the Persian Gulf war from August 2, 1990 to July 31, 1991.

Currently, veterans of these regions are experiencing undiagnosed medical problems similar to those who served in the theater of operations. Israel experienced repeated SCUD attacks. Military members stationed in Turkey supported aircraft missions into the Persian Gulf, served as a transportation point for returning personnel and equipment and rendered assistance to the Kurds.

Thus, the possibility for contamination or exposure by military members stationed in Turkey and Israel was extremely high. Medical records of many veterans stationed in and around the Persian Gulf fail to accurately identify medications distributed and inoculations administered.

Since no definitive diagnosis has been determined in the cases of Persian Gulf illness, these veterans stationed in Turkey and Israel exhibiting similar medical problems should also be granted health care from the Department of Veterans Affairs.

This provision is a technical correction, since these countries should have been included in the original bill.

The bill also includes a provision to set mammography quality standards. Women make up 5 percent of the veterans' population. While the veterans' population is decreasing, female representation is increasing. As a society, we must quickly adapt to this change and better serve women veterans.

I am pleased to see that we were able to work in a bipartisan fashion to make improvements in women's health care services.

I urge Members to support H.R. 3643.

Mr. MONTGOMERY. Mr. Speaker, I have no more requests for time and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION AND READJUSTMENT BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3673) to amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation and Readjustment Benefits Amendments of 1996".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS COMPENSATION BENEFITS

SEC. 101. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) is amended by adding at the end the following new subparagraph:

"(P) Bronchiolo-alveolar carcinoma.".

SEC. 102. PRESUMPTION OF PERMANENT AND TOTAL DISABILITY FOR VETERANS OVER AGE 65 WHO ARE NURSING HOME PATIENTS.

Section 1502(a) is amended by inserting "is 65 years of age or older and a patient in a nursing home or, regardless of age," after "such a person".

SEC. 103. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs pursuant to contracts entered into with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of examinations of applicants for benefits.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 104. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

"§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

"In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of an annual clothing allowance payable to such veteran under section 1162 of this title shall be reduced on a pro rata basis for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

"5313A. Limitation on payment of clothing allowance to incarcerated veterans.".

SEC. 105. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659) is amended by striking out "Not later than 18 months after such date" and inserting in lieu thereof "Not later than December 31, 1996".

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and fiscal year 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103-446; 108 Stat. 4659).

TITLE II—EDUCATION AND OTHER READJUSTMENT BENEFITS

SEC. 201. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of chapter 36.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6)" and inserting in lieu thereof "3680A(g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary shall not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution when—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original general locality the educational institution does not retain substantially the same faculty, student body, and courses, as determined in accordance with regulations the Secretary shall prescribe, as before the change in ownership or the move outside the general locality.

"(f) The Secretary shall not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution when the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.".

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) Adequate records, as prescribed by the State approving agency, are kept by the educational institution to show the student's progress and grades and that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

"(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.".

SEC. 202. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out "in part".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting "(including open circuit television)" after "independent study program" the second place it appears; and

(2) in subsection (c), by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out "radio" and all that follows through the end and inserting in lieu thereof "radio.".

SEC. 203. MEDICAL QUALIFICATIONS FOR FLIGHT TRAINING.

(a) CHAPTER 30 AND 32 PROGRAMS.—Sections 3034(d)(2) and 3241(b)(2) are each amended by inserting before the semicolon at the end the following: "on the first day of such training and within 60 days after successfully completing such training".

(b) SELECTED RESERVE.—Paragraph (2) of section 16136(c) of title 10, United States Code, is amended by inserting before the period at the end the following: "on the first day of such training and within 60 days after successfully completing such training".

SEC. 204. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 of chapter 30 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 of chapter 32 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out "$327" and inserting in lieu thereof "$404".

(d) CHAPTER 106.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out "(g)" and inserting in lieu thereof "(f)".

SEC. 205. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out "December 31, 1996" and inserting in lieu thereof "December 31, 1997".

SEC. 206. EXTENSION OF AUTHORITY FOR THE HOMELESS VETERANS' REINTEGRATION PROJECTS.

(a) IN GENERAL.—Paragraph (1) of section 738(e) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(E) $10,000,000 for fiscal year 1997.

"(F) $10,000,000 for fiscal year 1998.

"(G) $10,000,000 for fiscal year 1999.".

(b) REPEAL OF CERTAIN EXTENSION.—Paragraph (2) of section 102(d) of the Act entitled "An Act to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, to require certain reports from the Secretary of Veterans Affairs, and for other purposes", approved February 13, 1996 (Public Law 104-110; 110 Stat. 769), is repealed, and the provisions of section 741 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11450) are amended so as to appear as in effect immediately before the enactment of Public Law 104-110.

TITLE III—OTHER MATTERS

SEC. 301. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

Section 5(b)(2) of the Act of March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

"(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

"(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

"(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.".

SEC. 302. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

"(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

"(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(2) A facility described in this paragraph is—

"(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

"(B) an institution at which the deceased veteran was, at the time of death, receiving—

"(i) hospital care in accordance with section 1703 of this title;

"(ii) nursing home care under section 1720 of this title; or

"(iii) nursing home care pursuant to payments made under section 1741 of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3673.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3673, the veterans' compensation and readjustment benefits amendments of 1996, makes various improvements to VA disability programs, education benefits, and administration of the home loan program.

It also reauthorizes the Homeless Veterans Reintegration Project and authorizes the American Battle Monuments Commission to accept private funds for maintenance of overseas memorials transferred to the Commission.

Additionally, H.R. 3673, expands eligibility for burial benefits to certain veterans who die in State veterans nursing homes.

I urge my colleagues to support this bill.

Again Mr. Speaker, I want to express my appreciation to the ranking minority member of the full committee.

I also want to thank TERRY EVERETT, STEVE BUYER, LANE EVANS, and BOB FILNER, the respective chairmen and ranking minority members on the subcommittees with jurisdiction over these provisions.

Mr. Speaker, I also want to recognize CHRIS SMITH, the vice chairman of the Veterans' Affairs Committee for his leadership in adding another presumptive disability condition for radiation-exposed veterans.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, H.R. 3673 contains program improvements for several veterans benefits.

Section 101 adds bronchiolo-alveolar carcinoma to the presumptive list of service connected illnesses presumed to be the result of radiation-exposure.

Section 102 provides a presumption of permanent and total disability for veterans over the age of 65 who are nursing home patients.

Section 103 establishes a pilot program under which contract physicians would provide disability examinations to applicants for VA benefits. This pilot program is anticipated to speed up the examination-gathering process for the adjudication of claims.

Section 104 would limit the clothing allowance for veterans incarcerated for more than 60 days in a penal institution where they receive clothing at no cost.

Section 105 extends the time for the Veterans' Claims Adjudication Commission to submit a final report to December 31, 1996 and authorizes an additional $150,000 to complete their work.

Section 201 removes the GI bill's 2-year restriction on all degree granting institutions, including branch campuses.

Section 202 would allow individuals the opportunity to pursue their educational programs through open circuit TV without taking part of the course in residence.

Section 203 would permit payment of educational benefits for flight training provided the veterans meets the medical requirements for a commercial pilot's certificate at the beginning of training and within 60 days after completion of training.

Section 204 allows veterans training under cooperative training programs to be paid full-time educational benefits instead of the current 80 percent of the full-time educational benefit rate. Cooperative education is an increasingly popular and effective approach to education and this change will make these programs more affordable.

Section 205 extends VA's authority to guarantee the real estate mortgage investment conduits [REMIC's] that are used to market vendee loans on the secondary market for an additional year.

Section 206 extends the homeless veterans reintegration project [HVRP] through fiscal year 1999 and authorize appropriations in the amount of $10 million per year. The homeless veterans reintegration project is a Veterans Employment and Training Service program to assist homeless veterans with finding employment.

Section 301 authorizes the American Battle Monuments Commission to accept private funds to help maintain overseas war memorials transferred to the ABMC.

Section 302 authorizes VA to pay transportation expenses for the body and up to $300 in burial costs to reimburse State nursing homes for certain veterans who die in their care.

Mr. Speaker, I am pleased that we are able to offer these program improvements. This bill, along with the provisions in H.R. 3674 comprise a realistic package of benefits improvements and we've done it in a very bipartisan manner. I thank the distinguished chairman, the ranking member for their work and leadership. I urge my colleagues to support the bill.

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Mr. Speaker, I would like to thank the distinguished chairman of the full committee and the ranking member of the full committee, and also I would like to thank my ranking member, the gentleman from Illinois, LANE EVANS, for the outstanding work he has done with this bill.

I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3673, as amended, has a number of good provisions which are designed to improve the administration of veterans benefits and make them easier for veterans to use. I want to commend Mr. EVERETT, Mr. EVANS, Mr. BUYER, and Mr. FILNER for working together to report these various provisions.

This bill includes several commonsense provisions, and it saves money. Almost everyone understands that veterans who are receiving long-term care in a nursing home and who are over 65 are not going to come back to the work force. If these veterans apply for the VA pension program, VA believes that there should be a presumption that they are permanently and totally disabled. This saves time and money in deciding their eligibility for this means-tested program, and is included in this bill.

This bill also makes a number of minor improvements in the laws governing the administration of the Montgomery GI bill. Our Subcommittee on Education, Training, Employment, and Housing, chaired by Congressman STEVE BUYER, has learned that changes in the education arena make the laws governing the provision of education assistance unreasonable or unnecessarily bureaucratic. Relaxing the 2-year rule and improving benefits for veterans enrolled in cooperative training programs are examples of the thoughtful provisions contained in this bill. Mr. BUYER and Ranking Member BOB FILNER, who is doing a great job in his new position as the ranking Democrat on this important subcommittee, have recommended some very necessary changes to the programs under their jurisdiction, and I commend them for their efforts.

Mr. Speaker, I yield 2 minutes to the gentleman from California, [Mr. FILNER] who has become the ranking member, and commend him for the fine job he is doing.

Mr. FILNER. Mr. Speaker, I thank the gentleman for his generosity in yielding time to me.

Mr. Speaker, I want Members to know how much I have enjoyed serving as ranking member on the subcommittee that has jurisdiction over the Montgomery GI bill and other issues of special interest to you.

Mr. Speaker, H.R. 3673 is a good bill, and I particularly want to express my strong support for the education and employment-related provisions contained in title II of this measure.

The chairman of the subcommittee has already fully explained the details of H.R. 3673, so I will not take up our time repeating that information. I do want to say, however, that I am particularly pleased that this bill includes the reauthorization of the Homeless Veterans Reintegration project. Under this very successful program, which is administered by the Veterans' Employment and Training Service in the Department of Labor, thousands of homeless veterans have been placed in permanent, substantial jobs.

I urge my colleagues to support H.R. 3673.

Mr. STUMP. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3673, the Veterans' Compensation and Readjustment Benefits Amendments, and I commend the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs, and the distinguished ranking minority member, the gentleman from Mississippi [Mr. MONTGOMERY], for their efforts in bringing these important revisions to the floor.

Mr. Speaker, this legislation makes several significant adjustments to veterans' compensation and educational programs and authorizes the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of our war memorials.

Mr. Speaker, among the compensation benefits provisions is a provision adding bronchiolo-alveolar carcinoma to the list of service-connected illnesses presumed to manifest in a radiation-exposed veteran.

Those veterans who were exposed to radiation and have subsequently contracted this condition will now be eligible for benefits.

The legislation also provides an important presumption of permanent and total disability for veterans over the age of 65 who are nursing home patients, thus making the rating procedure for eligibility determination unnecessary. Moreover, it also authorizes the VA to establish a pilot program to allow contract physicians to provide disability examinations to applicants for disability benefits. It is hoped this program will speed up the disability examination process for claims adjudication.

In terms of education benefits, this bill permits veterans who receive training under cooperative programs to be paid full-time education benefits, instead of the current rate of 80 percent. It also allows veterans the opportunity to pursue educational programs through open-circuit television.

Finally, H.R. 3673 facilitates the repair and long-term maintenance of overseas war memorials by authorizing the American Battle Monuments Commission to collect private donations and establish a fund to cover maintenance expenses, in addition to relying solely on appropriated funds.

The burial benefits program is also amended to extend eligibility to veterans who die in either a State home, or an institution receiving hospital care, nursing home care, or nursing home care payment, providing for payment of transportation expenses and up to $300 in burial costs.

Mr. Speaker, this bill makes a number of timely, needed adjustments to our veterans benefits programs. I thank our Committee on Veterans' Affair's for bringing it to the floor and I strongly support passage of this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, since Mr. STUMP and Mr. EVERETT have already summarized the bills, I want to draw my colleagues' attention to particular portions of this bill that should help resolve veterans' claims for benefits in a more timely and complete manner.

On April 7, 1995, I introduced the veterans programs amendments of 1995, H.R. 1482. I am pleased that four of the issues which that bill addressed are contained in modified or improved form in this bill. I want to express my thanks to the subcommittee chairman, TERRY EVERETT, for his hard work and his collegiality during the subcommittee's work this year.

H.R. 3673 would establish a pilot program for VBA to contract with competent medical authorities for examination of veterans applying for VA disability benefits. I included this provision in H.R. 1482 after reading the recommendations of the Blue Ribbon Panel on the Adjudication of Claims, which found that in some instances, VA medical centers were not responsive to VBA requirements for thorough medical exams. By giving VA regional offices the authority, on a pilot basis, to choose someone other than an unresponsive VA medical center for its medical examinations, we hope to improve the quality and timeliness of compensation and pension examinations.

This bill includes a provision that will make it easier for VA to award pension benefits to veterans who are 65 years of age or older and who are patients in nursing homes. It is both common sense and humane to presume that such individuals are permanently and totally disabled; the result of this will be less time spent trying to establish the obvious and more time spent on deciding claims in a timely manner.

H.R. 3673 also includes a provision that would authorize the American Battle Monuments Commission [ABMC], which maintains cemeteries in foreign nations containing the remains of American service members, to assume responsibility for private memorials erected by American citizens which commemorate the service of American fighting units overseas. This provision would authorize ABMC to accept responsibility for upkeep of these memorials and to accept private contributions to defray the cost of the maintenance and upkeep. I am advised that several of these private memorial groups have expressed an interest in turning over their memorials to an agency which will ensure their upkeep, and I am pleased that this could be done under this legislation at no additional cost to the taxpayer.

Finally, I should mention a provision included in this measure which will help to defray the burial costs of certain veterans who die in State nursing homes. VA helps to defray the burial costs of veterans who die in VA hospitals and nursing homes, and since State veteran homes are an essential part of the VA's extended care capability, it only makes sense to offer this same assistance to the families of veterans who die in State nursing homes. I want to single out the commander of the Iowa Veterans Nursing Home, Mr. Jack Dack, for bringing this need to our attention.

Mr. Speaker, I urge my colleagues to support this measure.

Again, Mr. Speaker, I want to thank everyone who has been involved, including the chairman of the full committee and our ranking member, for their work today.

Mr. STUMP. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], vice chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time to me, and I want to commend him on this excellent bill, and the gentleman from Alabama [Mr. EVERETT], for their fine work in casting it, and the gentleman from Mississippi [Mr. MONTGOMERY] for the good work he has done as well.

Mr. Speaker, I rise in strong support of the bill.

This important provision adds bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation in accordance with the provisions of Public Law 100–321.

Mr. Speaker, in 1986—10 years ago—I became involved with the case of one of those victims, Joan McCarthy, a constituent from New Jersey. Joan has for many years worked to locate other atomic veterans and their widows, and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom, was a participant in Operation Wigwam, a nuclear test in May 1955 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles southwest of San Diego.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe the Operation Wigwam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with the airborne products of the detonation. The spray from the explosion was described in the official Government reports as an "insidious hazard which turned into an invisible radioactive aerosol." McCarthy spent four days in this environment while serving aboard the *McKinley*.

In April 1981—at the age of 44—Thomas McCarthy died, and the cause of death was a very rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a nonsmoking related cancer—which is remarkable given the estimate that about 97 percent of all lung cancer is caused by smoking. On his deathbed, Tom McCarthy informed his wife about his involvement in Operation Wigwam and wondered about the fate of other men who were present.

Mr. Speaker, smoking is not considered a cause for this ailment, but it has been well-documented that exposure to ionizing radiation can cause this lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V reports, stating that "Bronchiolo-Alveolar Carcinoma is the most common cause of delayed death from inhaled plutonium 239." The BEIR V report notes that this cancer is caused by the inhalation and deposition of alpha-emitting plutonium particles.

Mr. Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. In May 1994, Secretary Brown wrote to then-Chairman SONNY MONTGOMERY of the Veterans Affairs Committee regarding this issue. Secretary Brown stated as follows:

> The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association of exposure to ionizing radiation and lung cancer has been strengthened by such recent evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiations (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

I met with Secretary Brown last year and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, however, the VA has repeatedly denied Joan McCarthy's claims for survivor's benefits. Unfortunately, Joan is not alone in being denied the survivor's benefits that she deserves. Consider the case of Gwen Poitras, who lives in Pasco County, FL. Gwen's husband, Robert Poitras, was in command of the U.S.S. *Takelma*, one of the ships that observed the nuclear tests of Operation Hardtack in the South Pacific.

Just like Thomas McCarthy, Robert Poitras died of bronchiolo-alveolar pulmonary carcinoma. And just like Joan McCarthy, Robert's widow was denied the dependency and indemnity compensation which she applied for after her husband's death.

The VA has claimed in the past that adjudication on a case-by-case basis is the appropriate means of resolving these claims. Unfortunately, the practical experiences of claimants reveal deep flaws in the process used by the VA. A key problem involves the reliance on radiation dose reconstructions that are based on information that is decades old.

Problems with the individual adjudication process were summed up in the recent report of the Advisory Committee on Human Radiation Experiments, which was presented only last week to the President. The panel urged the Human Radiation Interagency Working Group, in conjunction with Congress, to address some of these concerns.

For example, the Advisory Committee noted that there are many concerns with the questionable condition of radiation exposure records that are maintained by the Government. It was also noted that the appeals process is especially cumbersome: Those who receive an initial denial of their claim are issued a form letter from the VA stating that it will take a minimum of 24 months—at least 2 years—to resolve the matter.

Mr. Speaker, I believe the widows of our servicemen who participated in these nuclear tests deserve better than this. They should not be required to meet an impossible standard of proof in order to receive DIC benefits, which CBO estimates will cost the Government, on average, a mere $10 thousand a year for each affected widow. I am glad to see that today we are moving one step closer to achieving that.

I want to note that this legislation is supported by the American Legion, the Veterans of Foreign Wars, and the Vietnam Veterans of America.

I urge my colleagues to vote "yes" on this bill.

Mrs. COLLINS of Illinois. Mr. Speaker, in May 1996, there were approximately 2.2 million veterans receiving disability compensation. They are men and women who served the Nation with honor and pride. However, through no fault of their own, they now are disadvantaged to varying degrees and are experiencing impaired earning capacities due to their respective service connected disabilities.

This concerns me as much as it concerns the more than 1.2 million aging veterans in the State of Illinois. Among those are the more than 26,000 members of Illinois' Disabled American Veterans who write and call me with a real sense of alarm about their future.

I would like to think that my colleagues on both sides of the aisle recognize the sacrifices and contributions these men and women have made. According to a recent national survey commissioned by the Disabled American Veterans, 96 percent of those polled believe our Nation has an obligation to provide ongoing disability and death benefits to veterans and their families for injuries and fatalities occurring while in the Armed Services.

Mr. Speaker, passage of this amendment is essential, and with the passage of time, it is becoming critical. As we vote today, let us remember that the basic purpose of the disability compensation program is to provide a measure of relief from the impaired earning capacity of veterans disabled as the result of their military service.

Many such disabled veterans are located in Chicago's metropolitan area where I represent the Seventh District. Four VA medical centers, Lakeside, Westside, Hines, and North Chicago, already serving a population of nearly 900,000 veterans. My point is this. Let's help those veterans needing help the most. I encourage support for this amendment.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back to the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3673, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' EDUCATION AND COMPENSATION BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3674) to amend title 38, United States Code, to clarify the causal relationship required between a veteran's service-connected disability and employment handicap for purposes of determining eligibility for training and rehabilitation assistance, to transfer certain educational assistance entitlements from the Post-Vietnam Era Educational Assistance Program to the Montgomery GI bill, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Education and Compensation Benefits Amendments of 1996".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' EDUCATION PROGRAMS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.".

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. INCREASE IN BASIC MONTGOMERY GI BILL RATES.

(a) IN GENERAL.—Section 3015 is amended—

(1) in subsection (a)(1), by striking out "$400" and inserting in lieu thereof "$421.62"; and

(2) in subsection (b)(1), by striking out "$325" and inserting in lieu thereof "$343.51".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1996.

SEC. 103. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

"§3018C. Opportunity for certain VEAP participants to enroll

"(a) Notwithstanding any other provision of law, an individual who—

"(1) is a participant on the date of the enactment of the Veterans' Education and Compensation Benefits Amendments of 1996 in the educational benefits program provided by chapter 32;

"(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C)) on such date;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty during the 180-day period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

"(5) before 180 days after the date of the enactment of the Veterans' Education and Compensation Benefits Amendments of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

"(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

"(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

"(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4) of this section, the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) of this section shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

"(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

"3018C. Opportunity for certain VEAP participants to enroll.".

(2) Subsection (d) of section 3013 is amended by striking out "or 3018B" and inserting in lieu thereof ", 3018B, or 3018C".

(3) Subsection (f) of section 3015 is amended by inserting ", 3018B, or 3018C" after "section 3018A".

(4) Paragraph (3) of section 3035(b) is amended by striking out "or 3018B" in the matter preceding subparagraph (A) and inserting in lieu thereof ", 3018B, or 3018C".

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out ", for the purposes of section 1322(a) of title 31,"; and

(B) by striking out "as provided in such section" and inserting in lieu thereof "to the Secretary for payments for entitlement earned under subchapter II of chapter 30".

(2) Paragraph (1) of section 3035(b) of such title is amended by inserting before the period at the end the following: "and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title".

(3) Subsection (a) of section 1322 of title 31, United States Code, is amended by striking out "(82)" and inserting in lieu thereof "(81)".

SEC. 104. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out "November 29, 1989" and inserting in lieu thereof "June 30, 1985".

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made within the nine-month period beginning on the date of the enactment of this Act in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Defense shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury of the United States as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date the election under paragraph (1) of this subsection becomes effective.

SEC. 105. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

TITLE II—VETERANS' BENEFITS PROGRAMS

SEC. 201. EFFECTIVE DATE OF DISCONTINUANCE OF CERTAIN VETERANS' BENEFITS BY REASON OF DEATH OF RECIPIENT.

(a) DATE OF DISCONTINUANCE OF BENEFITS.—Section 5112(b)(1) of title 38, United States Code, is amended to read as follows:

"(1) by reason of—

"(A) the marriage or remarriage of the payee, shall be the last day of the month before the month during which such marriage or remarriage occurs; and

"(B) the death of the payee, shall be (i) the last day of the month before the month during which the death occurs, or (ii) in the case of a payee who was in receipt of compensation or pension and who has a surviving spouse who is not entitled to have benefits computed under section 5310 of this title for the month in which the death occurs, the date on which the death occurs;".

(b) PAYMENT OF BENEFIT FOR FINAL MONTH.—Section 5112 of such title is further amended by adding at the end the following new subsection:

"(d) In the case of discontinuance of payment of compensation or pension covered by subsection (b)(1)(B)(ii), the payment for the final calendar month (or any portion thereof) for which such benefit is payable shall (notwithstanding any other provision of law) be payable to the surviving spouse.".

(c) COMMENCEMENT DATE FOR DIC.—Section 5110(d) of such title is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), the effective date of an award of dependency and indemnity compensation for which application is received within one year from the date of death shall, in the case of a surviving spouse who is not entitled to have benefits computed under section 5310 of this title for the month in which the death occurs, be the day following the date on which the death occurred.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after October 1, 1997.

SEC. 202. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out "one year" in the matter preceding paragraph (1) and inserting in lieu thereof "two years".

SEC. 203. INCREASE IN AUTOMOBILE ALLOWANCE.

(a) IN GENERAL.—Subsection (a) of section 3902 is amended by striking out "$5,500" and inserting in lieu thereof "$6,500".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to purchases of automobiles and other conveyances on or after the date of the enactment of this Act.

SECTION 204. LEGAL ASSISTANCE FOR FINANCIALLY NEEDY VETERANS IN CONNECTION WITH COURT OF VETERANS APPEALS PROCEEDINGS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

"§ 7287. Legal assistance for financially needy veterans in proceedings before the Court

"(a)(1) The Court of Veterans Appeals shall provide funds in order to provide financial assistance by grant or contract to legal assistance entities for purposes of programs described in subsection (b). Such funds shall be provided from amounts transferred to the Court under subsection (c)(1) or specifically appropriated to the Court for the purposes of this section.

"(2) The Court shall seek to provide funds for such purpose through a nonprofit organization selected by it. If the Court determines that there exists no nonprofit organization that would be an appropriate recipient of funds under this section for the purposes referred to in paragraph (1) and that it is consistent with the mission of the Court, the Court shall provide financial assistance, by grant or contract, directly to legal assistance entities for purposes of permitting such entities to carry out programs described in subsection (b).

"(b)(1) A program referred to in subsection (a) is any program under which a legal assistance entity uses financial assistance under this section to provide assistance or carry out activities (including assistance, services, or activities referred to in paragraph (3)) in order to ensure that individuals described in paragraph (2) receive, without charge, legal assistance in connection with decisions to which section 7252(a) of this title may apply or with other proceedings before the Court.

“(2) An individual referred to in paragraph (1) is any veteran or other person who—

“(A) is or seeks to be a party to an action before the Court; and

“(B) cannot, as determined by the Court or the entity concerned, afford the costs of legal advice and representation in connection with that action.

“(3) Assistance, services, and activities under a program described in this subsection may include the following for individuals described in paragraph (2) in connection with proceedings before the Court:

“(A) Financial assistance to defray the expenses of legal advice or representation (other than payment of attorney fees) by attorneys, clinical law programs of law schools, and veterans service organizations.

“(B) Case screening and referral services for purposes of referring cases to pro bono attorneys and such programs and organizations.

“(C) Education and training of attorneys and other legal personnel who may appear before the Court by attorneys and such programs and organizations.

“(D) Encouragement and facilitation of the pro bono representation by attorneys and such programs and organizations.

“(4) A legal assistance entity that receives financial assistance described in subsection (a) to carry out a program under this subsection shall make such contributions (including in-kind contributions) to the program as the nonprofit organization or the Court, as the case may be, shall specify when providing the assistance.

“(5) A legal assistance entity that receives financial assistance under subsection (a) to carry out a program described in this subsection may not require or request the payment of a charge or fee in connection with the program by or on behalf of any individual described in paragraph (2).

“(c)(1)(A) From amounts appropriated to the Department for each of fiscal years 1997 through 2003 for the payment of compensation and pension, the Secretary shall transfer to the Court the amount specified under subparagraph (B) for each such fiscal year, and such funds shall be available for use by the Court only in accordance with this section.

“(B) The amount to be transferred to the Court under subparagraph (A) for any fiscal year is $700,000 for fiscal year 1997 and the same amount for each succeeding fiscal year through fiscal year 2003 increased by 3 percent per year, reduced for any such fiscal year by such amount as may otherwise be specifically appropriated for the purposes of the program under this section for that fiscal year.

“(2) The Court shall provide funds available to it for the purposes of the program under this section to a nonprofit organization described in subsection (a)(1). Such funds shall be provided to such organization in advance or by way of reimbursement, to cover some or all of the administrative costs of the organization in providing financial assistance to legal assistance entities carrying out programs described in subsection (b).

“(3) Funds shall be provided under this subsection pursuant to a written agreement entered into by the Court and the organization receiving the funds.

“(d) A nonprofit organization may—

“(1) accept funds, in advance or by way of reimbursement, from the Court under subsection (a)(1) in order to provide the financial assistance referred to in that subsection;

“(2) provide financial assistance by grant or contract to legal assistance entities under this section for purposes of permitting such entities to carry out programs described in subsection (b);

“(3) administer any such grant or contract; and

“(4) accept funds, in advance or by way of reimbursement, from the Court under subsection (c) in order to cover the administrative costs referred to in that subsection.

“(e)(1) Not later than February 1 of each year, the Court shall submit to Congress a report on the funds and financial assistance provided under this section during the preceding fiscal year. Based on the information provided the Court by entities receiving such funds and assistance, each report shall—

“(A) set forth the amount, if any, of funds provided to nonprofit organizations under paragraph (1) of subsection (a) during the fiscal year covered by the report;

“(B) set forth the amount, if any, of financial assistance provided to legal assistance entities pursuant to paragraph (1) of subsection (a) or under paragraph (2) of that subsection during that fiscal year;

“(C) set forth the amount, if any, of funds provided to nonprofit organizations under subsection (c) during that fiscal year; and

“(D) describe the programs carried out under this section during that fiscal year.

“(2) The Court may require that any nonprofit organization and any legal assistance entity to which funds or financial assistance are provided under this section provide the Court with such information on the programs carried out under this section as the Court determines necessary to prepare a report under this subsection.

“(f) For the purposes of this section:

“(1) The term ‘nonprofit organization’ means any not-for-profit organization that is involved with the provision of legal assistance to persons unable to afford such assistance.

“(2) The term ‘legal assistance entity’ means a not-for-profit organization or veterans service organization capable of providing legal assistance to persons with respect to matters before the Court.

“(3) The term ‘veterans service organization’ means an organization referred to in section 5902(a)(1) of this title, including an organization approved by the Secretary under that section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7286 the following new item:

“7287. Legal assistance for financially needy veterans in proceedings before the Court.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3674.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3674, is one of the most significant pieces of veterans legislation to be considered by the House in some time.

It is probably the largest expansion of benefits for veterans since the Persian Gulf war. As provided for in the congressional budget resolution, H.R. 3674 increases a variety of veterans' benefits by the total of $230 million over the next 6 years.

This bill: Increases the Montgomery GI bill active duty monthly basic rate by $5, to a total of $421.62 per month. Allows certain active duty servicemembers in the post-Vietnam era educational assistance program to transfer into the Montgomery GI bill.

Provides Montgomery GI bill eligibility for certain active duty members of the Army and Air National Guard. Makes permanent, the authority for alternative teacher certificate programs. Allows a surviving spouse to retain compensation or pension payments pro rated to the date of death instead of the end of the month before the veteran died.

Increases from 1 year to 2 years, the period of time for which accrued benefits are payable to a surviving spouse in the case of a veteran who dies while a claim is being adjudicated. Increases the maximum one-time allowance for the purchase of an automobile by a severely disabled veteran from $5,500 to $6,500.

And the bill authorizes funds for the pro bono legal assistance program in connection with proceedings before the U.S. Court of Veterans Appeals.

Mr. Speaker, all these benefit improvements are offset by a provision clarifying the causal relationship required between a veterans' service-connected disability and an employment handicap for purposes of determining eligibility for vocational rehabilitation. In addition to my distinguished colleague, SONNY MONTGOMERY, I want to thank the chairmen and ranking members of all three of our subcommittees and all members of the Committee on Veterans' Affairs for their contribution to this legislation.

Several committee members authored separate bills which have made their way into H.R. 3674. Additionally, Mr. Speaker, I want to acknowledge the contribution of this legislation made by the distinguished chairman of the Budget Committee, Mr. KASICH.

He and his staff worked very closely with the Veterans' Affairs Committee during this year's budget debate to work out an agreement allowing this bill to be considered within the context of the committee's balanced budget proposal.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education and Training.

Mr. BUYER. I thank the chairman for yielding me this time.

Mr. Speaker, H.R. 3674 is really a consolidation of several bills taken up by two benefits subcommittees. I would like to thank my colleague, TERRY EVERETT, for this work, on this bill, along with my other colleagues in the leadership, SONNY MONTGOMERY and BOB STUMP; and also great appreciation to the professional staff for the job that they have done on this bill.

This bill contains several notable provisions that will enhance a wide variety of benefits and will spend about $229 million over the next 6 years to increase veterans benefits. The remaining $56 million will go to deficit reduction.

I would like to take a moment and say what we really seek to do is override the Court of Veterans Appeals decision in Davenport versus Brown. It will clarify the causal relationship required between a veteran's service-connected disability and an employment handicap, for purposes of determining eligibility for vocational rehabilitation.

It is my understanding in the Davenport versus Brown, Mr. Davenport, an attorney, with a 10-percent service-connected disability for a foot fungus wanted both rehabilitation in the form of a master's degree program in cinema so he could move to California for work in the movie industry. The VA denied the claim, saying that the fungus did not cause him an employability problem. He then appealed to the Court of Veterans Appeals, who then said that the service-connected disability did not have to cause an employability problem, merely had to be a service disability and have a employability problem due to any cause to get voc rehabilitation.

I disagree with the decision of the Court of Veterans Appeals and so do many of my colleagues in this body. We have worked in a bipartisan fashion to draft this bill. Section 101, in fact, will override the Court of Veterans Appeals decision in Davenport versus Brown by reestablishing the longstanding requirement that a veteran's employment handicap be the result of a service-connected disability in order to qualify for vocational rehabilitation benefits.

Section 102 would increase the basic monthly rate for the Montgomery GI bill benefits by $5 to $421.62 for 3-year enlistees and $343.51 for 2-year enlistees. That is an increase in veterans benefits over 6 years of $92 million.

Section 103 of this bill will allow active duty service members to transfer from the old post Vietnam Era Education Assistance Program, known as VEAP, to the Montgomery GI bill under chapter 30. Under VEAP, a veteran could expect a maximum benefit of $8,100. Under the Montgomery GI bill, a veteran can expect a minimum of about $15,500 for a 3-year enlistment. This will increase veterans benefits by $18 million over 6 years.

Section 104 of this bill will offer active duty Army or Air Force National Guard members who are not eligible for any sort of education benefit to participate in the Montgomery GI bill. These are Guardsmen and women who enlisted between June 30, 1985 and November 29, 1989. We are increasing veterans benefits by $14 million over 6 years.

Section 105 would make permanent the program to provide GI bill funding for veterans enrolled in programs designed to certify teachers through nontraditional education institutions. We are increasing veterans benefits by $6 million over 6 years.

Section 201 will allow a surviving spouse to retain compensation or pension payments prorated to the day of death instead of the end of the month before a veteran died. We are increasing veterans benefits by over $70 million over 6 years.

Section 202 increases the period of time for which accrued benefits are payable to a surviving spouse to 2 years. These are spouses of veterans who die while their claim is being adjudicated. We are doing this because of the large increase in adjudication time at VBA. We are increasing veterans benefits under this provision by $17 million over 6 years.

Section 203 would increase the maximum, one-time auto purchase allowance from $5,500 to $6,500. The allowance is available only to severely disabled veterans if their disability is service-connected. We are increasing veterans benefits in this provision by $6 million over 6 years.

Section 204 will keep the pro bono legal representation program at the Court of Veterans Appeals alive by directing VA transfer $700,000 per year from the C&P account to the court. The pro bono program provides legal representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals at no cost to the veterans. We are increasing veterans benefits by this provision $6 million over 6 years.

That is a total increase in veterans benefits by this committee of $229 million over 6 years. I think that is an excellent action.

A lot of things go out and get CNN headline news. It is a shame when we are working in this Congress that the work of my dear colleagues, SONNY MONTGOMERY and BOB STUMP, doing great things on behalf of veterans, is not shown.

This is virtually our only opportunity in this Congress to make these kinds of program improvements. These are good provisions that will make a difference in the lives of thousands of veterans and surviving spouses. It is a bipartisan bill.

I thank all the Members on both sides of the aisle for their support, and I urge the full support of this bill by my colleagues.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from Indiana [Mr. BUYER] just in the well, this is important legislation. What we are doing is helping the young veteran, and it certainly should be pointed out that the legislation we have brought up today is very, very beneficial for our veterans and their dependents.

This last bill, H.R. 3674, as amended, does include several provisions that would improve the GI bill and make it available to more veterans. The monthly benefits have been mentioned, if they go to school, a $5 a month increase allows service members participating in the old VEAP program that was after the Vietnam war, a program to enroll in the GI bill. It provides eligibility for educational benefits to certain active duty members of the National Guard. These active duty members are known as AGR's. It also makes permanent a program to encourage veterans to become teachers.

Mr. Speaker, a $5 a month increase does not sound like a lot of money, but there are a lot of people out there getting these educational benefits, and anything we can do to encourage more veterans to use this program we think is worthwhile.

I want to thank the gentleman from Arizona [Mr. STUMP], chairman, and the gentleman from Indiana [Mr. BUYER], the gentleman from Alabama [Mr. EVERETT], the gentleman from Illinois [Mr. EVANS], the gentleman from California [Mr. FILNER], and other members of the committee for supporting us on this bill. I am very pleased with the recent Department of Defense report that said that the GI bill is the best recruiting tool that the military has. It is really better than the cash benefits. But really the main purpose of the GI bill is to help veterans readjust to civilian life when they leave the military service. Over 2 million young men and women have chosen to participate in the Montgomery GI bill since the program started in 1985.

Mr. Speaker, this bill has brought in a lot of money, of the $100 a month the active duty people pay for 12 months, has brought in more than $2 billion. So this has really helped the cost of the program, and it has not been a heavy cost, to the taxpayer.

I want to say that this has brought qualified young people into the military service. We need quick learners now that the type of equipment we have in the military is very sophisticated and these young people need to have quick minds. We believe the educational benefits bring in the qualified people.

Mr. Speaker, the last veterans' bill, H.R. 3674, as amended, includes several provisions that would improve the Montgomery GI bill and make it available to more veterans. It increases the monthly benefit for veterans going to school by $5 a month, it allows servicemembers participating in the old VEAP program to enroll in the GI bill, and it provides eligibility for education benefits to certain active duty members of the National Guard. It also makes permanent a program to encourage veterans to become teachers.

A $5 per month increase doesn't sound like a lot of money, but anything we can do to encourage more veterans to use this program is worthwhile. I want to thank Mr. STUMP, Mr. BUYER, and the other members for supporting VA on this.

Mr. Speaker, I am very pleased with a recent Department of Defense [DOD] report concerning the Montgomery GI bill. Recruiters from all services say this program is the best recruitment tool they have, and DOD strongly supports the GI bill's continuation. The principal purpose of the GI bill is to help veterans readjust to civilian life. The best news is that, in March of this year, 95 percent of all new active-duty recruits chose to enroll in the GI bill. This means that over 11,000 young men and women will have the means to further their education—in addition to the over 2 million recruits who have chosen to participate in the Montgomery GI bill since the program began in 1985.

Additionally, Mr. Speaker, I would like my colleagues to know that since the GI bill's establishment, more than $2 billion have been returned to the Treasury because of the basic pay reduction required under the GI bill for active duty service members.

This program has been a winner in every way. The GI bill has enabled the services to recruit the bright young people they need, it has been a cost-effective program and, most important, millions of fine men and women will have an opportunity to go to school that they might not have had but for the GI bill.

I want to commend Mr. EVANS for sponsoring the provision in this bill which would allow the VA to pay 2 years in back benefits to the survivor of a veteran whose claim is allowed after his or her death. Mr. EVANS, in tandem with TERRY EVERETT, the chairman of the Subcommittee on Compensation, Pensions, Insurance and Memorial Affairs, has worked hard and searched for the best ways to improve veterans programs within that subcommittee's jurisdiction.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. I thank the gentleman for yielding me this time.

Mr. Speaker, I will not take up time by again summarizing this bill. I do, though, want to particularly point out two of the provisions in H.R. 3674. First, this measure would provide a modest increase in the benefits paid under the Montgomery GI bill—active duty. As the costs of education continue to rise, we must ensure that the GI bill is a meaningful readjustment benefit that provides an adequate level of assistance to our veteran students. Additionally, in a recent report, the Department of Defense cautioned that we must pay close attention to the benefit levels paid under the Montgomery GI bill if this program is to continue to be an effective recruitment tool.

Next, a provision of H.R. 3674 would permit certain active-duty individuals who have eligibility under the Veterans' Educational Assistance Program, known as VEAP, to transfer to the Montgomery GI bill. By way of background, the new GI bill, as introduced by Mr. MONTGOMERY and approved by the House in 1984, would have permitted all servicemembers with VEAP eligibility to transfer to the new program. The new GI bill was a far more generous program than VEAP, and SONNY wanted those members of the Armed Forces who were VEAP-eligibles to have the opportunity to enroll in the more attractive program. Unfortunately, the then-chairman and ranking member of the Senate Armed Services Committee, both of whom were opposed to the new GI bill, refused to accept this provision. The only way to reach a compromise and establish the new program was to accept the Senate restrictions on eligibility. Since then, however, SONNY has taken every opportunity to move individuals out of the VEAP program and into the Montgomery GI bill. H.R. 3674 continues his good work, and will enable yet another group of servicemembers to establish Montgomery GI bill eligibility.

The Montgomery GI bill has been a landmark program, and I am proud to have the opportunity make it even stronger and better.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX], a member of the committee.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank Chairman STUMP for yielding time and for his leadership with this legislation. I am grateful for his assistance including provisions to authorize the exceptional veterans pro bono legal representation program within the bill. I would also like to thank Mr. MONTGOMERY, the ranking member; Mr. BUYER, Mr. EVERETT, Mr. HUTCHINSON, Mr. EVANS, Mr. MASCARA, Mr. BILIRAKIS, Mr. TEJEDA, Mr. WELLER, Mr. STEARNS, and my other colleagues on the committee for their strong support of our legislation to authorize the outstanding pro bono legal program which represents veterans before the Court of Veterans Appeals.

Mr. Speaker, the pro bono program provides countless hours of volunteer legal service to veterans who would otherwise be unable to be represented before the Court of Veterans Appeals.

This exceptional initiative helps veterans secure the rights and benefits that they have earned by virtue of their dedicated service to our great Nation. Moreover, the program improves the efficiency of the court and provides training to lawyers to assist veterans across the Nation.

In fiscal year 1994 the pro bono program volunteer attorneys provided over 15,000 hours of service and a remarkable 77 percent of their veteran clients were successful in overturning the initial decision of the board. Not surprisingly, the program has broad support from the court and veterans service organizations and has received commendations from Supreme Court Chief Justice William Rehnquist.

After hearing from the Court of Veterans Appeals, the pro bono program, the veterans service organizations, the Department of Veterans Affairs, and the Veterans Law Section of the Federal Bar Association, I introduced H.R. 3943 to provide statutory authorization for this tremendous service initiative.

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Accordingly, I am delighted that this legislation was included within the bill that we have here today, H.R. 3674. But I would also like to express my gratitude to the Committee on Veterans' Affairs, the staff, the pro bono program, the Court of Veterans Appeals, and the veterans service organizations for their help on the bill.

Again I thank the gentleman from Arizona [Mr. STUMP], the chairman, and the gentleman from Mississippi [Mr. MONTGOMERY], the ranking member, for their leadership on this important legislation we will act on today.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I first want to thank all those Members, particularly the gentleman from Pennsylvania [Mr. FOX], for sponsoring the provision to authorize funds for the pro bono legal assistance program. The veterans who have been awarded benefits by the Court of Veterans Appeals as a result of the legal assistance provided by the program fully understand the importance of this program and the need for this program in the future to be available to veterans who need it. I want to commend the gentleman from Arizona, Chairman STUMP, the gentleman from Indiana, Subcommittee Chairman BUYER and the gentleman from Alabama, Subcommittee Chairman EVERETT, as well as the gentleman from Mississippi, Ranking Member SONNY MONTGOMERY and the gentleman from California, BOB FILNER, for all their hard work on this legislation.

This bill makes a number of enhancements to the Montgomery GI bill, a program I have been pleased to name. We had an amendment in the committee to name it the Montgomery GI bill, and I was pleased to offer that amendment. By providing an opportunity for more service members to enroll in the Montgomery GI bill, we increase the educational opportunities for deserving Americans, and by increasing the benefit level wherever we can we signify our commitment to the education needs of our veterans and service members.

Mr. Speaker, I am not sure I will have another opportunity on this floor to express my thoughts about my colleague the gentleman from Mississippi, Congressman SONNY MONTGOMERY. I believe every veteran in this country owes the gentleman a debt of gratitude for his work and commitment to serving veterans. Through his work, particularly on establishing the GI bill program, he has left a legacy that will be long remembered. He has earned the title "Mr. Veteran."

The gentleman has been a faithful guardian and protector of the veterans of this Nation, and we will miss him very much. I want to personally offer my appreciation for his many years of service on the Committee on Veterans Affairs and the Committee on National Security and to wish him the very best in the future.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of this measure, the veterans educational compensation benefits amendments, and to commend our committee's distinguished chairman, the gentleman from Arizona [Mr. STUMP], and his ranking minority member partner, the distinguished gentleman from Mississippi [Mr. MONTGOMERY]. These two gentleman have kept our veterans' affairs and their benefits right before the American public, before the Congress, and we owe them a deep debt of gratitude for doing what they are doing to keep our veterans in good stead.

This legislation now before us makes several adjustments to veterans compensation programs. It makes improvements to the Montgomery GI bill, a historic measure. The bill increases the monthly basic Montgomery GI bill rates.

The most significant change to education benefits is that veterans will now have to prove that their employment handicaps are directly related to service-connected disabilities in order to be eligible for training and vocational rehabilitation benefits.

This legislation also allows a surviving spouse to retain compensation or pension payments pro rated until the day of death, instead of the end of the previous month before the veteran died, as under current law.

Furthermore, the payment period for accrued benefits is increased from 1 to 2 years, and the maximum allowance provided by the VA Secretary for the purchase of an automobile is increased from $5,500 to $6,500.

Finally, funding is authorized for financial assistance, by contract or grant, to legal assistance entities to represent financially needy veterans in proceedings before the U.S. Court of Veterans Appeals, enabling them to pursue their appeal properly.

Mr. Speaker, this bill provides for numerous improvements to veterans compensation and education benefits programs. I strongly urge its passage.

Again, I want to thank the leadership of the Veterans' Affairs Committee and ranking minority member for their excellent work in helping our veterans.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I am still out of breath running here from the airport, but I appreciate the gentleman from Arizona yielding me the time.

Mr. Speaker, I rise in support of H.R. 3674, the veterans educational and compensation benefits amendments. I ask unanimous consent to revise and extend my remarks.

I am pleased that a bill I introduced, H.R. 109, has been incorporated into H.R. 3674, My bill addresses a problem that confronts the surviving spouse of a recently deceased veteran. Under current law, if a veteran dies before the end of the month, even if it is only by a few hours, the surviving spouse will have that month's disability compensation revoked.

Clearly this policy creates a huge financial burden for a recent widow, especially if she is not eligible for dependency and indemnity compensation. H.R. 3674 allows a surviving spouse to retain compensation or pension payments by prorating these payments to the date of death, and therefore, provides the surviving spouse with compensation for each day the veteran lived in that final month. For example, if the veteran lives until the 15th of the month, his spouse will be allowed to keep his compensation from the 1st through the 15th.

In the 104th Congress, my legislation has received widespread bipartisan support in the House and is supported by the veterans' organizations and the VA. I want to thank Compensation Subcommittee Chairman EVERETT and Education Subcommittee Chairman BUYER for their support on this important issue.

The enactment of H.R. 3674 would recognize that the financial obligations of a veteran's household do not vanish upon the veteran's death. Rent or mortgage payments and other bills will still come due, and a surviving spouse should not be left without any contribution from the VA for the last days of a veteran's life.

I urge my colleagues to support H.R. 3674.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have the blue sheets on each one of the four bills that we have talked about today, and if any Member would like to have one of those blue sheets, they explain each bill.

Mr. Speaker, I would like to thank my colleagues for the kind words that have been said about us today. You know, this is really what it is all about serving in Congress, the little things you are able to do that are appreciated.

Mr. Speaker, with that, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me once again acknowledge the splendid cooperation from the ranking member, my good friend the gentleman from Mississippi, SONNY MONTGOMERY, as well as the subcommittee ranking members, the gentleman from Illinois, Mr. EVANS, the gentleman from Texas, Mr. EDWARDS, the gentleman from California, Mr. FILNER. I almost forgot him, as well as my own subcommittee chairmen, the gentleman from Alabama, Mr. EVERETT, the gentleman from Arkansas, Mr. HUTCHINSON, and the gentleman from Indiana, Mr. BUYER, for all the hard work they have done. Especially I would like to thank the staff for the many hours that they have put in helping us to arrive at this point today. We take pride in being very bipartisan on this committee, and that extends down to the staff, too, and we are proud that we can do that and accomplish what we can for the veterans.

Mr. STEARNS. Mr. Speaker, in an era of international economic competition, education is more important than ever. The link between education and our economic competitiveness is clear. In this decade, 89 percent of the jobs being created require some form of post-secondary training. That is why I rise today in support of this measure which increases the monetary amount and expands access to certain members of the Army and National Guard for the Montgomery GI bill.

By allowing participants in the Veterans' Education Assistance Program to transfer into the Montgomery GI bill, veterans will be afforded a greater education benefit, and an unpopular and relatively unsuccessful program will be brought nearer to closure. It is in our Nation's best interest to provide improved education opportunities whenever possible.

This legislation represents a substantial stride toward transforming the Department of Veterans' Affairs into a more effective and efficient organization that can better serve our Nation's veterans. I urge my colleagues to support this measure and thus demonstrate its commitment to our outstanding young men and women who are the backbone of our Armed Forces.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from

Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3674, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPORT ADMINISTRATION ACT OF 1996

Mr. ROTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 361) to provide authority to control exports, and for other purposes, as amended.

The Clerk read as follows:

H.R. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EXPORT ADMINISTRATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Policy statement.
Sec. 104. General provisions.
Sec. 105. Multilateral controls.
Sec. 106. Emergency controls.
Sec. 107. Short supply controls.
Sec. 108. Foreign boycotts.
Sec. 109. Procedures for processing export license applications; other inquiries.
Sec. 110. Violations.
Sec. 111. Controlling proliferation activity.
Sec. 112. Administrative and judicial review.
Sec. 113. Enforcement.
Sec. 114. Export control authorities and procedures.
Sec. 115. Annual report.
Sec. 116. Definitions.
Sec. 117. Effects on other Acts.
Sec. 118. Secondary Arab boycott.
Sec. 119. Conforming amendments to other laws.
Sec. 120. Expiration date.
Sec. 121. Savings provision.

TITLE II—NUCLEAR PROLIFERATION PREVENTION

Sec. 201. Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994.
Sec. 202. Seeking multilateral support for unilateral sanctions.
Sec. 203. Sanctions under the Nuclear Proliferation Prevention Act of 1994.

TITLE I—EXPORT ADMINISTRATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Export Administration Act of 1996".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted only for significant national security, nonproliferation, and foreign policy reasons.

(2) Exports of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technology by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies, and places additional demands on the defense budget of the United States. Availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through negotiations and other appropriate means whenever possible.

(4) With the growing importance of exports to sustained United States economic growth and vitality, restrictions on exports must be evaluated in terms of their effects on the United States economy.

(5) Export controls cannot be the sole instrument of the United States to prevent a country or end user from developing weapons of mass destruction. For this reason, export controls should be applied as part of a comprehensive response to security threats.

(6) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(7) International treaties, such as the Chemical Weapons Convention, and international agreements and arrangements intended to control, lessen, or eliminate weapons of mass destruction should be fully implemented by, among other things, imposing restrictions on imports and exports of designated items, monitoring, and transmitting reports on, the production, processing, consumption, export, and import of designated items, and complying with verification regimes mandated by such treaties, agreements, and arrangements.

(8) Except in the event the United States is the sole source of critical supplies, unilateral export controls are generally not truly effective in influencing the behavior of other governments or impeding access to controlled items. Unilateral controls alone may impede access to United States sources of supply without affecting the ability of countries to obtain controlled items elsewhere. Moreover, unilateral controls generally permit foreign competitors to serve markets the United States Government denies to United States firms and workers, thus impairing the reliability of United States suppliers in comparison with their foreign competitors. At the same time, the need to lead the international community or overriding national security or foreign policy interests may justify unilateral controls in specific cases.

(9) The United States recognizes the importance of comprehensive enforcement measures to maximize the effectiveness of multilateral controls.

(10) The United States export control system must not be overly restrictive or bureaucratic, or undermine the competitive position of United States industry. The export control system must be efficient, responsive, transparent, and effective.

(11) Export restrictions that negatively affect the United States industrial base may ultimately weaken United States military capabilities and lead to dependencies on foreign sources for key components.

(12) Minimization of restrictions on exports of agricultural commodities and products is of critical importance to the maintenance of a sound agricultural sector, to a positive contribution to the balance of payments, to reducing the level of Federal expenditures for agricultural support programs, and to United States cooperation in efforts to eliminate malnutrition and world hunger.

(13) Minimization of restrictions on the export of information technology products and services is of critical importance to United States leadership in removing obstacles to the effective development of a superior global information infrastructure and the new jobs and markets, increased trade and information flows, improved national security, and new tools for the improvement of the quality of life for people globally that will be created.

(14) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of conventional armaments and sensitive dual-use goods and technologies.

SEC. 103. POLICY STATEMENT.

It is the policy of the United States to do the following:

(1) To stem the proliferation of weapons of mass destruction, and the means to deliver them, and other significant military capabilities by—

(A) leading international efforts to control the proliferation of chemical and biological weapons, nuclear explosive devices, missile delivery systems, and other significant military capabilities;

(B) controlling involvement of United States persons in, and contributions by United States persons to, foreign programs intended to develop weapons of mass destruction, missiles, and other significant military capabilities, and the means to design, test, develop, produce, stockpile, or use them; and

(C) implementing international treaties or other agreements or arrangements concerning controls on exports of designated items, reports on the production, processing, consumption, and exports and imports of such items, and compliance with verification programs.

(2) To restrict the export of items—

(A) that would significantly contribute to the military potential of countries so as to prove detrimental to the national security of the United States or its allies; or

(B) where necessary to further significantly the foreign policy of the United States or to fulfill its declared international commitments.

(3) To—

(A) minimize uncertainties in export control policy; and

(B) encourage trade with all countries with which the United States has diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest.

(4) To restrict export trade when necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand.

(5) To further increase the reliance of the United States upon multilateral coordination of controls through effective control regimes that maintain lists of controlled items that are truly critical to the control objectives, strive to increase membership to include all relevant countries, maintain common criteria and procedures for licensing, and harmonize member countries' licensing practices. It is the policy of the United States that multilateral controls are the best means of achieving the control objectives of the United States.

(6) To impose unilateral controls only when it is necessary to further significantly the national security or foreign policy of the United States, and only after full consideration of the economic impact of the controls and their effectiveness in achieving their intended objectives.

(7) To make all licensing determinations in a timely manner so undue delays in the licensing process will not cause a United States person to lose an export sale.

(8) To use export controls to deter and punish acts of international terrorism and to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To this end, consistent with the policies of this section and the provisions of this title, the United States should, by restricting exports to countries that have violated international norms of behavior by repeatedly supporting acts of international terrorism, distance itself from those countries.

(9)(A) To counteract restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person.

(B) To encourage and, in specified cases, require United States persons engaged in the export of commodities, technology, and other information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person.

(10) To streamline export control functions and increase administrative accountability, and thereby better serve the exporting public by reducing and eliminating overlapping, conflicting, and inconsistent regulatory burdens.

(11) To minimize restrictions on the export of agricultural commodities and products.

(12) To minimize restrictions on the export of information technology products and services as part of a flexible regulatory environment that can keep pace with the rapid technological changes necessary to realize the full economic, societal, and national security benefits of United States leadership in the development of a superior global information infrastructure.

(13) To cooperate with other countries to promote greater transparency and responsibility with regard to the transfers of armaments and sensitive goods and technologies, both for the purpose of developing common understandings of the risks to international peace and regional security associated with the transfers of such items and to coordinate national control policies to combat those risks.

(14) To enhance the national security and nonproliferation interests of the United States. To this end and consistent with the other policies of this section and the provisions of this title, the United States will use export controls when necessary to ensure that access to weapons of mass destruction, missile delivery systems, and other significant military capabilities is restricted. While the multilateral nonproliferation regimes will be the primary instruments through which the United States will pursue its nonproliferation goals, it may also, consistent with the policies of this section and the provisions of this title, take unilateral action.

(15) To promote international peace, stability, and respect for fundamental human rights. The United States may establish controls on exports that contribute to the military capabilities of countries that threaten international peace or stability or to countries that abuse the fundamental rights of their citizens, or to promote other important foreign policy objectives of the United States, consistent with the policies of this section and the provisions of this title.

SEC. 104. GENERAL PROVISIONS.

(a) TYPES OF LICENSES.—Under such conditions as the Secretary may impose, consistent with the provisions of this title, the Secretary may require any type of license appropriate to the effective and efficient implementation of this title, including the following:

(1) SPECIFIC EXPORTS.—A license authorizing a specific export.

(2) MULTIPLE EXPORTS.—Licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of a license for each such export. Licenses under this paragraph shall be designed to encourage and acknowledge exporters' internal control programs for ensuring compliance with the terms of the license.

(b) UNITED STATES COMMODITY CONTROL INDEX.—

(1) IN GENERAL.—The Secretary shall establish and maintain, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies, a United States Commodity Control Index specifying the license requirements under this title that are applicable to the items on the list.

(2) CONTENTS.—The control index shall—

(A) consist of a multilateral control list of items on which export controls are imposed under section 105, an emergency control list of items on which export controls are imposed under section 106, and a short supply control list of commodities on which export controls are imposed under section 107;

(B) include, as part of the multilateral and emergency control lists, those items identified pursuant to section 111(a);

(C) for each item on the control index, specify with particularity the performance (where applicable) and other identifying characteristics of the item and provide a rationale for why the item is on the control list;

(D) identify countries, and, as appropriate, end uses or end users, including specific projects and end users of concern, cross-referenced with the list of commodities and technology on which export controls are imposed; and

(E) be sufficiently specific and clear as to guide exporters and licensing officers in determinations of licensing requirements under this title.

(c) DENIED OR DEBARRED PARTIES, SANCTIONED PARTIES, BLOCKED PERSONS, SPECIALLY DESIGNATED NATIONALS, AND OTHER PARTIES PRESENTING UNACCEPTABLE RISKS OF DIVERSION.—

(1) DENIED OR DEBARRED PARTIES, SANCTIONED PARTIES, BLOCKED PERSONS, AND SPECIALLY DESIGNATED NATIONALS.—The President shall ensure that an official list is published semiannually in the Federal Register of all parties denied or debarred from export privileges under this title or under the Arms Export Control Act, all parties sanctioned for prohibited proliferation activity under this title or other statutes, and all blocked persons and specially designated nationals. For purposes of this paragraph, a "blocked person" or "specially designated national" is a person or entity so designated by the President or the Secretary of the Treasury under the Trading With the Enemy Act, or the International Emergency Economic Powers Act, with whom transactions are prohibited on account of the relationship of that person or entity with a country, organization, or activity against which sanctions are imposed under either such Act. Promptly after any person is designated a "blocked person" or "specially designated national", the Secretary of the Treasury shall publish such designation in the Federal Register.

(2) OTHER PARTIES.—The Secretary shall maintain a list of parties for whom licenses under this title will be presumptively denied.

(d) DELEGATION OF AUTHORITY.—Subject to the provisions of this title, the President may delegate the power, authority, and discretion conferred upon the President by this title to such departments, agencies, and officials of the Government as the President considers appropriate, except that no authority under this title may be delegated to, or exercised by, any official of any department or agency the head of which is not appointed by the President, by and with the advice and consent of the Senate. The President may not delegate or transfer his power, authority, or discretion to overrule or modify any recommendation or decision made by the Secretary, the Secretary of Defense, or the Secretary of State under this title and may not delegate the authority under section 106(a)(4).

(e) NOTIFICATION OF THE PUBLIC; CONSULTATION WITH BUSINESS.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this title with a view to encouraging trade. The Secretary shall consult regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls, in order to obtain their views on United States export control policy and the foreign availability of items subject to controls.

(f) EXPORT ADVISORY COMMITTEES.—

(1) APPOINTMENT.—Upon his or her own initiative or upon the written request of representatives of a substantial segment of any industry which produces any items subject to export controls under this title or under the International Emergency Economic Powers Act, or being considered for such controls, the Secretary shall appoint export advisory committees with respect to any such items. Each such committee shall consist of representatives of United States industry and Government, including the Department of Commerce and other appropriate departments and agencies of the Government. The Secretary shall permit the widest possible participation by the business community on the export advisory committees.

(2) FUNCTIONS.—Export advisory committees appointed under paragraph (1) shall advise and assist the Secretary, and any other department, agency, or official of the Government carrying out functions under this

title, on actions (including all aspects of controls imposed or proposed) designed to carry out the policies of this title concerning the items with respect to which such export advisory committees were appointed. Such committees, where they have expertise in such matters, shall be consulted on questions involving—

(A) technical matters,

(B) worldwide availability and actual utilization of production technology,

(C) licensing procedures which affect the level of export controls applicable to any items,

(D) revisions of the multilateral control list (as provided in section 105(g)), including proposed revisions of multilateral controls in which the United States participates,

(E) the issuance of regulations,

(F) the impact and interpretation of existing regulations,

(G) processes and procedures for review of licenses and policy,

(H) any other questions relating to actions designed to carry out this title, and

(I) the operation and conduct of international business transactions.

Nothing in this subsection shall prevent the United States Government from consulting, at any time, with any person representing an industry or the general public, regardless of whether such person is a member of an export advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary, to present evidence to such committees.

(3) REIMBURSEMENT OF EXPENSES.—Upon the request of any member of any export advisory committee appointed under paragraph (1), the Secretary may, if the Secretary determines it to be appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by such member in connection with the duties of such member.

(4) CHAIRPERSON.—Each export advisory committee appointed under paragraph (1) shall elect a chairperson, and shall meet at least every 3 months at the call of the chairperson, unless the chairperson determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this subsection. Each such committee shall be terminated after a period of 2 years, unless extended by the Secretary for additional periods of 2 years each. The Secretary shall consult with each such committee on such termination or extension of that committee.

(5) ACCESS TO INFORMATION.—To facilitate the work of the export advisory committees appointed under paragraph (1), the Secretary, in conjunction with other departments and agencies participating in the administration of this title, shall disclose to each such committee adequate information, consistent with national security, pertaining to the reasons for the export controls which are in effect or contemplated for the items or policies for which that committee furnishes advice. Information provided by the export advisory committees shall not be subject to disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Secretary determines that the withholding thereof is contrary to the national interest.

(g) DEVELOPMENT AND REVIEW OF THE CONTROL INDEX.—

(1) IN GENERAL.—

(A) Consistent with the general guidance of the Export Control Policy Committee established in section 114(c), the Secretary of Defense and the heads of other appropriate departments and agencies may identify and recommend to the Secretary—

(i) commodities and technology for inclusion on, or deletion from, the multilateral and emergency control lists; and

(ii) the licensing requirements that should or should not apply to these commodities and technology.

(B) The Secretary of Defense shall have primary responsibility for identifying commodities and technologies that are critical to the design, development, test, production, stockpiling, or use of weapons of mass destruction and other military capabilities, including nuclear, biological, and chemical weapons, and manned and unmanned vehicles capable of delivering such weapons, in determining recommendations for inclusion of items on the control index.

(C) If the Secretary of Defense, the Secretary of State, or the Secretary of Energy disagrees with the decision of the Secretary regarding the inclusion or deletion, or licensing requirements of, any commodity or technology, the Secretary of Defense, State, or Energy (as the case may be) may, within 30 days after the Secretary makes the decision, appeal the Secretary's decision to the President in writing, but only on the basis of the specific provisions of this title. If the Secretary of Defense, the Secretary of State, or the Secretary of Energy fails to appeal a decision of the Secretary in accordance with the preceding sentence, he or she shall be deemed to have no objection to the decision. The President shall resolve a disagreement under this subsection not later than 30 days after the appeal is made under this paragraph.

(2) NEGOTIATIONS.—The Secretary of State, in consultation with appropriate departments and agencies, shall be responsible for conducting negotiations with other countries regarding multilateral arrangements for restricting the export of items to carry out the policies of this title. All appropriate departments and agencies shall develop initial technical parameters and product definitions in connection with the development of proposals within the United States Government to be made to multilateral regimes, in consultation with the export advisory committees as provided in paragraph (3).

(3) CONSULTATIONS WITH EXPORT ADVISORY COMMITTEES.—The Secretary shall consult with the appropriate export advisory committee appointed under this section with respect to changes in the control index, and such export advisory committee may submit recommendations to the Secretary with respect to such changes. The Secretary shall consider the recommendations of the export advisory committee and shall inform the committee of the disposition of its recommendations. The Secretary shall also seek comments and recommendations from the public in connection with changes in the control index. To the maximum extent practicable and consistent with the conduct of international negotiations, such comments and recommendations should be taken into consideration in the development of United States Government proposals and positions to be taken in multilateral regimes.

(h) RIGHT OF EXPORT.—No authority or permission to export may be required under this title, or under regulations issued under this title, except to carry out the policies set forth in section 103.

(i) INTERNATIONAL OBLIGATIONS UNDER TREATIES.—Notwithstanding any other provision of this title containing limitations on authority to control exports, the Secretary, in consultation with the Secretary of State, may impose controls on exports to a particular country or countries in order to fulfill obligations of the United States under resolutions of the United Nations and under treaties to which the United States is a party. The Secretary may regulate domestic and foreign conduct consistent with the policies of such United Nations resolutions, treaties, and other international agreements. Such authority shall include, but not be limited to, authority to prohibit activity such as financing, contracting, providing services, or employment, to deny access to items in the United States and abroad, to conduct audits of records and inspections of facilities, to compel reports, and to curtail travel.

(j) FEES.—No fee may be charged in connection with the submission or processing of an export license application under this title.

SEC. 105. MULTILATERAL CONTROLS.

(a) AUTHORITY.—

(1) IN GENERAL.—In order to carry out the policies set forth in paragraphs (1), (2), (5), (13), (14), and (15) of section 103, the President may, in accordance with this section, prohibit, curtail, or require the provision of information regarding, the export of any commodities, technology, or other information subject to the jurisdiction of the United States, or exported by any person subject to the jurisdiction of the United States, in order to implement multilateral export control regimes. The authority under this paragraph shall include, but not be limited to, the authority to regulate domestic and foreign conduct, to prohibit activity such as financing, contracting, providing services, or employment, to deny access to items in the United States and abroad, to conduct audits of records and inspections of facilities, and to compel reports. The authority granted by this subsection may not be exercised to impose unilateral controls.

(2) EXERCISE OF AUTHORITY.—The authority granted by this subsection shall be implemented by the Secretary, in consultation with appropriate departments and agencies.

(3) CONSISTENCY WITH EXPORT CONTROL REGIMES.—Any provision of this title that provides that no authority or permission to export may be required under this title shall not apply to the extent that such a provision is inconsistent with an international commitment of the United States under a multilateral export control regime.

(b) MULTILATERAL CONTROL LIST.—The Secretary shall, in consultation with appropriate departments and agencies as provided in section 104(g), designate as part of the control index, a multilateral control list, comprised of the items on which export controls are in effect under this section.

(c) EXPORT LICENSING POLICIES.—The President shall ensure that steps are taken to increase the degree to which the licensing requirements of other export regime members are harmonized with the licensing requirements maintained by the Secretary in controlling items under this section.

(d) MULTILATERAL CONTROL REGIMES.—

(1) POLICY.—In order to carry out the policies set forth in section 103, the Secretary of State, in consultation with appropriate departments and agencies, should seek multilateral arrangements that are intended to secure effective achievement of these policies and, in so doing, also establish fairer and more predictable competitive opportunities for United States exporters.

(2) STANDARDS FOR NATIONAL SYSTEMS.—In the establishment and maintenance of multilateral regimes, the Secretary of State, in

consultation with appropriate departments and agencies, shall take steps to attain the cooperation of members of the regimes in the effective implementation of export control systems. Such systems should contain the following elements:

(A) National laws providing enforcement authorities, civil and criminal penalties, and statutes of limitations sufficient to deter potential violations and punish violators.

(B) A program to evaluate export license applications that includes sufficient technical expertise to assess the licensing status of exports and ensure the reliability of end users.

(C) An enforcement mechanism that provides authority for trained enforcement officers to investigate and prevent illegal exports.

(D) A system of export control documentation to verify the movement of items.

(E) Procedures for the coordination and exchange of information concerning licensing, end users, and enforcement.

(F) Adequate national resources devoted to carrying out subparagraphs (A) through (E).

(3) STANDARDS FOR MULTILATERAL REGIMES.—In the establishment and maintenance of multilateral regimes, the Secretary of State, in consultation with appropriate departments and agencies, should seek, consistent with the policies set forth in section 103, the following features for the multilateral control regimes in which the United States participates:

(A) FULL MEMBERSHIP.—Achieve membership of all supplier countries whose policies and activities are consistent with the objectives and membership criteria of the multilateral regime.

(B) EFFECTIVE ENFORCEMENT AND COMPLIANCE.—Promote enforcement and compliance with the rules and guidelines of the members of the regime through maintenance of an effective control list.

(C) PUBLIC UNDERSTANDING.—Enhance public understanding of each regime's purpose and procedures.

(D) EFFECTIVE IMPLEMENTATION PROCEDURES.—Achieve procedures for effective implementation of the rules and guidelines of the regime through uniform and consistent interpretations of export controls agreed to by the governments participating in the regime.

(E) ENHANCED COOPERATION AMONG REGIME MEMBERS.—Reach agreement to enhance cooperation among members of the regime in obtaining the agreement of governments outside the regime to restrict the export of items controlled by the regime, to establish an ongoing mechanism in the regime to coordinate planning and implementation of export control measures related to such agreements, and to remove items from the list of items controlled by the regime if the control of such items no longer serves the objectives of the members of the regime.

(F) PERIODIC HIGH-LEVEL MEETINGS.—Conduct periodic meetings of high-level representatives of participating governments for the purpose of coordinating export control policies and issuing policy guidance to members of the regime.

(G) COMMON LIST OF CONTROLLED ITEMS.—Reach agreement on a common list of items controlled by the regime.

(H) TREATMENT OF CERTAIN COUNTRIES.—Prevent the export or diversion of the most sensitive items to countries whose activities are threatening to the national security of the United States or its allies.

(I) DISCLOSURE OF NONPROPRIETARY INFORMATION.—Promote transparency and timely disclosure of nonproprietary information with respect to the transfers of sensitive dual-use commodities and technologies, when appropriate, for the purpose of developing common understandings of the risks to international peace and regional security associated with such transfers and to coordinate national control policies to combat those risks.

(e) INCENTIVES FOR PARTNERSHIP.—Consistent with the policies of this title and consistent with the objectives, rules, and guidelines of the individual regime—

(1) the Secretary, in consultation with appropriate departments and agencies, may provide for exports free of license requirements to and among members of a multilateral regime for items subject to controls under such a multilateral regime; and

(2) the Secretary, in consultation with appropriate departments and agencies, may adjust licensing policies with respect to a particular country or entity for access to items controlled under this title to the extent of the adherence of that country or entity to the export control policies of this section.

Actions by the Secretary under paragraphs (1) and (2) shall be consistent with the requirements of section 111(a)(1)(C).

(f) TRANSPARENCY OF MULTILATERAL CONTROL REGIMES.—

(1) PUBLICATION OF INFORMATION ON EACH EXISTING REGIME.—Within 6 months after the date of the enactment of this Act, the Secretary shall, to the extent doing so is not inconsistent with arrangements in multilateral export control regimes, publish in the Federal Register the following information with respect to each multilateral control regime existing on the date of the enactment of this Act:

(A) Purposes of the control regime.

(B) Members of the regime.

(C) Licensing policy.

(D) Items subject to the controls under the regime, together with all public notes, understandings, and other aspects of the agreement of the regime, and all changes thereto.

(E) Any countries, end uses, or end users that are subject to the controls.

(F) Rules of interpretation.

(G) Major policy actions.

(H) The rules and procedures of the regime for establishing and modifying any matter described in subparagraphs (A) through (G) and for reviewing export license applications.

(2) NEW REGIMES.—Within 2 months after the United States joins or organizes a new export control regime, the Secretary shall, to the extent doing so is not inconsistent with arrangements in the regime, publish the information described in subparagraphs (A) through (H) of paragraph (1) with respect to that regime.

(3) PUBLICATION OF CHANGES.—Within 2 months after the applicable regime adopts any changes in the information published under this subsection, the Secretary shall, to the extent doing so is not inconsistent with arrangements in the regime, publish such changes in the Federal Register.

(g) REVIEW OF CONTROLLED ITEMS.—

(1) IN GENERAL.—Under the policy guidance of the Export Control Policy Committee established in section 114(c), and consistent with the procedures in section 104(g), the Secretary shall review all items on the multilateral control list maintained under subsection (b) at least every 2 years, except that the Secretary shall review annually whether the policy set forth in section 103(12) is being achieved. At the conclusion of each review, the Secretary shall decide whether to maintain or remove items from the multilateral control list, maintain, change, or eliminate the specifications, performance thresholds, or licensing requirements on items on the list, or add items to the list.

(2) CONSIDERATIONS.—In conducting the review, the Secretary shall—

(A) consult with the Secretary of Defense concerning militarily critical technologies;

(B) consult with the appropriate export advisory committees appointed under section 104(f) and consider recommendations of such committees with respect to proposed changes in the multilateral control list;

(C) consider whether controlled items or their equivalent are so widely available in the United States (in terms of quantity, cost, and means of sale and delivery) that the requirement for a license is ineffective in achieving the purpose of the control;

(D) consider whether the differences between the export controls of the United States and that of governments of foreign suppliers of competing items effectively has placed or will place the United States exporter at a significant commercial disadvantage with respect to its competitors abroad, and has placed, or will place, employment in the United States in jeopardy;

(E) consider the results of determinations made under section 114(k); and

(F) consider comments received pursuant to the notice of review provided under paragraph (3)(A).

(3) PROCEDURES.—

(A) NOTICE OF REVIEW.—Before beginning each review under this subsection, the Secretary shall publish a notice of that review in the Federal Register and shall provide a 30-day period for comments and submission of data, including by exporters and other interested parties.

(B) PROPOSALS TO EXPORT CONTROL REGIMES.—If a revision to the multilateral control list or to a licensing requirement under this paragraph is inconsistent with the control lists, guidelines, or the licensing requirements of, an export control regime, the Secretary of State shall propose such revision to that regime. Such revision shall become effective only to the extent such revision is agreed to by the export control regime.

(C) PUBLICATION OF REVISIONS.—The Secretary shall publish in the Federal Register any revisions in the list, with an explanation of the reasons for the revisions.

SEC. 106. EMERGENCY CONTROLS.

(a) AUTHORITY.—

(1) IN GENERAL.—In order to carry out the policy set forth in paragraphs (1), (2), (6), (8), (14), and (15) of section 103, the President may, in accordance with the provisions of this section, unilaterally prohibit, curtail, or require the provision of information regarding the export of any commodity, technology, or other information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. The authority under this paragraph shall include, but not be limited to, the authority to regulate domestic and foreign conduct, to prohibit activity such as financing, contracting, providing services, or employment, to deny access to items in the United States and abroad, to conduct audits of records and inspections of facilities, and to compel reports.

(2) EXERCISE OF AUTHORITY.—The authority contained in this section shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, and such other departments and agencies as

the President considers appropriate, and consistent with the procedures in section 104(g).

(3) EXPIRATION OF CONTROLS.—

(A) IN GENERAL.—Any controls imposed under this section shall expire 12 months after they are imposed, unless they are terminated earlier by the President or unless they are extended under this section, except that such controls may be adopted as multilateral controls under section 105 or included in an embargo that is imposed by the President under the International Emergency Economic Powers Act, the Trading with the Enemy Act, or other provision of law other than this title. Any extension or subsequent extension of the controls under this section shall be for a period of not more than 1 year each. The controls shall expire at the end of each such extension unless they are terminated earlier by the President or unless they are further extended under this section, except that such controls may be adopted as multilateral controls under section 105 or included in an embargo described in the first sentence of this subparagraph.

(B) EXCEPTION FOR MULTILATERAL AGREEMENTS.—Subparagraph (A) shall not apply to controls imposed by the President in order to fulfill obligations of the United States under resolutions of the United Nations or under treaties to which the United States is a party. If such a resolution or treaty ceases to be in effect, controls imposed by the President pursuant to such resolution or treaty shall immediately cease to be in effect.

(4) CRITERIA.—Controls may be imposed, expanded, or extended under this section only if the President determines that—

(A) the controls are necessary to further significantly the nonproliferation, national security, or foreign policies of the United States provided in section 103, the objective of the controls is in the overall national interest of the United States, and reasonable alternative means to the controls are not available;

(B) the controls are likely to make substantial progress toward achieving the intended purpose of—

(i) changing, modifying, or constraining the undesirable conduct or policies of the country to which the controls apply;

(ii) denying access by the country to controlled items from all sources;

(iii) establishing multilateral cooperation to deny the country access to controlled items from all sources; or

(iv) denying exports or assistance that significantly contributes to the proliferation of weapons of mass destruction or other important military capabilities, terrorism, or human rights abuses;

(C) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which the controls apply;

(D) the reaction of other countries to the imposition, expansion, or extension of such export controls by the United States is not likely to render the controls ineffective in achieving the intended purpose or to be counter-productive to United States policy interests;

(E) the effect of the proposed controls on the export performance of the United States, the competitive position of the United States as a supplier of items, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to the United States foreign policy, nonproliferation, or national security interests; and

(F) the United States has the ability to enforce the proposed controls effectively.

(b) CONSULTATION WITH INDUSTRY.—The Secretary shall consult with and seek advice from affected United States industries and export advisory committees appointed under section 104(f) before the imposition, expansion, or extension of any export control under this section.

(c) CONSULTATION WITH OTHER COUNTRIES.—When expanding or extending export controls under this section (unless such action is taken under subsection (a)(3)(B)), the Secretary of State, in consultation with appropriate departments and agencies, shall, at the earliest appropriate opportunity, consult with the countries with which the United States maintains export controls cooperatively, and with other countries, as appropriate, to advise them of the reasons for the action and to urge them to adopt similar controls.

(d) CONSULTATIONS WITH THE CONGRESS.—

(1) CONSULTATIONS.—The Secretary may impose, expand, or extend export controls under this section only after consultation with the Congress, including the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) REPORTS.—The Secretary may not impose or expand controls under subsection (a) until the Secretary has submitted to the Congress a report—

(A) addressing each of the criteria set forth in subsection (a)(4);

(B) specifying the purpose of the controls;

(C) describing the nature, the subjects, and the results of, or plans for, the consultation with industry under subsection (b) and with other countries under subsection (c);

(D) specifying the nature and results of any alternative means attempted to achieve the objectives of the controls, or the reasons for imposing or expanding the controls without attempting any such alternative means; and

(E) describing the availability from other countries of items comparable to the items subject to the controls, and describing the nature and results of the efforts made to secure the cooperation of foreign governments in controlling the foreign availability of such comparable items.

Such report shall also indicate how such controls will further significantly the policies of the United States as set forth in section 103 or will further its declared international obligations.

(e) SEEKING MULTILATERAL SUPPORT FOR UNILATERAL CONTROLS.—The Secretary of State, in consultation with appropriate departments and agencies, shall have a continuing duty to seek support for controls imposed under this section by other countries and by effective multilateral control regimes.

(f) PROCEDURES AND LIMITATIONS ON EMERGENCY CONTROLS.—

(1) CESSATION OF EMERGENCY CONTROLS.—

(A) IN GENERAL.—Controls imposed under this section on commodities, technology, or other information shall cease to be in effect immediately upon—

(i) the imposition of similarly restrictive controls under section 105 on the same commodities, technology, or information to the country or end user, or for the end use, with respect to which the controls were imposed under this section; or

(ii) the imposition of an embargo, under the International Emergency Economic Powers Act, the Trading with the Enemy Act, or other provision of law, on exports to, and imports from the country with respect to which the controls were imposed under this section.

(B) CONVERSION TO MULTILATERAL AGREEMENTS.—If the President imposes controls on commodities, technology, or other information to a country or end user, or for an end use, under this section in order to fulfill obligations of the United States under resolutions of the United Nations or under a treaty to which the United States is a party, any equivalent controls imposed prior thereto under this section on the same commodities, technology, or information to the same country or end user, or for the same end use, shall immediately cease to be in effect.

(2) LIMITATIONS ON REIMPOSITION.—Controls which have ceased to be in effect under subsection (a)(3), and which have not been extended under subsection (g), may not be reimposed by the President under subsection (a) for a period of 6 months beginning on the date on which the original controls expire, unless the President determines that reimposition of controls is warranted due to significant changes in circumstances since the expiration of the controls.

(g) EXTENSION OF EMERGENCY CONTROLS.—

(1) REPORT.—If the President decides to extend controls imposed under subsection (a), which are due to expire under subsection (a)(3), the President shall, not later than 30 calendar days before the expiration of such controls, transmit to the Congress a report on the proposed extension, setting forth the reasons for the proposed extension in detail and specifying the period of time, which may not exceed 1 year, for which the controls are proposed to be extended. In particular, such report shall—

(A) contain determinations by the President—

(i) that the controls are likely to continue to make substantial progress toward achieving the intended purpose of—

(I) changing, modifying, or constraining the undesirable conduct or policies of the country to which the controls apply;

(II) denying access by the country to controlled items from all sources;

(III) establishing multilateral cooperation to deny the country access to controlled items from all sources; or

(IV) denying exports or assistance that significantly contributes to the proliferation of weapons of mass destruction or other important military capabilities, terrorism, or human rights abuses;

(ii) that the impact of the controls has been compatible with the foreign policy objectives of the United States and with overall United States policy toward the controlled country;

(iii) that the reaction of other countries to the imposition or expansion of the controls by the United States has not rendered the controls ineffective in achieving the intended purpose and have not been counterproductive to United States policy interests;

(iv) that the effect of the controls on the export performance of the United States, the competitive position of the United States as a supplier of items, and the economic well-being of individual United States companies and their employees and communities has not exceeded the benefit to the United States foreign policy, nonproliferation, or national security interests; and

(v) that the United States has enforced the controls effectively.

(2) FURTHER EXTENSIONS OF CONTROLS.—If, upon the expiration of the controls extended under this subsection, the President determines that a further extension of emergency

controls for an additional period of time of not more than 1 year is necessary, paragraph (1) shall apply to such further extension.

(h) Effect on Other Authority.—

(1) Embargo authority.—Nothing in this section shall be construed to limit the authority of the President to impose an embargo on exports to, and imports from, a specific country under the International Emergency Economic Powers Act, the Trading with the Enemy Act, or other provision of law (other than this title). In any case in which the President exercises any such authority to impose an embargo, the requirements of this section shall not apply for so long as such embargo is in effect.

(2) Effect on existing embargoes.—(A) Nothing in this section affects the authorities conferred upon the President by section 5(b) of the Trading with the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before that date, and are being exercised on the date of the enactment of this Act.

(B) Nothing in this section affects the authorities conferred upon the President by the International Economic Powers Act or other provision of law (other than the Export Administration Act of 1979), which were being exercised with respect to a country before the date of the enactment of this Act as a result of a national emergency declared by the President before that date, and are being exercised with respect to such country on such date of enactment.

(i) Countries Supporting International Terrorism.—

(1) Prohibition on exports.—(A) No export described in subparagraph (B) may be made to any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism.

(B) The exports referred to in subparagraph (A) are—

(i) of any commodity or technology the export of which is controlled under this title pursuant to the Wassenaar Arrangement, the Missile Technology Control Regime, or the Australia Group, or controlled under this title pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978,

(ii) of any other commodity or technology the export of which is controlled under this title pursuant to multilateral export control regimes in which the United States participates, and

(iii) of any commodity or technology which could make a significant contribution to the military potential of a country described in subparagraph (A), including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism,

other than food, medicine, or medical supplies that the President determines will be used only for humanitarian purposes. An individual validated license shall be required for the export under this subparagraph of any such food, medicine, or medical supplies.

(C) Subsections (a)(3) and (b) shall not apply to exports prohibited or restricted under this subsection.

(D)(i) The Secretary shall maintain a list of commodities and technology described in subparagraph (B)(iii). The Secretary shall review the list of items on that list at least annually. At the conclusion of the review, the Secretary shall determine whether to remove items from the list, change the specifications of items on the list, or add items to the list, in order to ensure that the items on the list meet the requirements of subparagraph (B)(iii).

(ii) The procedures set forth in subparagraphs (A) and (C) of section 105(g)(3) shall apply to reviews under clause (i) of the list of items described in subparagraph (B)(iii) to the same extent as such section applies to reviews of the control list under section 105(g).

(2) Notification of congress of licenses issued.—The Secretary and the Secretary of State shall notify the Speaker of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any license under this title for exports to a country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism.

(3) Publication of determinations.—Each determination of the Secretary of State under paragraph (1)(A) shall be published in the Federal Register.

(4) Rescission of determinations.—A determination made by the Secretary of State under paragraph (1)(A) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(ii) that government is not supporting acts of international terrorism; and

(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(5) Waiver of prohibitions.—The President may waive the prohibitions contained in paragraph (1)(A) with respect to a specific transaction if—

(A) the President determines that the transaction is essential to the national security interests of the United States; and

(B) not less than 30 days prior to the proposed transaction, the President—

(i) consults with the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the proposed transaction; and

(ii) submits to the Speaker of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

(I) the name of any country involved in the proposed transaction, the identity of any recipient of the items to be provided pursuant to the proposed transaction, and the anticipated use of those items;

(II) a description of the items involved in the proposed transaction (including their market value) and the actual sale price at each step in the transaction;

(III) the reasons why the proposed transaction is essential to the national security interests of the United States and the justification for the proposed transaction;

(IV) the date on which the proposed transaction is expected to occur; and

(V) the name of any foreign governments involved in the proposed transaction.

To the extent possible, the information specified in clause (ii) of subparagraph (B) shall be provided in unclassified form.

(6) Multilateral regimes.—The Secretary of State, in consultation with appropriate departments and agencies, shall seek support by other countries and by effective multilateral control regimes of controls imposed by this subsection.

(7) Effect on other laws.—The provisions of this subsection do not affect any other provision of law to the extent such other provision imposes greater restrictions on exports to any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism than are imposed under this subsection.

(j) Crime Control Instruments.—

(1) License required.—Crime control and detection instruments and equipment shall be approved for export by the Secretary only pursuant to an export license. Paragraphs (3)(A) and (4) of subsection (a) shall not apply to the export controls imposed by this subsection.

(2) Concurrence of secretary of state.—

(A) Items on control index.—Any determination of the Secretary of what commodities or technology shall be included on the control index as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State.

(B) Action on license application.—Any determination of the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made with the concurrence of the Secretary of State.

(3) Dispute resolution.—If the Secretary of State does not agree with the Secretary with respect to any determination under paragraph (2), the Secretary of State shall refer the matter to the President for resolution.

(4) Exceptions.—The provisions of this subsection shall not apply with respect to exports to countries which are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this subsection and section 502B of the Foreign Assistance Act of 1961.

(k) Spare Parts.—At the same time as the President imposes or expands export controls under this section, the President shall determine whether such export controls will apply to replacement parts or parts in commodities subject to such export controls.

(l) Effect on Other Laws.—None of the prohibitions contained in this section shall apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947.

SEC. 107. SHORT SUPPLY CONTROLS.

(a) Authority.—

(1) In general.—In order to carry out the policy set forth in section 103(4), the President may prohibit or curtail the export of any commodities subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. In curtailing exports to carry out the policy set forth in section 103(4), the President shall allocate a portion of export licenses on the basis of factors other than a prior history of exportation. Such factors shall include the extent to which a country

engages in equitable trade practices with respect to United States commodities and treats the United States equitably in times of short supply.

(2) PUBLIC PARTICIPATION.—Upon imposing quantitative restrictions on exports of any commodities to carry out the policy set forth in section 103(4), the Secretary shall include in a notice published in the Federal Register with respect to such restrictions an invitation to all interested parties to submit written comments within 15 days after the date of publication on the impact of such restrictions and the method of licensing used to implement them.

(3) LICENSE FEES.—In imposing export controls under this section, the President's authority shall include, but not be limited to, the imposition of export license fees.

(b) MONITORING.—

(1) IN GENERAL.—In order to carry out the policy set forth in section 103(4), the Secretary shall monitor exports, and contracts for exports, of any commodity (other than a commodity which is subject to the reporting requirements of section 602 of the Agricultural Trade Act of 1978 (7 U.S.C. 5712)) when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof. Any such monitoring shall commence at a time adequate to assure that the monitoring will result in a data base sufficient to enable policies to be developed, in accordance with section 103(4), to mitigate a short supply situation or serious inflationary price rise or, if export controls are needed, to permit imposition of such controls in a timely manner. Information which the Secretary requires to be furnished in effecting such monitoring shall be confidential, except as provided in paragraph (2).

(2) REPORTS ON MONITORING.—The results of monitoring under paragraph (1) shall, to the extent practicable, be aggregated and included in weekly reports setting forth, with respect to each item monitored, actual and anticipated exports, the destination by country, and the domestic and worldwide price, supply, and demand. Such reports may be made monthly if the Secretary determines that there is insufficient information to justify weekly reports.

(3) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary shall consult with the Secretary of Energy to determine whether monitoring or export controls under this section are warranted with respect to exports of facilities, machinery, or equipment normally and principally used, or intended to be used, in the production, conversion, or transportation of fuels and energy (except nuclear energy), including, but not limited to—

(A) drilling rigs, platforms, and equipment;

(B) petroleum refineries, and natural gas processing, liquefaction, and gasification plants;

(C) facilities for production of synthetic natural gas or synthetic crude oil;

(D) oil and gas pipelines, pumping stations, and associated equipment; and

(E) vessels for transporting oil, gas, coal, and other fuels.

(c) PETITIONS FOR MONITORING OR CONTROLS OF METALLIC MATERIALS.—

(1) IN GENERAL.—(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, that is representative of an industry or a substantial segment of an industry that processes metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to any such material, in order to carry out the policy set forth in section 103(4).

(B) Each petition shall be in such form as the Secretary shall prescribe and shall contain information in support of the action requested. The petition shall include any information reasonably available to the petitioner indicating that each of the criteria set forth in paragraph (3)(A) is satisfied.

(2) PUBLICATION OF NOTICE.—Within 15 days after receipt of any petition described in paragraph (1), the Secretary shall publish a notice in the Federal Register. The notice shall—

(A) include the name of the material that is the subject to the petition;

(B) include the schedule B number of the material as set forth in the Statistical Classification of Domestic and Foreign Commodities Exported from the United States;

(C) indicate whether the petition is requesting that controls or monitoring, or both, be imposed with respect to the exportation of such material; and

(D) provide that interested persons shall have a period of 30 days beginning on the date on which the notice is published to submit to the Secretary written data, views, or arguments, with or without opportunity for oral presentation, with respect to the matter involved.

At the request of the petitioner or any other entity described in paragraph (1)(A) with respect to the material which is the subject of the petition, or at the request of any entity representative of producers or exporters of such material, the Secretary shall conduct public hearings with respect to the subject of the petition, in which case the 30-day period may be extended to 45 days.

(3) DETERMINATION OF MONITORING OR CONTROLS.—(A) Within 45 days after the end of the 30- or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material that is the subject of the petition in order to carry out the policy set forth in section 103(4). In making such determination, the Secretary shall determine whether—

(i) there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply and demand;

(ii) there has been a significant increase in domestic price of such material or a domestic shortage of such material relative to demand;

(iii) exports of such material are as important as any other cause of a domestic price increase or shortage relative to demand found under clause (ii);

(iv) a domestic price increase or shortage relative to demand found under clause (ii) has significantly adversely affected or may significantly adversely affect the national economy or any sector thereof, including a domestic industry; and

(v) monitoring or controls, or both, are necessary in order to carry out the policy set forth in section 103(4).

(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination under subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.

(4) PUBLICATION OF REGULATIONS.—Within 15 days after making a determination under paragraph (3) to impose monitoring or controls on the export of a material, the Secretary shall publish in the Federal Register proposed regulations with respect to such monitoring or controls. Within 30 days after the publication of such proposed regulations, and after considering any public comments on the proposed regulations, the Secretary shall publish and implement final regulations with respect to such monitoring or controls.

(5) CONSOLIDATION OF PETITIONS.—For purposes of publishing notices in the Federal Register and scheduling public hearings pursuant to this subsection, the Secretary may consolidate petitions, and responses to such petitions, which involve the same or related materials.

(6) SUBSEQUENT PETITIONS ON SAME MATERIAL.—If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures described in this subsection, the Secretary may determine, in the absence of significantly changed circumstances, that any other petition with respect to the same material or group of materials which is filed within 6 months after the consideration of the prior petition has been completed does not merit complete consideration under this subsection.

(7) PRECEDENCE OF PROCEDURES OVER OTHER REVIEWS.—The procedures and time limits set forth in this subsection with respect to a petition filed under this subsection shall take precedence over any review undertaken at the initiative of the Secretary with respect to the same subject as that of the petition.

(8) TEMPORARY CONTROLS.—The Secretary may impose monitoring or controls, on a temporary basis, on the export of a metallic material after a petition is filed under paragraph (1)(A) with respect to that material but before the Secretary makes a determination under paragraph (3) with respect to that material only if—

(A) the failure to take such temporary actions would result in irreparable harm to the entity filing the petition, or to the national economy or segment thereof, including a domestic industry, and

(B) the Secretary considers such action to be necessary to carry out the policy set forth in section 103(4).

(9) OTHER AUTHORITY NOT AFFECTED.—The authority under this subsection shall not be construed to affect the authority of the Secretary under any other provision of this title, except that if the Secretary determines, on the Secretary's own initiative, to impose monitoring or controls, or both, on the export of metallic materials capable of being recycled, under the authority of this section, the Secretary shall publish the reasons for such action in accordance with paragraph (3)(A) and (B).

(10) SUBMISSION AND CONSIDERATION OF ADDITIONAL INFORMATION.—Nothing contained in this section shall be construed to preclude submission on a confidential basis to the Secretary of information relevant to a decision to impose or remove monitoring or controls under the authority of this title, or to preclude consideration of such information by the Secretary in reaching decisions required under this subsection. The provisions of this paragraph shall not be construed to affect the applicability of section 552(b) of title 5, United States Code.

(d) AGRICULTURAL COMMODITIES.—

(1) APPROVAL OF CONTROLS BY SECRETARY OF AGRICULTURE.—The authority conferred by this section shall not be exercised with

respect to any agricultural commodity, including fats and oils, forest products, or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent the President determines that the controls on such agricultural commodities are also imposed under section 106. The Secretary of Agriculture shall, by exercising the authority which the Secretary of Agriculture has under other applicable provisions of law, collect data with respect to export sales of animal hides and skins.

(2) PROTECTION OF STORED COMMODITIES FROM FUTURE CONTROLS.—Upon approval of the Secretary, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed to carry out the policy set forth in section 103(4) subsequent to such approval. The Secretary may not grant such approval unless the Secretary receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds—

(A) that such commodities will eventually be exported,

(B) that neither the sale nor export thereof will result in an excessive drain of scarce material and have a serious domestic inflationary impact,

(C) that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and

(D) that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country.

The Secretary may issue such regulations as may be necessary to carry out this paragraph.

(3) PROCEDURES FOR IMPOSING CONTROLS.—(A) If the President imposes export controls on any agricultural commodity under section 106 or this section, the President shall immediately transmit a report on such action to the Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If the Congress, within 60 days after the date of the receipt of the report, enacts a joint resolution pursuant to paragraph (4) approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of that 60-day period.

(B) The provisions of subparagraph (A) and paragraph (4) shall not apply to export controls—

(i) which are extended under this title if the controls, when imposed, were approved by the Congress under subparagraph (A) and paragraph (4); or

(ii) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

(4) EXPEDITED PROCEDURES.—(A) For purposes of this paragraph, the term "joint resolution" means only a joint resolution the matter after the resolving clause of which is as follows: "That pursuant to section 107(d)(3) of the Export Administration Act of 1996, the President may impose export controls as specified in the report submitted to the Congress on _____.", with the blank space being filled with the appropriate date.

(B) On the day on which a report is submitted to the House of Representatives and the Senate under paragraph (3), a joint resolution with respect to the export controls specified in such report shall be introduced (by request) in the House by either the chairman of the Committee on International Relations, for the chairman and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for the majority leader and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(C) If the committee of either House to which a joint resolution has been referred has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the resolution.

(D) A joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported to the House of Representatives by the Committee on International Relations under this paragraph, a motion to proceed to the consideration in the House of any such joint resolution shall be considered as highly privileged if offered by the chairman of the committee or a designee on or after the third day the report on the joint resolution has been available to Members pursuant to clause 2(l)(6) of rule XI of the Rules of the House of Representatives. The motion shall not be subject to debate or to intervening motion or otherwise subject to points of order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or not agreed to. If the motion is agreed to, the joint resolution shall be considered in the House and debatable for not to exceed two hours equally divided and controlled by the chairman and ranking minority member of the committee. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(E) In the case of a joint resolution described in subparagraph (A), if, before the passage by one House of a joint resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(i) the procedure in that House shall be the same as if no joint resolution has been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(5) COMPUTATION OF TIME PERIODS.—In the computation of the period of 60 days referred to in paragraph (3)(A) and the period of 30 days referred to in paragraph (4)(C), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.

(6) RULEMAKING POWER.—The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such, they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(e) BARTER AGREEMENTS.—

(1) EXEMPTION FROM CONTROLS.—The exportation pursuant to a barter agreement of any commodities which may lawfully be exported from the United States, for any commodities which may lawfully be imported into the United States, may be exempted, in accordance with paragraph (2), from any quantitative limitation on exports (other than any reporting requirement) imposed to carry out the policy set forth in section 103(4).

(2) CRITERIA FOR EXEMPTION.—The Secretary shall grant an exemption under paragraph (1) if the Secretary finds, after consultation with the appropriate department or agency of the United States, that—

(A) for the period during which the barter agreement is to be performed—

(i) the average annual quantity of the commodities to be exported pursuant to the barter agreement will not be required to satisfy the average amount of such commodities estimated to be required annually by the domestic economy and will be surplus thereto; and

(ii) the average annual quantity of the commodities to be imported will be more than the average amount of such commodities estimated to be required annually to supplement domestic production; and

(B) the parties to such barter agreement have demonstrated adequately that they intend, and have the capacity, to perform such barter agreement.

(3) DEFINITION.—For purposes of this subsection, the term "barter agreement" means any agreement which is made for the exchange, without monetary consideration, of any commodities produced in the United States for any commodities produced outside of the United States.

(4) APPLICABILITY.—This subsection shall apply only with respect to barter agreements entered into after September 30, 1979.

(f) EFFECT OF CONTROLS ON EXISTING CONTRACTS.—

(1) WESTERN RED CEDAR.—Any export controls imposed under section 7(i) of the Export Administration Act of 1979 or this section shall not affect any contract to harvest unprocessed western red cedar from State lands which was entered into before October 1, 1979, and the performance of which would make the red cedar available for export.

(2) OTHER CONTROLS.—Any export controls imposed under this section on any agricultural commodity (including fats, oils, forest products, and animal hides and skins), or on any fishery product, shall not affect any contract to export entered into before the date on which such controls are imposed. For purposes of this paragraph, the term "contract to export" includes, but is not limited to, an export sales agreement and an agreement to

invest in an enterprise which involves the export of commodities or technology.

(g) OIL EXPORTS FOR USE BY UNITED STATES MILITARY FACILITIES.—For purposes of this section, and for purposes of any export controls imposed under this title, shipments of crude oil, refined petroleum products, or partially refined petroleum products from the United States for use by the Department of Defense or United States-supported installations or facilities shall not be considered to be exports.

SEC. 108. FOREIGN BOYCOTTS.

(a) PROHIBITIONS AND EXCEPTIONS.—

(1) PROHIBITIONS.—In order to carry out the policies set forth in section 103(9), the President shall issue regulations prohibiting any United States person, with respect to that person's activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of regulations issued to carry out this subparagraph.

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person that is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary.

(E) Furnishing information about whether any person is a member of, has made a contribution to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) EXCEPTIONS.—Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) complying or agreeing to comply with requirements—

(i) prohibiting the import of commodities or services from the boycotted country or commodities produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country; or

(ii) prohibiting the shipment of commodities to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment, or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country, or specific commodities which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipment of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of the country with respect to such person's activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of the foreign country governing imports into such country of trademarked, trade named, or similarly specifically identifiable products, or components of products for such person's own use, including the performance of contractual services within that country, as may be defined by such regulations.

(3) LIMITATION ON EXCEPTIONS.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) ANTITRUST AND CIVIL RIGHTS LAWS NOT AFFECTED.—Nothing in the subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) EVASION.—This section shall apply to any transaction or activity undertaken, by or through a United States person or any other person, with intent to evade the provisions of this section as implemented by the regulations issued pursuant to this subsection, and such regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

(b) ADDITIONAL REGULATIONS AND REPORTS.—

(1) REGULATIONS.—In addition to the regulations issued pursuant to subsection (a), regulations issued under section 106 shall implement the policies set forth in section 103(9).

(2) REPORTS BY UNITED STATES PERSONS.—Such regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 103(9) shall report that fact to the Secretary, together with such other information concerning such request as the Secretary may require, for such action as the Secretary considers appropriate for carrying out the policies of that section. Such person shall also report to the Secretary whether such person intends to comply and whether such person has complied with such request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any commodities or technology to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary, considers appropriate for carrying out the policies set forth in section 103(9).

(c) PREEMPTION.—The provisions of this section and the regulations issued under this section shall preempt any law, rule, or regulation which—

(1) is a law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof; and

(2) pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

SEC. 109. PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS; OTHER INQUIRIES.

(a) PRIMARY RESPONSIBILITY OF THE SECRETARY.—

(1) IN GENERAL.—All export license applications required under this title shall be submitted by the applicant to the Secretary. Subject to the procedures provided in this section—

(A) if referral of an application to other departments or agencies for review is not required, the Secretary shall, within 9 days after receiving the application, issue a license or notify the applicant of the intent to deny the application; or

(B) if referral of the application to other departments or agencies for review is required, the Secretary shall, within 30 days after referral of any such application to other departments or agencies—

(i) issue a license;

(ii) notify the applicant of the intent to deny the application; or

(iii) ensure that the application is subject to the interagency resolution process set forth in subsection (d).

(2) RECOMMENDATIONS OF OTHER AGENCIES.—The Secretary shall seek information and recommendations from the Department of Defense and other departments and agencies of the United States that are identified by the President as being concerned with factors having an important bearing on exports administered under this title. Such departments and agencies shall cooperate fully and promptly in rendering information and recommendations.

(3) PROCEDURES.—In guidance and regulations that implement this section, the Secretary shall describe the procedures required by this section, the responsibilities of the Secretary and of other departments and agencies in reviewing applications, the rights of the applicant, and other relevant matters affecting the review of license applications.

(4) CALCULATION OF PROCESSING TIMES.—In calculating the processing times set forth in this section, the Secretary shall use calendar days, except that if the final day for a required action falls on a weekend or holiday, that action shall be taken no later than the following business day.

(5) RELIABILITY OF PARTIES.—In reviewing applications for export licenses, the Secretary may in each case consider the reliability of the parties to the proposed export. In making such an evaluation, the Secretary may consider all sources of information, including results of other United States Government actions, such as actions by the Committee on Foreign Investment in the United States, investigations of diversions from authorized end uses or end users, and intelligence information, except that the consideration of such information in connection with the evaluation of the reliability of parties shall not authorize the direct or indirect disclosure of classified information or sources and methods of gathering classified information and shall not confer a right on private parties to have access to classified information.

(b) INITIAL SCREENING.—

(1) UPON RECEIPT OF APPLICATION.—Upon receipt of an export license application, the Secretary shall enter and maintain in the records of the Department of Commerce information regarding the receipt and status of the application.

(2) INITIAL PROCEDURES.—Promptly upon receiving any license application, the Secretary shall—

(A) contact the applicant if the application is improperly completed or if additional information is required, and hold the application for a reasonable time while the applicant provides the necessary corrections or information, and such time shall not be included in calculating the time periods prescribed in this section;

(B) refer the application, including all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Department of Defense and other departments and agencies identified by the President under subsection (a)(2); and

(C) ensure that the classification stated on the application for the export items is correct, return the application if a license is not required, and, if referral to other departments or agencies is not required, grant the application or notify the applicant of the Secretary's intent to deny the application. In the event that the head of a department or agency determines that certain types of applications need not be referred to the department or agency, such department or agency head shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(c) ACTION BY OTHER DEPARTMENTS AND AGENCIES.—

(1) REFERRAL TO OTHER AGENCIES.—The Secretary shall promptly refer license applications to departments and agencies under subsection (b) to make recommendations and provide information to the Secretary.

(2) RESPONSIBILITY OF REFERRAL AGENCIES.—The Department of Defense and other reviewing departments and agencies shall organize their resources and units to plan for the prompt and expeditious internal dissemination of export license applications, if necessary, so as to avoid delays in responding to the referral of applications.

(3) ADDITIONAL INFORMATION REQUESTS.—Each department or agency to which a license application is referred shall specify to the Secretary any information that is not in the application that would be required for the department or agency to make a determination with respect to the application, and the Secretary shall promptly request such information from the applicant. The time that may elapse between the date the information is requested by that department or agency and the date the information is received by that department or agency shall not be included in calculating the time periods prescribed in this section.

(4) TIME PERIOD FOR ACTION BY REFERRAL DEPARTMENTS AND AGENCIES.—Within 30 days after receiving a referral of an application under this section, the department or agency concerned shall provide the Secretary with a recommendation either to approve the license or to deny the license. A recommendation that the Secretary deny a license shall include a statement of reasons for the recommendation that are consistent with the provisions of this title, and shall cite both the specific statutory and the regulatory basis for the recommendation. A department or agency that fails to provide a recommendation in accordance with this paragraph within that 30-day period shall be deemed to have no objection to the decision of the Secretary on the application.

(d) INTERAGENCY RESOLUTION.—

(1) INITIAL RESOLUTION.—The Secretary shall establish, select the chairperson of, and determine procedures for an interagency committee to review initially all license applications on which the departments and agencies reviewing the applications under this section are not in agreement. The chairperson of such committee shall consider the recommendations of the departments and agencies reviewing a particular application and inform them of his or her decision on the application, which may include a decision that the particular application requires further consideration under the procedures established under paragraph (2). An application may also be referred to further consideration under the procedures established under paragraph (2) if an appeal from the chairperson's decision is made in writing by an official of the department or agency concerned who is appointed by the President by and with the advice and consent of the Senate, or an officer properly acting in such capacity.

(2) FURTHER RESOLUTION.—The President shall establish a process for the further review and determination of export license applications pursuant to a decision by the chairperson under paragraph (1) or an appeal by a department or agency under paragraph (1). Such process shall—

(A) be chaired by the Secretary or his or her designee;

(B) ensure that license applications are resolved or referred to the President no later than 90 days after the date the license application is initially received by the Secretary;

(C) provide that a department or agency dissenting from the decision reached under subparagraph (B) may appeal the decision to the President; and

(D) provide that a department or agency that fails to take a timely position, citing the specific statutory and regulatory bases for a denial, shall be deemed to have no objection to the pending decision.

(e) ACTIONS BY THE SECRETARY IF APPLICATION DENIED.—In cases where the Secretary has determined that an application should be denied, the applicant shall be informed in writing of—

(1) the determination to deny;

(2) the specific statutory and regulatory bases for the proposed denial;

(3) what, if any, modifications in or restrictions on the items for which the license was sought would allow such export to be compatible with export controls imposed under this title, and which officer or employee of the Department of Commerce would be in a position to discuss modifications or restrictions with the applicant and the specific statutory and regulatory bases for imposing such modifications or restrictions;

(4) to the extent consistent with the national security and foreign policy of the United States, the specific considerations that led to the determination to deny the application; and

(5) the availability of appeal procedures.

The Secretary shall allow the applicant 20 days to respond to the determination before the license application is denied.

(f) EXCEPTIONS FROM REQUIRED TIME PERIODS.—The following actions related to processing an application shall not be included in calculating the time periods prescribed in this section:

(1) AGREEMENT OF THE APPLICANT.—Delays upon which the Secretary and the applicant mutually agree.

(2) PRELICENSE CHECKS.—A prelicense check that may be required to establish the identity and reliability of the recipient of items controlled under this title, if—

(A) the need for the prelicense check is determined by the Secretary, or by another department or agency if the request for the prelicense check is made by such department or agency;

(B) the request for the prelicense check is sent by the Secretary within 5 days after the determination that the prelicense check is required; and

(C) the analysis of the result of the prelicense check is completed by the Secretary within 5 days.

(3) REQUESTS FOR GOVERNMENT-TO-GOVERNMENT ASSURANCES.—Any request by the Secretary or another department or agency for government-to-government assurances of suitable end uses of items approved for export, when failure to obtain such assurances would result in rejection of the application, if—

(A) the request for such assurances is sent to the Secretary of State within 5 days after the determination that the assurances are required;

(B) the Secretary of State initiates the request of the relevant government within 10 days thereafter; and

(C) the license is issued within 5 days after the Secretary receives the requested assurances.

Whenever a prelicense check described in paragraph (2) and assurances described in this paragraph are not requested within the time periods set forth therein, then the time expended for such prelicense check or assurances shall be included in calculating the time periods established by this section.

(4) Multilateral review.—Multilateral review of a license application to the extent that such multilateral review is required by a relevant multilateral regime.

(5) Congressional notification.—Such time as is required for mandatory congressional notifications under this title.

(6) Consultations.—Consultation with other governments, if such consultation is provided for by a relevant multilateral regime as a precondition for approving a license.

(g) Appeals.—

(1) In general.—The Secretary shall establish appropriate procedures for any applicant to appeal to the Secretary the denial of an export license application or other administrative action under this title.

(2) Filing of petition.—In any case in which any action prescribed in this section is not taken on a license application within the time periods established by this section (except in the case of a time period extended under subsection (f) of which the applicant is notified), the applicant may file a petition with the Secretary requesting compliance with the requirements of this section. When such petition is filed, the Secretary shall take immediate steps to correct the situation giving rise to the petition and shall immediately notify the applicant of such steps.

(3) Bringing court action.—If, within 20 days after a petition is filed under paragraph (2), the processing of the application has not been brought into conformity with the requirements of this section, or the application has been brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for an order requiring compliance with the time periods required by this section. The United States district courts shall have jurisdiction to provide such relief, as appropriate.

(h) Classification Requests and Other Inquiries.—

(1) Classification requests.—In any case in which the Secretary receives a written request asking for the proper classification of an item on the control index, the Secretary shall, within 14 days after receiving the request, inform the person making the request of the proper classification.

(2) Other inquiries.—In any case in which the Secretary receives a written request for information about the applicability of licensing requirements under this title to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receiving the request, reply with that information to the person making the request.

SEC. 110. VIOLATIONS.

(a) Criminal Penalties.—

(1) Violations by an individual.—Except as provided in paragraph (3), any individual who knowingly violates or conspires to or attempts to violate any provision of this title or any regulation, license, or order issued under this title shall be fined not more than 5 times the value of the exports involved or $500,000, whichever is greater, or imprisoned not more than 10 years, or both.

(2) Violations by a person other than an individual.—Except as provided in paragraph (3), any person other than an individual who knowingly violates or conspires to or attempts to violate any provision of this title or any regulation, license, or order issued under this title shall be fined not more than 10 times the value of the exports involved or $1,000,000, whichever is greater.

(3) Antiboycott violations.—

(A) Any individual who knowingly violates or conspires to or attempts to violate any regulation or order issued under section 108 shall be fined, for each violation, not more than 5 times the value of the exports involved or $250,000, whichever is greater, or imprisoned not more than 10 years, or both.

(B) Any person other than an individual who knowingly violates or conspires to or attempts to violate any regulation or order issued under section 108 shall be fined, for each violation, not more than 5 times the value of the exports involved or $500,000, whichever is greater.

(b) Forfeiture of Property Interest and Proceeds.—

(1) Forfeiture.—Any person who is convicted under subsection (a)(1) or (2) shall, in addition to any other penalty, forfeit to the United States—

(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the commodities or tangible items that were the subject of the violation;

(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

(2) Procedures.—The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this subsection or with respect to any property that may be subject to forfeiture under this subsection, shall be governed by the provisions of chapter 46 of title 18, United States Code, to the same extent as property subject to forfeiture under that chapter.

(c) Civil Penalties; Administrative Sanctions.—

(1) Civil penalties.—The Secretary may impose a civil penalty of not more than $250,000 for each violation of this title or any regulation, license, or order issued under this title, either in addition to or in lieu of any other liability or penalty which may be imposed, except that the civil penalty for each such violation of regulations issued under section 108 may not exceed $50,000.

(2) Denial of export privileges.—The Secretary may deny the export privileges of any person, including suspending or revoking the authority of any person to export or receive United States-origin commodities or technology subject to this title, on account of any violation of this title or any regulation, license, or order issued under this title.

(d) Payment of Civil Penalties.—The payment of any civil penalty imposed under subsection (c) may be made a condition, for a period not exceeding 1 year after the penalty has become due but has not been paid, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. In addition, the payment of any civil penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed 1 year) that may be imposed upon such person. Such deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.

(e) Refunds.—Any amount paid in satisfaction of any civil penalty imposed under subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his or her discretion, refund any such civil penalty imposed under subsection (c), within 2 years after payment, on the ground of a material error of fact or law in the imposition of the penalty. Notwithstanding section 1346(a) of title 28, United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) Effect of Other Convictions.—

(1) Denial of export privileges.—Any person convicted of a violation of—

(A) this title or the Export Administration Act of 1979,

(B) the International Emergency Economic Powers Act,

(C) section 793, 794, or 798 of title 18, United States Code,

(D) section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)),

(E) section 38 of the Arms Export Control Act,

(F) section 16 of the Trading with the Enemy Act (59 U.S.C. App. 16),

(G) any regulation, license, or order issued under any provision of law listed in subparagraph (A), (B), (C), (D), (E), or (F), or

(H) section 371 or 1001 of title 18, United States Code, if in connection with the export of commodities or technology controlled under this title, any regulation, license or order issued under the International Emergency Economic Powers Act, or defense articles or defense services controlled under the Arms Export Control Act,

may, at the discretion of the Secretary, be denied export privileges under this title for a period of up to 10 years from the date of the conviction. The Secretary may also revoke any export license under this title in which such person had an interest at the time of the conviction.

(2) Related persons.—The Secretary may exercise the authority under paragraph (1) with respect to any person related, through affiliation, ownership, control, or position of responsibility, to any person convicted of any violation of a law set forth in paragraph (1), upon a showing of such relationship with the convicted person, after providing notice and opportunity for a hearing.

(g) Statute of Limitations.—Any proceeding in which a civil penalty or other administrative sanction (other than a temporary denial order) is sought under subsection (c) may not be instituted more than 5 years after the date of the alleged violation, except that, in any case in which a criminal indictment alleging a violation of this title is returned within the time limits prescribed by law for the institution of such action, the statute of limitations for bringing a proceeding to impose such a civil penalty or other administrative sanction under this title shall, upon the return of the criminal indictment, be tolled against all persons named as a defendant. The tolling of the statute of limitations shall continue for a period of 6 months from the date a conviction becomes final or the indictment is dismissed.

(h) Violations Defined by Regulation.—Nothing in this section shall limit the power of the Secretary to define by regulation violations under this title.

(i) Other Authorities.—Nothing in subsection (c), (d), (e), (f), or (g) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this title, or any regulation, order, or license issued under this title;

(2) the authority to compromise and settle administrative proceedings brought with respect to any such violation; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

(j) Private Right of Action.—Any person—

(1) against whom an act of discrimination described in section 108(a)(1)(B) is committed, or

(2) who, on account of a violation of the regulations issued pursuant to section 108(a), loses an opportunity to engage in a commercial venture pursuant to a contract, joint venture, or other commercial transaction, including an opportunity to bid or tender an offer for a contract,

may bring an action in an appropriate district court of the United States against the United States person committing the violation, for recovery of actual damages incurred on account of such act of discrimination or lost opportunity. In any such action the court may award punitive damages. An action may be brought under this subsection against a United States person whether or not the United States person has been determined under this section to have violated the regulations issued pursuant to section 108(a) on account of which the action is brought. In an action brought under this subsection, unless the court finds that the interests of justice require otherwise, the court shall designate the substantially prevailing party or parties in the action, and the remaining parties shall pay the reasonable attorneys' fees of the substantially prevailing party or parties in such proportion as the court shall determine.

SEC. 111. CONTROLLING PROLIFERATION ACTIVITY.

(a) Proliferation Controls.—

(1) Missile technology controls.—The Secretary, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies and consistent with sections 103 and 104(g)—

(A) shall establish and maintain, as part of the control index established under section 104(b), dual-use items on the MTCR Annex;

(B) may include, as part of the control index established under section 104(b), items that—

(i) would make a material contribution to the design, development, test, production, stockpiling, or use of missile delivery systems, and

(ii) are not included in the MTCR Annex but which the United States has proposed to the other members of the MTCR for inclusion in the MTCR Annex; and

(C) shall require a license under paragraph (1) or (2) of section 104(a), consistent with the arrangements of the MTCR, for—

(i) any export of items on the control index pursuant to subparagraphs (A) and (B) to any country; and

(ii) any export of items that the exporter knows is destined for a project or facility for the design, development, or manufacture of a missile in a country that is not an adherent to the MTCR.

(2) Chemical and biological weapons controls.—The Secretary, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies and consistent with sections 103 and 104(g)—

(A) shall establish and maintain, as part of the control index established under section 104(b), dual-use items listed by the Australia Group or the Chemical Weapons Convention;

(B) may include, as part of the control index established under section 104(b), items that—

(i) would make a material contribution to the design, development, test, production, stockpiling, or use of chemical or biological weapons, and

(ii) are not contained on the list of controlled items of the Australia Group but which the United States has proposed to the other members of the Australia Group for inclusion in such list; and

(C) shall require a license under paragraph (1) or (2) of section 104(a), consistent with the arrangements of the Australia Group and the Chemical Weapons Convention, for—

(i) any export of items on the control index pursuant to subparagraphs (A) and (B) to any country, except as provided for in section 105(e); and

(ii) any export of items that the exporter knows is destined for a project or facility for the design, development, or manufacture of a chemical or biological weapon.

(3) Policy of denial of licenses.—(A) Licenses under paragraph (1)(C) should in general be denied if the ultimate consignee of the commodities or technology is a facility in a country that is not an adherent to the MTCR and the facility is designed to develop or build missiles.

(B) Licenses under paragraph (1)(C) shall be denied if the ultimate consignee of the commodities or technology is a facility in a country the government of which has been determined under section 106(i)(1) to have repeatedly provided support for acts of international terrorism.

(b) Technical Amendments to Arms Export Control Act.—(1) Section 71(a) of the Arms Export Control Act (22 U.S.C. 2797(a)) is amended by striking "6(l) of the Export Administration Act of 1979" and inserting "111(a) of the Export Administration Act of 1996".

(2) Section 81(a)(1) of the Arms Export Control Act (22 U.S.C. 2798(a)(1)) is amended in subparagraphs (A) and (B) by inserting "under this Act" after "United States" the second place it appears in each subparagraph.

(c) General Prohibition.—Notwithstanding any other provision of this title, the export of commodities or technology shall be prohibited if the ultimate consignee is a program or activity for the design, development, manufacture, stockpiling, testing, or other acquisition of a weapon of mass destruction or missile in a country that is not an adherent to the regime controlling such weapon or missile, unless the Secretary determines such export would not make a material contribution to such program or activity.

(d) Chemical and Biological Weapons Proliferation Sanctions.—

(1) Imposition of sanctions.—

(A) Determination by the president.—Except as provided in paragraph (2)(B), the President shall impose both of the sanctions described in paragraph (3) if the President determines that a foreign person, on or after the date of the enactment of this Act, has knowingly and materially contributed—

(i) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this title, or

(ii) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this title,

to the efforts by any foreign country, project, or entity described in subparagraph (B) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

(B) Countries, projects, or entities receiving assistance.—Subparagraph (A) applies in the case of—

(i) any foreign country that the President determines has, at any time after January 1, 1980—

(I) used chemical or biological weapons in violation of international law;

(II) used lethal chemical or biological weapons against its own nationals; or

(III) made substantial preparations to engage in the activities described in subclause (I) or (II);

(ii) any foreign country whose government is determined for purposes of section 106(i) to be a government that has repeatedly provided support for acts of international terrorism; or

(iii) any other foreign country, project, or entity designated by the President for purposes of this subsection.

(C) Persons against which sanctions are to be imposed.—Sanctions shall be imposed pursuant to subparagraph (A) on—

(i) the foreign person with respect to which the President makes the determination described in that subparagraph;

(ii) any successor entity to that foreign person;

(iii) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

(iv) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(2) Consultations with and actions by foreign government of jurisdiction.—

(A) Consultations.—If the President makes the determinations described in paragraph (1)(A) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this subsection.

(B) Actions by government of jurisdiction.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this subsection for a period of up to 90 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in paragraph (1)(A). The President may delay imposition of sanctions for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(C) Report to congress.—The President shall report to the Congress, not later than 90 days after making a determination under paragraph (1)(A), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under subparagraph (B) of this paragraph that such government has taken specific corrective actions.

(3) SANCTIONS.—

(A) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to paragraph (1)(A) are, except as provided in subparagraph (B) of this paragraph, the following:

(i) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in paragraph (1)(C).

(ii) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in paragraph (1)(C) shall be prohibited.

(B) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this subsection—

(i) in the case of procurement of defense articles or defense services—

(I) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(II) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(III) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(ii) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(iii) to—

(I) spare parts,

(II) component parts, but not finished products, essential to United States products or production, or

(III) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(iv) to information and technology essential to United States products or production; or

(v) to medical or other humanitarian items.

(4) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this subsection shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under paragraph (1)(A) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that paragraph.

(5) WAIVER.—

(A) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this subsection, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

(B) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in subparagraph (A), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(6) DEFINITION OF FOREIGN PERSON.—For purposes of this subsection, the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.

(e) MISSILE PROLIFERATION CONTROL VIOLATIONS.—

(1) VIOLATIONS BY UNITED STATES PERSONS.—

(A) SANCTIONS.—(i) If the President determines that a United States person knowingly—

(I) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 38 (22 U.S.C. 2778) or chapter 7 of the Arms Export Control Act, this title, or any regulations or orders issued under any such provisions,

(II) conspires to or attempts to engage in such export, transfer, or trade, or

(III) facilitates such export, transfer, or trade by any other person,

then the President shall impose the applicable sanctions described in clause (ii).

(ii) The sanctions which apply to a United States person under clause (i) are the following:

(I) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person, for a period of 2 years, licenses for the transfer of missile equipment or technology controlled under this title.

(II) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of not less than 2 years, all licenses for items the export of which is controlled under this title.

(B) DISCRETIONARY SANCTIONS.—In the case of any determination referred to in subparagraph (A), the Secretary may pursue any other appropriate penalties under section 110.

(C) WAIVER.—The President may waive the imposition of sanctions under subparagraph (A) on a person with respect to a product or service if the President certifies to the Congress that—

(i) the product or service is essential to the national security of the United States; and

(ii) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

(2) TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.—

(A) SANCTIONS.—(i) Subject to subparagraphs (C) through (G), if the President determines that a foreign person, after the date of the enactment of this section, knowingly—

(I) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles in a country that is not an adherent to the MTCR and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this title,

(II) conspires to or attempts to engage in such export, transfer, or trade, or

(III) facilitates such export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person, under section 73(a) of the Arms Export Control Act, then the President shall impose on that foreign person the applicable sanctions under clause (ii).

(ii) The sanctions which apply to a foreign person under clause (i) are the following:

(I) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this title.

(II) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this title.

(III) If, in addition to actions taken under subclauses (I) and (II), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an adherent to the MTCR, then the President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

(B) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Subparagraph (A) does not apply with respect to—

(i) any export, transfer, or trading activity that is authorized by the laws of an adherent to the MTCR, if such authorization is not obtained by misrepresentation or fraud; or

(ii) any export, transfer, or trade of an item to an end user in a country that is an adherent to the MTCR.

(C) EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.—Sanctions set forth in subparagraph (A) may not be imposed under this paragraph on a person with respect to acts described in such subparagraph or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an adherent to the MTCR is taking judicial or other enforcement against that person with respect to such acts, or that person has been found by the government of an adherent to the MTCR to be innocent of wrongdoing with respect to such acts.

(D) ADVISORY OPINIONS.—The Secretary, in consultation with the Secretary of State and the Secretary of Defense, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this paragraph. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

(E) WAIVER AND REPORT TO CONGRESS.—(i) In any case other than one in which an advisory opinion has been issued under subparagraph (D) stating that a proposed activity would not subject a person to sanctions under this paragraph, the President may waive the application of subparagraph (A) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(ii) In the event that the President decides to apply the waiver described in clause (i), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

(F) ADDITIONAL WAIVER.—The President may waive the imposition of sanctions under subparagraph (A) on a person with respect to a product or service if the President certifies to the Congress that—

(i) the product or service is essential to the national security of the United States; and

(ii) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

(G) EXCEPTIONS FROM IMPORT SANCTIONS.—The President shall not apply the sanction under this subsection prohibiting the importation of the products of a foreign person—

(i) in the case of procurement of defense articles or defense services—

(I) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(II) if the President determines that the person to which the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

(III) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements;

(ii) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

(iii) to—

(I) spare parts,

(II) component parts, but not finished products, essential to United States products or production,

(III) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

(IV) information and technology essential to United States products or production.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the terms "missile equipment or technology" and "MTCR equipment or technology" mean those items listed in category I or category II of the MTCR Annex;

(B) the term "foreign person" means any person other than a United States person;

(C)(i) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

(ii) in the case of a country where it may be impossible to identify a specific governmental entity referred to in clause (i), the term "person" means—

(I) all activities of that government relating to the development or production of any missile equipment or technology; and

(II) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment; and

(D) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(f) EFFECT ON OTHER LAWS.—The provisions of this section do not affect any activities subject to the reporting requirements contained in title V of the National Security Act of 1947.

(g) SEEKING MULTILATERAL SUPPORT FOR UNILATERAL SANCTIONS.—The Secretary of State, in consultation with appropriate departments and agencies, shall seek the support of other countries for sanctions imposed under this section.

SEC. 112. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) APPLICABILITY.—

(1) EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE.—Except as provided in this section, the functions exercised under this title are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

(2) JUDICIAL REVIEW.—Except as otherwise provided in this section, a final agency action under this title may be reviewed by appeal to the United States Court of Appeals for the District of Columbia Circuit, to the extent provided in this paragraph. The court's review in any such appeal shall be limited to determining whether—

(A) a regulation—

(i) fails to take an action required by this title;

(ii) takes an action prohibited by this title; or

(iii) otherwise violates this title;

(B) an agency action violates this title;

(C) an agency action violates an agency regulation establishing time requirements or other procedural requirements of a non-discretionary nature;

(D) the issuance of regulations required by this title complies with time restrictions imposed by this title;

(E) license decisions are made and appeals thereof are concluded in compliance with time restrictions imposed by this title;

(F) classifications and advisory opinions are issued in compliance with time restrictions imposed by this title;

(G) unfair impact determinations under section 114(k) are in compliance with time restrictions imposed by that section; or

(H) the United States has complied with the requirements of section 114(k) after an unfair impact determination has been made.

(b) PROCEDURES RELATING TO CIVIL PENALTIES AND SANCTIONS.—

(1) ADMINISTRATIVE PROCEDURES.—Any administrative sanction imposed under section 110(c) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code. The imposition of any such administrative sanction shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code.

(2) AVAILABILITY OF CHARGING LETTER.—Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued under section 108(a) shall be made available for public inspection and copying.

(c) COLLECTION.—If any person fails to pay a civil penalty imposed under section 110(c), the Secretary may ask the Attorney General to bring a civil action in an appropriate district court to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(d) IMPOSITION OF TEMPORARY DENIAL ORDERS.—

(1) GROUNDS FOR IMPOSITION.—In any case in which there is reasonable cause to believe that a person is engaged in or is about to engage in any act or practice which constitutes or would constitute a violation of this title, or any regulation, order, or license issued under this title, including any diversion of goods or technology from an authorized end use or end user, or in any case in which a criminal indictment has been returned against a person alleging a violation of this title or any of the statutes listed in section 110(f), the Secretary may, without a hearing, issue an order temporarily denying that person's United States export privileges (hereafter in this subsection referred to a "temporary denial order"). A temporary denial order may be effective for no longer than 180 days, but may be renewed by the Secretary, following notice and an opportunity for a hearing, for additional periods of not more than 180 days each.

(2) ADMINISTRATIVE APPEALS.—The person or persons subject to the issuance or renewal of a temporary denial order may appeal the issuance or renewal of the temporary denial order, supported by briefs and other material, to an administrative law judge who shall, within 15 working days after the appeal is filed, issue a decision affirming, modifying, or vacating the temporary denial order. The temporary denial order shall be affirmed if it is shown that—

(A) there is reasonable cause to believe that the person subject to the order is engaged in or is about to engage in any act or practice which constitutes or would constitute a violation of this title, or any regulation, order, or license issued under this title, or

(B) a criminal indictment has been returned against the person subject to the order alleging a violation of this title or any of the statutes listed in section 110(f).

The decision of the administrative law judge shall be final unless, within 10 working days after the date of the administrative law judge's decision, an appeal is filed with the Secretary. On appeal, the Secretary shall either affirm, modify, reverse, or vacate the decision of the administrative law judge by written order within 10 working days after receiving the appeal. The written order of the Secretary shall be final and is not subject to judicial review, except as provided in paragraph (3). The materials submitted to the administrative law judge and the Secretary shall constitute the administrative record for purposes of review by the court.

(3) COURT APPEALS.—An order of the Secretary affirming, in whole or in part, the issuance or renewal of a temporary denial order may, within 15 days after the order is issued, be appealed by a person subject to the order to the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of the appeal. The court may review only those issues necessary to determine whether the issuance of

the temporary denial order was based on reasonable cause to believe that the person subject to the order was engaged in or was about to engage in any act or practice which constitutes or would constitute a violation of this title, or any regulation, order, or license issued under this title, or if a criminal indictment has been returned against the person subject to the order alleging a violation of this title or any of the statutes listed in section 110(f). The court shall vacate the Secretary's order if the court finds that the Secretary's order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

SEC. 113. ENFORCEMENT.

(a) GENERAL AUTHORITY AND DESIGNATION.—

(1) POLICY GUIDANCE ON ENFORCEMENT.—The Secretary, in consultation with the Secretary of the Treasury and the heads of other appropriate departments and agencies, shall be responsible for providing policy guidance on the enforcement of this title.

(2) GENERAL AUTHORITIES.—(A) To the extent necessary or appropriate to the enforcement of this title or to the imposition of any penalty, forfeiture, or liability arising under the Export Administration Act of 1979, officers or employees of the Department of Commerce designated by the Secretary and officers and employees of the United States Customs Service designated by the Commissioner may exercise the enforcement authorities described in paragraph (3).

(B) In carrying out the enforcement authorities described in paragraph (3), the Commissioner of Customs, and employees of the United States Customs Service designated by the Commissioner, may make investigations within or outside the United States and at those ports of entry or exit from the United States where officers of the United States Customs Service are authorized by law to carry out such enforcement responsibilities. Subject to paragraph (3), the United States Customs Service is authorized, in the enforcement of this title, to search, detain (after search), and seize commodities or technology at those ports of entry or exit from the United States where officers of the Customs Service are authorized by law to conduct such searches, detentions, and seizures, and at those places outside the United States where the Customs Service, pursuant to agreements or other arrangements with other countries, is authorized to perform enforcement activities.

(C) In carrying out the enforcement authorities described in paragraph (3), the Secretary, and officers and employees of the Department of Commerce designated by the Secretary, may make investigations within the United States, and shall conduct, outside the United States, prelicense and postshipment verifications of items licensed for export and investigations in the enforcement of section 108. The Secretary, and officers and employees of the Department of Commerce designated by the Secretary, are authorized to search, detain (after search), and seize items at those places within the United States other than those ports specified in subparagraph (B). The search, detention (after search), or seizure of items at those ports and places specified in subparagraph (B) may be conducted by officers and employees of the Department of Commerce only with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

(D) The Secretary and the Commissioner of Customs may enter into agreements and arrangements for the enforcement of this title, including foreign investigations and information exchange.

(3) SPECIFIC AUTHORITIES.—(A) Any officer or employee designated under paragraph (2) may do the following in carrying out the enforcement authority under this title:

(i) Make investigations of, obtain information from, make inspection of any books, records, or reports (including any writings required to be kept by the Secretary), premises, or property of, and take the sworn testimony of, any person.

(ii) Administer oaths or affirmations, and by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both. In the case of contumacy by, or refusal to obey a subpoena issued to, any such person, a district court of the United States, on request of the Attorney General and after notice to any such person and a hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof. The attendance of witnesses and the production of documents provided for in this clause may be required from any State, the District of Columbia, or in any territory of the United States at any designated place. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(B)(i) Any officer or employee of the Office of Export Enforcement of the Department of Commerce who is designated by the Secretary under paragraph (2), and any officer or employee of the United States Customs Service who is designated by the Commissioner of Customs under paragraph (2), may do the following in carrying out the enforcement authority under this title:

(I) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of this title.

(II) Make arrests without warrant for any violation of this title committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed, is committing, or is about to commit such a violation.

(III) Carry firearms.

(ii) Officers and employees of the Office of Export Enforcement designated by the Secretary under paragraph (2) shall exercise the authorities set forth in clause (i) pursuant to guidelines approved by the Attorney General.

(C) Any officer or employee of the United States Customs Service designated by the Commissioner of Customs under paragraph (2) may do the following in carrying out the enforcement authority under this title:

(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom the officer or employee has reasonable cause to suspect there is any item that has been, is being, or is about to be exported from or transited through the United States in violation of this title.

(ii) Detain and search any package or container in which the officer or employee has reasonable cause to suspect there is any item that has been, is being, or is about to be exported from or transited through the United States in violation of this title.

(iii) Detain (after search) or seize any item, for purposes of securing for trial or forfeiture to the United States, on or about such vehicle, vessel, aircraft, or person or in such package or container, if the officer or employee has probable cause to believe the item has been, is being, or is about to be exported from or transited through the United States in violation of this title.

(4) OTHER AUTHORITIES NOT AFFECTED.—The authorities conferred by this section are in addition to any authorities conferred under other laws.

(b) FORFEITURE.—Any commodities or tangible items lawfully seized under subsection (a) by designated officers or employees shall be subject to forfeiture to the United States. Those provisions of law relating to—

(1) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws,

(2) the disposition of such property or the proceeds from the sale thereof,

(3) the remission or mitigation of such forfeitures, and

(4) the compromise of claims,

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as applicable and not inconsistent with this title; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws may be performed with respect to seizures and forfeitures of property under this subsection by the Secretary or such officers and employees of the Department of Commerce as may be authorized or designated for that purpose by the Secretary, or, upon the request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

(c) REFERRAL OF CASES.—All cases involving violations of this title shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 110(c), or to the Attorney General for criminal action in accordance with this title or to both the Secretary and the Attorney General.

(d) UNDERCOVER INVESTIGATION OPERATIONS.—

(1) USE OF FUNDS.—With respect to any undercover investigative operation conducted by the Office of Export Enforcement of the Department of Commerce (hereafter in this subsection referred to as "OEE") necessary for the detection and prosecution of violations of this title—

(A) funds made available for export enforcement under this title may be used to purchase property, buildings, and other facilities, and to lease space within the United States, without regard to sections 1341 and 3324 of title 31, United States Code, the third undesignated paragraph under the heading of "MISCELLANEOUS" of the Act of March 3, 1877, (40 U.S.C. 34), sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and subsections (a) and (c) of section 304, and section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and (c) and 255),

(B) funds made available for export enforcement under this title may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31, United States Code,

(C) funds made available for export enforcement under this title and the proceeds from undercover operations may be deposited in banks or other financial institutions without regard to the provisions of section

648 of title 18, United States Code, and section 3302 of title 31, United States Code, and

(D) the proceeds from undercover operations may be used to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3302 of title 31, United States Code,

if the Director of OEE (or an officer or employee designated by the Director) certifies, in writing, that the action authorized by subparagraph (A), (B), (C), or (D) for which the funds would be used is necessary for the conduct of the undercover operation.

(2) DISPOSITION OF BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation with a net value of more than $50,000 is to be liquidated, sold, or otherwise disposed of, the Director of OEE shall report the circumstances to the Secretary and the Comptroller General, as much in advance of such disposition as the Director of OEE or his or her designee determines is practicable. The proceeds of the liquidation, sale, or other disposition, after obligations incurred by the corporation or business enterprise are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an OEE undercover investigative operation with respect to which an action is authorized and carried out under this subsection are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(4) AUDIT AND REPORT.—(A) The Director of OEE shall conduct a detailed financial audit of each OEE undercover investigative operation which is closed and shall submit the results of the audit in writing to the Secretary. Not later than 180 days after an undercover operation is closed, the Secretary shall submit to the Congress a report on the results of the audit.

(B) The Secretary shall submit annually to the Congress a report, which may be included in the annual report under section 115, specifying the following information:

(i) The number of undercover investigative operations pending as of the end of the period for which such report is submitted.

(ii) The number of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted.

(iii) The number of undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect thereto.

(5) DEFINITIONS.—For purposes of paragraph (4)—

(A) the term "closed", with respect to an undercover investigative operation, refers to the earliest point in time at which all criminal proceedings (other than appeals) pursuant to the investigative operation are concluded, or covert activities pursuant to such operation are concluded, whichever occurs later;

(B) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation conducted by OEE—

(i) in which the gross receipts (excluding interest earned) exceed $25,000, or expenditures (other than expenditures for salaries of employees) exceed $75,000, and

(ii) which is exempt from section 3302 or 9102 of title 31, United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report to the Congress required by subparagraph (B) of paragraph (4); and

(C) the term "employees" means employees, as defined in section 2105 of title 5, United States Code, of the Department of Commerce.

(e) REFERENCE TO ENFORCEMENT.—For purposes of this section, a reference to the enforcement of this title or to a violation of this title includes a reference to the enforcement or a violation of any regulation, license, or order issued under this title.

SEC. 114. EXPORT CONTROL AUTHORITIES AND PROCEDURES.

(a) POLICY GUIDANCE.—

(1) IN GENERAL.—As directed by the President, annual policy guidance shall be issued to provide detailed implementing guidance to export licensing officials in all appropriate departments and agencies.

(2) ELEMENTS OF ANNUAL POLICY REVIEW.—In order to develop such annual policy guidance, export controls and other regulations to implement this title shall be reviewed annually. This annual policy review shall include an evaluation of the benefits and costs of the imposition, extension, or removal of controls under this title. This review shall include—

(A) an assessment by the Secretary of the economic consequences of the imposition, extension, or removal of controls during the preceding 12 months, including the impact on United States exports or jobs;

(B) an assessment by the Secretary of State of the objectives of the controls in effect during the preceding 12 months, and the extent to which the controls have served those objectives; and

(C) an assessment by the Secretary of Defense of the impact that the imposition, extension, or removal of controls during the preceding 12 months has had on United States national security.

(b) EXPORT CONTROL AUTHORITY AND FUNCTIONS.—

(1) IN GENERAL.—Unless otherwise reserved to the President or a department or agency outside the Department of Commerce, all power, authority, and discretion conferred by this title shall be exercised by the Secretary.

(2) DELEGATION OF FUNCTIONS OF THE SECRETARY.—The Secretary may delegate any function under this title to the Under Secretary of Commerce for Export Administration appointed under subsection (d) or to any other officer of the Department of Commerce.

(c) EXPORT CONTROL POLICY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an Export Control Policy Committee (hereafter in this subsection referred to as the "Committee").

(2) FUNCTIONS.—The Committee shall—

(A) provide policy guidance and advice to the President on export control issues under this title;

(B) review policy recommendations proposed by the Secretary and other members of the Committee; and

(C) receive policy recommendations from other departments and agencies and resolve policy disputes among departments and agencies under this title.

(3) MEMBERSHIP.—The Committee shall include the Secretary, the Secretary of Defense, the Secretary of Energy, the heads of other relevant departments, and appropriate officials of the Executive Office of the President.

(4) CHAIR.—The Committee shall be chaired by the President or his designee.

(5) DELEGATION; OTHER REPRESENTATIVES.—A member of the Committee under paragraph (3) may designate the deputy head of his or her department or agency to serve in his or her absence as a member of the Committee, but this authority may not be delegated to any other individual. The chair may also invite the temporary participation in the Committee's meetings of representatives from other offices and agencies as appropriate to the issues under consideration.

(6) MEETINGS.—The chair of the Committee may call a meeting of the Committee. Meetings shall not be subject to section 552b of title 5, United States Code.

(d) UNDER SECRETARY OF COMMERCE; ASSISTANT SECRETARIES.—

(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this title and other provisions of law relating to national security, as the Secretary may delegate. The President shall appoint, by and with the advice and consent of the Senate, two Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions.

(2) TRANSITION PROVISIONS.—Those individuals serving in the positions of Under Secretary of Commerce for Export Administration and Assistant Secretaries of Commerce under section 15(a) of the Export Administration Act of 1979, on the day before the date of the enactment of this Act, shall be deemed to have been appointed under paragraph (1), by and with the advice and consent of the Senate, as of such date of enactment.

(e) ISSUANCE OF REGULATIONS.—The President and the Secretary may issue such regulations as are necessary to carry out this title. Any such regulations the purpose of which is to carry out section 105, 106, or 111(a) may be issued only after the regulations are submitted for review to such departments or agencies as the President considers appropriate. The Secretary shall consult with the appropriate export advisory committee appointed under section 104(f) in formulating regulations under this title. The second sentence of this subsection does not require the concurrence or approval of any official, department, or agency to which such regulations are submitted.

(f) AMENDMENTS TO REGULATIONS.—If the Secretary proposes to amend regulations issued under this title, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Speaker of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to the United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the appropriate export advisory committees appointed under section 104(f) in amending regulations issued under this title.

(g) CONFIDENTIALITY OF INFORMATION.—

(1) EXEMPTIONS FROM DISCLOSURE.—

(A) INFORMATION OBTAINED ON OR BEFORE JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 108(b)(2), information obtained under the Export Administration Act of 1979 and its predecessor statutes on or before June 30, 1980, which is deemed confidential, including Shipper's Export Declarations, or with reference to which a request for confidential treatment is made by the person furnishing such information, shall not be subject to disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Secretary determines that the withholding thereof is contrary to the national interest.

(B) INFORMATION OBTAINED AFTER JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 108(b)(2), information obtained under this title or under the Export Administration Act of 1979 after June 30, 1980, may be withheld from disclosure only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with an application for an export license or other export authorization under the Export Administration Act of 1979 or this title, including—

(i) the export license or other export authorization itself,

(ii) classification requests described in section 109(h)(1),

(iii) information obtained during the course of an assessment under subsection (k),

(iv) information or evidence obtained in the course of any investigation, and

(v) information obtained or furnished under this title in connection with international agreements, treaties, or obligations,

shall be withheld from public disclosure and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of such information is determined by the Secretary to be in the national interest.

(2) INFORMATION TO CONGRESS AND GAO.—

(A) IN GENERAL.—Nothing in this title shall be construed as authorizing the withholding of information from the Congress or from the General Accounting Office.

(B) AVAILABILITY TO THE CONGRESS.—

(i) IN GENERAL.—All information obtained at any time under this title or previous Acts regarding the control of exports, including any report or license application required under this title, shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the request of the chairman or ranking minority member of such committee or subcommittee.

(ii) PROHIBITION ON FURTHER DISCLOSURE.—No committee, subcommittee, or Member of Congress shall disclose any information obtained under this title or previous Acts regarding the control of exports which is submitted on a confidential basis to the Congress under clause (i) unless the full committee to which the information is made available determines that the withholding of the information is contrary to the national interest.

(C) AVAILABILITY TO THE GAO.—

(i) IN GENERAL.—Notwithstanding paragraph (1), information referred to in subparagraph (B) shall, consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, as determined by the agency that originally obtained the information, and consistent with the provisions of section 716 of title 31, United States Code, be made available only by the agency, upon request, to the Comptroller General of the United States or to any officer or employee of the General Accounting Office authorized by the Comptroller General to have access to such information.

(ii) PROHIBITION ON FURTHER DISCLOSURES.—No officer or employee of the General Accounting Office shall disclose, except to the Congress in accordance with this paragraph, any such information which is submitted on a confidential basis and from which any individual can be identified.

(3) INFORMATION EXCHANGE.—Notwithstanding paragraph (1), the Secretary and the Commissioner of Customs shall exchange licensing and enforcement information with each other which is necessary to facilitate enforcement efforts and effective license decisions.

(4) PENALTIES FOR DISCLOSURE OF CONFIDENTIAL INFORMATION.—Any officer or employee of the United States, or any department or agency thereof, who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any confidential information that—

(A) he or she obtains in the course of his or her employment or official duties or by reason of any examination or investigation made by, or report or record made to or filed with, such department or agency, or officer or employee thereof, and

(B) is exempt from disclosure under this subsection,

shall be fined not more than $10,000, or imprisoned not more than one year, or both, shall be removed from office or employment, and shall be subject to a civil penalty of not more than $1,000 imposed by the Secretary under section 110(c).

(h) AUTHORITY FOR SEMINAR AND PUBLICATIONS FUND.—The Secretary is authorized to cooperate with public agencies, other governments, international organizations, private individuals, private associations, and other groups in connection with seminars, publications, and related activities to carry out export activities, including educating the public or government officials on the application of this title and the regulations issued under this title. The Secretary is further authorized to accept contributions of funds, property, or services in connection with such activities to recover the cost of such programs and activities. Contributions may include payments for materials or services provided as part of such activities. The contributions collected may be retained for use in covering the costs of such activities, and for providing information to the public with respect to this title and other export control programs of the United States and other governments.

(i) SUPPORT OF OTHER COUNTRIES' EXPORT CONTROL PROGRAM.—The Secretary is authorized to participate in and provide training to officials of other countries on the principles and procedures for the implementation of effective export controls and may participate in any such training provided by other departments and agencies of the United States.

(j) INCORPORATED COMMODITIES AND TECHNOLOGY.—

(1) COMMODITIES CONTAINING CONTROLLED PARTS AND COMPONENTS.—Controls may not be imposed under this title or any other provision of law for a commodity solely because the commodity contains parts or components subject to export controls under this title if such parts or components—

(A) are essential to the functioning of the commodity,

(B) are customarily included in sales of the commodity in countries other than controlled countries, and

(C) comprise 25 percent or less of the total value of the commodity,

unless the commodity itself, if exported, would by virtue of the functional characteristics of the commodity as a whole make a significant contribution to the military or proliferation potential of a controlled country or end user which would prove detrimental to the national security of the United States.

(2) REEXPORTS OF FOREIGN-MADE ITEMS INCORPORATING U.S. ITEMS.—

(A) COMMODITIES.—(i) No authority or permission may be required under section 105 or section 106 to reexport to a country other than a terrorist country or an embargoed country a commodity that is produced in a country other than the United States and incorporates commodities that are subject to the jurisdiction of the United States, if the value of the controlled United States content of the commodity produced in such other country is 25 percent or less of the total value of the commodity.

(ii) No authority or permission may be required under section 105 or section 106 to reexport to a terrorist country or to an embargoed country a commodity that is produced in a country other than the United States and incorporates commodities that are subject to the jurisdiction of the United States, if the value of the controlled United States content of the commodity produced in such other country is 10 percent or less of the total value of the commodity.

(B) TECHNOLOGY.—(i) No authority or permission may be required under section 105 or section 106 to reexport to a country other than a terrorist country or an embargoed country technology that is produced in a country other than the United States and is commingled with or drawn from technology that is produced in the United States, if the value of the controlled United States content of the technology produced in such other country is 25 percent or less of the total value of the technology.

(ii) No authority or permission may be required under section 105 or section 106 to reexport to a terrorist country or an embargoed country technology that is produced in a country other than the United States and is commingled with or drawn from technology that is produced in the United States, if the value of the controlled United States content of the technology produced in such other country is 10 percent or less of the total value of the technology.

(C) DEFINITIONS.—For purposes of this paragraph—

(i) the "controlled United States content" of a commodity or technology means those commodities or technology that—

(I) are subject to the jurisdiction of the United States;

(II) are incorporated into the commodity or technology; and

(III) would, at the time of the reexport, require a license under section 105 or 106 if exported from the United States to a country to which the commodity or technology is to be reexported;

(ii) an "embargoed country" is a country against which an embargo is in effect under the Trading with the Enemy Act, the International Emergency Economic Powers Act, or other provision of law; and

(iii) a "terrorist country" is a country with respect to which a determination is in effect that was made under section 106(i)(1)(A) of this Act, or section 6(j)(1)(A) of the Export Administration Act of 1979, that the government of such country has repeatedly provided support for acts of international terrorism.

(3) TREATMENT OF TECHNOLOGY AND SOURCE CODE.—For purposes of this subsection, technology and source code used to design or produce foreign-made commodities are not deemed to be incorporated into such foreign-made commodities.

(4) REPORTING REQUIREMENTS.—Notwithstanding paragraphs (1) through (3), the Secretary may require persons to report to the Department of Commerce their proposed calculations and underlying data sufficient for the Department of Commerce to evaluate the adequacy of those calculations and data related to commodities and technology before a reexporter may rely upon the exclusions from controls provided in this subsection.

(5) EXCEPTIONS.—Paragraphs (1) and (2) do not require any changes to regulations in effect on the effective date of this title and, notwithstanding paragraphs (1) and (2), controls may be imposed on commodities or technology transferred, after March 1, 1996, from export control under the Arms Export Control Act to control under this title if those commodities or technology are designated by the President for exemption from paragraph (1) or (2), as the case may be.

(k) UNFAIR IMPACT ON UNITED STATES EXPORTER.—

(1) POLICY.—It is the policy of the United States that no United States exporter should be affected unfairly by export control policies or practices unless relief from such controls would create a significant risk to the foreign policy, nonproliferation, or national security interests of the United States.

(2) RELIEF FROM EXPORT CONTROLS.—(A) A person may petition the Secretary for relief from current export control requirements (other than control requirements specifically imposed by this title or other provisions of law) on the basis of foreign availability. A person may also petition the Secretary for approval of an export license application on other grounds which the Secretary, with the concurrence of the Secretary of Defense, shall establish by regulation. The Secretary shall, upon receipt of such petitions, and may, on his or her initiative, conduct assessments for providing relief based upon these grounds.

(B) For purposes of this subsection, foreign availability exists when the controlled item is available in fact, under terms and conditions established by the Secretary with the concurrence of the secretary of Defense, to controlled countries or end users from sources outside the United States so that the requirement for a license is or would be ineffective in achieving the purpose of the control.

(3) PROVISIONS FOR RELIEF.—The Secretary, in consultation with appropriate departments and agencies, shall make determinations of facts under paragraph (2), addressing, in the case of a petition filed under paragraph (2), each ground for relief asserted in the petition, and, subject to paragraph (4), shall provide at least one of the following forms of relief to persons that meet the criteria in paragraph (2):

(A) Change the control status of, or licensing requirements on, all or some of the items in question so as to eliminate the unfair impact.

(B) Selectively approve the sale of controlled items so as to eliminate the unfair impact.

(C) Seek multilateral support to eliminate the source of unfair impact. If relief under this subparagraph is chosen and if such efforts fail to achieve multilateral support, then the Secretary, not later than 330 days from the date of the Secretary's initiation of the assessment under paragraph (2), shall provide other relief pursuant to subparagraph (A) or (B) or conclude pursuant to paragraph (4) that the granting of such relief would create a significant risk to United States nonproliferation, foreign policy, or national security interests.

A determination that a petitioner qualifies for relief under paragraph (2) shall not compel the United States to remove controls from an item that remains subject to control by a multilateral regime.

(4) EXCEPTIONS FROM RELIEF.—The Secretary shall provide relief under paragraph (3) to a petitioner who qualifies for relief under paragraph (2) unless the Secretary concludes that the granting of such relief would create a significant risk to United States nonproliferation, foreign policy, or national security interests. In the event the Secretary determines to grant such relief, he or she may do so unless the President determines that such relief would create a significant risk to the foreign policy, nonproliferation, or national security interests of the United States.

(5) PROCEDURES.—

(A) PUBLICATION.—In any case in which the President or the Secretary determines that relief under paragraph (3) will not be granted, notwithstanding the existence of facts that constitute a basis for granting relief, the Secretary shall publish that determination, together with a concise statement of its basis and the estimated economic impact of the decision.

(B) NOTICE OF ASSESSMENTS.—Whenever the Secretary undertakes an assessment under paragraph (2), the Secretary shall publish in the Federal Register notice of the initiation of such assessment.

(C) PROCEDURES FOR MAKING DETERMINATIONS.—During the conduct of an assessment under this subsection, the Secretary shall consult with other appropriate departments and agencies concerning the assessment. The Secretary shall make a determination as to whether relief is required under paragraph (2) within 120 days after the date of the Secretary's receipt of the petition requesting relief or the date of the Secretary's initiation of the assessment (as the case may be) and shall so notify the applicant. If the Secretary has determined that relief is appropriate, the Secretary shall, upon making such a determination, submit the determination for review to the Department of Defense and other appropriate departments and agencies for consultations regarding the findings and the relief selected. If the Secretary of Defense or other department or agency head disagrees with the Secretary's determination, he or she may appeal the determination to the President in writing, but only on the basis of the criteria set forth in paragraph (4). The President shall resolve any such disagreement so that, in all cases, not later than 150 days after the date of the Secretary's receipt of the petition requesting relief or the date of the Secretary's initiation of the assessment (as the case may be), the Secretary responds in writing to the petitioner and submits for publication in the Federal Register, that—

(i) unfair impact exists and—

(I) the requirement of a license has been removed;

(II) the control status of all or some of the items in question has been changed so as to eliminate the unfair impact;

(III) the sale of controlled items has been approved so as to eliminate the unfair impact;

(IV) export controls under this title are to be maintained notwithstanding the finding under paragraph (2); or

(V) the United States recommendation to remove the license requirement or change the control status will be submitted to a relevant multilateral regime for consideration for a period of not more than 180 days beginning on the date of the publication; or

(ii) a right to relief under paragraph (2) does not exist.

The reasons for maintaining export controls under clause (i)(IV) shall be included in the submission to the petitioner and the publication. In any case in which the submission for publication is not made within the 150-day period required by this subparagraph, the Secretary may not thereafter require a license for the export of items that are the subject of the allegation under paragraph (2).

(D) NEGOTIATIONS TO ELIMINATE UNFAIR IMPACT.—(i) In any case in which export controls are maintained under this section pursuant to paragraph (4) despite a determination of unfair impact, the Secretary of State shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating the unfair impact. No later than the commencement of such negotiations, the Secretary of State shall notify the Congress in writing that the Secretary of State has begun such negotiations and why it is important that export controls on the items involved be maintained to avoid a significant risk to the foreign policy, nonproliferation, or national security interests of the United States.

(ii) Whenever the Secretary of State has reason to believe that items subject to export controls by the United States may become available in fact from other countries to controlled countries and that such availability can be prevented or eliminated by means of negotiations with such other countries, the Secretary of State shall promptly initiate negotiations with the governments of such other countries to prevent such foreign availability.

(6) SHARING OF INFORMATION.—Each department or agency of the United States, including any intelligence agency, and all contractors with any such department or agency, shall, upon the request of the Secretary and consistent with the protection of intelligence sources and methods, furnish information to the Department of Commerce concerning foreign availability of items subject to export controls under this title. Consistent with the protection of intelligence sources and methods and classification restrictions, each such department or agency shall allow the Department of Commerce access to such information from a laboratory or other facility within such department or agency.

(7) CONGRESSIONAL NOTIFICATION AND REPORTING REQUIREMENTS.—The Secretary shall each year notify the Congress of all petitions for relief under this subsection and the status of all such petitions.

(l) EXCEPTIONS FOR MEDICAL AND HUMANITARIAN PURPOSES.—This title does not authorize controls on—

(1) medicine or medical supplies; or

(2) donations of items that are intended to meet basic human needs, including food, educational materials, seeds, hand tools, water resources equipment, clothing and shelter materials, and basic household supplies.

(m) SANCTITY OF EXISTING CONTRACTS AND LICENSES.—

(1) IN GENERAL.—In the case of a control imposed under section 106 on the export of any items, the President may not prohibit the export of those items—

(A) in performance of a contract, agreement, or other contractual commitment entered into before the date on which the control is initially imposed, or the date on which the President reports to the Congress the President's intention to impose the control, whichever date occurs first, or

(B) under a license or other authorization issued under this title before the date on which the control is initially imposed, or the date on which the President reports to the Congress the President's intention to impose the control, whichever date occurs first.

(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply if the President determines and certifies to the Congress that—

(A) a breach of the peace poses a serious and direct threat to the strategic interest of the United States;

(B) the prohibition of exports under each such contract, agreement, commitment, license, or authorization will be directly instrumental in remedying the situation posing the direct threat; and

(C) the export controls will continue only so long as the direct threat persists.

The authority of the President to make determinations under this paragraph may not be delegated.

(n) PUBLICATION OF DECISIONS AND ACTIONS OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall publish in the Federal Register, to the greatest extent practicable, actions, procedures, and decisions of the Secretary under this title, taking into account restrictions on disclosure of classified or confidential information. The Secretary shall publish in the Federal Register calculations by the Secretary of commonly-used control index parameters for commodities and technologies, including all officially accepted composite theoretical performance calculations for computers and microprocessors, except in a case in which a private party requested the calculation and asked that it not be published.

(2) NOTICE OF REVISIONS.—Whenever the Secretary makes any revision in the control index with respect to any commodity or technology, or with respect to any country or destination affected by controls imposed under section 105 or section 106, the Secretary shall publish in the Federal Register a notice of such revision and shall specify in such notice under which authority the revision is being made.

(o) NOTIFICATION OF THE PUBLIC; CONSULTATION WITH INDUSTRY; RECORDKEEPING.—

(1) NOTIFICATION OF THE PUBLIC.—The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted under this title with a view to encouraging trade.

(2) CONSULTATION WITH INDUSTRY.—The Secretary shall meet regularly with export advisory committees appointed under section 104(f) in order to obtain their views on United States export control policy and the foreign availability of commodities and technology.

(p) EXPORT CONTROL DUTIES.—

(1) ASSIGNMENT.—The Secretary shall ensure that at least one full-time representative of the Department of Commerce stationed in the People's Republic of China has duties related to the implementation of export controls under this title. These duties shall include giving priority to conducting postshipment verifications and prelicense checks, and to using other means to ensure that United States exports from the United States of dual use items are not diverted to unauthorized end uses or end users.

(2) OTHER RESOURCES.—The Secretary shall ensure that appropriate resources are made available and, if necessary, new procedures established to assist the representative or representatives of the Department of Commerce referred to in paragraph (1) in carrying out their duties and to ensure that sensitive items are not diverted to inappropriate end uses or end users in the People's Republic of China. Efforts to carry out this paragraph shall include appropriate coordination with United States officials in Hong Kong to ensure that sensitive items exported to Hong Kong are protected from diversion.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(q) AUTHORIZATION FOR TECHNICAL DATA.—A license authorizing the export of any commodities or technology under this title shall also authorize the export of operation technical data related to such commodities or technology, if the technical level of the data does not exceed the minimum necessary to install, repair, maintain, inspect, operate, or use the commodities or technology.

(r) LICENSES FOR SPARE PARTS NOT REQUIRED.—A license shall not be required under this title for replacement parts which are exported to replace on a one-for-one basis parts that were in a commodity that was lawfully exported from the United States, unless the President determines that such a license should be required for such parts.

SEC. 115. ANNUAL REPORT.

(a) CONTENTS.—Not later than March 1 of each year, the Secretary shall submit to the Congress a report on the administration of this title during the preceding calendar year. All agencies shall cooperate fully with the Secretary in providing information for such report. Such report shall include detailed information on the following:

(1) The implementation of the policies set forth in section 103, including delegations of authority by the President under section 104(d), consultations with the export advisory committees established under section 104(f), and any changes in the exercise of the authorities contained in sections 105(a), 106(a), 107(a), and 108(a).

(2) With respect to multilateral export controls imposed or maintained under section 105, the following:

(A) Adjustments to multilateral export controls.

(B) The exercise of the Secretary's authority under section 105(e).

(3) Determinations made under section 114(k), the criteria used to make such determinations, the removal of any export controls under such section, and any evidence demonstrating a need to maintain export controls notwithstanding determinations made under paragraph (2) of section 114(k).

(4) Short supply controls and monitoring under section 107.

(5) Organizational and procedural changes undertaken in furtherance of the policies set forth in this title, including changes to increase the efficiency of the export licensing process and to fulfill the requirements of section 109, including an accounting of appeals received, and actions taken pursuant thereto, under section 109(g).

(6) Violations under section 110 and enforcement activities under section 113.

(7) The issuance of regulations under this title.

(8) The results, in as much detail as may be included consistent with the strategic and political interests of the United States and the need to maintain the confidentiality of proprietary information, of the reviews of the multilateral control list, and any revisions to the list resulting from such reviews, required by section 105.

(b) COMPARATIVE REPORT ON EXPORT CONTROL SYSTEMS AMONG COUNTRIES.—The Secretary shall include, in each annual report under subsection (a), a description of significant differences between the export control laws and regulations of the United States and its major trade competitors, particularly as these differences relate to the implementation of multilateral export control regimes. The Secretary shall include—

(1) an assessment of the impact of these differences on important interests of the United States;

(2) a description of the extent to which the executive branch intends to address these differences; and

(3) a listing of unilateral controls and embargoes imposed by the United States that are in effect, with a quantification of their economic impact, including the effect of such controls and embargoes on employment in the United States.

(c) GAO REPORT.—The Comptroller General shall prepare and submit to the Congress, not later than 120 days after each report under subsection (b) is submitted, an analysis of such report.

SEC. 116. DEFINITIONS.

As used in this title:

(1) AFFILIATE.—The term "affiliate" includes both governmental entities and commercial entities that are controlled in fact by a country.

(2) ADHERENT.—An "adherent" to a multilateral regime is a country that is a member of that regime or that, pursuant to an international understanding to which the United States is a party, controls exports in accordance with the criteria and standards of that regime.

(3) AUSTRALIA GROUP.—The term "Australia Group" means the multilateral regime in which the United States participates that seeks to prevent the proliferation of chemical and biological weapons.

(4) CHEMICAL WEAPONS CONVENTION.—The term "Chemical Weapons Convention" refers to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 1992.

(5) COMMODITY.—The term "commodity" means any article, natural or manmade substance, material, software, source code, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(6) CONTROL OR CONTROLLED.—The terms "control" and "controlled" refer to a licensing requirement, a written reexport authorization requirement, or a prohibition on an export.

(7) CONTROL INDEX.—The term "control index" means the United States Commodity Control Index established under section 104(b)(1).

(8) CONTROLLED COUNTRY.—The term "controlled country" means a country to which exports are controlled under section 105 or 106.

(9) EXPORT.—(A) The term "export"—

(i) means—

(I) an actual shipment, transfer, or transmission of items out of the United States; and

(II) a transfer to any person of items either within the United States or outside of the United States with the knowledge or intent that the items will be shipped, transferred, or transmitted outside the United States; and

(ii) includes the term "reexport".

(B) The Secretary may further define the term export by regulation to include, among other concepts, that—

(i) a transfer of items in the United States to an embassy or affiliate of a country is an export to the country,

(ii) disclosure of technology to a foreign person is deemed to be an export to the country of which he or she is a national, and

(iii) transfer of effective control from one country to another over a satellite above the earth is an export from one country to another.

(C) As used in this paragraph, the term "foreign person" means—

(i) an individual who is not a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(ii) any corporation, partnership, business association, society, trust, organization, or other nongovernmental entity created or organized under the laws of a foreign country or that has its principal place of business outside the United States; and

(iii) any governmental entity of a foreign country that is operating as a business enterprise.

(10) EXPORT CONTROL REGIME, MULTILATERAL EXPORT CONTROL REGIME, MULTILATERAL REGIME, AND REGIME.—The terms "export control regime", "multilateral export control regime", "multilateral regime", and "regime" each means an international agreement or an arrangement among two or more countries, including the United States, a purpose of which is to coordinate national export control policies of participating countries regarding certain items. Such terms include the Australia Group, the Wassenaar Arrangement, the MTCR, and the Nuclear Supplies Group.

(11) FOREIGN AVAILABILITY, AVAILABLE IN FACT TO CONTROLLED COUNTRIES.—The terms "foreign availability" and "available in fact to controlled countries" each include production or availability of any item from any country—

(A) in which the item is not restricted for export to any controlled country; or

(B) in which such export restrictions are determined by the Secretary to be ineffective.

For purposes of subparagraph (B), the mere inclusion of items on a list of items subject to export controls imposed pursuant to a multilateral export control regime shall not alone constitute credible evidence that the government of a country provides an effective means of controlling the export of such items to controlled countries.

(12) ITEM.—The term "item" means any commodity, technology, or other information.

(13) LICENSING REQUIREMENT.—The term "licensing requirement" includes any restriction or condition, including recordkeeping and reporting, imposed by the Secretary under this title in licensing the export of a commodity, technology, or other information.

(14) MEMBER OF AN EXPORT CONTROL REGIME.—A "member" of an export control regime, multilateral export control regime, multilateral regime, or regime is a country that participates in that regime.

(15) MISSILE.—The term "missile" means any missile system or component listed in category I of the MTCR Annex, and any other unmanned delivery system or component of similar capability, as well as the specially designed production facilities for these systems.

(16) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term "Missile Technology Control Regime" or "MTCR" means the policy statement and guidelines between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-related transfers based on the MTCR Annex, and any amendments thereto.

(17) MTCR ANNEX.—The term "MTCR Annex" means the Equipment and Technology Annex of the MTCR, and any amendments thereto.

(18) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(19) NUCLEAR SUPPLIERS' GROUP.—The term "Nuclear Suppliers' Group" means the multilateral arrangement in which the United States participates whose purpose is to restrict the transfers of items with relevance to the nuclear fuel cycle or nuclear explosive applications.

(20) PERSON.—Except as provided in section 111, the term "person" includes—

(A) the singular and the plural and any individual, partnership, corporation, business association, society, trust, organization, or any other group created or organized under the laws of a country; and

(B) any government, or any governmental body, corporation, trust, agency, department, or group, operating as a business enterprise.

(21) REEXPORT.—The term "reexport" means the shipment, transfer, transshipment, or diversion of items from one foreign country to another.

(22) SECRETARY.—The term "Secretary" means the Secretary of Commerce or any successor officer performing functions of the Secretary of Commerce under this title.

(23) TECHNOLOGY.—The term "technology" means specific information that is necessary for the development, production, or use of a commodity, including source code, and that takes the form of technical data or technical assistance.

(24) UNILATERAL AND UNILATERALLY.—The terms "unilateral" and "unilaterally", with respect to an export control on a commodity or technology, refer to a control that is not similarly imposed in similar circumstances by any country other than the United States, and that materially restricts the export of the commodity or technology.

(25) UNITED STATES.—The term "United States" means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States, and includes the outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

(26) UNITED STATES PERSON.—The term "United States person" means any United States citizen, resident, or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

(27) WASSENAAR ARRANGEMENT.—The term "Wassenaar Arrangement" means the multilateral regime in which the United States participates that seeks to promote transparency and responsibility with regard to the transfers of conventional armaments and sensitive dual-use goods and technologies.

(28) WEAPON OF MASS DESTRUCTION.—The term "weapon of mass destruction" means any chemical, biological, or nuclear weapon, including a nuclear explosive device.

SEC. 117. EFFECTS ON OTHER ACTS.

(a) COMMODITY JURISDICTION.—

(1) COORDINATION OF CONTROLS.—The authority granted under this title and under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be exercised in such a manner as to achieve effective coordination between the licensing systems under this title and such section 38 and to share information regarding the trustworthiness of parties.

(2) ELIMINATION OF OVERLAPPING CONTROLS.—Notwithstanding any other provision of law, no item may be included on both the control index and the United States Munitions List after the date of the enactment of this Act.

(3) COMMODITY JURISDICTION DISPUTE RESOLUTION.—The President shall establish procedures for the resolution of commodity jurisdiction disputes among departments and agencies of the United States. Such disputes shall normally be resolved within 60 days, and the procedures shall allow disputes to be referred to the President normally within 90 days. These procedures shall also—

(A) require the Secretary and the Secretary of State to refer matters to each other in accordance with their respective jurisdictions;

(B) require transparency, among the Secretary, the Secretary of State, and the Secretary of Defense, in commodity jurisdiction cases and commodity classification requests and determinations;

(C) provide for interagency meetings and consultations to permit the free exchange of views regarding significant jurisdictional issues; and

(D) provide deadlines for action and standards for decision, and ensure that disputes that cannot be resolved may be referred to the President by the Secretary of State, the Secretary of Defense, or the Secretary.

(b) IN GENERAL.—Except as otherwise provided in this title, nothing in this title shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodities, technology, or other information.

(c) LICENSING PROCESS.—The provisions of section 109 shall supersede the procedures published pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a(c)) to the extent such procedures are inconsistent with the provisions of section 109.

(d) AMENDMENTS TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) EXERCISE OF PRESIDENTIAL AUTHORITY.—(A) Section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) is amended—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; and"; and

(iii) by adding at the end the following:

"(6) if the action is being taken unilaterally—

"(A) why the President believes the action is necessary to meet the unusual and extraordinary threat referred to in paragraph (2); and

"(B) what steps the President is taking to gain multilateral support for the action.".

(B) Section 204(c) of that Act (50 U.S.C. 1703(c)) is amended—

(i) by striking "(5)" and inserting "(6)"; and

(ii) by striking the period and inserting ", and, in the case of controls referred to in paragraph (6) of subsection (b), the President shall report to the Congress on the economic losses that have occurred as a result of the unilateral action".

(2) CONFIDENTIALITY OF INFORMATION.—The International Emergency Economic Powers Act is amended—

(A) by redesignating section 208 as section 209; and

(B) by inserting after section 207 the following:

"SEC. 208. CONFIDENTIALITY OF INFORMATION.

"(a) EXEMPTIONS FROM DISCLOSURE.—Information obtained under this title before or after the enactment of this section may be withheld only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with any transaction that would otherwise be prohibited under this title, including—

"(1) the license or other authorization itself,

"(2) classification requests or other inquiries on the applicability of export license requirements to a proposed transaction or series of transactions,

"(3) information or evidence obtained in the course of any investigation, and

"(4) information obtained or furnished under this title in connection with international agreements, treaties, or obligations,

shall be withheld from public disclosure, and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of such information is determined by the Secretary of Commerce or the Secretary of the Treasury to be in the national interest. In the case of information obtained or furnished under this title in connection with international agreements, treaties, or obligations, such a determination may be made only after consultation with the Secretary of State.

"(b) INFORMATION TO CONGRESS AND GAO.—

"(1) IN GENERAL.—Nothing in this title shall be construed as authorizing the withholding of information from the Congress or from the General Accounting Office.

"(2) AVAILABILITY TO THE CONGRESS.—

"(A) IN GENERAL.—All information obtained at any time under this title regarding the control of exports, including any report or license application required under this title, shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the request of the chairman or ranking minority member of such committee or subcommittee.

"(B) PROHIBITION ON FURTHER DISCLOSURE.—No committee, subcommittee, or Member of Congress shall disclose any information obtained under this title or previous Acts regarding the control of exports which is submitted on a confidential basis to the Congress under subparagraph (A) unless the full committee to which the information is made available determines that the withholding of the information is contrary to the national interest.

"(3) AVAILABILITY TO THE GAO.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), information referred to in paragraph (2) shall, consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, as determined by the agency that originally obtained the information, and consistent with the provisions of section 716 of title 31, United States Code, be made available only by the agency, upon request, to the Comptroller General of the United States or to any officer or employee of the General Accounting Office authorized by the Comptroller General to have access to such information.

"(B) PROHIBITION ON FURTHER DISCLOSURES.—No officer or employee of the General Accounting Office shall disclose, except to the Congress in accordance with this subsection, any such information which is submitted on a confidential basis and from which any individual can be identified.

"(c) PENALTIES FOR DISCLOSURE OF CONFIDENTIAL INFORMATION.—Any officer or employee of the United States, or any department or agency thereof, who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any confidential information that—

"(1) he or she obtains in the course of his or her employment or official duties or by reason of any examination or investigation made by, or report or record made to or filed with, such department or agency, or officer or employee thereof, and

"(2) is exempt from disclosure under this section,

shall be fined not more than $10,000, or imprisoned not more than 1 year, or both, shall be removed from office or employment, and shall be subject to a civil penalty of not more than $1,000.".

(3) PENALTIES.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(A) in subsection (a) by inserting ", or attempts to violate," after "violates"; and

(B) in subsection (b) by inserting ", or willfully attempts to violate," after "violates".

(e) AMENDMENTS TO THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) in subsection (a)—

(A) by inserting ", or attempt to violate," after "violate" the first place it appears; and

(B) by inserting "attempt to violate," after "violate," the second place it appears; and

(2) in subsection (b)(1) by inserting ", or attempts to violate," after "violates".

(f) REPORT ON OFAC AND ODTC.—

(1) STUDY ON OFAC.—The Secretary of the Treasury shall study ways to make the operations of the Office of Foreign Assets Control of the Department of the Treasury more effective and efficient in responding to licensing requests and other inquiries of United States exporters, including through the upgrading of technology in that office.

(2) STUDY ON ODTC.—The Secretary of State shall study ways to make the Office of Defense Trade Controls of the Department of State more effective and efficient in responding to licensing requests and other inquiries of United States exporters, including through the upgrading of technology in that office.

(3) SUBMISSION OF REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Congress a report on the study conducted under paragraph (1) and the Secretary of State shall submit to the Congress a report on the study conducted under paragraph (2).

SEC. 118. SECONDARY ARAB BOYCOTT.

(a) SENSE OF CONGRESS.—

(1) ENDING SECONDARY BOYCOTT.—It is the sense of the Congress that the countries of the Arab League should end the secondary Arab boycott.

(2) ACTIONS TO END SECONDARY BOYCOTT.—The United States will consider the secondary Arab boycott to have ended when—

(A) the Arab League issues a public pronouncement that the Arab League has ended the secondary Arab boycott;

(B) all activities carried out by the Central Office for the Boycott of Israel in support of the secondary Arab boycott have been terminated;

(C) the Arab League and the individual countries that are members of the Arab League have terminated the practice of barring United States persons and foreign companies that do not comply with the secondary Arab boycott from doing business with countries that are members of the Arab League, and have declared null and void any existing list of such barred persons and companies; and

(D) the Arab League, and the individual countries that are the members of the Arab League, have ceased requesting United States persons to take actions prohibited under section 108(a).

(b) DEFINITION.—For purposes of this section, the term "secondary Arab boycott" means the refusal to do business with persons who do not comply with requests to take any action prohibited under section 108(a) with respect to Israel.

SEC. 119. CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—

(1) Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) in subsection (e)—

(i) in the first sentence by striking "subsections (c)" and all that follows through "12 of such Act" and inserting "subsections (b), (c), (d) and (e) of section 110 of the Export Administration Act of 1996, by subsections (a) and (b) of section 113 of such Act, and by section 114(g) of such Act"; and

(ii) in the third sentence by striking "11(c) of the Export Administration Act of 1979" and inserting "110(c) of the Export Administration Act of 1996"; and

(B) in subsection (g)(1)(A) by striking clause (ii) and inserting the following:

"(ii) section 110 of the Export Administration Act of 1996,".

(2) Section 39A(c) of the Arms Export Control Act, as added by the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, is amended—

(A) by striking "(c)," and all that follows through "12(a) of such Act" and inserting "(c), (d), and (e) of section 110, section 112(c), and subsections (a) and (b) of section 113, of the Export Administration Act of 1996"; and

(B) by striking "11(c)" and inserting "110(c)".

(3) Section 40(k) of the Arms Export Control Act (22 U.S.C. 2780(k)) is amended—

(A) by striking "11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979" and inserting "110(b), 110(c), 110(e), 113(a), and 113(b) of the Export Administration Act of 1996"; and

(B) by striking "11(c)" and inserting "110(c)".

(4) Section 73A of the Arms Export Control Act, as added by the Foreign Relations Authorization Act, Fiscal Years 1995 and 1995, is amended by striking "a MTCR adherent" and inserting "an MTCR adherent".

(b) OTHER PROVISIONS OF LAW.—

(1) Section 5(b)(4) of the Trading with the Enemy Act (12 U.S.C. 95a(4); 50 U.S.C. App. 5(b)(4)) is amended by striking "section 5 of the Export Administration Act of 1979, or under section 6 of that Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States" and inserting "the Export Administration Act of 1996".

(2) Section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) is amended in the second sentence—

(A) by striking "Export Administration Act of 1979" the first place it appears and inserting "Export Administration Act of 1996"; and

(B) by striking "Act of 1979)" and inserting "Act of 1996)".

(3)(A) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended—

(i) in paragraph (1)(B) by inserting "or section 106(i) of the Export Administration Act of 1996" after "Act of 1979"; and

(ii) in paragraph (2) by striking "6(j) of the Export Administration Act of 1979" and inserting "106(i) of the Export Administration Act of 1996".

(B) For purposes of the report required by March 31, 1996, under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, the reference in paragraph (2) of such section to "section 106(i) of the Export Administration Act of 1996" shall be deemed to refer to "section 6(j) of the Export Administration Act of 1979 or section 106(i) of the Export Administration Act of 1996".

(4) Section 40(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(e)(1)) is amended by striking "6(j)(1) of the Export Administration Act of 1979" and inserting "106(i)(1) of the Export Administration Act of 1996".

(5) Section 110 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2778a) is amended by striking "Act of 1979" and inserting "Act of 1996".

(6) Section 205(d)(4)(B) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4305(d)(4)(B)) is amended by striking "6(j) of the Export Administration Act of 1979" and inserting "106(i) of the Export Administration Act of 1996".

(7) Section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)) is amended by striking "section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States" and inserting "the Export Administration Act of 1996".

(8) Section 491(f) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620c(f)) is repealed.

(9) Section 499 of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620j) is amended by striking "section 7 of the Export Administration Act of 1979" and inserting "section 107 of the Export Act of 1996".

(10) Section 1605 (a)(7)(A) of title 28, United States Code, is amended by striking "6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "106(i) of the Export Administration Act of 1996".

(11) Section 2332d(a) of title 18, United States Code, is amended by striking "6(j) of the Export Administration Act (50 U.S.C. App. 2405)" and inserting "106(i) of the Export Administration Act of 1996".

(12) Section 620H (a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378(a)(1)) is amended by striking "6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "106(i) of the Export Administration Act of 1996".

(13) Section 1621(a) of the International Financial Institutions Act (22 U.S.C. 262p-4q(a)) is amended by striking "6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "106(i) of the Export Administration Act of 1996".

(c) REPEAL.—The Export Administration Act of 1979 is repealed.

SEC. 120. EXPIRATION DATE.

This title expires on June 30, 2001.

SEC. 121. SAVINGS PROVISIONS.

(a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under—

(1) the Export Control Act of 1949, the Export Administration Act of 1969, or the Export Administration Act of 1979, or

(2) those provisions of the Arms Export Control Act which are amended by section 119,

and are in effect at the time this title takes effect, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under this title or the Arms Export Control Act.

(b) ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.—

(1) EXPORT ADMINISTRATION ACT.—This title shall not affect any administrative or judicial proceedings commenced or any application for a license made, under the Export Administration Act of 1979, which is pending at the time this title takes effect. Any such proceedings, and any action on such application, shall continue under the Export Administration Act of 1979 as if that Act had not been repealed.

(2) OTHER PROVISIONS OF LAW.—This title shall not affect any administrative or judicial proceedings commenced or any application for a license made, under those provisions of the Arms Export Control Act which are amended by section 119, if such proceedings or application is pending at the time this title takes effect. Any such proceedings, and any action on such application, shall continue under those provisions as if those provisions had not been amended by section 119.

(c) TREATMENT OF CERTAIN DETERMINATIONS.—Any determination with respect to the government of a foreign country under section 6(j) of the Export Administration Act of 1979, that is in effect at the time this title takes effect, shall, for purposes of this title or any other provision of law, be deemed to be made under section 106(i) of this Act until superseded by a determination under such section 106(i).

TITLE II—NUCLEAR PROLIFERATION PREVENTION

SEC. 201. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

(a) REPEAL.—Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 525) is hereby repealed.

(b) PRESIDENTIAL DETERMINATIONS.—Section 824(c) of the Nuclear Proliferation Prevention Act of 1994 is amended by striking ", in writing after opportunity for a hearing on the record,".

(c) JUDICIAL REVIEW.—Section 824 of the Nuclear Proliferation Prevention Act of 1994 is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (k) as subsections (e) through (j), respectively.

(d) CONFORMING AMENDMENT.—Section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(G)) is amended by striking "section 6 of the Export Administration Act of 1979" and inserting "section 105 or 106 of the Export Administration Act of 1996".

SEC. 202. SEEKING MULTILATERAL SUPPORT FOR UNILATERAL SANCTIONS.

The Secretary of State, in consultation with appropriate departments and agencies, shall seek the support of other countries for sanctions imposed under the Nuclear Proliferation Prevention Act of 1994 or the amendments made by that Act.

SEC. 203. SANCTIONS UNDER THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)) is amended—

(1) in subparagraph (D) by striking "shall not apply—" and all that follows through the end of clause (ii) and inserting "shall not apply to humanitarian assistance.";

(1) in subparagraph (G) by striking ", except that" and all that follows through the end of the subparagraph and inserting a period; and

(3) by adding at the end the following:

"(H)(i) The President shall prohibit the importation into the United States of specific products produced in that country by persons who have engaged in the activities described in paragraph (1) that were the basis of the President's determination under such paragraph.

"(ii) In the event that it is not possible to identify the persons who have engaged in the activities described in paragraph (1) that were the basis of the President's determination under such paragraph, the President shall prohibit the importation into the United States of products produced in that country by those persons that the President shall designate as most closely identified with those activities.

"(iii) For purposes of this subparagraph, the term 'person' means—

"(I) a natural person;

"(II) a corporation, business association, partnership, society, or trust, or any other nongovernmental entity, organization, or group;

"(III) a governmental entity operating as a business enterprise;

"(IV) a division or office of a governmental department; or

"(V) a military unit or successor to such unit.

"(iv) The prohibition on imports imposed under this subparagraph shall be in addition to any other prohibition on imports in effect before the President's determination under paragraph (1) is made.

The prohibitions contained in subparagraphs (D), (G), and (H) shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] and the gentleman from Connecticut [Mr. GEJDENSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill before us is a result of an enormous amount of work by many, many people. As this session began, I spoke to President Clinton and with the gentleman from New York, Chairman GILMAN, and the gentleman from South Carolina, Chairman SPENCE, and many others about working together for a good, balanced reform bill that we could all support.

We spent 14 months in bipartisan discussion, talks involving our committee, and the administration, and the Committee on National Security.

We knew that we needed to respond to new challenges: There is a new added urgency to our fight against the proliferation and international terrorism; COCOM has disappeared and cooperation among our allies is far more difficult; our Government is resorting to unilateral controls, all too frequently, often at the expense of U.S. workers; and technological progress in many areas has accelerated, putting many products beyond the effective control of governments.

Mr. Speaker, we have successfully met these challenges in this bill, H.R. 361. The bill strikes a careful balance, replacing an expired cold-war law with a new statute that focuses on today's challenges.

Let me list some of the bill's key provisions.

First, the bill creates a new emphasis on strengthening multilateral export controls and on reducing U.S. reliance on unilateral controls. While unilateral controls are permitted, the President must annually justify them.

The President must also annually estimate and justify their cost to the U.S. economy, and he must identify what is being done to make the controls multilateral.

Second, the bill combats the proliferation of weapons of mass destruction and the missiles to deliver them. This includes tough prohibitions on the exports to countries not supporting multilateral efforts on nonproliferation. It also includes strengthened sanctions on persons who aid international proliferations.

Third, the bill cracks down on dual-use exports and reexports to terrorist countries. Sensitive exports are simply prohibited. Plus, the Secretary of State is given new duties to ensure greater multilateral support for these tough controls.

Fourth, the bill removes unneeded bureaucracy and cold-war impediments to export competitiveness. For instance, the bill streamlines the procedures and reduces, in half, licensing time lines. It provides new procedures for ensuring that U.S. exporters are treated fairly and that U.S. controls are clear and understandable.

It establishes new rights for exporters to seek administrative and judicial review. The bill codifies new principles for deciding issues of jurisdiction between the State Department munitions list and the Commerce Department dual-use list.

Mr. Speaker, these are just the highlights. I should also note that compromises have been made. The bill does not do everything that I or the gentleman from Connecticut [Mr. GEJDENSON], or anyone on our committee would prefer. For example, I wish we would have been able to do something more on encryption and the like, but it can and should become law, this bill.

Mr. Speaker, I want to pay special tribute to the gentleman from New York [Mr. GILMAN], the full committee chairman, and the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Connecticut [Mr. GEJDENSON], our minority side, for their work, and especially the staffs who worked with us for 14 months in negotiation on this piece of legislation. Without their stalwart efforts over many years of reform, we would not be here today.

I also want to acknowledge the work of the National Security Advisor Tony Lake and his team at the NSC. They have been tireless in their support.

Mr. Speaker, I would like to acknowledge the contributions of other committees with jurisdiction. As I have mentioned, the gentleman from South Carolina [Mr. SPENCE] and his committee staff have been an invaluable part of these discussions in coming to a good resolution on this bill.

I would like to thank the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, who reported the import sanctions provision retained in both section 1711 and section 203; the gentleman from New York [Mr. SOLOMON], the Committee on Rules, and his staff, who have contributed important technical improvement, especially on section 107; and the staff of the Permanent Select Committee on Intelligence. They all have provided key assistance on provisions affecting the intelligence community.

We have been helped greatly by such industry leaders as Mike Armstrong of Hughes Electronics and Mike Jordan of Westinghouse Electric. Their testimony and their advice have been invaluable. There have been so many CEO's in America who have contacted us on this legislation.

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I also want to thank all the associations who have worked closely with us and their support in making today possible: the Association of Manufacturing Technology [AMT] and its 356 machine tool companies. I want to thank the aerospace industry, and I want to thank the Chemical Manufacturers Association, the Agricultural Export Alliance and the American Farm Bureau.

Mr. Speaker, in conclusion, I recall introducing this bill, H.R. 361, on the first day of the Congress. My goal was simple, to reform our outdated export control system and to help our high-technology industry to create new jobs, good paying jobs, for American workers. This bill does that. It replaces a 17-year-old dinosaur with a law that is updated and forward looking.

With H.R. 361's passage, we will help the United States enter the 21st century as the most successful and the most responsible exporting state in the world, and I urge all my colleagues to adopt and to vote for this legislation.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to express my profound regret that the gentleman from Wisconsin will not be seeking a return to this Chamber. It has befuddled some, but the gentleman and I have had a great working relationship for a number of years, both when I was chairman and now under his chairmanship.

I have always found him to be honorable and hard-working and straightforward. Sometimes he would get it wrong, but I am sure he felt the same way about me. So it has been a great pleasure to work with him, and I look forward to many years of friendship. I think he is a terrific Member, and I think he has made a valiant effort, and I know, having brought this bill out on a number of occasions. It is a difficult challenge to get a real change through the Congress.

We can remember in 1989, the Bush administration found itself in a horrendous battle between Secretary of Defense Cheney and Secretary of Commerce Mosbacher. Secretary Mosbacher decontrolled 286 computers. Secretary Cheney seemed to be ready to assure us that this would give the Soviet Union the ability to rejuvenate itself and pass us militarily. There was this great debate in Washington whether Mosbacher had gone too far. Of course, I do not know what one could do with a 286 computer today except for using it as a paperweight, but that is part of the problem with this bill.

This bill is going to pass, Mr. Speaker, and I will not oppose it. While I am not going to oppose it, however, I cannot endorse it. I think what we do here is we do very little really to grab hold of the kinds of initiatives we need to deal with the terrorism and the spread of the kind of technologies, choke point technologies, that we might be able to control if we were more serious. At the same time, we hobble the American export market which has a direct impact on our workers and the vitality of our economy because these modern technologies are our future. They are where we are most competitive.

We give ourselves, as this legislation does, as much as half a year to get an export license, while in Germany, France, Japan and the rest of the countries around the glove, who have the exact same technology, they will just walk through an agency and in many, many instances not need any license at all.

The problem with this new agreement that replaces COCOM is that, frankly, it all ends up being unilateral controls. We end up in a situation where it will be controlled in the United States, but the Germans and the Japanese will make no effort to control it. The reason here is, I think, we have to focus on what is doable. We have to focus on getting cooperative agreements on critical technologies, on choke point technologies. But we also have to have the understanding that, while we ought not be racing to provide sensitive technologies to dangerous countries, frankly, the gentleman from Wisconsin and I have worked together, and the gentleman from New York [Mr. GILMAN] and I have worked on the terrorism legislation to deny all technologies to the Libyas and Irans of this world who are leaders in the kind of terrorism that exists today. But the reality is we do not make the kind of definitions that are necessary.

We do not deal with foreign availability. If it can be bought in Radio Shack in Beijing, it is too late to try to control it as an export product from the United States. We found that through the years we would fight for export license for 386 chips while they could be bought in stores in China.

The failure to deal with the difference between a dual-use item and a munition will leave us where we are and where we have been in the past, where at one point an American company could not sell bank smart cards to a British bank. Not that they were not available, not that it was not clearly a nonmilitary use, but because there was encryption involved that ended getting dragged into the same category as bullets and bombs.

This bill does not give American exporters the kind of platform to challenge bureaucratic insanity. If you are down there buried in the bowels of the government, most people do great work; but the instinct is why take a chance, and not taking a chance may cripple America's economy because these are the jobs of the future. It is not simply profits we are talking about, we are talking about the vitality of American industry, the vitality of our work force, and the vitality of our economy.

I commend the chairman for doing what he has done, though, because this is a very tough Congress. With the extreme nature of some of the politics of this Congress, the gentleman probably would have never gotten it through some of the other committees. My admiration for the gentleman from Wisconsin, Chairman ROTH, continues. I am just frustrated, frankly, that we have not been able to do more.

That is basically not a tricky decision. It is a rational process. If we can buy it in every other country in the globe, American control does not achieve anything. If we have something that is dual use, it ought not be dealt with as if it was a missile system. So we have made some progress here; we have not made enough.

These are the critical industries for the future. We ought to be nurturing them and doubling our efforts to fight terrorism, not leaving them hobbled in what may be 6 months of bureaucracy while purchasers of these products are running into Germany and Japan and walking out without any waiting period.

Mr. Speaker, I reserve the balance of my time.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume to say that, first of all, I want to thank the gentleman from Connecticut [Mr. GEJDENSON] for his strong support of this legislation and for backing the legislation. I do not know of anyone in this body who has a greater understanding of the legislation than Mr. GEJDENSON does, so I appreciate his support very much.

GENERAL LEAVE

Mr. ROTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 361.

The SPEAKER pro tempore. (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], chairman of our full committee. In doing that, I again want to thank him for his strong support and his help and the staff's help on this legislation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the Export Administration Act of 1996, the first significant reform of our export control laws in the past two decades. It will bring our export control statutes in conformity to the post-cold war era and will strengthen our export controls in such key markets as China.

I want to congratulate the distinguished gentleman from Wisconsin, the chairman of the Subcommittee on International Economic Policy and Trade, for his outstanding work on this legislation as well as his support of the gentleman from Connecticut [Mr. GEJDENSON] the committee's distinguished ranking member.

The gentleman from Wisconsin [Mr. ROTH] has been unwavering in his determination to move this bill, and the successful negotiations with the Committee on National Security and with the administration have enabled our committee to bring this bill to the House floor today under a suspension of the rules.

During our committee's markup on this vitally important legislation, the Committee on International Relations considered an export control text that greatly tightened statutory restrictions on exports to terrorist nations, specifically prohibiting all proliferation-related and dual-use exports and reexports to such countries providing a Presidential waiver if an export is essential to the national interest.

Enactment of this legislation, Mr. Speaker, will require the Secretary of State to seek support of these antiterrorism controls from other nations and from the various export control regimes. It will help to make certain that the same stringent export control regime will be applied to all terrorist states, including Syria.

During its markup, the committee adopted an amendment that I proposed providing greater scrutiny and monitoring to the billions of dollars of dual-use equipment and technology licensed annually for export from our Nation to the People's Republic of China.

As we learned during the recent debate on the House floor in providing most-favored-nation to China, we are going to have to pay greater attention to China's rapid military buildup and modernization of its Armed Forces.

Enactment of this bill will help to accomplish that objective by ensuring that our dual-use exports to the People's Republic of China are not going to be put to use for those purposes by companies controlled by the Chinese People's Liberation Army.

In sum, this bill not only undertakes the long overdue reform of the Export Administration Act but also reestablishes our statutes on dual-use exports and reasserts the prerogatives of this committee over this important body of law. While it provides greater transparency on U.S. export control laws and greatly reduces the number of days needed for issuing export licenses, it also adds controls on countries not supporting multilateral efforts to counter the proliferation of weapons of mass destruction.

In short, this is a well balanced bill addressing regional and global proliferation threats while, at the same time, streamlining and modernizing antiquated export control procedures of the cold war era.

To those Members concerned about the impact of its provisions on American industry, I would point out that it subjects export controls to new oversight procedures and gives our exporters an improved appeals process for controls they believe are unfair.

Accordingly, I urge my colleagues to support this historic legislation, the Roth bill on export controls, and I again commend him and the gentleman from Connecticut [Mr. GEJDENSON] for their work on this measure.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume to again thank the gentleman from New York, the chairman of our full committee, for his strong support of this legislation and for all the help he has given me in making today possible.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER] who has worked on this subcommittee with me for many, many years and I have always appreciated his support.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 361, the Export Administration Act of

1996. Our current export licensing framework is grossly out of date—not having been significantly revised in 17 years. We desperately need to pass this legislation if Congress is to have any influence over the delicate balancing act between national security and commercial interests that the President currently performs under the broad powers of the International Emergency Economic Powers Act.

First however, this Member would like to congratulate the distinguished gentleman from Wisconsin [Mr. ROTH], chairman of the International Relations Subcommittee on International Economic Policy and Trade, for his exceptional work in crafting legislation that not only revises an out-of-date statutory framework but provides us with a rational system for export controls that can evolve well during the 21st century. This Member regrets that we are losing Chairman ROTH'S excellent stewardship on issues of great importance to American commercial interests. It has been this Member's pleasure to serve with Chairman ROTH on this subcommittee for the last 14 years. However, this Member is grateful that Chairman ROTH leaves his post with a good, bipartisan House compromise that the Senate would be wise to consider and pass.

On March 3, 1795, Congress gave the President authority to permit the exportation of arms, cannons and military stores in "cases connected with the security of the commercial interest of the United States, and for public purposes only." That act was one of the first export administration acts and no doubt an ancestor to the legislation currently before us today.

Despite his best efforts during his tenure in Congress to eliminate red tape and bureaucracy, Chairman ROTH presents us with a bill 201 years later that is 202 pages longer than its precursor. That amounts to a page of legislation for each birthday of this great country.

Obviously, despite that facetious comparisons, Mr. Speaker, the world is a much more complicated place than it was in 1795, but the underlying principles for export regulations are the same. Then, we did not want our enemies to be able to acquire the cannons that could damage our ships of commerce. Now, for example, we seek to deny them the precision tools from constructing weapons of mass destruction.

Mr. Speaker, this legislation is not perfect; no compromises are. But the current export control authority for our Nation is badly in need of reform. This legislation will importantly reestablish U.S. statutory authority and eliminate the necessity of the President using overly broad emergency administrative powers to implement our Nation's export control laws. While tightening restrictions on dual-use exports to rogue regimes and terrorist countries, it emphasizes strengthening multilateral export controls. Also it provides strong incentives for the President to negotiate with our allies before unilateral controls are imposed.

Mr. Speaker, this Member would like to again congratulate Chairman ROTH for his hard work on striking an appropriate balance between U.S. national security and commercial interests. If the Senate wisely follows his lead and passes this legislation, part of the Roth legacy will be a rational export control system that is responsive to U.S. industry while protecting the national security.

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Mr. ROTH. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for his excellent comments. I want to say I have enjoyed working with him for the last 14 years on this subcommittee. I appreciate all his creative thinking in the committee also.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. MANZULLO], vice chairman of our subcommittee.

Mr. MANZULLO. Mr. Speaker, many people are legitimately concerned about the large U.S. trade deficit, which reached $111 billion in 1995. But few people know that the U.S. Government maintains barriers to American exports to willing customers overseas. In 1993, the respected Institute for International Economics measured this barrier, totaling up to $40 billion in lost U.S. sales abroad. Even if you use the most conservative estimate, the current export control system stymies the creation of 600,000 high-paying, highly skilled jobs.

We have entered a new post-cold-war era where our national security threats have fundamentally changed from the large Soviet menace to a select group of smaller national dedicated to developing weapons of mass destruction and to the promotion of state-sponsored terrorism. We need a revised export control system that recognizes these new threats to our national interests while balancing our economic interests. This bill meets that challenge.

The new Export Administration Act brings more rationality into the system to provide more predictability and transparency for U.S. exporters. It emphasizes coordination with other nations, as opposed to our usual unilateral sanction, "shoot ourselves in the foot strategy."

The new Export Administration Act reduces by almost in half the number of days allowed for issuing export licenses. As chairman of the Small Business Exports Subcommittee, I especially know how delays in the export licensing process can hurt a small exporter. H.R. 361 is needed so that bureaucrats do not unnecessarily delay an important sale.

I also want to extend my appreciation to the chairman of the International Economic Policy and Trade Subcommittee, Mr. TOBY ROTH of Wisconsin. For the past few years, we were unable to pass a comprehensive Export Administration Act reform. This year, the chairman adopted a different tactic to include the National Security Committee in the drafting of this legislation.

The results speak for themselves today: H.R. 361 is on the noncontroversial suspension calendar.

I also want to thank the administration for moving many export control reforms internally through regulatory changes. Increasing the MTOP levels on computers to 2,000 to most every country in the world and 10,000 to our strongest allies was a welcome move because our competitors, even in Brazil and Taiwan, are making functional equivalents of these computer systems.

Because of these administrative changes, we do not have to include these reforms in this legislation. I hope that same spirit of reform will continue because this legislation provides discretion to the administration to resolve some of the most contentious issues in export control reform such as a dual-use definition and foreign availability criteria.

I urge my colleagues to adopt this landmark job-creating reform and that the other body act expeditiously on this bill.

Mr. ROTH. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of H.R. 361. I feel that this Congress and the American people owe a debt of gratitude to chairman ROTH for the way he has crafted this legislation. In previous Congresses this legislation foundered in bitter controversy between the national security community and the business community. Under the leadership of the gentleman from Wisconsin, the legitimate interest in preventing proliferation of technology that can be misused has been reconciled with the legitimate interest in allowing our companies a level playing field with their foreign competitors. And he has done it in a way that allows this bill to be considered under suspension of the rules.

The rationale and need for export controls has changed because of the end of the cold war. Before, we were contending with an adversary with considerable indigenous industrial and scientific capabilities, but lagging behind in technical innovation. The Soviets could develop high technology weapons on their own through their own capabilities plus espionage, but they were one or two generations behind us. Our goal was to keep them from getting state-of-the-art technology, but we knew it was useless to try and keep them from getting older technology.

Before, the key objective of our export controls was to keep the technology away from the Soviets that could allow them to develop more accurate missiles or quieter submarines. But we couldn't prevent them from building subs or rockets, they already knew how to do that. We had to keep our qualitative advantage that made up for our quantitative disadvantage, that would have allowed us to prevail in a stand-up fight and made our deterrent credible. Now, to counter the proliferation threat from rogue and terrorist nations, our focus has to change. We want to prevent the irons and Libyas of the world from getting any kind of missile or weapon of mass destruction. The dangerous countries now do not have the indigenous capability to produce these weapons; they have to purchase the necessary technology and know-how. It doesn't matter if what they build is obsolete in a purely military sense; these obsolete weapons are still dangerous in terms of their utility for terrorist purposes. We have to focus our export control resources to target those outlaw nations specifically, and keep them from getting the technology necessary to build any weapons of mass destruction.

There are two ways to do this. We can put tougher unilateral controls on ever type of industrial technology, because even the lower tech items can still be used to build crude weapons suitable for terrorist purposes. Or, we can concentrate on uniting the entire industrialized world to prevent the real threshold technology from getting to the nations that are truly dangerous. I believe the second approach is the more useful and effective one, and it is the approach taken in this legislation.

Finally, the bill's provision allowing import sanctions to be imposed upon countries that engage in nuclear proliferation puts a real deterrent to this activity in the hands of the President. It makes it much more likely that we will be able to threaten a sanction that will actually hurt the offending country more than it does us.

However, I am afraid that this current language may be too narrow. It restricts the import sanction to the entities responsible for or most closely identified with the illegal proliferation. There will be situations where it would be most effective to target imports that may not be from the entity that engaged in the proliferation but would cause the foreign country much much more pain if cut off.

We must remember that any trade sanction we impose will cause some hardship to Americans, since after all no trade occurs without mutual benefit. We should allow the administration enough flexibility to pick an appropriate trade sanction that causes more pain to the offending foreign country than it does to American citizens. I hope we can further modify this provision as this bill moves through the legislative process.

All in all, Mr. Speaker, this bill is vitally needed. I urge its swift passage.

Mr. ROTH. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. CAMPBELL] who is the newest member of our subcommittee and by far one of the brightest and most astute.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from California [Mr. CAMPBELL] is recognized for 3 minutes.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for those overly generous comments, and I thank the gentleman from Connecticut for his generous gift of time. I rise in support of the bill.

Mr. Speaker, the bill is essential. I only wish it did more. In this regard, I agree with my colleague that we are making a good start. It is my hope that we will do more as the bill moves into conference. But, Lord knows, it has to be viewed as a first step which would not have taken place but for the exceptional efforts of our colleague and chairman from Wisconsin.

There are two points I would like to stress. First of all is regarding the private right of action which is created in this bill. I am always very concerned whenever there is a new private right of civil action created where people can go to a court of law and bring a lawsuit. That is the case here. Where an enterprise is alleged to be violating the rules about the diversion of weapons and technology, private right of action is created.

I think it would have been wiser to require that before that civil lawsuit be commenced that there be a criminal conviction. The reason is that if otherwise it is possible that diplomatic efforts to work out a disagreement can be impeded by the civil lawsuit that is pending. At the very least, however, the bill did include a provision on an English rule that the attorney's fees be paid for by the losing side in such civil litigation, and I think it is essential that that remain.

My second and last point is that the bill should have done more on encryption and so I will take the remaining minute to say that I am hopeful that even possibly within this Congress there may be a way to address encryption, possibly our colleague from Washington State's own bill on encryption, Mr. WHITE, possibly an amendment as this bill goes into conference. The administration can do a whole lot on its own regarding the export of encryption software and hardware. Simply by reclassifying this a dual-use rather than munition, it would bring its review process out of the State Department and over to commerce where I think it would be much more realistic.

The importance of the encryption export is not simply in its own right as a market for American entrepreneurship and or research and development, but also this: As more and more computers are being used in commerce and as we go to virtual banking and international finance, the ability to encrypt is going to be an essential part of any computer system you buy. If American computers cannot have embedded in them reliable encryption, then nobody is going to buy the computer system. And then we move from a loss of maybe a billion or two to tens of billions of dollars. Indeed, the computer systems policy project estimates a $60 billion loss to our country by the year 2000.

Those are two points that should be emphasized as the bill goes to conference. I conclude with a word of personal appreciation to the chairman, how much I have enjoyed working with him for 5 years in several Congresses.

Mr. Speaker, I want to take this opportunity to speak in support of H.R. 361, the Omnibus Export Administration Act of 1996. In committee, I offered an amendment to apply the English rule on attorneys' fees to the private right of action this bill contains. I want to emphasize that my willingness to vote for this bill is conditioned upon this provision staying in the bill; if it is removed, but the private right of action stays, I would have to reconsider my support for this legislation.

I have also expressed my concerns to Chairman ROTH about the competitive disadvantage provision within the foreign availability section. I believe that there is a real danger that U.S. companies will suffer significant disadvantages within CoCom's successor, the new Wassenaar Arrangement, if the U.S. Government rigorously enforces the new internationally agreed upon export control lists while its allies and other nations within Wassenaar rubber stamp their licenses or give those licenses only cursory reviews.

I want to take time today, however, to discuss an omission from H.R. 361. That issue is encryption. It is not a part of H.R. 361, in part, because it is too controversial and might have killed the last chance that the bill has for passage during the 104th Congress. But within the category of export controls, encryption is the most important issue facing us today, and I believe that Congress would be abdicating its responsibility by not taking it up during the current session. By speaking today, I hope to build a record for early consideration of encryption legislation in the next Congress, or even for consideration in the remaining days of this Congress.

As data become more available, data become more vulnerable. The more information is passed along both public and private networks, the greater is the demand for information security. Financial losses from system penetrations have increased, and users feel more vulnerable to interception or corruption of their data. Both companies and individuals want to avoid the losses and the system shutdowns that occur when outsiders are able to browse within their data. They view information as property, and they believe that they have a right to put as strong a lock on that property as they see fit. I agree with them. Information must be protected.

Encryption is the ability to scramble communications sent out along computer networks. There is no restriction on encryption when it is applied domestically, but under current law, it cannot be exported except under very limited conditions.

The current export controls prevent U.S. companies from meeting the market demand for encryption. Our overseas competitors, however, will meet that demand. Only last month, there were news reports of a new Nippon Telephone and Telegraph encryption chip, which provides a strength of encryption unavailable from any U.S. vendor.

This creates a real problem for two of the most successful industries in the United States today, the computer and software industries. Because they are of such high quality, U.S. computers and software dominate the world market and set the international standard. This results in a significant competitive advantage for both industries and it has been a major benefit to national security, as militarily useful products and technologies have spun off to benefit our increasingly automated weapons systems. That advantage, however, is under serious challenge. U.S. computers and software cannot continue to be world leaders if an important aspect of their competitiveness is denied to them.

It is ill advised to continue the current U.S. Government encryption policy. A recent Department of Commerce study documented that there are hundreds of foreign firms that produce encryption products that serve the market denied to U.S. companies. As a consequence, the current policy results in handing the encryption market to our trade competitors. Worse still, however, is the fact that in today's world, customers tend to buy complete packages for their computer networks and they want information security to be a part of that package. In 1996, the market loss for encryption products alone may be estimated in the billions; but the market for computer and software systems amounts to hundreds of billions. It is that total systems market, as well, which is imperiled by a U.S. Government export control policy that refuses to face the reality of the international marketplace by refusing to allow encryption to be included as a part of the total network systems offered by U.S. companies. The Computer Systems Policy Project estimates that, unless the United States relaxes export controls on encryption, the U.S. technology industry will lose $60 billion in revenue and 200,000 jobs by the year 2000.

A company from Silicon Valley, Hewlett-Packard, illustrates the difficulties encountered by the entire industry. Hewlett-Packard has developed a number of products that require encryption for their operation. For example, emerging smart card technology promises to bring individuals unprecedented access and control over digital information and assets. Last year 500 million smart cards were issued and more than 4 billion are expected to be in use by the 2000. With all that critical information stored on a smart card, the network system supporting use of the card would require significant encryption capability. Although the use of this new personal information card is entirely benign and poses no national security risk, currently, the restrictions on the export of cryptography make it extremely difficult to market this product abroad. Such a policy restriction has minimal benefits and high long-term costs.

The current encryption export control system is both anachronistic and inefficient. It denies U.S. companies the right to export products containing encryption that is widely available from foreign vendors, and those few licenses that are granted take so long in the approval process that customers who might buy American technology are tempted to turn to foreign suppliers to satisfy their needs. It makes no sense to control commercial encryption as though it is a munitions item. It has been decades since the military was the primary user of encryption. At the very minimum, encryption control parameters ought to be raised to the level commercially available from foreign vendors, and encryption ought to be controlled as a dual-use commercial item rather than a munitions item. This change alone would replace the current cumbersome State Department bureaucracy with a Commerce licensing system that is likely to be more efficient and more responsive to commercial exigencies while not excluding the role of defense agencies within the new process. The pending Export Administration Act accomplishes a similar balance for the items it controls.

The administration has indicated that it is at least considering this authority transfer. But the last encryption policy change it allowed took 2 years to execute. Industries as fast-moving as computers and software cannot afford such glacial change. The administration has to respond quickly to changed conditions, or the Congress should make the change for them through the legislative process.

There is no market for the weak encryption that U.S. companies are allowed to export under current regulations when strong encryption is widely available from foreign vendors. Nor can U.S. companies follow the recent proposal of the U.S. Government and force their customers to escrow the key to their encryption systems with a third party, when foreign vendors offer the same strength of encryption without any cumbersome requirements. If such a requirement could be imposed throughout the world, U.S. companies would suffer no disadvantage. But that is unlikely to occur.

Congressman GOODLATTE has drafted, and I have cosponsored, legislation that would begin to address the problems engendered by our current encryption policy. That legislation would bring our licensing parameters for encryption up to the levels widely available abroad and also transfer encryption export licensing authority from the State Department to Commerce. It is still my hope that this legislation can be taken up during this session of Congress. Encryption could also be addressed by the Clinton administration by simply undertaking regulatory reforms. Those reforms should have been undertaken years ago, so that U.S. companies would not be facing the competitive disadvantages that they are today.

Mr. GEJDENSON. Mr. Speaker, I would like to again commend my colleagues, the gentleman from Wisconsin [Mr. ROTH] for his work on this issue and so many others, having been such a valuable Member of the Congress. We are truly going to miss him as a legislator and as a friend. We will not miss him as a friend. We will see him long after his time in Congress. I commend him for his work. I agree with the gentleman from California on the encryption issue and others that need to be dealt with rapidly.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his kind remarks and I have also enjoyed working with the gentleman from Connecticut [SAM GEJDENSON]. The feeling is mutual.

Mr. HAMILTON. Mr. Speaker, I urge the House to suspend the rules and pass H.R. 361, the Omnibus Export Administration Act of 1996, as amended.

COMMUNICATIONS

I want to commend Congressman ROTH, the principal drafter of this bill, for the excellent work he has done to bring it before the House today.

This is an extraordinarily complicated measure. Since the end of the cold war, three previous export administration bills have failed to pass the House.

Congressman ROTH deserves a lot of credit for the fact that H.R. 361 stands a better chance of being approved by the House than its predecessors.

As Mr. ROTH has acknowledged, however, this bill would not be on the floor today were it not for the creativity and hard work of Congressman GEJDENSON, ranking Democrat on our Economic Policy Subcommittee. Much of H.R. 361 is based on the bill Mr. GEJDENSON drafted, with Mr. ROTH's help, in 1994. No Member of Congress has done more to promote reform of the U.S. system for controlling dual-use exports than has Mr. GEJDENSON.

Let me also commend the administration and the bipartisan leaderships of the National Security, Ways and Means, Rules and Judiciary Committees for their constructive work on this bill. The progress of this bill so far has been a model of bipartisanship.

A BALANCED BILL

An effective export control system must carefully balance U.S. national security and economic interests.

This bill strikes a decent balance.

On the national security side, it toughens nonproliferation sanctions, tightens restrictions on exports to terrorist nations, and strengthens multilateral nonproliferation regimes.

On the economic side, it shortens export licensing deadlines, makes the licensing system more transparent, and gives exporters better access to administrative and judicial review of licensing decisions.

I am also pleased that the bill includes language protecting U.S. farmers from economic embargoes. These protections will reassure both farmers and our trading partners about our commitment to expanding export markets.

Nobody considers this a perfect bill. In his effort to gain the support of the National Security Committee, Mr. ROTH agreed to make changes in H.R. 361 that some American exporters opposed. I share the concerns of these exporters, and I am hopeful that several of the reforms they favor can be reinstated at a later stage in the legislative process, to better serve all U.S. national interests.

WHY WE NEED A BILL

Mr. Speaker, this bill needs to move forward today if we are to have a chance of enacting it this year.

Our dual-use export control system has operated under Executive order since the old Export Administration Act expired in August 1994.

We need an export administration statute for several reasons.

First, a regulatory system does not provide as sound a basis for business or policy decisions as would a statute. U.S. exporters and the U.S. Government will both benefit from the increased predictability and transparency of a statute.

Second, without a statute we cannot adequately enforce our antiboycott policies, which help protect Israel from economic pressure.

Third, our current export control system reflects the East-West security focus of the expired Export Administration Act. H.R. 361 will give us a system that more closely corresponds to the economic and security circumstances of the post-cold-war era.

CONCLUSION

Mr. Speaker, export controls impact a wide range of U.S. national interests. That makes if difficult to draft an Export Administration Act that fully satisfies all interested parties.

But the bill before us today strikes a good compromise, and after 2 years under Executive order, it is time to put our export control system on a statutory foundation.

I urge Members to vote to suspend the rules and pass H.R. 361.

Mr. SPENCE. Mr. Speaker, I rise in support of H.R. 361, the Omnibus Export Administration Act of 1996.

This act would supersede the original Export Administration Act, which expired in 1994, and is the result of many months of negotiation and hard work between the International Relations and National Security Committees. I believe it strikes a responsible balance between the desire to promote U.S. exports and the need to prevent sensitive technologies for falling into the wrong hands. I commend my colleagues, Mr. GILMAN, the chairman of the International Relations Committee, and Mr. ROTH, the chairman of the International Economic Policy and Trade Subcommittee, for their commitment to work cooperatively on this issue.

Since the fall of 1994, the Clinton administration has been operating under emergency authorities contained in the International Emergency Economic Powers Act. This piecemeal approach to export control is neither satisfactory nor prudent and has resulted in poor decisions with detrimental impact on U.S. national security.

The Export Administration Act accomplishes several important objectives. For example:

It removes the ad hoc nature of current export control policy decisionmaking by codifying in statute procedures for determining whether exports of sensitive dual-use technologies are consistent with U.S. national security interests. While directing continued efforts to work with our allies to harmonize their export control policies with our own, it allows us to control unilaterally the export of critical items for important national security or foreign policy reasons.

It grants the Secretary of Defense statutory authority to participate in the formulation and review of multilateral, unilateral, missile technology, chemical, and biological export control lists. This is a significant and important increase in the authority of the Secretary of Defense.

It allows the Department of Defense to specify limitations on how, to what countries, and to what end-uses controlled items may be exported. This grants DOD new statutory authority to help ensure that sensitive technologies do not end up in the wrong hands.

It ensures that the Department of Defense will have the opportunity to review all export license applications submitted to the Department of Commerce. This will prevent situations, as has happened in the past, where the Commerce Department approves the export of a sensitive dual-use technology with military application without the knowledge of the Department of Defense.

It establishes a procedural mechanism whereby the Secretary of Defense can escalate disputes regarding the approval of license applications to the President for resolution.

It prohibits any item whose export is strictly controlled as a munition from being placed simultaneously on the less-restrictive list of dual-use commodities for export.

It properly focuses our export control efforts on stemming the proliferation of dangerous technologies to potentially hostile regimes by prohibiting any export that would materially contribute to a weapons of mass destruction program in a country that is not a member or adherent to a multilateral export control regimes. And it prohibits the export of any controlled items to terrorist countries.

Mr. Speaker, the Export Administration Act of 1996 is a balanced compromise that goes a long way toward updating this country's export control process in a way that conforms to the new national security challenges we face today.

I urge my colleagues to join me in support of H.R. 361.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ROTH] that the House suspend the rules and pass the bill, H.R. 361, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1500

EXTENDING MOST-FAVORED-NATION STATUS TO ROMANIA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3161) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatement) to the products of Romania.

The Clerk read as follows:

H.R. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Romania emerged from years of brutal Communist dictatorship in 1989 and approved a new Constitution and elected a Parliament by 1991, laying the foundation for a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and respect for private property;

(2) local elections, parliamentary elections, and presidential elections have been held in Romania, and 1996 will mark the second nationwide presidential elections under the new Constitution;

(3) Romania has undertaken significant economic reforms, including the establishment of a two-tier banking system, the introduction of a modern tax system, the freeing of most prices and elimination of most subsidies, the adoption of a tariff-based trade regime, and the rapid privatization of industry and nearly all agriculture;

(4) Romania concluded a bilateral investment treaty with the United States in 1993, and both United States investment in Romania and bilateral trade are increasing rapidly;

(5) Romania has received most-favored-nation treatment since 1993, and has been found by the President to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(6) Romania is a member of the World Trade Organization and extension of unconditional most-favored-nation treatment to the products of Romania would enable the United States to avail itself of all rights under the World Trade Organization with respect to Romania; and

(7) Romania has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ROMANIA

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Romania; and

(2) after making a determination under paragraph (1), proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Romania, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. (Mr. GUTKNECHT). Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] and the gentleman from Florida [Mr. GIBBONS] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. FUNDERBURK. Point of order. Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. FUNDERBURK. Mr. Speaker, is either gentleman opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Florida [Mr. GIBBONS] opposed to the motion?

Mr. GIBBONS. No, I am not.

Mr. FUNDERBURK. Is the gentleman from Illinois opposed to the motion?

Mr. CRANE. No, I am not.

Mr. FUNDERBURK. Then I request 20 minutes to speak in opposition, Mr. Speaker.

The SPEAKER pro tempore. Under the rule, an opponent is entitled to control 20 minutes.

The Chair will recognize the gentleman from Illinois [Mr. CRANE] for 20 minutes in favor of the motion to suspend the rules and the gentleman from North Carolina [Mr. FUNDERBURK] for 20 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I ask unanimous consent to yield half of my time to my distinguished colleague, the gentleman from Florida [Mr. GIBBONS], the ranking member of our full Committee on Ways and Means, who introduced this legislation with me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3161, legislation which authorizes the President to extend permanent most-favored-nation [MFN] tariff treatment to the products of Romania. This legislation, which was introduced by myself and the ranking minority member of the Ways and Means Committee, Mr. GIBBONS, is supported by the administration and was favorably reported out of the Ways and Means Committee by a voice vote on June 13, 1996.

At present, Romania's MFN status is subject to the freedom-of-emigration conditions contained in title IV of the Trade Act of 1974, the provision of U.S. law which contains the so-called Jackson-Vanik amendment. As enacted, the Jackson-Vanik conditions apply to nonmarket economy countries not eligible for MFN treatment on January 3, 1975. Since the passage of Jackson-Vanik more than 20 years ago, however, we have witnessed the end of the cold war and the rebirth of Central and Eastern Europe after the collapse of communism in the region.

Like many of its neighbors, Romania has undergone wholescale change in its political and economic systems, as the country has undertaken the difficult transition away from centralization toward democracy and open markets. After the overthrow of its Communist dictatorship in 1989, Romania approved a new Constitution to lay the foundation for human rights, freedom of expression, and respect for private property under the new democratic government. Since then, Romania has held local, parliamentary, and Presidential elections. Later this year, Romania will hold its second Presidential election under the new Constitution.

In addition to democratic reform, Romania has undertaken significant market-oriented economic reforms, including privatization. Since 1990, more than 500,000 small- and medium-size companies have been created by the private sector and more than 2,000 state owned enterprises have been privatized. At present, the private sector accounts for about 50 percent of the country's gross domestic product and employs more than half of its work force. To continue the transition to a market-based economy, the government has targeted 2,900 state enterprises for privatization this year. At the end of this process, it is estimated that the private sector will account for more than 70 percent of Romania's gross domestic product.

Given Romania's progress toward pluralistic democracy and a market economy, I believe it is appropriate for the United States to respond by passing H.R. 3161 to normalize our bilateral trade relations. Extending permanent MFN to Romania, as has been done for other East European countries, will enhance our bilateral relations by providing the business community with greater certainty with respect to Romania's status under U.S. law. In addition, Romania is a member of the World Trade Organization and an extension of permanent MFN is necessary in order for the United States to benefit from our rights under the WTO in our relations with Romania. Moreover, solidifying our bilateral commercial relations will help to ensure that Romania continues on the steady course of reform that it has laid out for its future.

The Congressional Budget Office has indicated that its baseline revenue projections assume that Romania's conditional MFN status will be renewed by the President in the future. Therefore, enactment of H.R. 3161 will not affect projected Federal Government receipts. I urge my colleagues to support the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FUNDERBURK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am speaking today because I care deeply about the Romanian people and the fate of the country where I spent almost 6 years of my life as a Fulbright Scholar, university professor doing research, USIA officer and U.S. Ambassador.

It would have been easier for me to follow the stampede, business and trade interest. When I was the U.S. Ambassador under Ceausescu's harsh regime, conventional wisdom in the media, the Congress, like today, and the State Department was that Ceausescu was a great guy who was a maverick in foreign policy and his friendship should be cultivated and rewarded. Many here were anxious to curry his favor and reward his tyranny. So it is no surprise that former ambassadors and many congressmen have fallen again for the slick PR, money, pressure, propaganda job of the current Romanian Ambassador, favored son of the old Communist elite trained for just this purpose. As usual it works and money, trade, and businesses talk louder than values, principles, human rights, and freedom. Many were on the wrong side during Ceausescu's day, and now they are again on the wrong side in Iliescu's day, against the democrats, against the growth of economic freedom and privatization, against press freedom, against human rights.

But I was proven right before when the Wall Street Journal described me as America's Cassandra Ambassador and when earlier this year the University of Bucharest granted me an honorary doctor's degree for work fighting for human rights and democratization in Romania.

Since the current regime in Bucharest remains the only Government in Eastern Europe which has not elected a democratic government separated from the harsh Communist past, and since serious problems of human rights violations, press infringements, private property and privatization reverses continue, it is important that I speak for the little person seeking democracy, the small businessmen seeking economic freedom and minorities with human rights concerns.

Romania has MFN on an annual basis, and it is trying to ram through permanent MFN so that the crypto-Communist Government of Ion Iliescu can get an extra advantage in the upcoming elections. A 3-months' delay in bringing up permanent MFN will not hurt Bucharest at all, but it will give the democratic forces a chance to have a more level playing field in this election. Following the election in November, no matter who wins, then permanent MFN can be brought up and voted on and signed into law.

Listen to the plea of the ad hoc committee for the Organization of Romanian Democracy in a letter to me last week: "Unlike the other Eastern European countries * * * Romania has continued to be ruled by the same type of autocratic and police regime. Rewarding the Romanian authoritarian regime with the unconditional MFN status will be equivalent to the unqualified endorsement of President Iliescu and will provide the regime with unfair respectability credentials before elections. They pointed out that in recent local elections democratic groups barely won out. Under the present frame of mind of the Romanian people, we feel that the granting hastily of the permanent MFN status before the Presidential/parliamentary elections would discourage the Romanian electors and would destroy all chances for the popular vote turning to a truly democratic system. Therefore, the fairest, optimal solution would be the postponement of the dabate on the MFN status in Congress until after the elections. Trusting in your fair evaluation of the real political climate in Romania, we thank you * * * for your consideration." Chairmjan Stefan Issarescu and Co-Chairman Dr. Simone Vrabiescu-Kleckner, A.C.O.R.D.

In addition to the election factor, the 3 months gives us a last opportunity to gain real progress in areas of concern heretofore ignored by the Bucharest regime. Without annual MFN, the United States will surely lose what little leverage it has in encouraging improvement in the areas of human rights, privatization, economic freedom, press and media freedom and political democratization. Why are the Romanian Embassy and its recruited supporters and many in Congress so anxious to rush permanent MFN through without waiting less then 4 months until after the election? We know the new ambassador's job and fate many be on the line if he doesn't get this big plum for his boss Iliescu now, immediately, after all, look what happened to Geoana's predecessor. But ponder, why has the same establishment here in Washington and New York not put Romania on the top list to gain entry into NATO? Just perhaps it has something to do with less than favorable progress made by the Government in most areas since 1989. If Bucharest has nothing to hide, why not wait only a few short months before voting on permanent MFN?

Of course, there is a parade of congressman, former ambassadors, religious group leaders and Romanian officials and parliamentarians expressing their approval of immediate permanent MNF for Romania. We know why: An old Communist trick, it has become a question of nationalism and patriotism because of Bucharest's propaganda. If someone prominent in Romania did not support this he would be branded anti-Romanian, that is how it is framed. Do we ever learn anything from history?

Just a few points on the problems in present-day Romania: One, privatization and economic freedom are proceeding slower than almost anywhere else. In fact the Heritage Foundation's index of economic freedom of 1996 ranks Romania 112th after such countries as Russia, Moldova, Albania and Bulgaria and the lowest in Eastern Europe, dropping dramatically from last year.

Two, there are still many problems with state dominated TV and newsprint for opposition newspapers not being readily available as well as journalist freedom. In Sunday's Washington Times it was reported that Romanian journalist Radu Mazare was sentenced to prison charged with libel for exposing corruption of local officials of the government. Western broadcasts, including BBC, are often selectively banned; Senator JESSE HELMS sent a letter to find out why journalist Doina Boghean was sentenced by a court for the offense of slander; Senator STROM THURMOND wrote to find out why two religious radio broadcasts by Voice of the Gospel were shut down; CSCE Chairs Senator ALPHONSE D'AMATO and Congressman CHRIS SMITH wrote expressing concern about government limitation on religious programming including for Baptists, Seventh Day Adventists and others. Does all this sound democratic?

Three, human rights violations and discrimination against minorities continues. The new Ambassador in Washington taking a page from his Communist training tried to discredit my position by saying I am now a Hungarian advocate. Sorry, Mircea, but it will not work. I am for human rights for all people but everyone knows and outside government will admit that I am and have been a Romanianophile.

Four, why is it that the number of orphans in Romania has grown since the fall of Ceausescu, and they exist in the most horrible conditions? Is this not an indictment of the Iliescu government which has been in power since 1989?

Fifth, in most cases private property is not returned to its original owners.

We should be helping the democratic, not the authoritarian, forces in Romania.

Therefore I urge postponement at least until after the November elections of consideration and approval of permanent MFN for Romania so that the Romanian people can have a better chance at fair elections and so that more progress can be made in the areas aforementioned.

We have a moral obligation to the people seeking greater democratization and privatization in Romania to take this position. And furthermore the United States is still, often despite the Congress, looked to as defender of the truth, freedom and democracy throughout the world and we have an opportunity to be that defender. The United States has to stand for something and take the lead, and show that commerce and money greed are not everything to us. Let us do the right thing for a change.

Oppose H.R. 3161 until after Romania's elections.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the issue here is shall we grant to the people of Romania ordinary business, like trade agreements that we address to almost everybody else on Earth with very few exceptions. I am not here to defend Romania. No one could possibly do that. Romania is not a perfect country, but there are not many perfect countries at all on this globe, and I think that they are trying to do the best they can to get back into what is the normal westernized way of doing business and of treating their people. I know of no country in Europe that has possibly been more abused by its leaders in the last 50 or 60 years than Romania, but it is making progress.

Mr. Speaker, our trade with Romania is pitifully small. It is not much of an economic impact one way or another. But we ought to get on with it, and we ought to normalize our relationships with Romania, and I support this piece of legislation.

□ 1515

Mr. CRANE. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I join my colleagues on the Ways and Means Committee and the International Relations Committee who support the passage of H.R. 3161, making Romania permanently eligible for United States most-favored-nation trade benefits.

I want to commend Chairman CRANE and the sponsors of this measure for working to bring it to the floor today.

Romania currently enjoys MFN status, since it has been deemed to be in compliance with the underlying provisions of United States trade law.

This measure simply allows Romania to receive such trade benefits on a permanent basis—which should help promote American investment in that important country.

Passage of this measure would also recognize the improvements that have been made through political and economic reforms in Romania.

However, there needs to be further progress in such reforms.

With regard to its foreign policy, Romania must resolve its outstanding bilateral differences with neighbors like Ukraine and Hungary.

With regard to Hungary, in particular, we need to see further progress toward the historic reconciliation Romanian President Iliescu says he seeks.

Yes, there is still much that needs to be done, and I say to the Government of Romania—and to those who believe that passage of this measure is premature—that we will be looking for progress.

When the time comes that Romania seeks full membership in the European union and the NATO military alliance, we here in the United States and our allies in Europe will be looking closely to see what Romania has accomplished.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a historic moment. We are witnessing the rite of passage of a formerly totally totalitarian and dictatorial country into the ranks of law-abiding international citizens, fully respecting human rights, and making significant progress toward democracy and free market systems.

For those of my colleagues who are new to this body, allow me to state that 4 years ago I led the successful fight to prevent Romania from getting MFN treatment. I did so against an incumbent administration and the leadership of both of our political parties, because 4 years ago conditions in Romania did not warrant such legislation.

Today they do. I recently visited Romania, which is one of many visits begun initially in the 1930s, and I was delighted to see the degree to which the Country has become normalized, both economically and politically.

I find it rather amusing that the gentleman from North Carolina who, as ambassador to Romania under the despicable dictatorship of Ceaucescu, year after year, in writing, certified that Romania should get most-favored-nation treatment, is now opposing the granting of permanent MFN status, which merely means normal trading relationships, for the people of Romania.

I think it is important to underscore, Mr. Speaker, that recently elections were held in Romania with a fairly good turnout, much better than ours, and two-thirds of the voters voted against the incumbent government. What better proof that there is at least a modicum of political democracy vibrant in that country?

Granting permanent MFN status to Romania will be a stepping stone to that country's entering the European Union and, eventually, NATO. As the founding Democratic chairman of the congressional Human Rights Caucus, I strongly urge all of my colleagues on both sides of the aisle to take this significant step.

The cold war is over. The Soviet Union no longer exists. The countries of Central and Eastern Europe gradually, haltingly, painfully are moving in the direction of democratic market economies.

Romania has now reached the stage that they need encouragement and support. Across the political spectrum, Romanian political parties are urging us to approve this legislation. Every religious minority in Romania does so, as well. We should not let down the people of Romania.

Mr. FUNDERBURK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I was U.S. ambassador under the harsh days of Nicolai Ceausescu, I watched the gentleman from California [Mr. LANTOS], the great defender of human rights, come to Bucharest and personally praise and thank Ceausescu for the great job he was doing.

Mr. LANTOS. Mr. Speaker, what was the gentleman smoking?

Mr. FUNDERBURK. I did not interrupt you, but that is what you said, and it was written in the book.

In the CONGRESSIONAL RECORD, this same gentleman said "To a very large extent, the basic power structure is unchanged in Romania today," He said this in 1992. This is the man to whom we now want to give the favor, so next Sunday in the elections he can tell his people, the Congress of the United States is supporting this regime. So he is talking about all this dramatic progress that has been made since 1992, but he was saying that this was a terrible regime in 1992.

And there has not been very much progress. In fact, when we use most indices, they have actually gone backwards since 1992. My argument is that this bill supports the old Communist bureaucracy nomenclature and elite. It does not support those people striving and seeking freedom and democratization in Romania.

I stay in touch with them every day, they come by my office every day.

People from here who go over there and invest small amounts of money, middle-size amounts of money, lose it because of the noninviolability of contracts. They find that bribery, corruption, black marketeering, lying, cheating, and stealing is a way of life that has been inherent from the Communist regime. This has been perpetuated.

It would be nice if, as the chairman of the Committee on International Relations said, we can go home and pray and wish that this regime in Romania will improve and will be nice to us, I mean, be nice to its people in the future. But the fact of the matter is that when we give up this last piece of leverage that we have, they will be able to do anything they want to their people at will, and I am sure that they will continue to regress in the areas of privatization and economic freedom, and press freedom.

If we want to stand on the side of those people truly seeking it, they call me every day. I do not think these hundreds of people are making this stuff up. It is not like we are dreaming it. It is coming into my office every day, because they know that no matter what, I will have the guts and courage enough to come out here and defend them and tell Members what is really happening over there, because I do not care what I lose from saying the truth here on this House floor.

But I could tell Members that people who want more democratization in Romania are being repressed, they are being hurt, put down by this regime, which laughs at democracy and does not have a democratic bone in their whole bodies.

We need to apply a little bit of pressure, get a little bit of leverage, try to get a quid pro quo somewhere before granting this. Certainly we do not need to hand this crown to the royalty, Ion Iliescu, at this point and say OK, you have done well with your dictatorship in Romania since Ceausescu's days, and now what we want to do is give you permanent MFN and reward you for this, so you will forever be able to do whatever you want to do.

If Romania is so great, if it has improved so much, why are Members not on the front line fighting for inclusion of Romania in NATO and the WTO and the EC and everything else? But the fact of the matter is, it is one of the worst regimes in Eastern Europe.

I am not fighting for the Government of Romania here today, I am speaking for the poor democrats in Romania who seek freedom. It is a shame that everybody else cannot go over there and see that reality. I have spent 6 years of my life in many different capacities living over there in the shoes of those people with families, and this is what they have shared with me. They expect me to be here to defend them and promote democracy and freedom, and that is what I am trying to do.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to my distinguished colleague, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I know there are strong arguments on both sides of this issue. I am in favor of this legislation. I think it is time for permanent most-favored-nation status to Romania, because basically they have embraced democracy.

When we talk about a most-favored-nation status, I think we again have to reiterate that it is really a misnomer. When we talk about most-favored-nation status, all we are talking about, we are not talking about any special privilege, we are just talking about normal trade relations. We give MFN status to most countries around the globe except for a small number. I quite frankly do not think that Romania belongs in that category.

Third, granting permanent MFN status will help Romania, I think, stay on the path to market economics, democracy, and freedom; and basically that is why I am for this legislation, because I think they are going down the right path, and I think we want to encourage them to keep going down that path.

Our two-way trade is very small, it is barely $500 million a year with Romania, so it is not much. But the potential is there to expand our trade with Romania. Expanding trade will strengthen the Romanian economy, allowing it to grow. As Romanian people prosper and reap the fruits of open markets, the future of democracy, I feel, in Romania will be stronger, because free markets and democracy go hand in hand.

Therefore, granting MFN status for Romania is really in our interests as much as it is in their interests. If we want free markets to take hold in Eastern and Central Europe, then we think this is good legislation, and I thank the gentleman from Illinois for yielding me the time.

Mr. FUNDERBURK. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I think it is very unfortunate the House is voting today to extend permanently MFN for Romania. Just as a preface, let me remind Members that throughout the 1980's when the gentleman from Florida and others continually pushed for most-favored-nation status for Romania, the gentleman from Ohio [Mr. HALL] the gentleman from Virginia [Mr. WOLF], and myself were in the vanguard and fought to withdraw MFN status.

I led three human rights missions to Romania. Under the Ceausescu regime, we fought to take MFN from Romania because of the brutal dictatorship that existed there. Therefore, I think I have some standing before this body on this issue.

I care deeply about the Romanian people. I think the question before us is a matter of when. This is the wrong time. There is an important national election that will be held in November. There have been very serious allegations of media abuse, especially access to the media, by members of the opposition parties who find it increasingly difficult to get their message out. We all know as politicians, and as candidates, that if the media is biased and if it is somewhat government-controlled, particularly the television outlets, you do not get your message out to the voters.

I respectfully submit that Members should be mindful that MFN is in place right now. Iliescu, the Romanian Government, the people of Romania have most-favored-nation status. The question is whether or not we make it permanent. I think that question should be settled after this very, very important national election that is scheduled for November.

There were recent local elections held. We heard from objective observers that there were problems, problems with the accuracy of the voter lists in particular, problems with inconsistent interpretation of the election law, and those kinds of irregularities raise the stakes for the upcoming elections.

If we now say, you have MFN, we are not going to review this anymore, I think we take away that pressure, that vigilance which that review, connected with most-favored-nation status will give us.

Finally, Mr. Speaker, there are laws on the books in Romania, and I think this is a very disturbing trend, that will put journalists into prison if they criticize or speak out against the government.

If we had these laws in this country, that would be a gross violation of First Amendment rights, of freedom of speech and freedom of the press. Yet, we see this disturbing trend occurring in Bucharest which will bring to bear the full weight of the law, with terms from 3-months to 3-years in prison for those tenacious, objective, and unbiased reporters who are willing to take on the government.

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All of us get bad editorials. We all get frustrated at times with the way that our own media handles what we consider to be the truth or the accuracy of our opinions, but we do not criminalize their actions. But, in Romania there is this disturbing trend which we need to speak out against. Again, the annual review gives us that ability to say, Wait a minute, let's look at the record and then let's look whether or not we want to confer for another year most-favored-nation status on Romania.

Let us not remove that little bit of pressure which we have at this stage. I sincerely hope that Members will vote this down with the clear understanding when the 105th Congress meets, we will look again at this issue in light of the national elections that will have taken place in November 1996.

Also, we are hoping that there will be domestic observers on the ground observing the upcoming elections. Little notice has been given to the fact that in 1992 there were domestic observers, but that provision will not be made this November unless there is a change.

All of us know that, even in our own elections, if we do not have poll watchers standing by, checking those voter lists, fraud is a real potential. Provision for domestic observers is not available for this upcoming election. We know there will not be enough international observers to go around and the possibilities are ripe for election fraud.

Mr. Chairman, I urge that the issue before the House be deferred. Let us look at the full record of the 1996 national elections and then make an informed and hopefully prudent decision on Romania's permanent MFN status.

Mr. CRANE. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. HOUGHTON], my distinguished colleague on the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I have only asked for 30 seconds because I think this is a very straightforward message. We can wring our hands, analyze, reanalyze, and re-reanalyze why Romania should not get annual MFN status. But the facts are that this is a 23-million person nation. They are the only member of the World Trade Organization who is not afforded this status. They are supportive of the United States. They have gone through a wrenching 50 years. They are struggling to become a responsible nation. We should encourage this. I urge Members to support H.R. 3161.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I will include for the RECORD two letters from two distinguished United States ambassadors to Romania who served under Republican administrations strongly supporting this MFN issue.

Mr. Speaker, I would hope that at the end of the debate our good friend and now colleague answers the question of the gentleman from California [Mr. LANTOS]. That is, while he was ambassador to Romania, is it not correct that he signed and supported the MFN to Romania under Ceausescu?

I think that the gentleman deserves an answer. We should not personalize these issues nonetheless because what we have here is bipartisan leaders from the Committee on International Relations, the Subcommittee on International Economic Policy and Trade, and the minority members all supporting what we need to do.

I think we have to ask ourselves two questions: The first is, why is this in the interest of the United States? And, second, what happens if this MFN does not take place? Well, we cannot say we are going to postpone it or do it after the elections. That would be a terrible signal. For all practical purposes, this MFN issue would not happen unless we voted today, and we should.

First, Romania has met permanent MFN tests under United States law. It has been certified numerous times as meeting the Jackson-Vanik requirements on immigration. The administration is going to certify it again this June. Second, there is progress on human rights and democracy. Ilie Nastase, the tennis player, ran for mayor of Bucharest. He did not make it. It is not a perfect democracy, as many have said, but there is progress. Also, in the treatment of Gypsies and many other minorities, the progress has been continuing.

Romania in 1992 signed and complied with the requisite trade and commercial agreements. It is a founding member of the World Trade Organization. It is a member of GATT. Romania has voted with us close to 80 percent of the time at the U.N. It has sent troops to Bosnia. It has helped us in Angola. They have been there when we need it.

What kind of a signal are we going to send Poland, Romania, and Czechoslovakia, all of whom could and should enter NATO if we say all of a sudden: Well, we're not going to let you in? What are the consequences of not acting today? First of all, we will lose leverage. How can we go to Romania and say: Look, you guys have done what you've done. Progress in human rights, progress on elections, market economy. And then all of a sudden the United States is asked to reciprocate and suddenly we say no. That would lose us leverage. That would be unfortunate. It would be a terrible signal.

This also would annul America's commercial opportunities in Romania. We have got businesses there. They are starting to trade. I think, admittedly, as the gentleman from Florida [Mr. GIBBONS] said, there is not much trade, but it is growing. Let us not send that signal. Radical elements in Romania will say, See the United States doesn't deliver.

Mr. Speaker, we should do this. It is bipartisan. It makes sense. Romania deserves it. And it is in the best interests of the United States.

Mr. Speaker, I include the following material for the RECORD.

PORTLAND, OR, *April 26, 1996*.

Re H.R. 3161.

Hon. PHILIP CRANE,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I had the honor of being the United States Ambassador to Romania. My wife and I arrived at post December 1, 1989, and we formally returned to Oregon January 31, 1992. As you can readily see, I was privileged to participate and watch a wonderful people return to freedom.

This writer was one of the very last Ambassadors to present this official credentials to the dictator Nicolae Ceausescu. I think it fair to say we did not like one another. On May 25, 1995, my wife and I visited Romania with a Stanford Travel party. Our group met with President Ion Iliescu for approximately two hours. It is difficult for me to put in writing the total contrast between the two individuals. The hospitality, friendship, and good will I witnessed from President Iliescu to our private group was outstanding.

It is my understanding you will be receiving other correspondence advocating the granting of permanent Most Favored Nation status to Romania. Believe me, Sir, my wife, Joan, and I have lived through the start and gradual maturing of these people towards democracy and a free market economy. I am very proud of any small role I had in helping the United States gain a friend in this tough world.

As a retired business man, I would like to point out that our annual trade is growing, and our side has a surplus. It is difficult to do business in this world and the need for permanent M.F.N. status is the guarantee of stability for all parties. This improvement of reliability will work to the benefit of the U.S.A. and Romania.

If there is anything reasonable I can do to help Romania obtain permanent Most Favored Nation status, please let me know. I rely on your good judgment.

Very Sincerely,

ALAN GREEN, JR.,
Ambassador—United States, Retired.

STATEMENT IN SUPPORT OF PERMANENT MFN FOR ROMANIA

I wish to support the granting of permanent MFN for Romania at the earliest possible date. As Ambassador to Romania from November 1985 until July 1989, I am very familiar with the sufferings of the Romanian people under the abominable regime of then-dictator Nicolae Ceausescu. Denial of permanent MFN to Romania was, during those years, a valuable means of exerting some pressure on that regime.

Romania has made significant progress since the revolution of 1989 toward democracy, respect for human rights, the rule of law and a free market. Its cooperation with United States foreign policy initiatives has been noteworthy. It seems to me, therefore, no longer justifiable for Romania to be one of the few countries denied permanent MFN. I thus urge that Romania be granted such status.

I make these comments on my own behalf, not on behalf of any other person or organization.

ROGER KIRK,
U.S. Ambassador to Romania, 1985–1989.

THE CASE FOR PERMANENT MFN FOR ROMANIA

1. ROMANIA HAS EARNED PERMANENT MFN

Romania has met the permanent MFN tests under U.S. law. It has been certified numerous times as meeting the Jackson-Vanik criteria. The Administration will certify it again this June.

Romania is on a course of political and economic reform that is in full accord with U.S. goals—a pluralistic democracy, a free market economy, a respect for human rights and a free and fully functioning press. Its progress has been continual.

It signed in 1992 the requisite bilateral trade and commercial agreements. It is a founding member of the WTO and a member of GATT before that.

Romania has been a steadfast ally of the U.S. in seeking solutions to the war in Bosnia and on other issues, contributing troops as part of its international peacekeeping duties, some of which serve alongside U.S. forces. It is committed to full political and military integration with the West and its military to military program has been hailed by the U.S. as one of the best.

2. ROMANIA HAS EARNED PERMANENT MFN NOW

As a founding member of the WTO, and as a nation that has been certified as meeting the Jackson-Vanik requirements, Romania should have been graduated months ago, perhaps as early as January, 1995.

Delaying consideration of MFN sends a wrong signal to Romania, especially in light of expected congressional approval of permanent MFN for Bulgaria and possibly Cambodia—who have not progressed as much as Romania and are not members of the WTO.

The U.S. has an opportunity to help Romania solidify its economic and political gains. Granting MFN now puts the U.S. in a position to best work in Romania to shape its future progress.

Both houses of the Romanian parliament have passed resolutions endorsing the policy of extending permanent MFN to Romania now, indicating a broad national consensus in Romania about both the issue and timing of its consideration.

3. THE CONSEQUENCES OF NOT ACTING HARMS THE UNITED STATES

Granting MFN is a recognition of past progress and the expectation of future development. Romania's elections are not expected to reverse its progress. However, by not acting, or more correctly, halting a process which has been on-going, the U.S. injects itself into the Romanian domestic political debate—something it has tried hard not to do. This hurts U.S. and lessens its future leverage over Romania.

Not acting now undercuts U.S. commercial opportunities since U.S. firms cannot take full advantage of WTO protections. U.S. firms broadly support permanent MFN and with it, are poised to play an increasingly important role in Romania's economic development.

Radical elements in Romania will be able to argue that the U.S. demands a lot, but gives nothing in return.

On a practical basis, delaying action now minimally means no consideration for at least one year given the U.S. political schedule.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 1996.

SUPPORT ROMANIA MFN

DEAR COLLEAGUE: On Tuesday, the House is expected to consider H.R. 3161, a bill to grant permanent Most Favored Nation (MFN) status to Romania under suspension of the rules. It is a bill that is long overdue. Romania has made tremendous strides over the past several years in adopting and implementing political and economic reforms. Romania has met all of the U.S. legal criteria for MFN, namely the free emigration of its citizens, as called for in the Jackson-Vanik provision. It has clearly taken strong measures to institute a democratic form of government.

While the bill enjoys broad support, we respect the concerns expressed by several Members who would like to postpone the vote until after Romania's December elections. To address these concerns, we would like to highlight the views of two former U.S. Ambassadors to Romania who have written in support of granting MFN to Romania.

"I have lived through the start and gradual maturing of these [Romanians] people towards democracy and a free market economy. I am proud of any small role I had in helping the United States gain a friend in this tough world.

"As a retired business man, I would like to point out that our annual trade is growing, and our side has a surplus. It is difficult to do business in this world and the need for permanent M.F.N. status is the guarantee of stability for all parties. This improvement of reliability will work to the benefit of the U.S.A. and Romania."

ALAN GREEN, JR.,
U.S. AMBASSADOR TO ROMANIA,
December 1989 to January 1992.

"I wish to support the granting of permanent MFN for Romania at the earliest possible date. As Ambassador to Romania from November 1985 until July 1989, I am familiar with the sufferings of the Romanian people under the abominable regime of then-dictator Nicolae Ceausescu. Denial of permanent MFN to Romania was, during those years, a valuable means of exerting some pressure on that regime.

"Romania has made significant progress since the revolution of 1989 toward democracy, respect for human rights, the rule of law, and a free market. Its cooperation with the United States foreign policy initiatives has been noteworthy. It seems to me, therefore, no longer justifiable for Romania to be one of the few countries denied permanent MFN. I thus urge that Romania be granted such status."

ROGER KIRK,
U.S. AMBASSADOR TO ROMANIA,
1985–89.

We would like to note that a third former U.S. Ambassador to Romania, Mr. John Davis, has also communicated to the Ways and Means Trade Subcommittee his strong support for granting MFN to Romania.

We believe it is in the interest of the United States to encourage Romania's development and to help it secure a place in the community of democracies. Passage of this legislation is a tangible recognition of our approval for all of the efforts Romania has made. Support Romania MFN.

DOUG BEREUTER,
Member of Congress.
BILL RICHARDSON,
Member of Congress.

Mr. FUNDERBURK. Mr. Speaker, I yield myself such time as I may consume.

When I was a United States ambassador, I did what I could in letters and in personal meetings with President Reagan and the State Department in opposition to what was going on inside of Romania. Then I resigned and I protested against U.S. policy and I gave up the position. I do not know of anybody else here who would have or who did give up any such position because of their beliefs or because of their positions. If it is time for permanent MFN for the butchers of Beijing, mainland China, North Korea, Vietnam and Cuba, sure it is time for Bucharest and everybody in the world. But the best way to effect long-term democratization in Romania is to oppose H.R. 3161 at this time. Otherwise we are rewarding Iliescu and his old Communist buddies and we are hurting the Democrats and one day we will all be held accountable for that.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to our distinguished colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member speaks today in favor of H.R. 3161, which would extend permanent MFN, or normal trade status, to Romania.

In order to save time, I certainly associate myself with the rationale offered by the gentlemen from California, New Mexico, and New York. I have been a skeptic and a critic of Romania for quite some time since I first visited in 1984 to see what Ceausescu was doing. No apologist, always a severe critic. In fact I voted against MFN in the past. When I went to Romania again last year, I was the critic asking tough questions to our ambassador to Romania. The reasons for doing so are compelling. First and foremost, Romania has made substantial and important progress on a variety of fronts since the fall of communism in 1989. This Member had the pleasure of personally observing this transformation in progress when this Member traveled to the country 2 years ago.

Today the Romanian Government has made important efforts to resist extremism by expelling political players with radical views from its ruling coalition. Romania now boasts an extensive free press, with more than 1,000 newspapers and periodicals and several hundred television and radio stations, many of which routinely criticize the Government without fear of persecution.

Romania's economic progress has been propelled by its considerable privatization efforts. Nearly 50 percent of the country's GDP now comes from the private sector, which employs about half of the country's workforce. This figure represents more than 500,000 small and medium-sized companies created since 1990 and more than 2,000 former state companies that are now private. When this privatization program is complete, about 70 percent of Romania's GDP will derive from this area, a figure comparable to other Central European nations. Other economic reforms have included the elimination of price setting and of most subsidies.

Extension of permanent MFN status to Romania undoubtedly would provide a significant boost to United States business interests there. United States investment in Romania totaled $151 million in 1995. This figure represents over 2,000 United States investors, including such diverse names as Amoco, Coca Cola, Colgate Palmolive, IBM, and the numerous smaller companies that comprise the bulk of Romania's joint venture partners. The United States is the sixth largest exporter of products and services to Romania selling to $392 million in 1995. Our two-way trade can be expected to rise substantially if we grant permanent MFN to Romania's exports to this country.

Perhaps most important of all, permanent MFN treatment of Romania will solidify a blossoming bilateral relationship and serve as a powerful inducement for continuing Romanian cooperation on a range of political, economic, and security-related issues. Mr. Speaker, it is now time to normalize trade relations with Romania for the benefit of the United States as much as for Romania. Romania's request for NATO membership will provide the United States, Canada, and European NATO members strong leverage to encourage even greater democracy and reforms by Romania. Similar leverage exists for the current members of the European Union as Romania seeks membership in that union. This Member strongly urges his colleagues to support H.R. 3161.

Mr. FUNDERBURK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge opposition to H.R. 3161 and to reiterate that it is simply asking for a 4-month deferral. They already have annual MFN. What we are saying is do not disadvantage the Democrats in the upcoming election any more than they already are disadvantaged. That is the one country that has not proven that they can elect a Democrat yet. We want to give them one more chance to try for that in this fall's election. What would it hurt for the next 4 months for all the good that it could do if the Democrats are successful in November?

I urge voting against H.R. 3161 to delay consideration of permanent MFN for Romania at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, for the last 5 years I have stood on this floor at various times sponsoring legislation with several of my colleagues, with the gentleman from Illinois [Mr. CRANE], the chairman of the subcommittee, and the gentleman from Florida [Mr. GIBBONS], the ranking member and at one time chairman of the subcommittee. Each time we have had this debate about MFN for Romania, it has been a rocky road. We have had discussions, we have had delays, we have had changes in what was going to happen. But each year we have given temporary MFN to Romania.

The reason why that is is that, from the time of revolution and struggle in 1989, this nation and its people have moved at a concerted pace to bring about change. Reform has been slow, but it has been steady. In that 5 years, we have seen a new constitution in Romania. We have seen a parliament elected. We have seen elections.

What are we talking about here today? We are talking about past elections. We are talking about future elections. Democracy is in action in Romania. We have seen some improvement in human rights, slow but sure. We have seen some improvement in free speech if we just follow Romanian history or what is happening there. We can see there is a great deal of free speech in Romania. And there has been increased respect for private property.

As we look at Romania, we see that Romania is not just asking for something. Romania has tried to help itself. Romania has taken steps to join the world democracies and other democratic institutions. We have seen Romania become an associate member of the European Union, a member of the World Trade Organization, and Romania has also formally applied to join NATO just like the other Eastern European countries want to very much belong to this organization.

Extending MFN can be seen as part of a nation's commitment to strengthening trading relationships. That is what it has come to be. It used to be Jackson-Vanik. Now it is a Good Housekeeping stamp of approval. I am pleased to say today that there has been progress. But I listened to the gentleman from New York [Mr. HOUGHTON]. He had only 30 seconds but he said it so succinctly. The gentleman from New York has had incredible success in business. He understands that a country like Romania cannot do better unless it is in the world trading market.

So, I look at Romania today and I listened to the debate. As usual it is a difficult debate. Is Romania a model of democracy? No. But when one remembers what Romania was like before 1989, and this is now only 1996, Romania has done very well when one thinks of the way the people had to live.

In this body just a few weeks ago or last week, we passed MFN for China. We know this nation has huge human rights problems, but we gave it to China. The situation is different today. This is a small country, full of good people. They want MFN, they want to trade, they want to be among nations that can be proud. Let them have MFN. Let them do better.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I rise today to align myself with the comments of those who believe in unconditional, or permanent, most-favored-nation status for Romania.

Mr. Speaker, Romania, which now does enjoy the conditional MFN status, has a trade agreement with the United States and has been certified twice in the past year as meeting the tenets of freedom, of immigration, human rights, and democratization required under this legislation.

For a nation to gain that permanent MFN status, however, Congress needs to enact this kind of a legislation, and I rise in strong support of enactment of H.R. 3161.

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Mr. Speaker, it is clear that there have been dramatic changes in Central and Eastern Europe in the last 7 years, and as my distinguished colleague, the gentlewoman from Connecticut [Mrs. KENNELLY], just referenced, Romania has moved in a marked way toward a greater democracy and away from communism.

There is proof of that progress. The privatization efforts of the industrial and agricultural sectors are already showing great results. Recent figures show that the gross domestic product in Romania has moved in the private sector to 45 percent, a significant increase over where it was just a year ago.

Obviously we are seeing examples of democracy building all across Romania, and they hold their second nationwide Presidential election later this fall. Under the World Trade Organization and GATT, the United States is obligated to extend unconditional or permanent MFN status to our trading partners who are parties to that agreement and we should do no less with Romania, Romania being the only member of WTO with whom the United States has a trading relationship but who is still subject to the conditional MFN relationship.

Mr. Speaker, almost every State of the United States has a trading relationship with Romania. My own State of New York, for example, is the fifth largest exporter in 1995, and I believe as we work clearly to build democracy in Central and Eastern Europe, we must extend this permanent status to our friends in Romania.

Is the situation perfect? No, it is not perfect, but it is moving in a very dramatic and correct direction. Romania is a nation of more than 23 million people, the second largest market in Eastern Europe representing rich opportunities to creating American jobs for United States companies and, more than that, Romania's 23 million people deserve the opportunity to succeed economically, and for the prospering of and ensuring a stable democracy in the region, I ask that this legislation be enacted.

Mr. PALLONE. Mr. Speaker, I rise today in opposition to granting permanent most-favored-nation status to Romanio. H.R. 3161 would allow Romania to reap the benefits of MFN while its regime continues to ignore its dire human rights situation.

Romania's large Hungarian minority needs to be recognized when debating MFN trade status. As a congressman representing a sizable Hungarian constituency, and as a member of the Human Rights Caucus, I know the importance of ensuring that national minorities have the right to speak and do commerce in their native language. This is a fundamental human right that cannot be ignored. However, if we vote in favor of H.R. 3161, we would strip the Hungarians living within Romanian borders of their right to education in their native tongue.

Although Romania and Hungary are both former Warsaw Pact nations, their differences in politics are overwhelming. While Romania represses its freedom of speech and does not guarantee free and fair elections, Hungary was the leader among Central European nations in establishing a democratic system, even before the fall of the Berlin Wall. In the last 7 years, Hungary has steadily transformed itself into an independent, democratic, market-oriented society, integrated into Europe and the international trading network. Hungary, in particular among its neighbors, has shown an impressive degree of stability. Even during the cold war, Hungary worked hard against tough odds to establish itself as a society independent of Soviet domination in certain key political and economic spheres, and was granted most-favored-nation status by the United States in 1978.

If we are to grant Romania permanent MFN trading status, we must first insist that it follows the democratic paths of its European neighbors such as Hungary. The United States must grant preferential trading agreements only to those nations willing to uphold basic human and political rights.

Before granting most-favored-nation trading status to Romania, we must ensure that its government: improves its freedom of the press, freedom of speech and public assembly, a faster rate of privatization and restoration of private property, protects its human rights, and guarantees free and fair elections.

We need to wait for the results of the upcoming national elections before we should even consider granting permanent MFN status to Romania. If we vote in favor of H.R. 3161 today, we would only help propel neo-Communist President Ion Iliescu to victory and a continuation of policies that have been contrary to American values. Let us, instead, use MFN as a form of leverage to move Romania in the direction of true democracy.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of H.R. 3161 to authorize the President to extend permanent most-favored-nation trading status to Romania.

Romania has made strong progress in the direction of democracy and free market reforms. It is in full compliance with the criteria of Jackson-Vanik on free emigration.

Romania has also made progress on rule of law, and on human rights. However, I do share the views of my colleagues on both sides of the aisle—and on both sides of this bill—when they state that we want to see Romania make more progress in both these areas.

The critical question before us is how to maximize U.S. influence on behalf of those values that we all support.

At this time, I believe that the best way to foster United States influence in Romania is to authorize the President to extend permanent MFN status for Romania.

Through actions to enhance the climate for United States-Romanian trade and investment, we enhance the voice of the United States in support of Romania's reform process.

I urge my colleagues to support permanent MFN status for Romania.

Mr. MANZULLO. Mr. Speaker, this debate is about normal trade status with Romania. We are not providing any favorable benefits to Romania from this action. It simply authorizes the President to determine when the United States should treat Romania on equal trade terms with all other nations.

The most-favored-nation law was written to deal with freedom of emigration from East bloc Communist nations. These governments do not even exist anymore. It's time to update our trade legislation to reflect the realities of the times. In fact, I wish we were here today granting permanent MFN or normal trade status with all other former East bloc countries still on the list. Times have changed. While the rest of the world trades normally with these countries, including Romania, we're still wrestling with these issues.

All political parties in Romania support permanent MFN or normal trade status with the United States. Holding this bill up will only embolden the hard-line nationalistic elements in Romania who do not want foreign influences inside their country. And, there will be no time later this session to vote on this issue if permanent normal trade status in held up for Romania's fall elections. We'll be back at this issue during the next Congress, and there will probably some other excuse devised so that normal trade status is held up another 2 years.

It's in America's interest to provide permanent normal trade status because without this designation, the United States cannot take trade disputes with Romania to the World Trade Organization. It will also solidify our bilateral economic relationship to ensure that Romania continues on the path of free market reform.

Mr. Speaker, I urge my colleagues to focus on the issue at hand—support normal trade relations for Romania.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 3161, which authorizes the President to extend permanent most-favored-nation treatment to Romania. The bill recognizes that Romania is making progress toward democracy and a free market economy, and the extension of MFN will encourage that process to continue.

Additionally, Mr. Speaker, Romania is an important trading partner for my home State of Texas. Texas ranks No. 2 among the 50 States in exports to Romania, and in the period from 1992 to 1994, Texas exported more than $110 million worth of products to Romania. The products Texas exports to Romania are many, and they range from energy development products to transportation equipment and paper products.

After the recent debate over extending MFN to China, it is easy to see the benefits of permanently extending MFN to an emerging democracy like Romania.

Romania has adopted a new constitution since overthrowing its Communist dictatorship in 1989, and is improving in the areas of human rights, freedom of expression, and economic reforms.

Romania is also a member of the World Trade Organization, and extending MFN allows the United States to have our full rights under the terms of the GATT with respect to Romania.

The extension of MFN to other Eastern European nations has already occurred, and it is time for us to extend MFN to Romania as well.

I yield back the balance of my time.

Mr. LAUGHLIN. Mr. Speaker, following 3 years generations of Communist regime, Romania for the last 5 years has struggled to implement a deliberate program of converting to a free market system. Its new democratic government realizes that critical to reaching that goal is the privatization of its industry through passage of new laws, broadened investment policies, and proliferation of international economic partnerships. U.S. businesses can and should be significant in this economic transformation now in progress.

The result of Romania privatization is the systematic updating and upgrading of all its productive means, from the farm yards to the steel mills; and each industrial change presents opportunity for American engineering, technology, and management to become ingrained in that new system. Most-favored-nation status for Romania flashes to American business that final unmistakable signal of governmental encouragement for participation in and development of this burgeoning new market for United States products.

Additionally, Romania realizes that its new found industrial emphasis will require significant infrastructural modernization and a number of new facilities. These projects will demand large infusions of outside professional and technical services, materials, equipment, and technology, as well as realistic financing innovations. Until now, American efforts in these areas have been overshadowed by European and Asian companies; however, that is beginning to change. Most-favored-nation status is the final step in demonstrating deep American interest in Romania.

Today, a consortium of United States firms named Motorways U.S.A., which includes several Texas enterprises, is in direct negotiations with the Government of Romania for design, construction, operation and maintenance of its first toll road facility. Romania has enthusiastically welcomed this initially attempt by United States companies to provide by partnership dramatically different approaches for solving its most pressing needs.

This willingness to venture out and to rely on what, by Romanian standards, are novel and innovative free market techniques as impetus for its new market economy, exemplifies that certain willingness and dedication which will make Romania a long-term trading partner with the United States. This has been key in convincing me that now is the time to give Romania permanent most-favored-nation status and urge you to join me in doing so. A vote for this resolution is a vote for American jobs, favorable balance of trade, and increased American economic presence in Central and Eastern Europe.

Mr. TORRICELLI. Mr. Speaker, I rise today in strong opposition to H.R. 3161 which would confer permanent most favored-nation [MFN] status on the country of Romania. A vote on this critical piece of legislation now would seriously hamper any efforts by the prodemocratic forces in Romania to continue to reform the Government and improve Romania's human rights record.

Among all of the former Communist bloc countries in Eastern Europe, Romania has made the fewest advances toward greater liberty and openness since the transition period began. The Hungarian minority, for example, suffers immensely from limited freedoms and constant discrimination. Today, a new education law has been implemented which prohibits the teaching of most subjects in minority languages. In addition, an ethnic Hungarian citizen, Paul Cseresznyes, has been in prison for 6 consecutive years on political grounds with no hope of release in the near future.

The preservation of basic human rights, which we take for granted here in the United States, has not received due respect in Romania. Freedom of speech is constrained as journalists work under the ever-present shadow of harassment by the Romanian intelligence service. And, during the recent local elections, objective observers expressed some concern about the administrative competence of election officials.

Much of the blame for this delay can be laid at the feet of the regime currently in power. In voting for permanent MFN status today, we, as a leader of the Western World, are also ratifying the Romanian Government's actions to date. We cannot allow ourselves to be oblivious to the broader message that approval of H.R. 3161 sends. A decision is best made only after Romania's presidential and parliamentary elections in December, when it reaffirms its commitment to democratic reform. Romania should be given credit for beginning the transformation to an open society in the wake of its Communist past, but permanent MFN status from this country is not the best means of doing so.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in opposition to the House voting to extend permanently MFN for Romania, H.R. 3161. Romania has just completed, after three rounds, its election of local officials throughout the country, and national elections are now set for early November. I strongly believe that the House should consider the legislation before us only after Romania's national elections.

There are a number of issues, from freedom of the media and rights of the minorities to democratic reform, which remain unresolved. Romania enjoys all the benefits of MFN under the current semiannual review process, and granting permanent MFN now will remove this important review of these remaining issues of concern and the conduct of the upcoming elections. Mr. Speaker, we all know that within a democratic system, the political will to address outstanding problems is always greater during an election season. Let the 105th Congress consider this issue after Romania's national elections.

The current MFN review process has served as a helpful opportunity to gauge Romania's democratic reform and their respect for human rights. Freedom of the media, for example, continues to be a concern. Under Romanian law, individuals who are convicted of insulting or defaming public officials can be subjected to prison terms. The Romanian Senate recently passed legislation which would increase these criminal penalties if the insults are committed in the written or audiovisual press. This type of potential liability, in my opinion, has a chilling effect on the media.

Mr. Speaker, the Government of Romania should ensure absolutely the freedom of the media—at all times—but particularly during the heat of election campaigns. Unfavorable commentary by the media regarding government officials should not be viewed as a threat to national security and result in calls for restrictions on those who dare to criticize. I was dismayed by the reaction of the chairman of the ruling party in Romania to critical news reports filed by the local BBC correspondent during the recent local election campaign. Chairman Adrian Nastase, who is also President of the Romanian Chamber of Deputies, attacked the BBC for its critical reporting and called on the national licensing agency to review that respected international news organization's right to rebroadcast on local Romanian radio stations.

Minority rights continue to be of concern. Ethnic minorities face certain restrictions to their receiving, at the higher levels in particular, instruction in their native language, and a law was passed which now limits the taking of college entrance exams solely in Romanian. This law was not implemented this year but the law remains on the books. And official obstacles remain which prevent the restoration of the Hungarian university in Cluj.

Human rights are best protected by governments which must answer to their electorate. As with any fledgling democracy, the campaign season for the just completed local elections and the conduct of the national elections in the fall are particularly important tests for Romania's commitment to freedom of the press, their conduct of orderly, free, and fair elections, and their provision for domestic observers for the national elections. Reports from objective election observers clearly indicate that the conduct of the local elections did not allay the potential problems which had been raised by NGO's. The most serious concerns included widespread, gross inaccuracy of the voter lists; significant logistical problems which arise when campaign periods are truncated; and uneven interpretation of the election law by local officials with no central election bureau to serve as arbiter, which contributed to inconsistencies around the country and even a lack of trust in the system.

In my view, Mr. Speaker, projecting a vote in the U.S. Congress on the political landscape of Romania would certainly be seen as a congressional judgment on Romania's current political leaders. The vote tallies of the recently held local elections indicate strong, grassroots support for the opposition parties. In fact, the ruling Party of Social Democracy in Romania and the opposition Democratic Convention of Romania [CDR] received about equal percentages of the vote in the mayors' races. The CDR and other opposition parties, including representatives of the Hungarian minority, significantly out-polled the ruling party in country, city, and mayoral races in many regions. Mr. Speaker, this is a political environment in which every issue, especially closely watched foreign policy issues such as Romania's MFN status with the United States, affects the voters' perception of the effectiveness of the ruling party.

Mr. Speaker, there are a number of areas in which the Romanian Government could take timely and constructive steps to ensure that the national elections are conducted in a way which garners confidence in the electoral process. I hope and expect that the Government of Romania will make every effort to ensure that the national elections in November are conducted on the basis of up-to-date, accurate voting lists in each locality, backed up by consistent and uniform interpretation of the election law by local officials. In my view, the establishment of a permanent, professional election bureau would ensure such consistency and accuracy, and go a long way toward enhancing voter confidence in the system.

Finally, it is unclear at this time whether domestic election observers will be permitted at the polling stations in November. A one-time provision for local observers was made during the 1992 national elections, however this authorization has not been renewed. Mr. Speaker, in my view domestic as well as international observers are crucial to ensuring the conduct of free and fair elections. Domestic observers play a positive role in enhancing public confidence in the electoral process and the experience of election monitoring gives ordinary Romanian citizens an opportunity to develop skills and experience applicable to other aspects of democratic citizenship.

I am hopeful and expectant that Romania's next leaders will be chosen through elections which will be free, fair and representative, and that the protection of human rights will continue to improve under the newly elected government. I urge my colleagues to vote against H.R. 3161 today. The people of Romania have had the benefits of MFN since 1992. Making the judgement about the transition to permanent status should be undertaken only after these critical elections are completed in November.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 3161.

The question was taken.

Mr. FUNDERBURK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FEDERAL OIL AND GAS ROYALTY SIMPLIFICATION AND FAIRNESS ACT OF 1996

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1975) to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1975

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Oil and Gas Royalty Simplification and Fairness Act of 1996".

SEC. 2. DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended—

(1) by amending paragraph (7) to read as follows:

"(7) 'lessee' means any person to whom the United States issues an oil and gas lease or any person to whom operating rights in a lease have been assigned;"; and

(2) by striking "and" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting a semicolon, and by adding at the end the following:

"(17) 'adjustment' means an amendment to a previously filed report on an obligation, and any additional payment or credit, if any, applicable thereto, to rectify an underpayment or overpayment on an obligation;

"(18) 'administrative proceeding' means any Department of the Interior agency process in which a demand, decision or order issued by the Secretary or a delegated State is subject to appeal or has been appealed;

"(19) 'assessment' means any fee or charge levied or imposed by the Secretary or a delegated State other than—

"(A) the principal amount of any royalty, minimum royalty, rental bonus, net profit share or proceed of sale;

"(B) any interest; or

"(C) any civil or criminal penalty;

"(20) 'commence' means—

"(A) with respect to a judicial proceeding, the service of a complaint, petition, counterclaim, cross claim, or other pleading seeking affirmative relief or seeking credit or recoupment: *Provided*, That if the Secretary commences a judicial proceeding against a designee, the Secretary shall give notice of that commencement to the lessee who designated the designee, but the Secretary is not required to give notice to other lessees who may be liable pursuant to section 102(a) of this Act, for the obligation that is the subject of the judicial proceeding; or

"(B) with respect to a demand, the receipt by the Secretary or a delegated State or a lessee or its designee (with written notice to the lessee who designated the designee) of the demand;

"(21) 'credit' means the application of an overpayment (in whole or in part) against an obligation which has become due to discharge, cancel or reduce the obligation;

"(22) 'delegated State' means a State which, pursuant to an agreement or agreements under section 205 of this Act, performs authorities, duties, responsibilities, or activities of the Secretary;

"(23) 'demand' means—

"(A) an order to pay issued by the Secretary or the applicable delegated State to a lessee or its designee (with written notice to the lessee who designated the designee) that has a reasonable basis to conclude that the obligation in the amount of the demand is due and owing; or

"(B) a separate written request by a lessee or its designee which asserts an obligation due the lessee or its designee that provides a reasonable basis to conclude that the obligation in the amount of the demand is due and owing, but does not mean any royalty or production report, or any information contained therein, required by the Secretary or a delegated State;

"(24) 'designee' means the person designated by a lessee pursuant to section 102(a) of this Act, with such written designation effective on the date such designation is received by the Secretary and remaining in effect until the Secretary receives notice in writing that the designation is modified or terminated;

"(25) 'obligation' means—

"(A) any duty of the Secretary or, if applicable, a delegated State—

"(i) to take oil or gas royalty in kind; or

"(ii) to pay, refund, offset, or credit monies including (but not limited to)—

"(I) the principal amount of any royalty, minimum royalty, rental, bonus, net profit share or proceed of sale; or

"(II) any interest; and

"(B) any duty of a lessee or its designee (subject to the provision of section 102(a) of this Act)—

"(i) to deliver oil or gas royalty in kind; or

"(ii) to pay, offset or credit monies including (but not limited to)—

"(I) the principal amount of any royalty, minimum royalty, rental, bonus, net profit share or proceed of sale;

"(II) any interest;

"(III) any penalty; or

"(IV) any assessment,

which arises from or relates to any lease administered by the Secretary for, or any mineral leasing law related to, the exploration, production and development of oil or gas on Federal lands or the Outer Continental Shelf;

"(26) 'order to pay' means a written order issued by the Secretary or the applicable delegated State to a lessee or its designee (with notice to the lessee who designated the designee) which—

"(A) asserts a specific, definite, and quantified obligation claimed to be due, and

"(B) specifically identifies the obligation by lease, production month and monetary amount of such obligation claimed to be due and ordered to be paid, as well as the reason or reasons such obligation is claimed to be due, but such term does not include any other communication or action by or on behalf of the Secretary or a delegated State;

"(27) 'overpayment' means any payment by a lessee or its designee in excess of an amount legally required to be paid on an obligation and includes the portion of any estimated payment for a production month that is in excess of the royalties due for that month;

"(28) 'payment' means satisfaction, in whole or in part, of an obligation;

"(29) 'penalty' means a statutorily authorized civil fine levied or imposed for a violation of this Act, any mineral leasing law, or a term or provision of a lease administered by the Secretary;

"(30) 'refund' means the return of an overpayment;

"(31) 'State concerned' means, with respect to a lease, a State which receives a portion of royalties or other payments under the mineral leasing laws from such lease;

"(32) 'underpayment' means any payment or nonpayment by a lessee or its designee that is less than the amount legally required to be paid on an obligation; and

"(33) 'United States' means the United States Government and any department, agency, or instrumentality thereof, the several States, the District of Columbia, and the territories of the United States.".

SEC. 3. DELEGATION OF ROYALTY COLLECTIONS AND RELATED ACTIVITIES.

(a) GENERAL AUTHORITY.—Section 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735) is amended to read as follows:

"SEC. 205. DELEGATION OF ROYALTY COLLECTIONS AND RELATED ACTIVITIES.

"(a) Upon written request of any State, the Secretary is authorized to delegate, in accordance with the provisions of this section, all or part of the authorities and responsibilities of the Secretary under this Act to:

"(1) conduct inspections, audits, and investigations;

"(2) receive and process production and financial reports;

"(3) correct erroneous report data;

"(4) perform automated verification; and

"(5) issue demands, subpoenas, and orders to perform restructured accounting, for royalty management enforcement purposes,

to any State with respect to all Federal land within the State.

"(b) After notice and opportunity for a hearing, the Secretary is authorized to delegate such authorities and responsibilities granted under this section as the State has requested, if the Secretary finds that—

"(1) it is likely that the State will provide adequate resources to achieve the purposes of this Act;

"(2) the State has demonstrated that it will effectively and faithfully administer the rules and regulations of the Secretary under this Act in accordance with the requirements of subsections (c) and (d) of this section;

"(3) such delegation will not create an unreasonable burden on any lessee;

"(4) the State agrees to adopt standardized reporting procedures prescribed by the Secretary for royalty and production accounting purposes, unless the State and all affected parties (including the Secretary) otherwise agree;

"(5) the State agrees to follow and adhere to regulations and guidelines issued by the Secretary pursuant to the mineral leasing laws regarding valuation of production; and

"(6) where necessary for a State to have authority to carry out and enforce a delegated activity, the State agrees to enact such laws and promulgate such regulations as are consistent with relevant Federal laws and regulations

with respect to the Federal lands within the State.

"(c) After notice and opportunity for hearing, the Secretary shall issue a ruling as to the consistency of a State's proposal with the provisions of this section and regulations under subsection (d) within 90 days after submission of such proposal. In any unfavorable ruling, the Secretary shall set forth the reasons therefor and state whether the Secretary will agree to delegate to the State if the State meets the conditions set forth in such ruling.

"(d) After consultation with State authorities, the Secretary shall by rule promulgate, within 12 months after the date of enactment of this section, standards and regulations pertaining to the authorities and responsibilities to be delegated under subsection (a), including standards and regulations pertaining to—

"(1) audits to be performed;

"(2) records and accounts to be maintained;

"(3) reporting procedures to be required by States under this section;

"(4) receipt and processing of production and financial reports;

"(5) correction of erroneous report data;

"(6) performance of automated verification;

"(7) issuance of standards and guidelines in order to avoid duplication of effort;

"(8) transmission of report data to the Secretary; and

"(9) issuance of demands, subpoenas, and orders to perform restructured accounting, for royalty management enforcement purposes.

Such standards and regulations shall be designed to provide reasonable assurance that a uniform and effective royalty management system will prevail among the States. The records and accounts under paragraph (2) shall be sufficient to allow the Secretary to monitor the performance of any State under this section.

"(e) If, after notice and opportunity for a hearing, the Secretary finds that any State to which any authority or responsibility of the Secretary has been delegated under this section is in violation of any requirement of this section or any rule thereunder, or that an affirmative finding by the Secretary under subsection (b) can no longer be made, the Secretary may revoke such delegation. If, after providing written notice to a delegated State and a reasonable opportunity to take corrective action requested by the Secretary, the Secretary determines that the State has failed to issue a demand or order to a Federal lessee within the State, that such failure may result in an underpayment of an obligation due the United States by such lessee, and that such underpayment may be uncollected without Secretarial intervention, the Secretary may issue such demand or order in accordance with the provisions of this Act prior to or absent the withdrawal of delegated authority.

"(f) Subject to appropriations, the Secretary shall compensate any State for those costs which may be necessary to carry out the delegated activities under this Section. Payment shall be made no less than every quarter during the fiscal year. Compensation to a State may not exceed the Secretary's reasonably anticipated expenditure for performance of such delegated activities by the Secretary. Such costs shall be allocable for the purposes of section 35(b) of the Act entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain', approved February 25, 1920 (commonly known as the Mineral Leasing Act) (30 U.S.C. 191 (b)) to the administration and enforcement of laws providing for the leasing of any onshore lands or interests in land owned by the United States. Any further allocation of costs under section 35(b) made by the Secretary for oil and gas activities, other than those costs to compensate States for delegated activities under this Act, shall be only those costs associated with onshore oil and gas activities and may not include any duplication of costs allocated pursuant to the previous sentence. Nothing in this section affects the Secretary's authority to make allocations under section 35(b) for non-oil and gas mineral activities. All moneys received from sales, bonuses, rentals, royalties, assessments and interest, including money claimed to be due and owing pursuant to a delegation under this section, shall be payable and paid to the Treasury of the United States.

"(g) Any action of the Secretary to approve or disapprove a proposal submitted by a State under this section shall be subject to judicial review in the United States district court which includes the capital of the State submitting the proposal.

"(h) Any State operating pursuant to a delegation existing on the date of enactment of this Act may continue to operate under the terms and conditions of the delegation, except to the extent that a revision of the existing agreement is adopted pursuant to this section.".

(b) CLERICAL AMENDMENT.—The item relating to section 205 in the table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended to read as follows:

"Sec. 205. Delegation of royalty collections and related activities.".

SEC. 4. SECRETARIAL AND DELEGATED STATES' ACTIONS AND LIMITATION PERIODS.

(a) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended by adding after section 114 the following new section:

"SEC. 115. SECRETARIAL AND DELEGATED STATES' ACTIONS AND LIMITATION PERIODS.

"(a) IN GENERAL.—The respective duties, responsibilities, and activities with respect to a lease shall be performed by the Secretary, delegated States, and lessees or their designees in a timely manner.

"(b) LIMITATION PERIOD.—

"(1) IN GENERAL.—A judicial proceeding or demand which arises from, or relates to an obligation, shall be commenced within seven years from the date on which the obligation becomes due and if not so commenced shall be barred. If commencement of a judicial proceeding or demand for an obligation is barred by this section, the Secretary, a delegated State, or a lessee or its designee (A) shall not take any other or further action regarding that obligation, including (but not limited to) the issuance of any order, request, demand or other communication seeking any document, accounting, determination, calculation, recalculation, payment, principal, interest, assessment, or penalty or the initiation, pursuit or completion of an audit with respect to that obligation; and (B) shall not pursue any other equitable or legal remedy, whether under statute or common law, with respect to an action on or an enforcement of said obligation

"(2) RULE OF CONSTRUCTION.—A judicial proceeding or demand that is timely commenced under paragraph (1) against a designee shall be considered timely commenced as to any lessee who is liable pursuant to section 102(a) of this Act for the obligation that is the subject of the judicial proceeding or demand.

"(3) APPLICATION OF CERTAIN LIMITATIONS.—The limitations set forth in sections 2401, 2415, 2416, and 2462 of title 28, United States Code, and section 42 of the Mineral Leasing Act (30 U.S.C. 226-2) shall not apply to any obligation to which this Act applies. Section 3716 of title 31, United States Code, may be applied to an obligation the enforcement of which is not barred by this Act, but may not be applied to any obligation the enforcement of which is barred by this Act.

"(c) OBLIGATION BECOMES DUE.—

"(1) IN GENERAL.—For purposes of this Act, an obligation becomes due when the right to enforce the obligation is fixed.

"(2) ROYALTY OBLIGATIONS.—The right to enforce any royalty obligation for any given production month for a lease is fixed for purposes of this Act on the last day of the calendar month following the month in which oil or gas is produced.

"(d) TOLLING OF LIMITATION PERIOD.—The running of the limitation period under subsection (b) shall not be suspended, tolled, extended, or enlarged for any obligation for any reason by any action, including an action by the Secretary or a delegated State, other than the following:

"(1) TOLLING AGREEMENT.—A written agreement executed during the limitation period between the Secretary or a delegated State and a lessee or its designee (with notice to the lessee who designated the designee) shall toll the limitation period for the amount of time during which the agreement is in effect.

"(2) SUBPOENA.—

"(A) The issuance of a subpoena to a lessee or its designee (with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee) in accordance with the provisions of subparagraph (B)(i) shall toll the limitation period with respect to the obligation which is the subject of a subpoena only for the period beginning on the date the lessee or its designee receives the subpoena and ending on the date on which (i) the lessee or its designee has produced such subpoenaed records for the subject obligation, (ii) the Secretary or a delegated State receives written notice that the subpoenaed records for the subject obligation are not in existence or are not in the lessee's or its designee's possession or control, or (iii) a court has determined in a final decision that such records are not required to be produced, whichever occurs first.

"(B)(i) A subpoena for the purposes of this section which requires a lessee or its designee to produce records necessary to determine the proper reporting and payment of an obligation due the Secretary may be issued only by an Assistant Secretary of the Interior or an Acting Assistant Secretary of the Interior who is a schedule C employee (as defined by section 213.3301 of title 5, Code of Federal Regulations), or the Director or Acting Director of the respective bureau or agency, and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205, the State, acting through the highest State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such subpoena, but may not delegate such authority to any other person.

"(ii) A subpoena described in clause (i) may only be issued against a lessee or its designee during the limitation period provided in this section and only after the Secretary or a delegated State has in writing requested the records from the lessee or its designee related to the obligation which is the subject of the subpoena and has determined that—

"(I) the lessee or its designee has failed to respond within a reasonable period of time to the Secretary's or the applicable delegated State's written request for such records necessary for an audit, investigation or other inquiry made in accordance with the Secretary's or such delegated State's responsibilities under this Act; or

"(II) the lessee or its designee has in writing denied the Secretary's or the applicable delegated State's written request to produce such records in the lessee's or its designee's possession or control necessary for an audit, investigation or other inquiry made in accordance with the Secretary's or such delegated State's responsibilities under this Act; or

"(III) the lessee or its designee has unreasonably delayed in producing records necessary for an audit, investigation or other inquiry made in accordance with the Secretary's or the applicable delegated State's responsibilities under this Act after the Secretary's or delegated State's written request.

"(C) In seeking records, the Secretary or the applicable delegated State shall afford the lessee or its designee a reasonable period of time after a written request by the Secretary or such delegated State in which to provide such records prior to the issuance of any subpoena.

"(3) MISREPRESENTATION OR CONCEALMENT.—The intentional misrepresentation or concealment of a material fact for the purpose of evading the payment of an obligation in which case the limitation period shall be tolled for the period of such misrepresentation or such concealment.

"(4) ORDER TO PERFORM RESTRUCTURED ACCOUNTING.—A)(i) The issuance of a notice under subparagraph (D) that the lessee or its designee has not substantially complied with the requirement to perform a restructured accounting shall toll the limitation period with respect to the obligation which is the subject of the notice only for the period beginning on the date the lessee or its designee receives the notice and ending 120 days after the date on which (I) the Secretary or the applicable delegated State receives written notice that the accounting or other requirement has been performed, or (II) a court has determined in a final decision that the lessee is not required to perform the accounting, whichever occurs first.

"(ii) If the lessee or its designee initiates an administrative appeal or judicial proceeding to contest an order to perform a restructured accounting issued under subparagraph (B)(i), the limitation period in subsection (b) shall be tolled from the date the lessee or its designee received the order until a final, nonappealable decision is issued in any such proceeding.

"(B)(i) The Secretary or the applicable delegated State may issue an order to perform a restructured accounting to a lessee or its designee when the Secretary or such delegated State determines during an audit of a lessee or its designee that the lessee or its designee should recalculate royalty due on an obligation based upon the Secretary's or the delegated State's finding that the lessee or its designee has made identified underpayments or overpayments which are demonstrated by the Secretary or the delegated State to be based upon repeated, systemic reporting errors for a significant number of leases or a single lease for a significant number of reporting months with the same type of error which constitutes a pattern of violations and which are likely to result in either significant underpayments or overpayments.

"(ii) The power of the Secretary to issue an order to perform a restructured accounting may not be delegated below the most senior career professional position having responsibility for the royalty management program, which position is currently designated as the 'Associate Director for Royalty Management', and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205 of this Act, the State, acting through the highest ranking State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such order to perform, which may not be delegated to any other person. An order to perform a restructured accounting shall—

"(I) be issued within a reasonable period of time from when the audit identifies the systemic, reporting errors;

"(II) specify the reasons and factual bases for such order;

"(III) be specifically identified as an 'order to perform a restructured accounting';

"(IV) provide the lessee or its designee a reasonable period of time (but not less than 60 days) within which to perform the restructured accounting; and

"(V) provide the lessee or its designee 60 days within which to file an administrative appeal of the order to perform a restructured accounting.

"(C) An order to perform a restructured accounting shall not mean or be construed to include any other action by or on behalf of the Secretary or a delegated State.

"(D) If a lessee or its designee fails to substantially comply with the requirement to perform a restructured accounting pursuant to this subsection, a notice shall be issued to the lessee or its designee that the lessee or its designee has not substantially complied with the requirements to perform a restructured accounting. A lessee or its designee shall be given a reasonable time within which to perform the restructured accounting. Such notice may be issued under this section only by an Assistant Secretary of the Interior or an acting Assistant Secretary of the Interior who is a schedule C employee (as defined by section 213.3301 of title 5, Code of Federal Regulations) and may not be delegated to any other person. If a State has been delegated authority pursuant to section 205, the State, acting through the highest State official having ultimate authority over the collection of royalties from leases on Federal lands within the State, may issue such notice, which may not be delegated to any other person.

"(e) TERMINATION OF LIMITATIONS PERIOD.—An action or an enforcement of an obligation by the Secretary or delegated State or a lessee or its designee shall be barred under this section prior to the running of the seven-year period provided in subsection (b) in the event—

"(1) the Secretary or a delegated State has notified the lessee or its designee in writing that a time period is closed to further audit; or

"(2) the Secretary or a delegated State and a lessee or its designee have so agreed in writing.

For purposes of this subsection, notice to, or an agreement by, the designee shall be binding on any lessee who is liable pursuant to section 102(a) for obligations that are the subject of the notice or agreement.

"(f) RECORDS REQUIRED FOR DETERMINING COLLECTIONS.—Records required pursuant to section 103 of this Act by the Secretary or any delegated State for the purpose of determining obligations due and compliance with any applicable mineral leasing law, lease provision, regulation or order with respect to oil and gas leases from Federal lands or the Outer Continental Shelf shall be maintained for the same period of time during which a judicial proceeding or demand may be commenced under subsection (b). If a judicial proceeding or demand is timely commenced, the record holder shall maintain such records until the final nonappealable decision in such judicial proceeding is made, or with respect to that demand is rendered, unless the Secretary or the applicable delegated State authorizes in writing an earlier release of the requirement to maintain such records. Notwithstanding anything herein to the contrary, under no circumstance shall a record holder be required to maintain or produce any record relating to an obligation for any time period which is barred by the applicable limitation in this section. In connection with any hearing, administrative proceeding, inquiry, investigation, or audit by the Secretary or a delegated State under this Act, the Secretary or the delegated State shall minimize the submission of multiple or redundant information and make a good faith effort to locate records previously submitted by a lessee or a designee to the Secretary or the delegated State, prior to requiring the lessee or the designee to provide such records.

"(g) TIMELY COLLECTIONS.—In order to most effectively utilize resources available to the Secretary to maximize the collection of oil and gas receipts from lease obligations to the Treasury within the seven-year period of limitations, and consequently to maximize the State share of such receipts, the Secretary should not perform or require accounting, reporting, or audit activities if the Secretary and the State concerned determine that the cost of conducting or requiring the activity exceeds the expected amount to be collected by the activity, based on the most current 12 months of activity. This subsection shall not provide a defense to a demand or an order to perform a restructured accounting. To the maximum extent possible, the Secretary and delegated States shall reduce costs to the United States Treasury and the States by discontinuing requirements for unnecessary or duplicative data and other information, such as separate allowances and payor information, relating to obligations due. If the Secretary and the State concerned determine that collection will result sooner, the Secretary or the applicable delegated State may waive or forego interest in whole or in part.

"(h) APPEALS AND FINAL AGENCY ACTION.—

"(1) 33-MONTH PERIOD.—Demands or orders issued by the Secretary or a delegated State are subject to administrative appeal in accordance with the regulations of the Secretary. No State shall impose any conditions which would hinder a lessee's or its designee's immediate appeal of an order to the Secretary or the Secretary's designee. The Secretary shall issue a final decision in any administrative proceeding, including any administrative proceedings pending on the date of enactment of this section, within 33 months from the date such proceeding was commenced or 33 months from the date of such enactment, whichever is later. The 33-month period may be extended by any period of time agreed upon in writing by the Secretary and the appellant.

"(2) EFFECT OF FAILURE TO ISSUE DECISION.—If no such decision has been issued by the Secretary within the 33-month period referred to in paragraph (1)—

"(A) the Secretary shall be deemed to have issued and granted a decision in favor of the appellant as to any nonmonetary obligation and any monetary obligation the principal amount of which is less than $10,000; and

"(B) the Secretary shall be deemed to have issued a final decision in favor of the Secretary, which decision shall be deemed to affirm those issues for which the agency rendered a decision prior to the end of such period, as to any monetary obligation the principal amount of which is $10,000 or more, and the appellant shall have a right to judicial review of such deemed final decision in accordance with title 5 of the United States Code.

"(i) COLLECTIONS OF DISPUTED AMOUNTS DUE.—To expedite collections relating to disputed obligations due within the seven-year period beginning on the date the obligation became due, the parties shall hold not less than one settlement consultation and the Secretary and the State concerned may take such action as is appropriate to compromise and settle a disputed obligation, including waiving or reducing interest and allowing offsetting of obligations among leases.

"(j) ENFORCEMENT OF A CLAIM FOR JUDICIAL REVIEW.—In the event a demand subject to this section is properly and timely commenced, the obligation which is the subject of the demand may be enforced beyond the seven-year limitations period without being barred by this statute of limitations. In the event a demand subject to this section is properly and timely commenced, a judicial proceeding challenging the final agency action with respect to such demand shall be deemed timely so long as such judicial proceeding is commenced within 180 days from receipt of notice by the lessee or its designee of the final agency action.

"(k) IMPLEMENTATION OF FINAL DECISION.—In the event a judicial proceeding or demand subject to this section is timely commenced and thereafter the limitation period in this section lapses during the pendency of such proceeding, any party to such proceeding shall not be barred from taking such action as is required or necessary to implement a final unappealable judicial or administrative decision, including any action required or necessary to implement such decision by the recovery or recoupment of an underpayment or overpayment by means of refund or credit.

"(l) STAY OF PAYMENT OBLIGATION PENDING REVIEW.—Any person ordered by the Secretary or a delegated State to pay any obligation (other than an assessment) shall be entitled to a stay of such payment without bond or other surety instrument pending an administrative or judicial proceeding if the person periodically demonstrates to the satisfaction of the Secretary that such person is financially solvent or otherwise able to pay the obligation. In the event the person is not able to demonstrate, the Secretary may require a bond or other surety instrument satisfactory to cover the obligation. Any person ordered by the Secretary or a delegated State to pay an assessment shall be entitled to a stay without bond or other surety instrument".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended by inserting after the item relating to section 114 the following new item:

"Sec. 115. Secretarial and delegated States' actions and limitation periods.".

SEC. 5 ADJUSTMENT AND REFUNDS.

(a) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) is amended by inserting after section 111 the following:

"SEC. 111A. ADJUSTMENTS AND REFUNDS.

"(a) ADJUSTMENTS TO ROYALTIES PAID TO THE SECRETARY OR A DELEGATED STATE.—

"(1) If, during the adjustment period, a lessee or its designee determines that an adjustment or refund request is necessary to correct an underpayment or overpayment of an obligation, the lessee or its designee shall make such adjustment or request a refund within a reasonable period of time and only during the adjustment period. The filing of a royalty report which reflects the underpayment or overpayment of an obligation shall constitute prior written notice to the Secretary or the applicable delegated State of an adjustment.

"(2)(A) For any adjustment, the lessee or its designee shall calculate and report the interest due attributable to such adjustment at the same time the lessee or its designee adjusts the principle amount of the subject obligation, except as provided by subparagraph (B).

"(B) In the case of a lessee or its designee who determines that subparagraph (A) would impose a hardship, the Secretary or such delegated State shall calculate the interest due and notify the lessee or its designee within a reasonable time of the amount of interest due, unless such lessee or its designee elects to calculate and report interest in accordance with subparagraph (A).

"(3) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period which includes the production month for which the adjustment is being made. If an overpayment is identified during an audit, then the Secretary or the applicable delegated State, as appropriate, shall allow a credit or refund in the amount of the overpayment.

"(4) For purposes of this section, the adjustment period for any obligation shall be the six-year period following the date on which an obligation became due. The adjustment period shall be suspended, tolled, extended, enlarged, or terminated by the same actions as the limitation period in section 115.

"(b) REFUNDS.—

"(1) IN GENERAL.—A request for refund is sufficient if it—

"(A) is made in writing to the Secretary and, for purposes of section 115, is specifically identified as a demand;

"(B) identifies the person entitled to such refund;

"(C) provides the Secretary information that reasonably enables the Secretary to identify the overpayment for which such refund is sought; and

"(D) provides the reasons why the payment was an overpayment.

"(2) PAYMENT BY SECRETARY OF THE TREASURY.—The Secretary shall certify the amount of the refund to be paid under paragraph (1) to the Secretary of the Treasury who shall make such refund. Such refund shall be paid from amounts received as current receipts from sales, bonuses, royalties (including interest charges collected under this section) and rentals of the public lands and the Outer Continental Shelf under the provisions of the Mineral Leasing Act and the Outer Continental Shelf Lands Act, which are not payable to a State or the Reclamation Fund. The portion of any such refund attributable to any amounts previously disbursed to a State, the Reclamation Fund, or any recipient prescribed by law shall be deducted from the next disbursements to that recipient made under the applicable law. Such amounts deducted from subsequent disbursements shall be credited to miscellaneous receipts in the Treasury.

"(3) PAYMENT PERIOD.—A refund under this subsection shall be paid or denied (with an explanation of the reasons for the denial) within 120 days of the date on which the request for refund is received by the Secretary. Such refund shall be subject to later audit by the Secretary or the applicable delegated State and subject to the provisions of this Act.

"(4) PROHIBITION AGAINST REDUCTION OF REFUNDS OR CREDITS.—In no event shall the Secretary or any delegated State directly or indirectly claim or offset any amount or amounts against, or reduce any refund or credit (or interest accrued thereon) by the amount of any obligation the enforcement of which is barred by section 115 of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is amended by inserting after the item relating to section 111 the following new item:

"Sec. 111A. Adjustments and refunds.".

SEC. 6. ROYALTY TERMS AND CONDITIONS, INTEREST, AND PENALTIES.

(a) LESSEE OR DESIGNEE INTEREST.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding after subsection (g) the following:

"(h) Interest shall be allowed and paid or credited on any overpayment, with such interest to accrue from the date such overpayment was made, at the rate obtained by applying the provisions of subparagraphs (A) and (B) of section 6621(a)(1) of the Internal Revenue Code of 1986, but determined without regard to the sentence following subparagraph (B) of section 6621(a)(1). Interest which has accrued on any overpayment may be applied to reduce an underpayment. This subsection applies to overpayments made later than six months after the date of enactment of this subsection or September 1, 1996, whichever is later. Such interest shall be paid from amounts received as current receipts from sales, bonuses, royalties (including interest charges collected under this section) and rentals of the public lands and the Outer Continental Shelf under the provisions of the Mineral Leasing Act, and the Outer Continental Shelf Lands Act, which are not payable to a State or the Reclamation Fund. The portion of any such interest payment attributable to any amounts previously disbursed to a State, the Reclamation Fund, or any other recipient designated by law shall be deducted from the next disbursements to that recipient made under the applicable law. Such amounts deducted from subsequent disbursements shall be credited to miscellaneous receipts in the Treasury.".

(b) LIMITATION ON INTEREST.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982, as amended by subsection (a), is further amended by adding at the end the following:

"(i) Upon a determination by the Secretary that an excessive overpayment (based upon all obligations of a lessee or its designee for a given reporting month) was made for the sole purpose of receiving interest, interest shall be paid on the excessive amount of such overpayment. For purposes of this Act, an 'excessive overpayment' shall be the amount that any overpayment a lessee or its designee pays for a given reporting month (excluding payments for demands for obligations determined to be due as a result of judicial or administrative proceedings or agreed to be paid pursuant to settlement agreements) for the aggregate of all of its Federal leases exceeds 10 percent of the total royalties paid that month for those leases.".

(c) ESTIMATED PAYMENT.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(j) A lessee or its designee may make a payment for the approximate amount of royalties (hereinafter in this subsection 'estimated payment') that would otherwise be due for such lease by the rate royalties are due for that lease. When an estimated payment is made, actual royalties are payable at the end of the month following the month in which the estimated payment is made. If the estimated payment was less than the amount of actual royalties due, interest is owned on the underpaid amount. If the estimated payment exceeds the actual royalties due, interest is owned on the overpayment. If the lessee or its designee makes a payment for such actual royalties, the lessee or its designee may apply the estimated payment to future royalties. Any estimated payment may be adjusted, recouped, or reinstated at any time by the lessee or its designee.".

(d) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) through (c), is amended by adding at the end the following:

"(k)(1) Except as otherwise provided by this subsection—

"(A) a lessee or its designee of a lease in a unit or communitization agreement which contains only Federal leases with the same royalty rate and funds distribution shall report and pay royalties on oil and gas production for each production month base on the actual volume of production sold by or on behalf of that lessee;

"(B) a lessee or its designee of a lease in any other unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from such agreement and allocated to the lease in accordance with the terms of the agreement; and

"(C) a lessee or its designee of a lease that is not contained in a unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the actual volume of production sold by or on behalf of that lessee.

"(2) This subsection applies only to requirements for reporting and paying royalties. Nothing in this subsection is intended to alter a lessee's liability for royalties on oil or gas production based on the share of production allocated to the lease in accordance with the terms of the lease, a unit or communitization agreement, or any other agreement.

"(3) For any unit or communitization agreement if all lessees contractually agree to an alternative method of royalty reporting and payment, the lessees may submit such alternative method to the Secretary or the delegated State for approval and make payments in accordance with such approved alternative method so long as such alternative method does not reduce the amount of the royalty obligation.

"(4) The Secretary or the delegated State shall grant an exception from the reporting and payment requirements for marginal properties by allowing for any calendar year or portion thereof royalties to be paid each month based on the volume of production sold. Interest shall not accrue on the difference for the entire calendar year or portion thereof between the amount of oil and gas actually sold and the share of production allocated to the lease until the beginning of the month following such calendar year or portion thereof. Any additional royalties dues or overpaid royalties and associated interest shall be paid, refunded, or credited within six months after the end of each calendar year in which royalties are paid based on volumes of production sold. For the purpose of this subsection, the term 'marginal property' means a lease that produces on average the combined equivalent of less than 15 barrels of oil per well per day or 90 thousand cubic feet of gas per well per day, or a combination thereof, determined by dividing the average daily production of crude oil and natural gas from producing wells on such lease by the number of such wells, unless the Secretary, together with the State concerned, determines that a different production is more appropriate.

"(5) Not later than two years after the date of the enactment of this subsection, the Secretary shall issue any appropriate demand for all outstanding royalty payment disputes regarding who is required to report and pay royalties on production from units and communitization agreements outstanding on the date of the enactment of this subsection, and collect royalty amounts owed on such production.".

(e) PRODUCTION ALLOCATION.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by subsections (a) through (d), is amended by adding at the end the following:

"(l) The Secretary shall issue all determinations of allocations of production for units and communitization agreements within 120 days of a request for determination. If the Secretary fails to issue a determination within such 120-day period, the Secretary shall waive interest due on obligations subject to the determination until the end of the month following the month in which the determination is made.".

(f) NEW ASSESSMENT TO ENCOURAGE PROPER ROYALTY PAYMENTS.—

(1) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721), as amended by section 4(a), is further amended by adding at the end the following:

"SEC. 116. ASSESSMENTS.

"Beginning eighteen months after the date of enactment of this section, to encourage proper royalty payment the Secretary or the delegated State shall impose assessments on a person who chronically submits erroneous reports under this Act. Assessments under this Act may only be issued as provided for in this section.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act (30 U.S.C. 1701) is amended by adding after the item relating to section 115 the following new item:

"Sec. 116. Assessments.".

(g) LIABILITY FOR ROYALTY PAYMENTS.—Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

"(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease or under the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary or the applicable delegated State. A lessee may designate a person to make all or part of the payments due under a lease on the lessee's behalf and shall notify the Secretary or the applicable delegated State in writing of such designation, in which event said designated person may, in its own name, pay, offset or credit monies, make adjustments, request and receive refunds and submit reports with respect to payments required by the lessee. Notwithstanding any other provision of this Act to the contrary, a designee shall not be liable for any payment obligation under the lease. The person owning operating rights in a lease shall be primarily liable for its pro rata share of payment obligations under the lease. If the person owning the legal record title in a lease is other than the operating rights owner, the person owning the legal record title shall be secondarily liable for its pro rata share of such payment obligations under the lease.".

(h) CLERICAL AMENDMENTS.—(1) The heading of section 111 of the Federal Oil and Gas Royalty management Act of 1982 (30 U.S.C. 1721) is amended to read as follows:

"ROYALTY TERMS AND CONDITIONS, INTEREST, AND PENALTIES".

(2) The item relating to section 111 in the table of contents in section 1 of such Act (30 U.S.C. 1701) is amended to read as follows:

"Sec. 111. Royalty terms and conditions, interest, and penalties.".

SEC. 7. ALTERNATIVES FOR MARGINAL PROPERTIES.

(a) IN GENERAL.—The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), as amended by section 6 of this Act, is further amended by adding at the end the following:

"SEC. 117. ALTERNATIVES FOR MARGINAL PROPERTIES.

"(a) DETERMINATION OF BEST INTERESTS OF STATE CONCERNED AND THE UNITED STATES.—The Secretary and the State concerned, acting in the best interests of the United States and the State concerned to promote production, reduce administrative costs, and increase net receipts to the United States and the States, shall jointly determine, on a case by case basis, the amount of what marginal production from a lease or leases or well or wells, or parts thereof, shall be subject to a prepayment under subsection (b) or regulatory relief under subsection (c). If the State concerned does not consent, such prepayments or regulatory relief shall not be made available under this section for such marginal production: *Provided*, That if royalty payments from a lease or leases, or well or wells are not shared with any State, such determination shall be made solely by the Secretary.

"(b) PREPAYMENT OF ROYALTY.—

"(1) IN GENERAL.—Notwithstanding the provisions of any lease to the contrary, for any lease or leases or well or wells identified by the Secretary and the State concerned pursuant to subsection (a), the Secretary is authorized to accept a prepayment for royalties in lieu of monthly royalty payments under the lease for the remainder of the lease term if the affected lessee so agrees. Any prepayment agreed to by the Secretary, State concerned and lessee which is less than an average $500 per month in total royalties shall be effectuated under this section not earlier than two years after the date of enactment of this section and, any prepayment which is greater than an average $500 per month in total royalties shall be effectuated under this section not earlier than three years after the date of enactment of this section. The Secretary and the State concerned may condition their acceptance of the prepayment authorized under this section on the lessee's agreeing to such terms and conditions as the Secretary and the State concerned deem appropriate and consistent with the purposes of this Act. Such terms may—

"(A) provide for prepayment that does not result in a loss of revenue to the United States in present value terms;

"(B) include provisions for receiving additional prepayments or royalties for developments in the lease or leases or well or wells that deviate significantly from the assumptions and facts on which the valuation is determined; and

"(C) require the lessee or it designee to provide such periodic production reports as may be necessary to allow the Secretary and the State concerned to monitor production for the purposes of subparagraph (B).

"(2) STATE SHARE.—A prepayment under this section shall be shared by the Secretary with any State or other recipient to the same extent as any royalty payment for such lease.

"(3) SATISFACTION OF OBLIGATION.—Except as may be provided in the terms and conditions established by the Secretary under subsection (b), a lessee or its designee who makes a prepayment under this section shall have satisfied in full the lessee's obligation to pay royalty on the production stream sold from the lease or leases or well or wells.

"(c) ALTERNATIVE ACCOUNTING AND AUDITING REQUIREMENTS.—Within one year after the date of the enactment of this section, the Secretary or the delegated State shall provide accounting, reporting, and auditing relief that will encourage lessees to continue to produce and develop properties subject to subsection (a): *Provided*, That such relief will only be available to lessees in a State that concurs, which concurrence is not required if royalty payments from the lease or leases or well or wells are not shared with any State. Prior to granting such relief, the Secretary and, if appropriate, the State concerned shall agree that the type of marginal wells and relief provided under this paragraph is in the best interest of the United States and, if appropriate, the State concerned.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act (30 U.S.C. 1701) is amended by adding after the item relating to section 116 the following new item:

"Sec. 117. Alternatives for marginal properties.".

SEC. 8. APPLICABILITY.

(a) FOGRMA.—With respect to Federal lands, sections 202 and 307 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732 and 1755), are no longer applicable. The applicability of those sections to Indian leases is not affected.

(b) OCSLA.—Effective on the date of the enactment of this Act, section 10 of the Outer Continental Shelf Lands Act (43 U.S.C. 1339) is repealed.

SEC. 9. INDIAN LANDS.

The amendments made by this Act shall not apply with respect to Indian lands, and the provisions of the Federal Oil and Gas Royalty Management Act of 1982 as in effect on the day before the date of enactment of this Act shall continue to apply after such date with respect to Indian lands.

SEC. 10. PRIVATE LANDS.

This Act shall not apply to any privately owned minerals.

SEC. 11. EFFECTIVE DATE.

Except as provided by section 115(h), section 111(h), section 111(k)(5), and section 117 of the Federal Oil and Gas Royalty Management Act of 1982 (as added by this Act), this Act, and the amendments made by this Act, shall apply with respect to the production of oil and gas after the first day of the month following the date of the enactment of this Act.

SEC. 12. SAVINGS CLAUSE.

Nothing in this Act shall be construed to give a State a property right or interest in any Federal lease or land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CALVERT] and the gentleman from Hawaii [Mr. ABERCROMBIE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in strong support of H.R. 1975, the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. The purpose of this bill is to improve the management of royalties from Federal oil and gas leases onshore and on the Outer Continental Shelf, as well. H.R. 1975 does this by establishing clear an equitable provisions for the effective and efficient administration of leases by the Secretary of the Interior to further exploration and development of oil and gas resources.

Mr. Speaker, our existing laws, regulations, policies, and procedures related to oil and gas leasing lack clarity and consistency and impose unnecessary and unreasonable costs and burdens on lessees and the Government alike. Because the Federal Royalty Program is so complex and unfair a damper is placed upon competition for these leases—especially among the smaller independent producers.

This complexity is an outgrowth of reforms mandated by conditions in the late 1970's when States and Indian tribes which share in these leasing receipts charged that the Federal agency then responsible for collecting royalties could not adequately track payments against obligations. The Commission on Fiscal Accountability of the Nation's energy resources was chartered to study possible reforms, and made 60 recommendations for improvements. Nearly 14 years ago, Congress passed the Federal Oil and Gas Royalty Management Act to implement many of the panel suggestions, which, indeed, has clearly improved Federal royalty management with increased revenues to the U.S. Treasury, and to the States via the net receipts sharing formula for onshore leases and certain OCS leases.

However, further improvements are necessary. For example, multiple conflicting laws and recent lower court decisions holding that no statute of limitations applies for royalty purposes have created uncertainty and unfairness for lessees subject to indefinite audit exposure.

Mr. Speaker, unlike the situation for taxpayers and the IRS, the royalty books are never closed for a lessee of the Interior Department—and because of this the Government doesn't act timely to make payment demands of lessees. It simply is not a priority of the Feds because the Department of the Interior can go back decades later to audit and if necessary demand further payment. But, what kind of way is this to run a multibillion dollar program? Money has a time value and the Secretary's levy of interest on royalty underpayments does not fully offset the many years delay in collecting what may be owed.

Furthermore, current law severely restricts Outer Continental Shelf Lands Act lessees access to overpayments made to the Federal Government, and does not provide for the time value of lessees' overpayments, while at the same time underpayors definitely owe interest. In other words, the playing field is so far tilted it's a wonder anybody plays the game.

But, Mr. Speaker, the most overlooked reform recommended by the Commission was to further involve the States in Federal royalty collections. We must not forget that many States have auditors who are ready, willing, and able to do the job, as well as the motivation to go after each and every penny or royalty owed. Because for every dollar collected from an onshore Federal lessee 50 cents will come back to the State's treasury. For most of the States where the Federal acreage is concentrated this revenue stream is a significant part of their operating budgets for schools, roads, or other programs. For such States, the lack of aggressive efforts by the Feds to collect these moneys to be shared is very frustrating. And to top it all off, since fiscal year 1991 the States have had to pay one-fourth of the Feds costs to manage the mineral leasing program—from the land-use planning stage through leasing, permitting, and, if the leases are productive, the collection of royalties.

Mr. Speaker, in truth, this is why we are here today. Our States are demanding a larger role in policing what they are owed from lessees and H.R. 1975 will provide them such opportunity. The Vice President proposed 1 year ago to totally devolve the royalty program to the States. Although that proposal was pulled back after a few months, the administration fully supports the State delegation language we are voting upon today, indeed, the entire bill has the President's backing. Quite frankly, I would have liked a stronger delegation provision requiring the Secretary of the Interior to give primacy for royalty collection to those States which are able to demonstrate an efficient program, but that was not achievable this year. Instead, the Secretary will have discretion to hand down these duties to States or maintain the current Federal role. Given the realities of the Federal budget, I believe enactment of H.R. 1975 will ultimately lead to expanded delegation to the States simply because staffing in the Interior Department will for all practical purposes dictate this result.

In conclusion, Mr. Speaker, the Congressional Budget Office estimates this bill would increase revenues to the U.S. Treasury by $36 million over 6 years, and cumulatively to the States by $9 million during the same interval. This bill is good Government, pure and simple, and I ask my colleagues for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the manager's amendment to H.R. 1975, the Federal Oil and Gas Royalty Fairness and Simplification Act. May I say in that regard that I want to thank my colleague and friend, the gentleman from California, Chairman KEN CALVERT, and the staff on his side for their fairness in helping to make this as simple a process as possible.

As he has indicated in his remarks, this is an issue with which not everyone may be familiar but which is fundamental to the sound fiscal policy with respect to Federal oil and gas royalty fees.

I also note the presence on the floor of the chairman of our Committee on Resources, Mr. YOUNG, and I am very pleased to see him here and I appreciate his kindness and fairness. I can no doubt add a few other adjectives, depending on how much I sense from him that he appreciates the same in me. I can see from his body language that he understand the full import of my remarks.

Mr. Speaker, the manager's amendment will substitute the language written by the Senate Committee on Energy and Natural Resources for the language reported by the House Committee on Resources. The primary difference between the House and Senate language is that the Senate language authorizes but does not mandate the Secretary of the Interior to delegate certain royalty management functions to willing and qualified States.

This issue has been gone over in detail by the gentleman from California [Mr. CALVERT], so I will not repeat it.

This would resolve my major problem with the bill and removes the President's veto threat on the bill. I would note that during committee consideration of H.R. 1975 I offered an amendment which the majority did not accept at that time that would have made this very change. I am pleased to see that they now concur with me and that there is no reason to require the Secretary of the Interior to transfer the royalty functions to the States.

But while there are many positive features in the manager's amendment, it still contains, in my estimation, some flaws. For example, I continue to believe that is no reason to require the Federal Government to pay interest on oil companies' overpayments to the Federal Treasury, especially when these mistakes occur as a result of sloppy accounting or possible sloppy accounting by oil and gas companies. This new benefit for oil and gas corporations will create, again in my estimation, a new Federal debt and possibly cost taxpayers an estimated $44 million between 1997 and 2002 and possibly an additional $10 million in direct spending each year thereafter.

However, in the interest of comity, I am willing to take the majority at its word, particularly that of the gentleman from California, Chairman CALVERT, and the gentleman from Alaska, Chairman YOUNG, and accept the administration's assurance that this provision will not be allowed to be abused by the oil and gas lessees. Knowing the gentleman from Alaska [Mr. YOUNG] as I do, I doubt that anybody can get away with anything.

Improvement is always in order, and the majority has worked diligently with the Clinton administration to effect this compromise and, I would like to reiterate, has worked diligently with the minority on the committee as well. If we are to govern, then we must be willing to accept compromises. I do so with this bill, and in this context and in this spirit of comity, we do not object to the passage of H.R. 1975, as amended by the bill's manager, and recommend its acceptance.

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for his kind words.

This is an ability here to work together, and I can assure the gentleman we will be watching this very closely to make sure what we have stated on the floor today. The gentleman from California [Mr. CALVERT] has done an excellent job, and of course the ranking member has also done the job.

I would suggest respectfully that this is long overdue in the energy field. It does in fact, as has been mentioned before, create $36 or $37 million for the Federal Government and $9 million for the State. And may I suggest one thing. It is a level playing field with the IRS.

I want to suggest one thing I do agree with. If there is bad accounting on the oil company's side, we will be watching this very closely. But equally if there is bad accounting on the Interior side, we will be watching that very closely. So no one should be to blame. We should solve this problem, and that is what we are trying to do with this legislation.

I would suggest though, Mr. Speaker, that we have a letter from a bipartisan group of Governors, including my Governor, Tony Knowles, and Gov. Pete Wilson, Gov. Philip Batt, Gov. Bill Graves, Gov. Marc Raciot, Gov. Benjamin Nelson, Gov. Gary Johnson, Gov. Edward Schafer, Gov. Frank Keating, Gov. George Bush, Gov. Michael Leavitt, and Gov. Jim Geringer supporting this.

And, by the way, it says: "This legislation provides the best opportunities for Federal and State cooperation and partnerships in natural resources policy that has ever emerged from this Congress." So I want to suggest this is strongly supported by Governors and should be supported, and I do welcome the support from the gentleman from Hawaii.

This ability, as he mentioned, to govern, is by doing the art of possible, by coming to a solution, and I do support this legislation.

Mr. ABERCROMBIE. Mr. Speaker, could you kindly inform me of the time remaining?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Hawaii [Mr. ABERCROMBIE] has 16 minutes remaining, and the gentleman from California [Mr. CALVERT] has 13 minutes remaining.

Mr. ABERCROMBIE. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, let me just say that this is a good bipartisan bill, and there are five fundamental reasons why this is a good bill.

First, it clarifies a collection time frame by establishing a 7-year statute of limitations allowing for certain extensions by the Secretary.

Second, it levels the playing field, provides for interest at equivalent IRS rates to be paid on royalty overpayments and continues interest payments on underpayments.

Third, it empowers the States. This gives the States a more rightful role in the delegation of royalty functions that choose to perform the duties. It gives the States, many oil and gas States, many in the West, more involvement in collection, and that is critically important.

It scores positive. What we have is CBO estimating $36 million to the Federal Government and an additional $9 million to the States over 6 years.

Last, the administration supports the bill. And because of the changes coming from the Senate, I am informed that the ranking member of our committee, the distinguished Member from California, GEORGE MILLER, is in support of the bill.

What we have is a piece of legislation that will allow individual States to take over the responsibility of collecting royalty payments for oil, gas and coal leases on Federal lands.

Needless to say, in my State of New Mexico this is critically important. This is not, and I repeat "not" an environmentally controversial bill, rather it corrects and updates accounting practices for Federal oil and gas royalty collections. Current laws and rules protecting land, air and water resources are not changed in any way by this measure. The only thing green about H.R. 1975 is the color of the money that will be going to Federal and State governments. This is important.

As I mentioned before, the White House supports this measure, but also the Department of the Interior, the Department of Energy, and a bipartisan coalition of 14 Governors, including my own in New Mexico. And, incidentally, 100 percent of Federal onshore royalties are collected from the States of these 14 Governors.

As many know, my congressional district includes some of the highest oil and natural gas production in the United States. Because my State of New Mexico is the fourth largest natural gas producer and the seventh largest oil producer, it is directly affected by how the Federal Government collects royalty on that production. This will have a positive impact.

Let me just relate an incident, a little story on why we need this legislation. Several years ago a New Mexico independent producer was wrongly and unfairly assessed $7,650 by the Minerals Management Service, MMS.

This assessment related to the company's September 1991 royalty report. The report was due by 4 p.m. on October 31, 1991. Due to a crippling snow storm in Denver that day, Federal Express could not deliver the report until November 1 at 10:05 a.m. More than 100 other companies experienced this same problem. Unbelievably, all were penalized with similar assessments.

Even though the New Mexico producer appealed his case to MMS, Minerals Management Service, and argued that the snow storm was out of control, he was still assessed $7,650. Unfortunately, a lot of time and money was wasted in an effort to rectify the situation, but this agency, Minerals Management Service, would not change its decision.

What this bill does, H.R. 1975, is that it addresses the problem by implementing a more reasonable system for the imposition of agency assessment. This is a reform bill. It is long overdue. We need to govern the laws that govern the collection of oil and gas royalties.

This is not just an oil and gas giveaway or a giveaway to western States. We make money. It is a bill that also makes the collection more efficient. It is reform. It improves the bureaucracy.

If there are oil and gas producers in States, many of them are hurting, they are talking about production problems and the price of oil. They are not doing well. They are not those big oil and gas guys that we think of in Cadillacs running around spending money. They are men and women that are trying to make a living. And in my State, I can tell my colleagues, it has been tough lately. This will be a slight improvement. In passing this bill we will keep them from getting snowballed like this constituent of mine in 1991.

In summary, this is a good bill. This is a bill that make sense. First, the administration supports the bill, it is a good piece of legislation and I urge its passage.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman for yielding me this time and I rise in support of this legislation.

Mr. Speaker, my constituents believe we need to be trying to move the Federal Government in two directions; one to make the Federal Government smaller, get it out of many of the aspects of our lives where it has placed itself; and the second is to try to make the Federal Government work smarter, to put a little dose of common sense into many of the things that the Federal Government does.

That is exactly where this piece of legislation fits in because it will simplify and streamline, and make more certain royalty collections off of Federal lands and lands off the outer Continental Shelf. That process today is an endless morass that I find very few people completely understand and it costs an enormous amount of money to comply with, both from the taxpayers' standpoint and from small independent oil and gas companies.

As a result of simplifying and streamlining these procedures, we can actually save the Federal Government a little money as well as the States which are involved. We are not talking about a tremendous amount of money, it is several million dollars, but it is a step in the right direction and it seems to me we should do it. It gets the States more involved in royalty collection, and I think that is a step in the right direction.

Personally, I would like to go further in that respect. I would be very interested in exploring a royalty in-kind program where the States could actually get the crude oil or the gas as it is produced, but at least this moves in the direction of having more State participation and I think that is good.

The other thing this bill does is it provides opportunity to diminish some of the regulatory burdens which are such a problem with oil and gas business across the country at this point. We are in a situation where the price of oil or gas is not terribly high and yet the cost of production is terribly high. And the Federal Government adds to that cost of production through taxes and regulations and paperwork such as are involved in this bill. If we can reduce the cost of production, we can prevent the thousands of wells from being shut in and that is happening today.

The United States continues to grow more dependent upon foreign sources of oil because we cannot economically produce oil in this country. To the extent this bill takes a small but significant step towards reducing the regulatory burdens that drive up the costs, we can encourage exploration and hopefully encourage the production of domestic oil and gas upon which our security is based.

Mr. Speaker, I think we need to do that not just on Federal lands but throughout all of the private sector in oil and gas production to increase our energy independence, but, again, this bill takes a step in the right direction and, therefore, I urge its adoption.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DOOLEY], and in the process thank him for his assistance with this bill. Without his cooperation, insight and input, I do not think we would have reached such as successful conclusion.

Mr. DOOLEY of California. Mr. Speaker, first off, I would like to thank both the gentleman from Hawaii [Mr. ABERCROMBIE] and the gentleman from California [Mr. CALVERT] for their hard work. Certainly I think it was their dedication to trying to move forward in a responsible manner on this issue that has allowed us to end at this point, where we have such strong bipartisan support for this legislation, where we have the President and the administration in support of this legislation, and where we have 14 Governors, bipartisan in their composition, representing 99 percent of the oil which is produced onshore which will be subject to these regulations, that are also supporting it.

The reasons for their support, I think, are very clear and they have been enunciated by I think all the speakers that have spoken up to this time. This bill obviously is a good bill for producers and provides greater certainty. It is a good bill for taxpayers and will generate additional revenues. It is a good bill for both the State and the Federal Government because with delegating some of this authority to the States we have then an entity which has a vested interest and an incentive to move forward in a very expedited fashion to collect the royalties which are due both to them and to the Federal Government.

Now, there might be some criticism that might be voiced, and it will be very limited in nature, where some people will be concerned that this measure is going to have the impact of perhaps limiting the ability of the Federal Government to collect on past royalties. That is not the case. This bill will only apply to royalties collected in the future.

There is also perhaps going to be some reservations expressed with the statute of limitations, that this will impede the ability of the State and the Federal Government to collect those royalties. That is not true either. We are placing a 7-year time limit. There is absolutely no reason why the State or the Federal Government and those officials which are responsible for collecting those royalties cannot do so within 7 years.

In those instances where a company might be guilty of fraud, that exemption in that statute of limitations of 7 years does not apply. Furthermore, if the State or the Federal Government or those officials assess a royalty and make a claim, that also then is not subject to that 7-year statute of limitations from that time forward.

I think we have a bill which again provides protections to the taxpayers. It is a responsible bill. It is in the best interest of all parties involved.

Once again I want to commend the bipartisan effort on behalf of the two subcommittee chairmen that really led to the development of this legislation.

Mr. CALVERT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, this bill should be noncontroversial. It corrects and updates accounting practices for Federal oil and gas royalty collections. After more than 1 year of intense detailed negotiations we have an agreement on the legislative language before us today.

Many Republicans and many democrats, in fact, 50 House Democrats, have signed a letter of support. The President of the United States, the Department of the Interior, the Department of Energy and 14 Governors, as the gentleman from Alaska [Mr. YOUNG] read to us.

This is a bill that has national impact because when we look at the map to my immediate left we can see all but about 10 of our States colored in red.

□ 1615

Those States colored in red are those States with Federal oil and gas leases. I heard the gentleman from New Mexico speak about the State of New Mexico. I just wish some of that or more of that were in my district in the Gulf Coast of Texas.

The President of the United States has sent a letter stating strong support for enactment of H.R. 1975. In fact the Clinton Gore campaign has sent a letter signed by Ann Lewis, Deputy Campaign Manager, stating the legislation simplifies the royalty collection process for onshore and offshore natural gas and oil production.

She says in her letter: The President supports it because he believes that it provides fairer rules governing the relationship between the Federal Government and leaseholders on Federal lands. Getting all these people to agree was not easy. But we have an agreement, and now is the time to support the agreement.

Pass it today.

Members should not be confused or misinformed by rhetoric about the environment. Our friend, the gentleman from new Mexico, spoke about why this is not harmful to the environment. He had some phrase about green. The only thing I can see green about this is the eyeshades of the Government accountants who are cutting checks payable to the Federal Government. That is the accountants from the oil companies.

This cannot be confused with the rhetoric we sometimes hear on the House floor about corporate welfare. The most important part of this is being fair to the corporate citizens just like individuals citizens of our country.

An important part of the bill new to royalty policy is the requirement that the Federal Government pay interest on royalty overpayments.

There are two reasons to put this requirement into law. First, our royalty reporting deadline requires companies to pay royalties within 30 days of production. In today's natural gas marketplace, a producer frequently will not have the data he or she needs to accurately report royalties.

That is just a function of the marketplace. Gas has moved to hub centers where marketeers, usually third parties, sell the gas and report back the precise sales price and volumes to the producer. This can take months, but producers facing the 30-day deadline have to make payments on the production. So they estimate price and volumes and make payments on those estimates, usually adding additional funds to avoid making underpayments, which are subject to automatic penalty and interest payments. Unfortunately, producers have been discouraged from this practice because the bureaucracy does not promptly process their refunds, even though the Government is earning interest from day one on their overpayments.

It is not a case of producers making mistakes or overpayment of royalties. It is, rather, a case where the regulatory deadlines do not give producers enough time to gather the accurate data they need to make correct payments at the outset.

Now, the gentleman from Hawaii raised a valid point that this could be misused. For that reason, the interest rate is fair to everyone involved. In fact, there is a cap on the interest rate that was designed to prevent companies from gaming the system. That cap provides that in this bill no more payment could be paid on overpayment in excess of 10 percent of the overpayment by the company. This is really not any different than we do citizens of this country when they overpay the IRS.

I well remember the days when the IRS charged penalty and interest but, if you overpaid them and they owed you money, they did not pay you any interest. Thank God that has been changed, and that is what we are trying to do here.

Finally, Mr. Speaker, the interest provisions coupled with the statute of limitations and litigation reform contribute to the Congressional Budget Office determination that the Federal Treasury will receive an additional $51 million and States will receive an additional $33 million over 7 years. That indicates many reasons, Mr. Speaker, why this bill should receive the strong support of Members of the House. I urge its passage. I thank the gentleman very much for yielding time to me.

Mr. ABERCROMBIE. Mr. Speaker, I yield 5 minutes and 15 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 1975, the Federal Oil and Gas Royalty Simplification and Fairness Act.

I do so reluctantly because there is much to be said for many parts of this measure.

The States have demonstrated that they are committed to collecting the full and fair value of Federal royalty producting revenues which by Federal law they share.

Unfortunately, while the Minerals Management Service has made several cosmetic improvements to their program, my information suggests that they are not as avid in assuring that the public receives its fair due from the oil and gas industry's privilege of exploitation of public resources.

The only reform enacted by this bill is a stranglehold on the Federal Government's ability to collect money owed on oil and gas royalties. H.R. 1975 would impose a 7-year statute of limitations on the Federal Government and the States for all judicial proceedings and audits regarding oil and gas royalties.

So, if we uncover evidence of money owed the Federal Government from undervalued oil and gas in the future, our hands our tied—we would not be able to collect money owed the American taxpayer.

This bill will enhance the oil industry's position at the public cost.

My opposition is directed at those portions of the bill which establish new provisions on a statute of limitations and the ability of the Government to obtain needed records for the conduct of audits.

These provisions may preclude the Federal Government from collecting millions of dollars in past due royalties owed.

The Subcommittee on Government Management, Information and Technology of the House Government Reform and Oversight Committee recently concluded hearings that showed that $856 million is owed in past due royalties in the State of California alone.

I would like to be able to say that such uncollected debt will not happen again.

Disregarding warnings that these royalties were outstanding, the Minerals Management Service entered into agreements with several of the companies that may preclude and will at least complicate any full collection.

Only after I released a report with the project on Government oversight pointing out the problem and after an Interior interagency task force issued a detailed study did the department reluctantly acknowledge the underpayment in California.

Without an adequate understanding of how the department has managed the royalty program under present law and a complete explanation of how it managed to overlook hundreds of millions of dollars,

I believe it reckless to change the law.

The hearings also indicated that the problem of undervaluation is not confined to California alone and that there is good cause to believe that even more money is owed from Federal public leases throughout and offshore the Nation.

It is important to understand that half of the royalties collected by the department from onshore oil production go to the States.

In California this revenue is used only for education.

Chairman CALVERT of the Subcommittee on Energy and Mineral Resources of the House Resources Committee has taken some laudatory steps to resolve some ambiguous language in the bill through technical amendments to the effective date provisions of H.R. 1975, and has assured me that it is the intent of the drafters to apply only the provisions specified in the effective date provision retroactively.

I remain concerned, however, that language in the bill may still provide fodder for creative lawyers to delay collection of the royalties owed because the industry's undervaluation even further.

One source of my concern is in section 115(f) of the bill which states:

> Notwithstanding anything herein to the contrary, under no circumstance shall a record holder be required to maintain or produce any record relating to an obligation for any time period which is barred by the applicable limitation in this section.

The reference to "for any period" is language reasonably construed to call for retroactivity and, if so construed, would disable the Department of the Interior from obtaining the information necessary to proceed on an undervaluation claim.

At a minimum—to clearly avoid the retroactivity issue that Chairman CALVERT has assured me was not intended—this language should be deleted.

Its deletion would not undercut the bill's remaining objectives.

In other words, this language is moving more toward proprietary protection of these records.

More broadly, my investigation indicates that it is not the right time for us to be placing time and records limitations on the Department of the Interior.

Indeed, industry's highly questionable claims of confidentiality and repeated litigation over document access has and will continue to unduly delay any efforts by Interior to collect on undervaluation claims.

Provisions in this bill will only serve to strengthen industry's lack of cooperation.

Finally, transfer of more authority to the States, while laudatory, will take its own toll on the timing and completion of the audits and investigations that are a prerequisite for bringing claims of underpaid royalties.

Certainly the Federal Government and State delegates should be encouraged to conduct audits in a prompt manner.

For the time being, however, I believe that this should be pursued administratively rather than legislatively.

And, the Department has taken steps to increase the timeliness of the audit process.

We should be encouraging the Department to keep abreast of changes in industry structure and operations that impact royalty collections in order to adequately respond.

At this time, however, the Department is simply not capable of collecting the royalties actually owed on Federal production.

It has not demonstrated an understanding of the very industry it regulates.

And, it is forced to use after the fact audits to uncover basic structural data concerning the industry.

Putting additional restraints on the Department, through time and record access limitations, will only bring more of the same losses in royalty revenues.

We should be looking at whether there are obstacles under existing law that are hampering the Department's ability to do its job the right way.

In sum, my investigations have shown that at this time we simply do not have sufficient information concerning the difficulties of collecting royalties faced by diligent auditors and administrators, and the problems the Department of the Interior faces that are hampering its ability to do what we instructed it to do—collect the full fair market value in royalties owed the public.

We owe it to the public to conduct a more thorough inquiry into these matters before we leap to make changes which, in my view, will lead to further losses of needed revenues for the citizens and the States.

I want to ask the chairman from California if he will hold to his testimony in front of my committee when he said,

> In no way is the Federal Government barred from pursuing demands for payment of royalties owed on oil and gas produced prior to the enactment of my bill. The seven-year statute of limitations affects only production post-enactment.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to reiterate, my bill expressly provides that the statute of limitations created herein is prospective only and, of course, in cases of fraud and concealment of records, it is void anyway. The leases at issue in the interagency task force report involved production from 1980 through 1993 or so. H.R. 1975 will in no way bar the Federal Government from pursuing the allegations of underpayment if that is what the Secretary of Interior decides to do.

My bill says, act in a timely manner, Mr. Secretary, the taxpayers deserve no less or, alternatively, delegate your responsibility for royalty collection to those States that wish to do the job more efficiently and more timely.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I strongly support H.R. 1975, the Federal Oil and Gas Royalty Simplification and Fairness Act. H.R. 1975 would streamline our Federal royalty collection system by improving the management of royalties from Federal and outer continental shelf oil and gas leases.

Currently, about $4.2 billion is collected annually by the Federal Government in mineral receipts—our Nation's third largest revenue source. However, reform of our Nation's royalty collection system has been needed for some time. H.R. 1975 achieves the goals set out by the administration, the States, and industry to provide simplicity and fairness in the partnership between the Federal Government and the leaseholders of Federal lands.

Specifically, this legislation would establish a clear statute of limitations on royalty collection, expand existing delegation to States provisions, and set time limits on administrative appeal decisions. This legislation also provides marginal well relief by reforming royalty collections for low-production wells—an issue of great importance to my home State of Texas.

At a time when we continue to see increasing reliance on oil imports, this legislation provides the necessary relief to enhance domestic production in both an economically efficient and environmentally sound way. In addition, H.R. 1975 would help Congress in its efforts to balance the budget by providing an additional $51 million in royalties over the next 7 years.

H.R. 1975 is supported by the administration, a bipartisan delegation of Members from Congress as well as 14 of our Nation's Governors who represent most of our Federal onshore production. It is also supported by the Interstate Oil and Gas Compact Commission and industry trade associations representing our Nation's Federal lessees. I urge my colleagues to support royalty simplification and fairness by voting in favor of H.R. 1975.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time.

I include for the RECORD a letter from the White House addressed to me and signed by the Chief of Staff, Mr. Leon Panetta, in support of the bill:

THE WHITE HOUSE,
Washington, DC, May 30, 1996.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR MR. ABERCROMBIE: I am writing to inform you of the Administration's position regarding the pending Oil and Gas Royalty Simplification and Fairness legislation (S. 1014). Let me assure you that the Administration remains committed to ensuring the efficient management of Federal lands and finding new ways for the States to work cooperatively and creatively with the Federal Government. The President shares your hope that an agreement can be reached on the State delegation issue.

In an effort to resolve this issue, Administration representatives, working with the staff of the Senate Energy Committee, were successful in reaching an agreement on language that would expand the list of delegable royalty management authorities, without reducing the Secretary of the Interior's responsibility with respect to the management of Federal lands. That language was included in S. 1014, which was reported out of the Senate Energy Committee on May 1st. The Administration supports S. 1014 as reported out of committee, but will seek a minor technical amendment. The Administration believes this bill's State delegation language is acceptable, unlike the language included in H.R. 1975, the House Resources Committee bill on Royalty Simplification.

The Administration will continue to work with Congress as the legislative process moves forward, and stands ready to work in support of the language included in the Senate Energy Committee bill. I appreciate your interest and support in this important legislation.

Sincerely,

LEON E. PANETTA,
Chief of Staff.

□ 1630

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I would like to first thank the gentleman from Hawaii [Mr. ABERCROMBIE], my good friend. We worked through this bill over the last year and had many occasions to go back and forth, but in the end I think we ended up with a good piece of legislation which is supported by most everyone here, and I certainly am appreciative of the time and effort that both him and his staff have put into this, and I thank him and look forward to other legislation in the future; and also to the gentleman from California [Mr. MILLER], the ranking member of the subcommittee, for all of his, and the overall committee, for all his help.

Mr. Speaker, this bill, in closing, will raise money for the Feds and the States. It certainly has bipartisan support in the House, the Senate and 14 Governors. It has the administration support from the White House; the Secretary of Interior, Bruce Babbit. It enacts clear and equitable reform, gives more power to the States. It establishes a certain statute of limitation period.

It is a good bill, and I urge its passage.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 1975. This ill-named royalty fairness bill is yet another example of corporate welfare for well-heeled oil and gas producers operating on public lands.

Just 2 months ago, press reports reveals that 10 oil companies may have underpaid royalties and interest to the Federal Government by as much as $856 million on land in California they lease from the Federal Government to drill for oil.

What has the Republican-controlled Congress proposed in response to this royalty rip-off?

First, the Republican majority in the House voted to repeal the gas tax, a move that most economists agree the oil companies will quickly pocket for themselves. Consumers are unlikely to actually see any of this cut reflected in lower prices at the pump, as the Republicans rejected all Democratic efforts to assure the savings would actually be rebated to consumers.

And now today, with this bill, we will be providing the big oil and gas companies with yet another windfall. H.R. 1975 will:

Result in more than $200 million being paid out to oil and gas companies over the next 20 years by requiring the taxpayers to pay interest payments to oil companies who—through their own stupidity, mismanagement, or incompetent accounting—have overpaid royalties to the Federal Government; and

Establish a 7-year statute of limitations that will undermine the Federal Government's ability to collect moneys owed it by huge oil and gas companies.

I think it's time we stopped providing Federal freebies to deadbeat drillers. We should defeat this bill. It is bad energy policy and bad fiscal policy. Thank you, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California [Mr. CALVERT] that the House suspend the rules and pass the bill, H.R. 1975, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1975, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MINING AND MINERAL RESOURCES INSTITUTES ACT

Mr. CALVERT. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3249) to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ABERCROMBIE. Mr. Speaker, reserving the right to object, and I will not object, I would like to have time to speak under the reservation.

Mr. Speaker, under my reservation, I yield to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank my colleague and friend from Hawaii, Mr. ABERCROMBIE, for yielding me this time, and I shall not take much time, but I am pleased to speak in support of H.R. 3249 and to thank the gentleman for his leadership in working with me on this legislation which will continue a valuable marine minerals resource program.

Since its inception in 1988 this program has had as its primary goal the environmentally responsible exploration and development of mineral resource found within our Nation's exclusive economic zone. For a relatively small input of Federal money a strong relationship has been forged between Federal, academic, and industry teams to address problems in marine resources and the environment.

I ask my colleagues to join me in supporting the reauthorization of this exceptional program. I thank the leadership of the committee in this regard.

Today, I am pleased to speak in support of H.R. 3249, legislation to continue a valuable, marine minerals resource program. Since its inception in 1988, this program has had as its primary goal the environmentally responsible exploration and development of mineral resources found within our Nation's Exclusive Economic Zone [EEZ].

This region covers more area than the United States proper and contains a resource base estimated in the trillions of dollars. By successfully merging the skills of academia and the talents of industry, this program is working to place the United States well above its international competitors in underwater technology development. At the same time, this program invests in the future by providing graduate students with firsthand training in marine mineral development.

At present, the United States is in danger of being surpassed by other nations that are aggressively pursuing the development of environmentally friendly ocean mining technology. Japan, the United Kingdom, France, and China, in particular, have devoted considerable time and money toward developing such technologies and promoting industry support. This program directs successful applied research efforts with numerous concrete accomplishments. To meet future challenges, researchers are working to develop surveying and sampling systems for use in locating important mineral deposits. The systems can be used for locating sand resources for coastline stabilization and beach replenishment. In addition, they are essential in assessing and monitoring pollutants in river and oceanic sediments. Researchers are also working to develop an acoustical filter system to control dredging turbidity and to process industry waste.

For a relatively small input of Federal money, a strong relationship has been forged between Federal, academic, and industry teams to address problems in marine resources and the environment. I ask my colleagues to join me in supporting the reauthorization of this exceptional program.

Mr. ABERCROMBIE. Mr. Speaker, continuing under my reservation of objection, I would like to say that I am also pleased to rise in strong support of H.R. 3249, the Mining and Mineral Resources Institutes Act.

This legislation, as indicated, was drafted and introduced in the true spirit of bipartisanship by the gentleman from Mississippi [Mr. WICKER] and myself. We have had the extensive cooperation and support again of the gentleman from California [Mr. CALVERT], our able chair, and of the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], for which I am very appreciative.

H.R. 3249 would extend authorization for the Mining Institute to promote environmentally responsible mining technology development for the recovery of the minerals from our Nation's seabed. This type of technology, Mr. Speaker, is critical to the future of mining in the United States, and I am very pleased that this is recognized, again on a bipartisan basis, and am very thankful for the individual encouragement from the chairman of the full committee and the gentleman from California [Mr. CALVERT].

Mr. Speaker, I am pleased to rise in strong support of H.R. 3249, the Mining and Mineral Resources Institutes Act. This is legislation that was drafted and introduced in the true spirit of bipartisanship by the gentleman from Mississippi [Mr. WICKER] and myself.

H.R. 3249 would extend authorization for a mining institute to promote environmentally responsible technology development for the recovery of minerals from the Nation's seabed. This type of technology is critical to the future of mining in the United States.

H.R. 3249 is not a new Government program. Previously, the marine mining program was carried out under the Mineral Institutes Program within the Bureau of Mines. Last year the decision was made to terminate the Bureau of Mines. Yet, worthwhile functions of this agency still deserve and need support. One such example is in the Marine Mineral Technology Center of the Mineral Institutes Program. The executive branch, recognizing the value of this program, transferred this program to the Minerals Management Service.

The Marine Mining Technology Center program is a unique cooperative program involving leading universities with expertise in applied problems in marine resources and the marine environment. The program is singular because for a relatively small sum of Federal seed money to State institutions and small research organizations, we have seen a prodigious amount of practical research and development accomplished. Additionally, as a byproduct, a number of high-quality graduate students have gained practical hands-on experience. The center's program of research, technology development, and education is multidisciplinary and international in scope.

Currently, the marine mining program is carried out by the Continental Shelf Division, located at the University of Mississippi, and the Oceans Basins Division at the University of Hawaii. The University of Hawaii program has been assisted by matching funds from the State of Hawaii because of its critical input to State cooperative development programs, as well as university research and education. Practical aspects of the program have included major inputs to an environmental impact statement on cobalt crusts in the exclusive economic zone [EEZ] of the Hawaiian and Johnston Islands, State programs on sand for the preservation of Hawaii's beaches and coastal environment, and the cleanup of military ordinance from the offshore areas of Kaho'olawe Island, recently returned to the native Hawaiian people by the Navy.

This program merits continued Federal support. I am hopeful that we will see this legislation proceed expeditiously through the Senate so that President Clinton can sign it into law this year.

In that light, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection

The Clerk read the bill, as follows:

H.R. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEABED MINERALS.

(a) Authorization of Appropriations.—Section 2(a) of Public Law 98–409 (30 U.S.C. 1222(a)) is amended by adding the following at the end thereof: "There is authorized to be appropriated to the Secretary not more than $1,200,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute experienced in investigating the shallow and deep seabed as a source for nonfuel minerals to be used by the institute to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the nation's shallow and deep seabed.".

(b) Short Title.—Section 11 of Public Law 98–409 (30 U.S.C. 1201 note) is amended to read as follows:

"SEC. 11. SHORT TITLE.

This Act may be cited as the "Mining and Mineral Resources Institutes Act.".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

SECTION 1. SEABED MINERALS.

(A) Authorization of Appropriations.—Section 2(a) of the Mining and Mineral Resources Research Institute Act of 1984 (30 U.S.C. 1222(a)) is amended by adding the following at the end thereof:

"There is authorized to be appropriated to the Secretary not more than $1,800,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute or institutes experienced in investigating the continental shelf regions of the United States, the deep seabed and near shore environments of islands, and the Arctic and cold water regions as a source for nonfuel minerals. Such funds are to be used by the institute or institutes to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the Nation's shallow and deep seabed.".

(b) Short Title.—Section 11 of such Act (30 U.S.C. 1201 note) is amended to read as follows:

"SEC. 11. SHORT TITLE

"This Act may be cited as the 'Mining and Mineral Resources Institutes Act'.".

Mr. CALVERT. (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.".

A motion to reconsider was laid on the table.

MOLLIE BEATTIE WILDERNESS AREA ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1899) entitled the "Mollie Beattie Wilderness Area Act," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. STUDDS. Mr. Speaker, reserving the right to object, and I shall of course not object, and I would be pleased to yield to the gentleman from Alaska [Mr. Young].

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased the House today will consider S. 1899. This bill honors the dedicated service of the late Mollie Beattie, former Director of the U.S. Fish and Wildlife Service. This bill designates an 8-million-acre wilderness area in the Arctic National Wildlife Refuge as the Mollie Beattie Wilderness Area. That is in my State, it is an area that is just above my home.

I feel fortunate to have been one of the few people who had the opportunity to work with Mollie on both a personal and professional basis. While she left this world much too soon, she truly achieved a lifetime worth of accomplishments.

Her dedication to upgrading the Fish and Wildlife Service resulted in a much more efficient and responsible agency. Her rational approach to her job led to many bipartisan accomplishments. She was able to bring all sides of an issue to the table in order to reach commonsense agreements. Because of this, she was respected by all of those who knew and worked with her.

While Mollie and I often differed on legislative issues, we were able to work closely together because she was a person of the utmost integrity and professionalism. I respected the fact that when she took a position on an issue it was because she truly believed it was the right thing to do. She was a straight shooter who earned the respect of all of us in Congress.

Mollie was the one person directly responsible for upgrading the Fish and Wildlife Service. She instilled a public service attitude among her employees and brought a more compassionate approach to her agency because she personally believed that the needs of people were important in the administration of Federal regulations.

Mollie is also to be commended for the positive approach she brought to Government. She was the least adversarial and least confrontational Director I have ever worked with during my 24 years in Congress. Because of this, she was able to accomplish a lot of bipartisan goals when others would have failed.

I believe her legacy will be one of the most unwavering commitments to preserve and protect the animals, birds, and fish of our Nation. Her compassionate devotion to this cause will not be forgotten.

Mr. Speaker, may I suggest one thing? She did go to Alaska, she visited Alaska, worked with Alaskans. She did know the area which I am speaking of.

It is difficult for me to have this area, but no better person could be nominated to have the name the Mollie Beattie Wilderness Area in the Arctic Wildlife Range. I am very acquainted with the area. I myself have traveled the area, trapped the area, hunted the area, mined in the area, worked in the area, and she did know the beauty and grandeur of the area, so at this time I am very pleased to say that this is a good piece of legislation.

Mr. STUDDS. Further reserving the right to object, Mr. Speaker, today we pause briefly from our business of passing legislation and debating the issues of the day to honor the memory of a person who reminds us why we all came here in the first place. Mollie Beattie did not come to Washington for love of politics or power. She would have much rather been tending her bees and flowers in the peace and quiet of her rural Vermont home. Rather, she came because she had a message and a mission, and Washington, DC, was where she had to go to get the job done.

Mollie assumed the directorship of the U.S. Fish and Wildlife Service a little over 3 years ago at a time when many of the fundamental missions of that agency were under fire. Never comfortable in the harsh glare of the limelight, she nevertheless conducted herself with dignity and grace even in the most difficult situations, and worked determinedly for what she believed was right.

The controversy surrounding endangered species, wetlands, and other conservation issues continues, but Mollie never lapsed into cynicism or partisanship. To her, the conservation of fish and wildlife and their habitat was not a policy decision, it was not a political stick with which to thrash opponents, it was simply a moral imperative. "I believe there's only one conflict," she told an interviewer, "and that's between the short-term and the long-term thinking. In the long term, the economy and the environment are the same thing."

Firm but not rigid, morally grounded but never self-righteous, and astute without being cunning, Mollie in her short and productive life had a lot to teach us about how to live our own lives. She always thought in the long term and her death is our loss in the long term.

It is fitting that the bill before us today would rename a mountain wilderness after Mollie. Their untamed nature and quiet strength are reflective of those qualities that we will miss most in Mollie. Long after we are gone, these mountains will stand as a tribute to Mollie Beattie. Long after her untimely passing, her indomitable spirit and quiet commitment will infuse and invigorate wildlife conservation. And for Mollie, that will be the greatest tribute of all.

Mr. Speaker, she loved this Earth and its creatures. She was utterly without pretense, and unlike so many of us who come to this city, she never once confused herself with the monuments, and as my colleagues can see, she took the already unspeakably mellow gentleman from Alaska and mellowed him even further.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I have worked with many people in my life, and one thing about Mollie Beattie, she and I had our differences at one of our hearings, and she came to my office the day after the hearing and apologized to me for not having all her information correct and saying, in fact, that will never happen again, Congressman. And I have always respected her from that moment on, and we had this working relationship. The only thing I can suggest is it is just unknown in this town for many, many years. I just wish that other Federal agency heads that are appointed would understand one thing: This is a legislative branch and executive branch, and the ability to achieve goals is what we should be seeking. I cannot say that for everyone else that works in the Department of the Interior, but I could say it for her, and I said it prior to her demise, in fact, while she was still in office I spoke to her on occasion in my State, which was not too popular, I know, with this administration. But the truth of the matter, she always was there in a straightforward position, presented her view as she saw it without being arrogant or without being abrasive and was always being honest, and to me that meant a great deal.

Mr. STUDDS. Further reserving the right to object, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the two very gracious gentlemen and their effort to honor Mollie Beattie and her legacy and her name by naming this wilderness area in Alaska, the Brooks Range, after her.

Mr. Speaker, I did not know her as well as these two gentlemen, but I watched the struggle that she undertook with her cancer on the national media and how, despite her illness, she continued to come into work and try to protect her endangered species, and I think that this is a very gracious and noble effort, and I commend the two gentlemen, and I hope that we remember what her legacy was, and that is the protection of our species as we move ahead on legislative efforts in the future.

Mr. MILLER of California. Mr. Speaker, it was with great sadness that we learned of the untimely passing of Mollie Beattie on June 27. The many accomplishments of her too brief tenure as Director of the United States Fish and Wildlife Service were indicative of her approach to life. She led the Service at a time when many of our fundamental protections for wildlife and the environment were under attack. But Mollie always seized life by the horns and took the rough ride without complaint, even to the end.

She dealt with friend and foe alike with an honesty and straightforwardness that was unusual and refreshing. In fact, I don't believe she regarded those who challenged the conservation policies of her agency as foes, but as people who could see it her way if she just had a chance to talk it over with them. Her vision of wildlife conservation was crystal clear and far-reaching, and came not from political calculation, but from moral conviction.

The bill we are passing today will rename the Arctic National Wildlife Refuge Wilderness, the largest in the refuge system, after Mollie Beattie. The mountains of Alaska's Brooks Range are an appropriate tribute to Mollie. Their quiet beauty should not lead us to underestimate their inner strength. Mollie showed this kind of strength as she continued to lead the Fish and Wildlife Service despite worsening health problems in recent months. When we look at these mountains in the future we will be reminded of her spirit, her vision, and most of all her quiet strength.

Mr. SANDERS. Mr. Speaker, I rise in support of this legislation, a fitting tribute to Mollie Beattie, a leader in wilderness protection.

This legislation is especially important to me because Mollie Beattie was a Vermonter and the State of Vermont was lucky enough to benefit from her work long before she became the first woman to direct the U.S. Fish and Wildlife Service. Her extensive list of accomplishments has benefited wildlife habitat areas, State parks, wetlands, and forests in Vermont and across the Nation.

This legislation recognizes the contribution that Mollie Beattie made to the environment and the pristine wilderness that graces our Nation. The designation will remind all of us of her strong defense of the environment and remind us that we need to do our own part in protecting it.

It was a great loss when Mollie Beattie was taken from this earth she loved so much when she died of brain cancer on June 27, 1996. I urge your support for this bill that provides a suitable tribute to her work.

Mr. FORBES. Mr. Speaker, on June 27, 1996, we lost Mollie Beattie, a friend and an ally, to a battle with brain cancer. Head of the U.S. Fish and Wildlife Service [USFWS], Mollie worked diligently to preserve our ecosystem and protect it for the future of our Nation. As the first woman to head the USFWS, she worked wonders shrinking budgets while still expanding the Federal refuge system.

A philosophy major at Marymount College in Tarrytown, N.Y. Mollie later found herself involved in an Outward Bound course, through which she rediscovered her love for nature, which led her to a career as an environmental official. Her philosophy on the environment changed the way that the USFWS worked, by providing for the ecosystem as a whole instead of dividing the country into parts.

In particular, Mollie was instrumental in helping me create legislation to authorize the purchase of Shadmoor in Montauk, Long Island. When acquired, this land will be preserved as a national wildlife refuge. Thanks to her help and dedication, this legislation is now law and we are one step closer to the preservation of Shadmoor.

The entire Nation may not realize the extent to which Mrs. Beattie has touched our lives, but those who knew her personally and knew what she worked for will miss her dedication and her spirit. May she rest in peace.

Mr. STUDDS. Mr. Speaker, once again we honor a very decent and very gentle woman, and, I might add, a very brave woman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 702(3) of Public Law 96-487 is amended by striking "Arctic National Wildlife Refuge Wilderness" and inserting "Mollie Beattie Wilderness". The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Alaska?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3756, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 475

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), 308(a), or 401(b) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 or rule XXI are waived except as follows: page 53, line 15, through page 55, line 12; and page 56, line 13, through page 57, line 3. Before consideration of any other amendment it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 475 is an open rule, providing for the consideration of H.R. 3756, the Treasury, Postal Service and General Government Appropriations bill for fiscal year 1997. H.R. 3756 provides funds for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The rule waives three provisions of the Congressional Budget Act of 1974 against consideration of the bill. These provisions include section 302(f), prohibiting consideration of legislation providing new entitlement authority in excess of a committee's allocation; section 308(a), requiring a CBO cost estimate in the committee report on legislation containing new entitlement spending; and section 401(b), prohibiting consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported.

In addition, the rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule also provides for the adoption in the House and in the Committee of the Whole of the amendment printed in part 1 of the Rules Committee report relating to certain expedited procedures under the Rules Committee's jurisdiction. This clarifies that certain expedited procedures apply only to the Senate for resolutions of disapproval with respect to extensions of loans or credit to foreign governments.

The rule waives clause 2—prohibiting unauthorized and legislative provisions—and clause 6—prohibiting reappropriations—of rule XXI against provisions of the bill, except as otherwise specified in the rule.

Further, the rule provides for consideration before any other amendment of those amendments printed in part 2 of the Rules Committee report, which shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

In addition, the Chair is authorized to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Also, the rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Furthermore, the rule provides that a motion to rise and report the bill to the House with such amendments as may have been adopted shall have precedence over a motion to amend, if offered by the majority leader or a designee after the reading of the final lines of the bill.

And finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I would like to stress that House Resolution 475 is an open rule, and was reported out of the Rules Committee without opposition. The Budget waivers are technical in nature, dealing primarily with entitlement program changes regarding retirement benefits.

Mr. Speaker, in addition to being an open rule that allows any Member who chooses to offer an appropriate amendment to cut or reallocate spending priorities the ability to do so, the rule allows for consideration of three additional amendments which are legislative in nature but have no objections by the authorizing committees of jurisdiction. These amendments allow members to consider, first, restoring employees at the Office of National Drug Control Policy; second, freezing the pay of Members of Congress and senior officials of the executive and judicial branches of government; and third, requiring the President, through OMB, to cap the number of political appointees in the executive branch.

Mr. Speaker, I urge my colleagues to support this rule as well a the bill. H.R. 3756 is a fiscally responsible bill, achieving deficit savings of $513 million from 1996 enacted levels. Although there are some controversial areas within this bill, such as cuts to the Internal Revenue Service's troubled Computer Modernization Program, the Treasury Department's law enforcement functions have enjoyed broad bipartisan support. In addition, the bill provides $12 million in supplemental appropriations for the Bureau of Alcohol, Tobacco and Firearms to investigate church fires. The House has overwhelmingly voted to condemn church arson and I commend the appropriations committee for providing financial resources to help fight this atrocity.

Although there may be some differences of opinion on the bill itself, I believe that the rule is fair and should easily be adopted.

I would like to commend subcommittee Chairman LIGHTFOOT, ranking member HOYER, Chairman LIVINGSTON, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for their hard work on this bill. I urge my colleagues to support House Resolution 475.

Mr. Speaker, I include for the RECORD the following tables.

The material referred to is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 11, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open [2]	46	44	78	60
Structured/Modified Closed [3]	49	47	35	27
Closed [4]	9	9	17	13
Total	104	100	130	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I would beg indulgence of the Chair to simply at this point convey my sincere and heartfelt condolences to our colleague, the gentleman from Ohio [TONY HALL] for the passing of his beloved son. Our thoughts are with him and his family, and our prayers are for his family and for the soul of her dear son at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too, join with my friend, the gentleman from Florida, Mr. DIAZ-BALART, in his kind and generous words of concern about our colleague and friend, the gentleman from Ohio, TONY HALL and his entire family.

Mr. Speaker, we do not object to the rule for the consideration of H.R. 3756, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1997. However, I must say that for an open rule, it looks and sounds very complicated. It does waive several House rules, as the gentleman has said, that are violated by provisions of the bill, including the prohibitions against unauthorized and legislative provisions in an appropriations bill, and against reappropriations.

As we have been with other legislation, we are especially concerned about the waivers the rule provides of points of order for the bill's failure to comply with sections of the Congressional Budget Act. The three important provisions of the Budget Act being waived are section 302(f), which prohibits consideration of legislation that exceeds the committee's allocations of new entitlement authority, section 308(a), which requires a cost estimate in the committee report on legislation containing new entitlement spending, and section 401(b), which prohibits consideration of legislation providing new entitlement authority that becomes effective before the start of a new fiscal year.

The waivers appear to be technical in nature and the provisions in the bill that are being protected are, we are told, minor. For instance, they make changes in certain voluntary separation incentives and retirement and annuity requirements and permit the U.S. Mint to set up a demonstration project.

However, we bring this up again because the Budget Act waivers are appearing more frequently in the rules we being to the floor. We strongly urge committees to be more careful in including provisions in bills that require Budget Act waivers. They should make every effort to comply with the provisions of the Budget Act and the rules of the House. And we would hope, Mr.

Speaker, that the majority would be careful about the practice of continuing the waiving of these important safeguards on an almost routing basis.

The rule also self-executes and amendment striking certain expedited procedures that are under the jurisdiction of the Committee on Rules. In addition, it makes in order, as the gentleman stated, three amendments, and protects them against points of order. Some of us feel, not the gentleman from Florida, but some of us, that two of these amendments, one dealing with the drug czar's' office and another capping the number of so-called political appointees in the executive branch, are purely political in nature and really do not belong in this debate.

The fact that the majority has seen fit to allow and protect those amendments is a certain and inescapable sign that this is an election year. The same observation holds for the third protected amendment, which continues the freeze on cost of living adjustments for Members of Congress and other Government officials.

We know how difficult it is to oppose the COLA freeze, but I would caution my colleagues about being so intent on denying modest cost of living adjustments, they are not raises, they are cost of living adjustments to people who, the great majority of them at least, work very hard for long hours and are committed public servants.

The wisdom of this parsimony is questionable and may come back to haunt this body and this Government. We ought to question seriously whether the minuscule savings from this pay freeze are worth the effects. The level of pay is no doubt a serious disincentive to potential candidates who are well qualified for this and other jobs. We need to be concerned about the relatively low level of pay and the level of competence of the people who are both attracted to run for office and to accept appointments for jobs in the executive and judiciary branches as well.

This is fortunately an open rule, because we strongly oppose many portions of the bill itself. The bill represents a continuation of the majority's belief that Government needs to be downsized. Frankly, we are concerned that the appropriations in the bill inadequately fund some of the most basic functions of our Government, including tax collection and compliance, both of which are, of course, essential to our effort to balance the budget.

Especially egregious are the unwise and unprecedented funding for the Internal Revenue Service and the legislative initiatives in this appropriations bill that would gravely affect the IRS. We are puzzled by the inadequate level of funding, which is $1.4 billion below the President's request and a cut of $776 million from last year's appropriation, for an already fiscally strapped agency. The bipartisan leadership of the Committee on Ways and Means, in fact, has joined the administration in expressing serious opposition to those cuts, which they say, and I quote a letter from the gentleman from Texas, Chairman ARCHER, "seriously impair the IRS's ability to perform its core responsibilities."

It is difficult to understand why the Committee on Appropriations would so drastically cut funding for the very agency that is responsible for bringing in the revenue that will help reduce the deficit and balance the budget. No matter what the concerns are about the features of the computer system the IRS has admittedly been struggling to set up, this damaging cut, along with the requirement that the Department of Defense, the military, handle the new computer system for the IRS, is no solution at all to the problems many Members do believe exist there.

We ought to be finding ways to help the IRS enforce our tax laws in a fairer and more efficient manner instead of so severely underfunding the very agency that Congress expects to collect taxes to fund every other program we approve.

Mr. Speaker, many of us are also deeply disappointed that H.R. 3756 continues the prohibition on Federal employees choosing a health care plan that provides a full range of reproductive health services, including abortion. In 1993 we wisely, I think, reversed that policy that had been in place for about a decade. The continuation of last year's prohibition threatens the right of Federal employees to choose to have an abortion, a right that has, after all, been guaranteed by the Supreme Court, and discriminates against women in public service.

Abortion is not illegal. Congress should not be taking action to make it more difficult to obtain or more dangerous to obtain. I regret that we are taking one more step against assuring all women the right to a safe and legal abortion.

We are also disturbed, Mr. Speaker, by the level of funding for the Federal Election Commission, the agency that is responsible for enforcing our campaign finance laws, and what that will mean to improving the current inadequate enforcement of our campaign finance laws. The FEC is already operating under severe budgetary constraints and this bill will severely hamper its ability to carry out its responsibilities to assure the integrity of elections in this country. It should be obvious that the FEC is understaffed and needs far more resources than it currently has. That is especially true in this presidential election year.

It seems especially ironic that in the same week we will take up so-called campaign finance reform legislation, we shall also apparently deny the FEC the type of increase in funding that it needs.

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In fact, the Committee on Appropriations has directed a reduction of three employees from the FEC press office which now only has five full-time employees. This move will obviously cut the FEC's press office which is in charge of the Commission's disclosure role by more than half. It seems to us that the last thing we should be doing during this highly ballyhooed reform week is making it more difficult to get information out to the public about campaign spending.

We should, in short, be very concerned about how the bill treats the FEC, Mr. Speaker. We talk constantly about the need to protect our process and keep it as free as possible of outside special interests, but the provisions of the bill that affect the FEC are clearly attempts to reduce the effectiveness of the one agency that has the responsibility for overseeing in some objective fashion the election process.

Mr. Speaker, the bill has a number of other questionable provisions, including the restrictions on the operations of what we hope to be a newly invigorated Office of National Drug Control Policy, the provisions that will permit certain convicted felons to sue to regain their firearm privileges, and overall the inadequate level of funding for some of the most basic functions of our Government.

Because of the urgency many feel to balance the budget, some of the agencies funded in this bill simply will not have enough money, we fear, to carry out their responsibilities in a proper manner.

In any event, Mr. Speaker, and as I said at the outset, we do not oppose the rule. We welcome the opportunity it gives us to address some of the more unacceptable provisions of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, we on the majority side believe that the functions funded by this bill are sufficiently supported. At the same time we are very proud of the fact that we have achieved a savings of over $500 million from last year's bill alone.

Mr. Speaker, I yield such time as he may consume to my friend and fellow Floridian on the Rules Committee, Mr. GOSS.

Mr. GOSS. Mr. Speaker, I thank my friend and Florida colleague, Mr. DIAZ-BALART for yielding me this time. I rise in support of this rule, which allows the House to consider the fiscal year 1997 Treasury/Postal spending bill. This rule provides an opportunity for Members to offer any germane amendment under the standing rules of the House, and allows for reasonable debate on three important amendments that otherwise could not have been considered. It is a good rule and we should adopt it.

Mr. Speaker, I would like to address a particular issue of real concern to me and to many Americans, relating to the White House Office of Personnel Security. This office is funded under this legislation as is the entire White House operation. In recent weeks, the Nation has learned about a serious breach of policy and potential violations of the law with regard to the Personnel Security Office and the improper request and review of sensitive FBI background information on hundreds of former administration employees. I know that the Appropriations Committee had some discussion about this, and I am pleased that this legislation includes language tightening up the process by which information is requested from and provided by the FBI.

But I do not think we can let this matter go at that. In addition to making sure such a breach never recurs, we must continue to seek answers from this administration about how it happened in the first place. I applaud the two congressional committees that have been holding hearings to examine this episode. Unfortunately, it seems that each attempt by the White House to lay the issue to rest raises more questions than are answered. Well, Mr. Speaker, I have some questions of my own, sparked by a retrospective review of a little-noticed GAO investigation. Members may remember that in 1994 I and two of our colleagues asked the GAO to investigate the security pass procedures of the very same personnel office now under scrutiny. We were concerned at the time because many Clinton administration officials had not received permanent access passes and had not yet undergone the necessary security clearance procedures. We now know that, at the very time it was having such trouble completing its proper work in providing access passes to current employees, the Security Office was wrongly in possession of and improperly reviewing files it had no business having in the first place. Recent news reports suggest that there may be some direct connection between the Security Office's interest in former officials' files and problems current officials were having in meeting the rigorous requirements of background security checks.

Recently we read that there was "an aggressive effort by the two men [in the Security Office] to help prospective appointees overcome serious legal obstacles and other problems that had impeded their security clearances during the first year of the administration."

Still, key administration officials have sought to assure the American people that there was no agenda for having those files, that they were unaware that the files were in that office—that it was nothing more than an innocent mistake. But given the fact that a GAO investigation was underway into the practices of the Security Office at the very same time, it is simply not believable that those responsible for internal control over that office would not have discovered the files as they prepared to cooperate with the GAO. It is equally hard to believe that, even if they missed the files during the review, the administration would not have discovered them had they followed up on the GAO's recommendations to consider additional controls on the security process. Mr. Speaker, given what we now know was occurring in the Office of Personnel Security, before spending one more dime of taxpayers' money there, I would like to know more about what the administration was doing behind the scenes to prepare for, supposedly cooperate with and follow up on this GAO investigation. I think the Members who requested this investigation, the Congress that received it, and the taxpayers who paid for it have a right to know. It is time for the Clinton White House to provide some solid answers to justify taxpayer support for certain of their activities. This is a good rule to get that debate to the floor. I urge support for this rule.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3756) making appropriations for the Department of Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Iowa?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 475 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3756.

□ 1709

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa [Mr. LIGHTFOOT] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present H.R. 3756, the fiscal year 1997 Treasury Appropriations bill. As reported, this bill achieves deficit savings of $513 million from the 1996 enacted levels. Combined with savings from last year's bill, the Treasury-Postal Subcommittee has saved the American taxpayers $1.2 billion since January of 1995. I believe this is a record that we all can be very proud of.

I am also pleased to report to my colleagues that although there were significant objections to this bill from the Committee on Ways and Means and from members of the Task Force on National Drug Policy, we have been able to work through these issues. While we cannot, at this stage, address all the objections raised by the Committee on Ways and Means, I am committed to working out the differences as we move toward conference with the Senate.

With regard to the IRS for fiscal year 1997, the subcommittee proposes several bold initiatives. Let there be no mistake about it. This is a tough bill for the IRS. But for 8 years, the IRS has been struggling to get on track a $20 billion computer modernization program. They have spent approximately $4 billion to date, and while there are some modest successes, we do not have 4 billion dollars' worth of goods that work. In my mind, the American taxpayer has been getting ripped off.

For the past 60 years, the IRS has had its budget cut only once, and that was last year when I took over as chairman of this subcommittee. We nicked them by a big 2 percent and told them to get the TSM project on track. Unfortunately, IRS did not heed this advice. They proceeded as if it were business as usual. Not surprisingly, last month the subcommittee got yet another report on TSM that said, as currently structured, TSM is doomed to fail.

So this year we've taken the bull by the horns. This bill takes IRS out of the business of building its own computer modernization system and puts that system in the hands of people who build these systems for a living, the private sector.

I recognize this is a dramatic departure from where we are today, and I know that the bill cuts IRS funding by 11 percent and that, at a minimum, 2,000 IRS employees may lose their jobs. But in my mind there is simply no other way to get this program on track. IRS has proven to us time and time again that they simply cannot get this program up and running.

Mr. Chairman, I have heard a lot of concerns about this bill that it is so dramatic, that it is going to affect the tax filing season next year, that we're shutting off funding for electronic filing, that we seriously impair the IRS' ability to perform its core responsibilities. Well, that is simply not true.

In a few moments, I suspect my distinguished friend and colleague, the ranking member of the subcommittee, will stand up and read to you a letter written by the Committee on Ways and Means as well as letters from the administration that, in a nutshell, suggest IRS will come to a screeching halt under this bill. Some have also suggested this bill is outright irresponsible. Well, if I may use an old Iowa saying, horsefeathers.

I too would like to share some facts with my colleagues.

Last week the GAO issued a report on its audit of IRS' financial statements. I think my colleagues, as well as the American public, should pay particular attention to this. GAO could not provide an opinion on IRS' financial statements because the IRS could not back up major portions of these statements, and when they did, the information was wrong. That is amazing.

The GAO could not verify that IRS' own internal record keeping is accurate. GAO also found that the total revenue collected and tax refunds paid could not be verified, that the amounts reported, various types of taxes collected, could not be verified, and that IRS' $3 billion in nonpayroll operating expenses could not be verified.

The bottom line, IRS' weakness in internal controls, means we cannot verify compliance with laws governing the use of budget authority. That is right. We cannot verify that IRS is using the dollars that we give them in accordance with the law.

This is not something new. It has been going on for some time. But to me this is significant. GAO has been identifying these weaknesses for years. They made 59 recommendations aimed at solving these financial management problems. To date, the IRS has completed 17 of these recommendations. We gave IRS $7.3 billion last year and IRS cannot verify how they are spending the taxpayers' dollars.

So, as I hear complaints about how the funding levels proposed for the IRS are too low and the taxpayers will not be able to file their taxes this year, I can only say this: I do not buy it for a minute and my colleagues and the American public should not either.

□ 1715

These are the facts. The IRS cannot justify their appropriations because they cannot reconcile their expenditures. That means that they cannot balance their own checkbook. Their records do not allow them to do it. IRS requires every single taxpayer to justify every dime on their tax return when they are audited, and yet the IRS cannot do it for themselves. I think taxpayers should be outraged at this incredible double standard and they should demand accountability from the IRS.

The funding levels proposed for IRS are not irresponsible. What is irresponsible is giving them everything they ask for without the appropriate justifications and backup. We view that as our job. If we are going to give you the money, you tell us why you need it and how you are going to use it.

So the message to the IRS is simply this. Come sit at the table with me as we prepare to go to conference with the Senate. Sit down and show me how and why and where you need this $7.3 billion next year. Show me what you plan to buy, what you plan to spend, and what you plan to change in this failing $8 billion computer modernization program. I am willing to negotiate and compromise, but not until the numbers are scrubbed and they are backed up with supportable facts.

Just as the IRS demands that the American taxpayer justify every penny on their tax returns, I am demanding the IRS justify every penny of their appropriation. It is only fair. To do anything else would be totally irresponsible.

I am optimistic IRS will heed the message. The days of automatic increases are over, but until the IRS can justify their budget, we should not give them a blank check. Instead, we fund the programs that work. We increase funding for the various law enforcement programs under our jurisdiction by $410 million from the 1996 levels. We are providing in this bill $24 million for the ATF to investigate church fires, provide $65 million for Customs to get tough along our borders and stop drugs from coming in and reaching our children. We provide $4.2 million for investigations of missing and exploited children, including funds to establish aggressive investigations of child pornography.

Mr. Chairman, this is a good bill for Americans. We achieve deficit savings of $513 million, we demand accountability from a failing $8 billion computer program, and we start an aggressive campaign against drugs coming in along our borders. I urge my colleagues to support this bill.

Mr. Chairman, before turning to the gentleman from Maryland [Mr. HOYER] for his comments, let me say a brief word in appreciation of the fine work that the staff has done. Jennifer Mummert, Dan Cantu, Betsy Phillips, Bill Deere and our subcommittee clerk, Michelle Mrdeza on the majority side, and Seith Statler and Pat Schlueter on the minority side have put in a lot of time and a lot of hard work to get us here today. It has been a tough bill to put together. I asked the subcommittee to take us in a new direction this year. They have done so and, in my opinion, in a thoroughly professional manner. I would also like to thank the gentleman from Maryland [Mr. HOYER] for working with us on the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 18 minutes.

Mr. Chairman, before launching into a statement on the Treasury-Postal appropriations, I want to pay tribute to my friend and colleague, the gentleman from Iowa [Mr. LIGHTFOOT], the chairman of the subcommittee. As all of us know, he is running for the Senate and will not be with us next year in the House. I would like to thank him and the staff for the diligent work that they have done on this bill.

I also want to reiterate what I said in committee. I want to thank the chairman and the committee for the openness with which they have dealt with us on the legislation before us, particularly as it relates to preceding the initial subcommittee markup. I appreciate it and it was helpful.

Mr. Chairman, the Treasury-Postal bill has been a hard bill to put together for fiscal year 1997, based in part on the deck we have been dealt by the budget resolution and the committee's 602(b) allocation, or more plainly, the money that we were given by the full Committee on Appropriations to carry out our responsibilities.

For fiscal year 1997, the 602(b) allocation requires an overall reduction of $130 million in budget authority and a half a billion dollars in outlays from the 1996 appropriation level, a half a billion dollars below what was a very tight budget in 1996. We simply do not have enough money to fund all the requirements of this bill. Once again, there is another illustration of why we should have adopted the coalition budget.

Overall, this bill provides $11.1 billion in discretionary funding, which is about $130 billion below the amount we appropriated last year and $1.7 billion below the amount requested by the administration.

On the good side, Mr. Chairman, within the limit of resources available, this committee's commitment to law enforcement is evident. Funding for law enforcement agencies totals $3.5 billion, an increase of $408 million, or

14 percent, over the 1996 levels and $155 million above the administration's request.

We have funded law enforcement initiatives, including $800,000 for the Treasury Recipient Integrity Program, the TRIP Program, the Secret Service Program to stop fraud in benefit payments so that the beneficiaries are protected and the taxpayer is protected; $12 million supplemental this year and $12 million in 1997 to help ATF stop arson at American churches and do research on arson; continued full funding for Hill Intensity Drug Trafficking Areas, HIDTA's, and the addition of three new HIDTA's; $28 million for Custom's Operation Gateway to cut drug traffic through the Caribbean; $300,000 for FINCEN, the Financial Crimes Enforcement Network, a critically important agency to enhance interaction and effectiveness between law enforcement agencies to stop money laundering and the use of billions of dollars for criminal enterprise and the profits of criminal enterprise.

Programs like these provide a secure environment for the vast majority of Americans who are law-abiding citizens. Ongoing initiatives like HIDTA and the Gang Resistance Education and Training Program, the GREAT Program, make our streets safer for those who would work at school and at home. Just as ATF and the Secret Service provide vital protection in communities across the country, the Customs Service secures our borders from those who would seek to bring harm to our citizens, especially from the ongoing threat of illegal drugs.

In addition to law enforcement, this bill fully funds the Archives and OPM and includes very limited buyout authorities for Customs, ATF, and the IRS. I should note that this buyout authority must be significantly adjusted if it is to save the taxpayers money in avoiding RIF's, as GAO has indicated.

On the negative side, these increases in law enforcement have been made at the expense of the Internal Revenue Service, a critically important agency when it comes to deficit reduction and funding every priority of this Government. This bill cuts over $800 million from the amounts IRS needs just to maintain current levels of taxpayer service and revenue collection. Overall funding cuts to IRS would result in a decrease of some 7,500 FTE's and, to the extent these reductions cannot be accomplished by October 1, even more FTE's would have to be cut.

The reductions in this bill to the IRS are so unwise that the Committee on Ways and Means concluded in its June 26, 1996 letter to Chairman LIVINGSTON that this bill will not work for the IRS.

Specifically, Mr. Chairman, the bill will impair the IRS' ability to perform its core responsibilities. Its cuts to information systems will endanger IRS' ability to collect taxes and process returns in 1997 as well as provide efficient customer services to the Nation's taxpayers.

These budget cuts could create a very significant risk that substantial Federal revenues could be lost, thereby exacerbating our Federal budget deficit problems. That comes from the letter signed by the gentleman from Texas, Mr. ARCHER, and the gentlewoman from Connecticut, Mrs. JOHNSON, not by a Democrat, not by STENY HOYER, a ranking Member, but by the Republican oversight leaders of this House.

Specifically, Mr. Chairman, the bill will impair the IRS's ability to perform its core responsibilities; cuts in information systems will hurt their ability to collect taxes and process returns in 1997, as well as provide efficient customer services to the Nation's taxpayers. We all lament when our taxpayers complain that they do not get speedy response. They cannot get such response if the ability to do so is not funded.

These budget cuts could, and I think will, pose a risk of creating a very significant risk that substantial Federal revenues could be lost, thereby exacerbating our Federal budget deficit problems.

Mr. Chairman, this third conclusion of the Committee on Ways and Means should not, cannot be ignored by those Members of this House who take deficit reduction seriously. In other words, supporting this bill with its cuts to the IRS means you are putting at risk a balanced budget.

The problem is really very simple. This bill cuts IRS funding and staffing so much that it will not be able to collect the revenue that the rest of the Government depends upon and that deficit reduction depends upon.

If this bill were to become law, the 1997 filing season would be impacted adversely with taxpayer services jeopardized, revenue losses of over $1 billion would occur, adding to the Federal deficit, and IRS' computer modernization efforts would be crippled, leading to significant problems in the near future.

Not only does this bill halt the compliance initiative found to enhance revenues so successfully in prior years, but it cuts into the base funding of IRS' tax enforcement program, reducing tax law enforcement to $44.7 million below the current level, and would result in an estimated annual revenue loss of well over $640 million. Cuts like this will cost, not save, money in the long run.

With respect to TSM, let me call attention to the provisions of the June 26 letter, which says, and I would quote, "We strongly oppose a number of TSM management actions recommended by the subcommittee, in particular the fencing of all TSM funds, until the IRS establishes a restructured contractual arrangement with the private sector to develop and deliver effective TSM programs."

They do so because on page 5 of that letter, Mr. Chairman, they say "The IRS on TSM is clearly moving in the right direction." In other words, what the gentleman from Texas [Mr. ARCHER], the gentlewoman from Connecticut [Mrs. JOHNSON], the gentleman from Florida [Mr. GIBBONS], and the gentleman from California [Mr. MATSUI] are saying is that from 1988, under President Reagan, from 1989 to 1992 under President Bush, from 1993 to 1996 under President Clinton, there were very substantial problems in the tax systems modernization program. I agree with that. Our committee agrees with that.

Our committee has taken action to try to correct that, and in fact we have been heard because the Treasury Department, under Secretary Rubin, has taken action to ensure that TSM is done and done right.

Now, Mr. Chairman, we do not have an alternative but to do tax systems modernization as we look into the next century. The committee clearly believes, again I say not the Democrats looking at a Democratic administration, but the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON] in their letter clearly says, "The IRS is clearly moving in the right direction." Therefore, this action is a dollar short and a day late because we have gotten a handle on the program.

□ 1730

But it does make, I suppose, for good debate.

This bill would, in addition, Mr. Chairman, set aside $26 million of IRS's limited funds to double the scope of the current pilot project on using private collection agencies to collect overdue taxes. I personally believe that, until the results of the first project are complete, this $26 million would be better spent in IRS telephone collection systems which could generate an additional $665 million in revenue.

This bill, in addition, cuts in half funding for tax systems modernization and ties the hands of the Treasury Department such that even the operational projects that GAO believes should be funded are halted. I am pleased that we are going to speak to that issue, and I want to say that the chairman, as he said in his opening statement, has been very willing to discuss problems that might exist and to indicate a willingness to look at these and try to correct them.

I think that is a very positive step and it does not surprise me, because that has been the Chairman's continuing pattern throughout my relationship with him. He is a person who wants to make sense and to do the right thing.

The bill zero funds, in addition, the automated underreporter document matching systems, which will result in the loss of jobs for 88 people, a savings of $9.4 million in budget costs, but the potential loss of a billion dollars. Saving $9.4 million and putting at risk a billion dollars does not seem to me to make common sense.

Zero funding of the electronic filing operating systems that were used by over 14,000,000 taxpayers in 1996 will cost 251 people their jobs and set back all filing to pen and paper operations. Zero funding for corporate files on line will make resolving taxpayer inquiries much more difficult. I do not think that is what we want to do for our taxpayers.

Zero funding for the print systems that generate millions of taxpayer notices each year would create chaos, frankly, in the revenue system. Even the Detroit computing center, which processes all currency transaction reports and administration information, would be zero funded as well.

The committee has simply gone too far, in my opinion, Mr. Chairman, in its zeal to punish the IRS for its lack of success with tax systems modernization. We all recognize that this broad effort to update all aspects of IRS' computer and processing systems, known as TSM, is a high priority that is critical as the agency prepares for the 21st century. We are also concerned about the lack of results from IRS' efforts on TSM.

TSM has had problems for many years, through three administrations, as I previously said. I am glad that Secretary Rubin agrees that we are on the right track and that the gentleman from Texas [Mr. ARCHER] agrees with the Secretary.

The Committee on Ways and means, as I quoted before, on page 5 of its letter said, and I quote, "We believe it makes little sense, at a time when the IRS is finally making progress in its efforts to implement necessary changes in its TSM management processes, to hamstring the IRS's ability to complete its task."

My colleagues, particularly on the other side of the aisle, the majority side of the aisle, the Committee on Ways and Means leadership, the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON] say we strongly encourage the Committee on Appropriations to delete the funding restrictions on TSM and allow responsibility for execution of problems by micromanaging the Department and using DOD as a procurement agent for all TSM contractors.

The fact of the matter is neither the Department of Defense nor the Committee on Ways and Means nor the Treasury Department nor IRS agree with that proposal.

Mr. Chairman, I disagree with the bill's restrictive TSM language, as does the Committee on Ways and Means. The IRS is not, Mr. Chairman, and never has been and probably never will be a popular agency. We all know that. but it has a job that must be done, and this bill does not provide the IRS with adequate tools to accomplish its mission. It is a pyrrhic position, I believe, to stand and say we want to cut the deficit, cut spending, but to cut IRS spending to the extent that the deficit will be made higher.

Now, Mr. Chairman, in conclusion, moving on to the Postal Service, I am disappointed we are not fulfilling our agreement with the U.S. Postal Service which we agreed to some years ago and fully funding what we owe them. Now, it is a very small portion of the postal budget, but we ought to meet our own responsibilities. We are not doing it in this bill.

Finally, Mr. Chairman, this bill unduly restricts the operations of our newly invigorated office of National Drug Control Policy. I know my friend, the gentleman from Illinois [Mr. HASTERT], has discussed this with the chairman and will be speaking to this issue.

The President has appointed, in my opinion, a true leader in Gen. Barry McCaffrey. Here is a man who began his distinguished career as a 17-year-old cadet at West Point and retired from active duty as the most highly decorated officer and the youngest four-star general in the U.S. Army. Most recently he was the commander in chief of the U.S. military's Southern Command, from which a lot of our drugs come, where he saw firsthand the efforts of all U.S. agencies involved in counternarcotics.

As President Clinton said when he announced General McCaffrey's nomination, "I am asking that he lead our Nation's battle against drugs at home and abroad." To succeed, Mr. Chairman, he needs a force far larger than he has ever commanded before. He needs all of us. Every one of us has to play a role.

I believe we ought to give General McCaffrey the staff he needs and the opportunity to lead this Nation in our battle against drugs.

The good news is I understand that we are going to be doing that and I will certainly support that.

The bill before us demonstrates the continuing balance between personal and governmental responsibility. Yes, we each must pay taxes to the IRS, but, in turn, we expect good service and timely refund checks. The committee's bill cuts so much from IRS that I question whether or not the IRS can meet its basic responsibility as does the gentleman from Texas, Chairman ARCHER.

On a much more macro level, every American must be involved in stopping gang violence, ending illegal drug use, and halting the burning of churches, black and white. Yet this bill reminds us that Government can and does play a role in many of these important fights. Those that choose to level criticism on the Government and on those they call bureaucrats ought to review the important work and incredible accomplishments of the men and women that work at the Department of the Treasury and other agencies included in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT] so that we may enter into a colloquy.

Mr. HASTERT. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Iowa. I want to clarify the purpose of the gentleman's amendment.

Does the gentleman intend to provide sufficient resources for the Office of National Drug Council Policy to hire a staff of 154, including 30 military detailees?

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would say to the gentleman, the answer is yes.

This amendment will provide for full funding of the President's request for a staff of 154. I think it is important that the director of ONDCP have enough people, and of the right kind, to fight the war on drugs.

Mr. HASTERT. Mr. Chairman, reclaiming my time, as the gentleman knows, I object to the second part of the amendment, which would prevent ONDCP from spending $2.5 million until the House and Senate Committee on Appropriations and ONDCP reach agreement on a revised staffing plan.

At what point would the gentleman from Iowa propose to lift that restriction?

Mr. LIGHTFOOT. If the gentleman will continue yielding, as the gentleman knows, I support the mission of ONDCP. I believe that General McCaffrey has made great strides in turning around an agency that has been long neglected by the Clinton administration.

I want to be clear my concern is not with the leadership of ONDCP or with its mission but with the draft staffing plan that funds too many support staff at the expense of people who can actually coordinate the war on drugs and evaluate programs. I think we owe it to the taxpayer to ensure that ONDCP gives us the biggest bang for the buck, so to speak.

Let me also say to the gentleman that ONDCP has already made some important strides in addressing our concerns over its staffing plan since the subcommittee initially marked up this bill. I fully expect we will have an acceptable staffing plan before we begin the House-Senate conference on this legislation. Once we have that agreement, it is my intention to withdraw a provision restricting the use of the funds from the bill at conference.

Mr. HASTERT. Mr. Chairman, we all support the $1 million allocated for the State Model Drug Law Conferences. We understand the gentleman is open to considering in conference where this funding may be most appropriately obtained to ensure the implementation of an aggressive antidrug strategy.

Mr. LIGHTFOOT. The gentleman is correct.

Mr. HASTERT. Mr. Chairman, I want to express my concerns with the strong language contained in the committee report regarding the ONDCP staffing levels and the ONDCP in general. I would hope the gentleman's intent is to reverse this language in the conference report once he has agreement on a staffing plan, and I understand that everyone is committed to reaching swift agreement on that plan.

Many of us have strong expectations that this will happen very soon and the monies will be released by the time this bill goes to conference.

Mr. LIGHTFOOT Again, the gentleman from Illinois is correct. Once we have agreement, the strong language will no longer apply. At that time I will recommend to the conference committee that it be reversed. I fully expect and wish to drop the harsh report language in conference, and also to drop all restrictions on spending so ONDCP, under its new and more effective leadership, has our strong support for its mission and has the resources necessary to reduce drug abuse in this country.

I would also like to compliment the gentleman from Illinois for his hard work on this issue.

Mr. HASTERT. Mr. Chairman, I appreciate the gentleman from Iowa yielding on this and, as always, for his hard work and diligence and excellent craftsmanship.

Mr. HOYER. Mr. Chairman, may we have the time remaining on each side?

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 12 minutes remaining and the gentleman from Iowa [Mr. LIGHTFOOT] has 18¼ minutes remaining.

Mr. LIGHTFOOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. DEAL] to discuss his concerns about the post office in Dalton, GA.

Mr. DEAL of Georgia. Mr. Chairman, as the gentleman just mentioned, I rise to engage the distinguished chairman of the subcommittee in a colloquy with regard to the postal facility in Dalton, GA.

Mr. Chairman, I want to bring to the gentleman's attention again the consideration of the situation in the postal facility in Dalton, GA. Dalton has become recognized internationally as the home of the carpet industry. As a result, tremendous growth in recent years has placed an enormous burden on the local post office. Traffic along South Thorton Avenue is often congested due to the overwhelming number of consumers that are lacking adequate parking spaces there.

Automobile accidents have become a weekly occurrence. Not only is parking limited but also are the post office boxes. Currently, there is an unacceptable number of citizens and businesses on waiting lists that are in need of postal boxes.

Much has changed in Dalton, GA, since 1966 when this postal facility was established. I would appreciate the committee's support in urging the U.S. Postal Service to consider building a new postal facility that provides safe, accessible, postal services which meet the needs of the Dalton community.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I understand the gentleman's concern and also that the citizens of Dalton are in need of a new post office. Although this appropriations bill does not fund the construction of new post offices, the committee supports the proposed project and encourages the Postal Service to continue working with the residents of Dalton to ensure that a new postal facility is constructed.

□ 1745

Mr. LIGHTFOOT. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a distinguished member of our committee.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for the time.

I rise in support of this appropriations measure, Mr. Chairman. The gentleman from Iowa [Mr. LIGHTFOOT] has taken on some exceedingly difficult tasks. I know there has been a lot of work by all the members of the subcommittee. I appreciate the ranking member, the gentleman from Maryland [Mr. HOYER], formerly chairman of the subcommittee.

This has been a most difficult measure, especially because of the situation regarding the Internal Revenue Service, Mr. Chairman. The IRS, as a body, is one about which we all make jokes. We talk about the problems it inflicts upon us. We do not like it. We mail in checks to it. We do not like how much we have to send. Yet we realize that people that work within the service are frequently our friends and neighbors, people with whom our kids go to church. I am sorry, people with whom our kids go to school, people with whom we go to church, or should be.

But it is an agency with a great many problems. Especially the chairman and the members of the subcommittee have made a quite difficult decision with not providing some $700 million or so that the IRS said it wanted to help in upgrading its computer systems.

This has been a multiyear project, Mr. Chairman. It has already involved spending billions of dollars of taxpayers' money, but the system is not working properly. It is not designed. There is not an overall plan. The IRS does not have sufficient expertise. It has not delegated responsibility to contractors and vendors who had that expertise.

As a result, we have had hundreds of millions of taxpayers' dollars wasted. Until the IRS is in control of that situation and has it moving on target, where it can provide better services to the taxpayers, where it can give the efficiency, the up-to-date information that taxpayers expect and deserve regarding the payment of their taxes, until that time we should not be giving the IRS the leeway which it desires. So the money that is in this bill is fenced. There are hundreds of employees in the Internal Revenue Service that will no longer be employed upon that project. Some may find work elsewhere within the agency. Others will not.

It is a difficult decision. The subcommittee, however, has come down with a decision that it must be done because we cannot countenance the continued waste of taxpayers' money through the inefficiency of the IRS. Especially the higher the tax rates have become in recent years, the more natural opposition there is for taxpayers to comply voluntarily with the tax laws.

Therefore, if we expect the taxpayers to submit their money to the Federal Government, we had better be making sure that that money is properly spent, especially within the agency that collects it.

I applaud the chairman for his efforts on this. I know there will be further revisions to how we are handling that as the process moves through the House and the Senate.

Especially, Mr. Chairman, within the context of this overall bill, we realize the importance of holding the line in reducing Federal spending. I wish that I could say that this bill overall represents an actual reduction in overall spending. Within the context of a $23 billion spending measure, the increase from last year's authorized spending is $51 million. Frankly, it would not even be that were it not for mandatory payments to Federal retirement accounts. If we left out the Federal retirements, we would actually have an $80 million reduction in this bill from last year's spending.

So it is certainly holding the line and we wanted to be able to go even further so that when taxpayers have to send in their hard-earned money, at least they will recognize that somebody here is trying to make sure that it does more good for them.

I ask Members' support of the bill.

Mr. LIGHTFOOT. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, the provisions in the Treasury-Postal fiscal year 1997 appropriations bill directly impact my constituents. I represent tens of thousands of Federal employees, many of whom work at the Treasury Department, IRS, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, Secret Service, Postal Service, General Services Administration, and Executive Office of the President—all funded by the Treasury-Postal appropriations bill. This bill affects all of our constituents—America's taxpayers—in many ways. While this bill contains many provisions that will improve the way in which the Government operates, it also contains some very troubling cuts to the IRS and restrictions on a woman's right to choose.

Mr. Chairman, I strongly oppose the IRS cuts contained in this bill. This legislation appropriates $776 million less for the Internal Revenue Service than the fiscal year 1996 appropriation. Most of these reductions are in the IRS information systems account; it is cut by 29 percent from last year's appropriation. This legislation will restrict the expenditure of virtually all IRS tax systems modernization [TSM] funding and will require the IRS to immediately eliminate all but 150 of its 2,016 tax systems modernization employees—all from the D.C. area. These TSM employees' knowledge and expertise are critical to the success of the TSM system. The bill provides that the Defense Department will contract out the tax systems modernization functions, despite the fact that DOD does not want this function and would need to hire and train new employees. Furthermore, the buyout authority in this bill will provide little or no benefit for TSM employees because they will lose their jobs immediately upon enactment of this bill. This bill is devastating to my constituents who are employed by the IRS, but the real losers are the taxpayers who will become increasingly frustrated in dealing with the IRS if it does not have the resources to operate efficiently and correct its flaws.

This bill also calls for an additional $26 million to be appropriated to private contractors for a second debt collection pilot program. Last year's Treasury-Postal appropriations bill called for a $13 million pilot project to assess private debt collectors' ability to protect taxpayers privacy and fairness. This project has only been operating for just over a month, and it is far too early to assess its success. The Ways and Means Committee opposes appropriating this $26 million for a second pilot project before we can evaluate this year's project. Before we invest additional tax dollars in contracting out programs, existing programs should be carefully analyzed.

Despite these serious concerns, I want to commend Mr. LIGHTFOOT for addressing the year 2000 computer issue.

The year 2000 is rapidly approaching and the next millennium is expected to be a time of great change. Unfortunately, a vast majority of our Nation's computer systems are not equipped to handle the simple change of date initiated by the turn of the century. Most of the computer software in use today employ two-digit date fields. Consequently, at the turn of the century, computer software will be unable to differentiate between the years 1900 and 2000. If this software problem is not addressed promptly, it will render the vast majority of date sensitive computer information unusable.

I am pleased that Chairman LIGHTFOOT has agreed to my recommendation and included language on the year 2000 problem in the report to accompany H.R. 3756, the Treasury, Postal Service Appropriations Act for fiscal year 1997. The report language directs the Office of Management and Budget to assess the risk Government computer systems are facing from the turn of the century. OMB is required to survey all Federal Government agencies and submit a report to Congress which first, includes a cost estimate to ensure software code date fields are converted by the year 2000; second, delineates a planned strategy to ensure that all information technology, as defined by the Information Technology Management Reform Act of 1996, purchased by an agency will operate in 2000 without technical modifications; and third, outlines a timetable for implementation of the planned strategy. The report will be submitted to the House Committee on Appropriations, House Committee on Government Reform and Oversight, and the House Science Committee no later than November 1, 1996.

As chairwoman of the Technology Subcommittee of the House Science Committee, I convened a hearing on the year 2000 computer problem on May 14, 1996. At that hearing, computer expert, Peter DeJager, testified that it will cost the Federal Government $30 billion to correct the year 2000 problem in all of its computer systems. He also indicated in his testimony that each agency will have to review every line of its software code, a process that could take years to complete.

The deadline, January 1, 2000, connot be postponed. If Federal Government computer systems are not corrected by that time, our national security and Federal services affecting the well-being of millions of individuals will be jeopardized. The Department of Defense has testified that a majority of its weapons systems depend on date-sensitive computer software that must be upgraded. In addition, the Social Security Administration, Veterans' Administration, Department of Health and Human Services, and Agriculture Department all use date-sensitive computer software to provide benefits. These computer programs must be corrected before the end of the century or vital services will be disrupted.

The Treasury, Postal Service Appropriations Act requires Federal agencies to develop a comprehensive plan to address the problem and ensure that a solution will be in place by January 1, 2000. I commend Chairman LIGHTFOOT and the members of the Appropriations Committee for their cooperation in addressing the year 2000 problem.

The Federal Government is only one piece of the puzzle. This fall, I intend to convene a second hearing on the impact of the year 2000 on State government and private sector computer systems. Estimates to correct the year 2000 problem in the private sector alone are as high as $600 billion. While the challenge ahead is daunting, Chairman LIGHTFOOT has taken a significant first step in addressing the year 2000 computer dilemma.

This legislation makes important improvements in the way the Government operates. It enhances taxpayer rights through an IRS training program. It closes a loophole to prevent felons from applying to the BATF in order to have their right to own a firearm restored. This bill provides up to $500,000 to reimburse former White House Travel Office employees for any attorney fees they incurred in defending themselves against false allegations made at the time they were fired. It also bans the use of funds by the Executive Office of the President to request any FBI investigation report unless that individual gives his or her consent or when such a request is required for national security reasons.

This legislation includes buyouts for IRS, BATF, and the U.S. Customs Service to facilitate downsizing. Federal employee buyouts have been the subject of many hearings in the Civil Service subcommittee on which I serve. If properly administered, buyouts can help ease the pain of downsizing for both employees and their agencies, and I strongly support the inclusion of this buyout authority. It is important, however, that employees have enough time to make informed choices based on both their personal situation and the agency's situation and that employees who are retirement eligible may also take buyouts. I will be supporting an amendment that will allow employees to use the buyout authority through March 31, 1997.

Despite the important additions to this year's Treasury-Postal bill that I have mentioned, I regret the inclusion of the draconian cuts to the IRS. I fear they have damaged an important piece of legislation with many critical provisions.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM], chairman of the Subcommittee on Crime.

Mr. McCOLLUM. Mr. Chairman, I want to thank the gentleman for yielding me the time.

I want to use this opportunity, first of all, to congratulate the gentleman from Iowa [Mr. LIGHTFOOT] on a good product that he has produced here today that we are considering. From the standpoint of the law enforcement end of this and that which I deal with a great deal over on the authorizing side, I believe that this is a very, very commendable bill.

The bill increases law enforcement programs, as I understand it, by some $410 million over fiscal year 1996, specifically for drug interdiction, tracing explosives, combating illegal interstate gun trafficking, fighting child pornography, and gang-related activities.

The bill also provides an additional $24 million to supplement the Bureau of Alcohol, Tobacco, and Firearms' investigation of the recent church arsons. Overall, the bill provides $23.2 billion in budget authority for the Treasury Department, Postal Service, and other government operations. It is $1.6 billion less than the President requested, but $51.5 million more than last year.

The bottom line is that in this big humongous piece of legislation that deals with this sector of appropriations that is under the subcommittee presenting this bill, we have got a really good shake for the Bureau of Alcohol, Tobacco, and Firearms and those that are under Treasury that have a connection with law enforcement. Those agencies are vital agencies to the protection of the American citizenry. We have seen in recent weeks how vital those are.

The Bureau of Alcohol, Tobacco, and Firearms has the responsibility for all of the arson work in this country, for all of the explosive concerns that we have, for all of the gun issues that are so volatile out there in the countryside. While they can be a very controversial agency and we have had times when we have criticized them for their actions in certain instances, such as Waco and Ruby Ridge, the truth of the matter is that day in and day out they are a law enforcement agency protecting public safety, and they need the support of this Congress. They need the resources that are involved in the very items that I named a moment ago that this bill would provide for them.

In addition to that, I know that Mr. LIGHTFOOT has worked hard with the court systems as well and, to the degree it is under his jurisdiction, he has supported it. I am very glad to be here to urge adoption of this bill.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. VISCLOSKY], a member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to draw particular attention to one provision of the bill that I strongly support, and that is the inclusion of $24 million for the Bureau of Alcohol, Tobacco and Firearms to expand their ongoing investigation of the recent wave of church burnings occurring across the United States. Since January of last year, 36 African-American churches have been burned to the ground by arsons. These burnings have destroyed important sources of American history and left small rural communities gripped by an epidemic of terror and fear unknown since the days when marauding Klansmen destroyed lives and property at will.

I am saddened to witness a climate in which many of America's most sacred institutions can be subjected to such abuse. Currently an estimated 1,000 Federal and State investigators are involved in the ongoing investigations, and ATF alone is spending more than $1 million a month for these investigations.

I applaud Chairman LIGHTFOOT for the leadership he has shown in his decision to include $24 million for ATF to expend in their investigations of these arsons. I also applaud his decision to create a joint Treasury-Justice Department task force whose investigation will be national in scope.

This action by the chairman compliments legislation recently signed into law by the President, the Church Arson Prevention Act.

These new laws make it easier for Federal authorities to investigate crimes against places of worship and broadens jurisdictional authority in church arson cases. I applaud the new law, but I feel the action taken by the committee is of immediate importance. Clearly funds for additional personnel and resources will ultimately prove to be the difference between success and failure in the investigations.

This Congress must send a strong message that hate and intolerance will no longer be tolerated in any sector of our society.

Mr. Chairman, I would also be remiss if I did not commend the chairman of the committee, the gentleman from Iowa [Mr. LIGHTFOOT], for his outstanding service to his country and to this institution. The chairman and I are classmates, and he is a gentleman in every sense of the word. And I think Charles Dickens, in "A Christmas Carol," said it best, he is as a good a friend, as good a master and as good a man as this institution has ever known.

His dedication to his family has never been in doubt, and his dedication to his country has never been questioned.

Every night I tell my two sons to have happy dreams and a good life. As you continue your life and career, I hope that you may live your dream. As you continue your very good life, good luck, my friend.

□ 1800

Mr. HOYER. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding this time to me. I appreciate the gentleman's work and the work of the chairman of the committee and wish to say as well that on this side of the aisle we will miss the chairman as he retires from the Congress.

We are at the end of the toughest year in memory for Federal employees and for Federal agencies. It can only get better, and I know this has been a tough bill to work on, in part for that reason. I would like to call the attention of the House to a few issues that give me particular concern.

The Office of National Drug Control Policy now has a new director, and then we tie his hands. At the very least it seems to me as he deserves the right to start without staff reductions. On that side of the aisle a major issue has been made of the increase in some sectors of drug use, especially among young people. The way to send a message we are serious about curtailing that use would be to allow the Office of National Drug Control Policy to proceed without undue cuts.

There is no time to waste on this issue. It is enveloping us again; it rises, it falls, it rises again.

I also regret that there has been competition for funding between the IRS and the Treasury, the IRS making money, the Treasury making peace. I commend the committee that there is $24 million in this bill for the ATF to combat torching of churches. I appreciate, and I am sure America appreciates, the sensitivity of the subcommittee on this matter.

But there is a false tradeoff here. If we are going to lay off thousands upon thousands of IRS employees—and that could happen—who can make money and therefore reduce the deficit, we are making false choices. We have cut into not only the compliance initiative, but the existing operations of the IRS, an unwise decision if ever there was one. This is no time to slow up on collecting revenue.

I just want to say a word about the Postal Service because the story there has been the story of broken promises since we have spun the Service off. I do regret that the Workman's Compensation matter remains unresolved. We promised the former Post Office employees that that matter would be dealt with by this body, not by the new Service.

It reminds me of the unfunded pension liability issue in the District of Columbia. We now are fully funding pensions, but the House has transferred to the city unfunded pension liability from when the city was on its watch. We are doing the same thing to the Postal Service. In this jurisdiction the ranking member knows that we have had difficult problems with Service. We do not need to have the Postal Service take that money out of services.

Finally, we are once again here with no Federal funding for abortions for Federal employees who happen to be women. We are talking about a million women of reproductive age. We have done the same thing to military women and to women in the Federal service, alone among American women. We choose them out for special insult. They are bunched only with the women of the District of Columbia, poor women, who cannot have abortions paid for by our own funds.

Mr. LIGHTFOOT. Mr. Chairman, I would like to thank the gentleman from Indiana [Mr. VISCLOSKY] for his fine words and glad I had a few minutes to gather my composure to say that, and also the gentlewoman from the District of Columbia [Ms. NORTON] as well.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I just want to associate myself with the words previously of the gentlewoman from Maryland [Mr. MORELLA], my friend, the gentleman from Maryland [Mr. HOYER], and my colleague from the District of Columbia in talking about some of the cuts that are going to be felt by the IRS central office this year, the cuts in the TSM information systems.

The gentleman from Texas [Mr. ARCHER] from the Committee on Ways and Means has written the chairman of the Committee on Appropriations writing about the inadvisability of these cuts. As someone who has served for many years in local government, we found out many ways the best way to get revenue is the taxpayers who owe the money is to insure that they pay it. This Congress, the previous Congress, embarked on a very ambitious way to go about collecting this, and it was reversed last year, and now we are cutting back even further the IRS central headquarters in the way we are going to go about collecting these taxes that are due.

The best thing we should do before we start raising taxes from other people and looking around for other cuts is to make sure the people who owe the revenue pay it, and that is all this system does.

Now, it has had some problems from time to time, but I think the chairman's words in this case are very, very well chosen. The gentleman from Texas [Mr. ARCHER] encourages the Committee on Appropriations to restore funding of the important TSM information systems and the nonsystems collection, so on that part of this bill I hope we can amend it.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I am going to have to vote against this bill. I do not think it is a responsible bill in a number of areas. The one that disturbs me the most is one that is clearly not even penny wise and pound foolish; it is even penny foolish and pound unwise, if there is such an expression. I cannot imagine why we would cut so deeply in the IRS operations.

As my colleagues know, from the time of Jesus Christ, tax collectors have been beaten up on. Nobody likes tax collectors. They have one of the worst jobs in the world. But when we compare our tax collection system with any other country, we do a better job. We collect a higher proportion of revenue. We do it in a far less corrupt way than any other country, and the fact is there is no corruption in the Internal Revenue Service. These are good, professional people.

We ought not be eliminating 7,500 full-time permanent people, and this idea to take the tax system's modernization program and give it to the Defense Department? The Defense Department has written us a letter. Here is the Undersecretary of Defense. He does not want it. He says we cannot operate this, we do not collect taxes, we do not know what we would be doing. In fact, it says if we were to implement the direction that was given us, it is very unlikely to be successful. And yet this bill gives this tax system modernization responsibility to the Department of Defense. No, thank you; I am sure that is not what the taxpayers want, and the taxpayers do not want cuts that are going to result in a billion dollars less revenue, because that is what the estimate would be. It will increase the Federal budget deficit by a billion dollars.

Mr. Chairman, as the previous speaker, the gentleman from Virginia [Mr. DAVIS] said, "You know the first thing we ought to do is to collect the revenue that is due us." How can we do that by cutting back on the Internal Revenue Service?

This is not a good bill; it is not a responsible bill. It think we ought to give more consideration to the American taxpayer than this bill does.

Mr. LIGHTFOOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada [Mr. ENSIGN] for a colloquy.

Mr. ENSIGN. Mr. Chairman, I rise to engage the chairman of the subcommittee, Mr. LIGHTFOOT, in a colloquy.

I want to thank the gentleman for crafting a bill which addresses some of the most urgent infrastructure needs in the U.S. Court system. Under the legislation before us today, $540 million is available for constructing and acquiring Federal buildings, one of which is the Las Vegas, NV, U.S. Courthouse.

I am sure the gentleman is aware of the urgent need for a new courthouse in Las Vegas, NV. My congressional district is by far the fastest growing urban area in the Nation. The existing court facilities are unable to meet the caseload resulting from this growth. Recognizing the needs of the Nevada courts, the Judicial Conference of the United States has listed the Las Vegas Courthouse as its fifth highest priority in fiscal 1997.

Last year, in the House version of the fiscal 1996 Treasury-Postal appropriations bill, $38.4 million was provided to begin construction of a new U.S. Courthouse in Las Vegas. However, due to negotiations involving the acquisition of land from the city of Las Vegas, the General Services Administration reported that the project would not be eligible to proceed until early fiscal 1997, and therefore, would not require an appropriation in fiscal 1996. Accordingly, House and Senate conferees agreed to postpone an appropriation in fiscal 1996. In lieu of funding, conferees agreed to language clarifying that the Las Vegas Courthouse is "one of the highest priorities in fiscal year 1997" and directing GSA to continue to proceed with design work. In an effort to move this project along, the city of Las Vegas has since taken the step of donating a construction site to the Federal Government.

In essence, the construction of the Las Vegas Courthouse is awaiting an appropriation in fiscal 1997 and action by the Transportation and Infrastructure Committee.

At this time, I wanted to clarify if it is the gentleman's intent to work on behalf of the Las Vegas U.S. Courthouse, consistent with last year's conference report language, during conference committee negotiations with the other body.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. ENSIGN. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, it would be my intent to continue working on behalf of the Las Vegas, NV, courthouse because it is a high priority project. GSA and the courts have identified the need for this building, and I personally believe we should move forward with its construction. I also appreciate the gentleman's efforts in getting the city of Las Vegas to donate a construction site for this building. This will help reduce the overall cost of construction, and something that we should see more of, I think, the combination of Federal and local cooperation on these kinds of projects.

Mr. ENSIGN. Mr. Chairman, I thank the gentleman for his support of courts in southern Nevada.

Mr. HOYER. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Maryland is recognized for 4 minutes.

Mr. HOYER. Mr. Chairman, this debate as we open consideration of the Treasury-Postal bill has centered on the Internal Revenue Service. We have done well by law enforcement, and I support them. We have done well by some other portions of the bill, and I am appreciative of the fact that we did not have the conflict which was political, in my opinion, last year with reference to the operations of the President of the United States, the White House, which we fund. I think that is appropriate in the comity between the legislative and executive branches.

Mr. Chairman, we have focused on IRS because it is central to the operations of government. We have come together as a people to perform certain functions. We argue about those functions. That is the purpose of this body and the body across the way, the Congress of the United States sent here to make determinations as to how this Government ought to be operated and what it ought to do.

In the process, we have taxed ourselves, we have said we will commit a certain portion of our resources to public efforts. All societies do that, and all societies have arguments about how much those taxes ought to be and what ought to be the purposes for which they are spent.

But I say to my colleagues, if you are a proponent of education, this bill puts your objective at risk. I say to my colleagues, if you are a proponent of the defense of this Nation, this bill puts that at risk. I say to my colleagues, if you are in favor of the Federal Bureau of Investigation having the resources to carry out its responsibilities to fight crime and make America a safer, better place in which to live, this bill puts that objective at risk.

Mr. Chairman, I will not catalog the endless number of priority projects and purposes in the 12 other appropriation bills which are overwhelmingly supported not only by the Members of this House but by the American public. But in order to accomplish those objectives, and I know my friend, the chairman, is a strong supporter of a strong defense. I supported, as he did, increasing substantially the dollars for defense over the President's budget. But if we are going to do that, if we are going to meet our responsibilities to this generation and generations yet to come, it will be because we fairly and efficiently and effectively collect revenues to accomplish those purposes.

□ 1815

This bill puts that at risk. That is not, as I said earlier, the gentleman from Maryland, STENY HOYER, alone saying that. That is not STENY HOYER who, like my colleagues from the Washington metropolitan area, represents a lot of the people who will be fired because of the lack of resources in this bill.

It is the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], not perceived to be a liberal left-wing Democrat who wants to throw money at problems, saying that this bill will not work, this bill puts at risk deficit reduction, this bill does not allow the IRS to function as it is required to by law. That is the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the chairwoman, the gentlewoman from Connecticut [Mrs. JOHNSON], speaking. I hope my colleagues will oppose this bill.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Iowa [Mr. LIGHTFOOT] is recognized for 3½ minutes.

Mr. LIGHTFOOT. Mr. Chairman, before we get into the debate further on the bill, there are a couple of things that were said earlier I would like to correct. Our friend, the gentleman from Virginia [Mr. MORAN], left the House with impression that the Department of Defense would be operating the tax systems modernization program. That is not correct.

What we are asking the Department of Defense to do is merely write the contract for putting together tax systems modernization. In no way, shape, or form would we have the Department of Defense involved in tax collection. That just does not make sense. We would not do it. This is a very complex system that has to be developed. We were trying to keep from reinventing the wheel. We looked at the various government agencies that have expertise with writing big contracts, and the Department of Defense rose to the top. Basically, DOD would be hired to only write the contract. The management of TSM would be retained at all times within the IRS.

Additionally, as the gentleman from Maryland [Mr. HOYER] said, and I agree, there are not any major political disagreements in this bill as it relates to ideologies between parties. We do have a difference of opinion on what the bill will or will not do. I personally do not feel funding levels in this bill will jeopardize our tax collecting capabilities. Those particular accounts have been funded at the President's request or above for the most part, and our whole intent here is to get tax systems modernization on line and doing what it should do.

Additionally, Mr. Speaker, we have focused on IRS. As has been mentioned, there are other things in the bill on which there seems to be a good deal of agreement, particularly the beefing up we have done in the law enforcement area as it relates to drugs, missing and exploited children, the Office of National Drug Control Policy.

We have, since becoming chairman, made requirements of agencies, if they are going to buy something, we have to have a justification for that. The FEC has provided us justification on a new computer system they are interested in. We have fenced a little money from the White House for a computer system they are asking for because we do not have that justification yet, but I think that is just doing our job and protecting the taxpayers' dollars. We are sent here to do that. If somebody wants something, let them justify it to us. All of us certainly have to do that in our private lives. If you are going to borrow money for a car, the banker wants to know why; how are you going to pay for it, and when are you going to pay it back? I do not think the IRS should be exempt from that kind of thinking as well.

Mr. Chairman, I think it is a tough bill, but we are in tough times. We have saved something in the neighborhood of over $1 billion if we pass this bill, combining the fiscal year 1996 and fiscal year 1997 Treasury-Postal bills together. I certainly would urge my colleagues to support its final passage.

Mr. SPRATT. Mr. Chairman, I rise in support of the textile enforcement initiative contained in the Treasury-Postal Service appropriations bill for fiscal year 1997.

This bill includes $18 million earmarked to the Customs Service for enforcement of textile and apparel trade laws, along with other trade enforcement measures. Customs is to use these funds to pay for 186 full-time-equivalent employees, 100 of whom are dedicated to the enforcement of textile and apparel trade laws. Both the fiscal year 1995 and fiscal year 1996 appropriations bills contained the same textile enforcement initiative.

This funding keeps faith with a pledge the Clinton administration made to 12 Representatives 2 years ago. We asked the President to commit these resources because textile and apparel trade restrictions seem to be honored more in the breach than in the enforcement. Customs has estimated that as much as $4 billion in textile/apparel imports may enter this country each year illegally, as a result of transshipping. This is a multibillion dollar problem which may mean a loss of up to 100,000 textile and apparel jobs.

President Clinton pledged in a letter of November 16, 1993, that Customs will hire 50 additional employees to work exclusively, to the extent practical on non-NAFTA textile enforcement and 50 employees to work on NAFTA-related textile enforcement. The President also pledged that Customs' commercial program, associated with both the enforcement of NAFTA and other textile an apparel enforcement, "will be held harmless from our governmentwide effort to reduce employment levels."

The Government Operation's Subcommittee on Commerce, Consumer and Monetary Affairs, which I chaired in the last Congress, held hearings to assess Customs' resources to deal with the textile transshipment problem, and to enforce in particular NAFTA's rule of origin with respect to textile and apparel products. Our hearing record showed that as many as 33.5 million textile articles are transshipped to this country each year. Our record also showed that Customs needs more manpower and resources to combat effectively this sort of fraud and evasion. With inadequate resources to police existing laws, Customs can hardly be expected to take on this additional burden. That is why this initiative is so important.

I am, aware of the tight funding constraints in which the Appropriations Committee operated this year. But I believe that the committee has made a wise long-term investment. If past experience is any guide, this small increment of extra money will more than pay for itself in additional tariffs, fees, penalties, and other revenues for the Government. I wish to compliment both Chairman LIGHTFOOT and ranking Democrat HOYER for their foresight in supporting the initiative.

These extra resources will not put an end to the problems of evasion, circumvention, and transshipment in textile and apparel trade, but they will help. I urge support for this initiative.

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the Treasury-Postal Appropriations Act for fiscal year 1997. As reported, the bill would throw over 2,000 Federal employees out of their jobs on October 1, 1997 and lead to the loss of several thousand more Federal jobs during fiscal year 1997 due to inadequate funding for the Internal Revenue Service. The measure also bans the use of a female employee's own funds appropriated in the bill to pay for insurance that would cover the termination of a pregnancy under the Federal employee health benefit programs.

The Treasury, Postal Service and general government appropriations bill provides funding for Federal Employees Health Benefits Program, the network of insurance plans that cover approximately nine million federal employees and their dependents. There are approximately 1.2 million women of reproductive age who rely on the FEHBP for their medical care.

According to the American Medical Association, funding restrictions that deter or delay women from seeking early abortions make it more likely that women will bear unwanted children, continue a potentially health-threatening pregnancy to term, or undergo abortion procedures that would endanger their health.

Further, while the subcommittee's 602(b) allocation was $100 million below the fiscal year 1996 level, the IRS was hit with a funding cut of $775 million below fiscal year 1996. It is important to underline the fact that the cuts in IRS funding will result in the deficit going up because less revenue will be collected.

My colleagues on the Subcommittee of Treasury, Postal Appropriations are concerned about the lack of results from IRS's efforts on the tax system modernization [TSM]. I concur TSM has many problems. They have had problems through three administrations. However, I disagree with the majority in trying to solve those problems by cutting funds from existing programs and mandating that the Department of Defense alone should handle finding the IRS a suitable new contractor to implement TSM.

Further, I disagree with the majority's restrictive TSM language and reduced funding levels for all of IRS, that would mandate the immediate elimination of as many as 7,500 positions throughout the agency.

Mr. Speaker, for these reasons, I urge my colleagues to vote "no" on the Treasury-Postal Appropriations Act for fiscal year 1997.

All time for debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in part 1 of House Report 104–671 is adopted.

Before consideration of any other amendment, it shall be in order to consider the amendments printed in part 2 of the report. Each amendment may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided, and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, namely:

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 104–671.

AMENDMENT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LIGHTFOOT: On page 39, line 8 through line 10, strike the phrase "and of which $1,268,000 shall be obligated for drug prevention public service announcements, and"

On page 39, line 18, insert after the colon: "*Provided further*, That $2,500,000 of the funds available for the salaries and expenses of the Office of National Drug Control Policy may not be obligated until the Director reaches agreement with the House and Senate Committees on Appropriations on a final fiscal year 1997 organizational plan:"

The CHAIRMAN. Pursuant to House Resolution 475, the gentleman from Iowa [Mr. LIGHTFOOT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that we are talking about restores a total of $2,268,000 for salaries and expenses of the Office of National Drug Control Policy, which would be sufficient to come up to the 154 FTE proposed by the President.

It deletes funding for drug prevention public service announcements, it shifts $1 million in funding for conference on model State drug laws from salaries and expenses to the Counter-drug Technology Assessment Center. It fences $2.5 million of the amounts available for salaries and expenses pending receipt of an acceptable 1997 organizational plan, which the gentleman from Illinois [Mr. HASTERT] and I have discussed earlier. I am also proposing this amendment to reflect some of the progress we have made with the drug czar's office in the past 5 years.

As many Members were aware, I was very disappointed with the drug czar's first organization chart. It kind of looked like empire building, to be quite blunt about it. It had a lot of boxes on it and a lot of names, and it really did not make a lot of sense. As many Members are aware, I was very disappointed with the chart and there were too many highly paid special assistants, executive secretaries, deputy office directors, and in my opinion not enough people doing the basic work of the drug czar's office. To me that was a recipe for an institution that would spend a lot of time making itself look good but will not get any real work done.

My goal has been to replace $80,000 correspondence specialists with $80,000 law enforcement officers and researchers. In that area I think we have made very good progress. The drug czar has worked hard to address my concerns. He submitted several revised plans, and each one was better, and they continue to get better. There is less overlap. There are more people in positions that count, fighting drugs on the street. There is less overhead. I would like to compliment General McCaffrey for his efforts in that area, and I think we are certainly headed in the right direction.

In fact, last week staff sat down with the drug czar's very able chief of staff to go over specific concerns of our committee. The meeting was very constructive, and just as the drug czar is committed to addressing our concerns, I am committed to helping him in any way possible to come up with a staffing structure that will work the best for him. We are not there yet, and that is why I have included language that holds back some money until we have a plan that is acceptable to all of us, both the drug czar and the Congress.

We all win with this amendment. The drug czar gets the money he needs to build his office. The American taxpayer gets the assurance that they need that their money will be used effectively and efficiently to fight the war on drugs.

Again, Mr. Chairman, I would like to thank everyone who has worked very hard to make this come together. We all, I think, have the same goal in mind, and now we have ironed out a lot of the differences that were there, and some misunderstandings that were there. I think we are on the right track. I would urge the adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who wishes to speak in opposition to the amendment?

Mr. HOYER. Mr. chairman, I am not opposed to the amendment, but I ask unanimous consent to control half the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise on behalf of this amendment, as I just said. I think it is a recognition by the committee, which I support, of the appropriateness of the organization being constructed by General McCaffrey. I would say to my friend, the chairman, that the Office of National Drug Control Policy, created by the Congress for the purposes of overseeing and coordinating our fight against drugs, is a critically important office. The scourge of drugs that invades our community and undermines the health of our people and puts at risk our children is a very high priority for the country to combat, and, if at all possible, eliminate.

I would say to my friend, the gentleman from Iowa, that he misperceives, I think, what the Office of National Drug Control Policy is all about. In his comments with reference to the personnel here, he suggests that we have a lot of people who are not policy people. Perhaps he believes this is top-heavy, as I think one of his contentions was.

But we must remember what this office is. This adds $2.5 million, but Mr. Chairman, we spend somewhere in the neighborhood of $11 billion to $13 billion on the drug fighting program in America. I do not have the figure off the of my head, but it is billions and billions and billions of dollars, and thousands and thousands and thousands of people.

We knew that Justice, with the DEA, we knew that Treasury, with Customs, ATF, other law enforcement agencies, including even Secret Service, FINCEN on money laundering, FBI back in Justice, the Health and Human Services agency in terms of drug rehabilitation and other efforts to try to combat the demand side of this cancer that afflicts America, we knew there were an awful lot of agencies involved in this fight against drugs. The drug office, the Office of National Drug Control Policy, was created to oversee and organize this battle.

The 154 people is a drop in the bucket, an infinitesimal amount of the number of people who are engaged in this battle against drugs.

I said in my opening statement that General McCaffrey could not have been, in my opinion, a better selection by the President of the United States, President Clinton. The organizational structure that he presented to the committee and to all of us was one that said "I want to get a handle on what we are doing", for exactly the reason that he was selected, because he is used to being the head of an effort to combat an enemy that would destroy us, and to bring together the disparate elements into a unified, victorious, successful force.

I suggest to my friend, the chairman, that is what this is about. I am very pleased, as I said, Mr. Chairman, that the chairman of the subcommittee's amendment will effect the adoption of General McCaffrey's proposal. I think that was good policy when it was proposed. I think it is good policy now. I am pleased, Mr. Chairman, to join the chairman, the gentleman from Iowa [Mr. LIGHTFOOT], in the support of General McCaffrey's proposal.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa. [Mr. LIGHTFOOT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–671.

AMENDMENT NO. 2 OFFERED BY MR. METCALF

Mr. METCALF. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. METCALF: Page 118, after line 16, insert the following new section:

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

The CHAIRMAN. Pursuant to House Resolution 475, the gentleman from Washington [Mr. METCALF] and a Member opposed will each control 15 minutes.

Mr. HOYER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will control 15 minutes in opposition.

The Chair recognizes the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am joined by the gentleman from Kansas [Mr. TIAHRT] and the gentleman from Minnesota [Mr. LUTHER] in a bipartisan proposal to freeze the pay of the Members of Congress.

□ 1830

As my colleagues are aware, the cost-of-living adjustment for Congress is a permanent law and it will take place automatically. Without our amendment, Members of Congress will receive more than a $3,000 raise.

The Metcalf-Tiahrt-Luther amendment is exactly the same as the amendment passed last year. It will freeze the pay of the Members of Congress, the Vice President, Members of the Cabinet, Federal judges, and senior administrative heads in the Executive Schedule pay levels 1 through 5.

It is my understanding that the individuals covered in this amendment make more than $100,000 a year. In fact, Members of Congress, as we know, make $133,600 per year.

We all know that there are unique financial demands made on Members of Congress. We have to maintain a place to stay in the Nation's Capital and a residence in our home State. But many American families have to make do with a far smaller salary.

It is our No. 1 job to save this Nation from bankruptcy by balancing the budget. I believe that Members of Congress should not get any pay raise, at least until the budget is balanced.

We are working hard to save money wherever we can. This pay freeze will save $7 million the first year and $10 million every year thereafter. This is $47 million in savings by the year 2001 just from this 1 year's pay freeze, even if it is not next year. Frankly, we must do this during this Nation's budget crisis. Congress must lead by example.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in strong opposition to the amendment and with great regret that the very distinguished gentleman from Washington chose to come forward with this amendment.

We gave up honoraria a number of years ago because, in fact, that was a practice that had escaped reason and common sense. In an effort to make an even trade, because Members were always reluctant to vote for pay raises, it was deemed that we would get a smaller increase from time to time, a smaller COLA, than would the general Federal employee. However, at least from time to time, we would expect to get an increase.

The fact is that that plan broke down. Members of Congress have not gotten a raise in fiscal year 1994 or in the calendar year 1994 or in the calendar year 1995 and now again in the calendar year 1996. In fact, adding it up, going back to the years 1970 to date, we see that the Federal employees got a total of 221.4 percent in pay raises, inclusive of pay raises in the last 3 years; Federal retirees got a pay raise of 305.6 percent since 1970, inclusive of pay raises in those last 3 years; and the Social Security recipients got a total of 393.9 almost 394 percent, inclusive of those for the last 3 years. The Members of Congress since that time are among the lowest increase. They got a 214.4-percent increase, which is well below most of the others.

Members' pay is $133,600, compared to a Supreme Court Associate Justice, who makes $164,100. A U.S. Cabinet Secretary makes $148,400; the county executive of Fairfax County, Virginia makes $145,916; the superintendent of schools of Dade County, FL, makes $220,400; the superintendent of schools in Los Angeles makes $141,271; the Federal Reserve Regional President in Chicago makes $193,000; various CEO's of various companies make anywhere from $600,000 to $800,000 to a few million dollars.

The chief administrator, Riverside County, CA, makes $149,406; the fire chief of Los Angeles County makes $144,000; the city manager of Dallas, TX, makes $150,165. Members of Congress are, whether you like it or not, the board of directors of the United States of America and again we make $133,600.

Some people say, "That is too much. They haven't been doing their job." I would suggest in the last year and a half we have saved $80 billion in the discretionary appropriations process. We are doing our job.

The deficit is now the lowest it has been in 10 or 20 years. We are doing our job. Inflation is low. The stock market is not doing great the last couple of weeks, but otherwise it has been on a perpetual increase.

We are doing our job. The American people do not complain when Michael Jordon gets paid $25 million for the next year or Juwan Howard gets between $95 and $125 million over the next 7 years, but they do complain when Members of Congress try to seek a pay raise in excess of $133,600.

I would suggest that in view of all these statistics, Members of Congress are not overpaid. Members of Congress give up the prime years of their lives to come here. They run for office. It is a competitive job. They could do other things. And, yes, they do it primarily because they are interested in public service. Most Members of Congress, be they Democrat or Republican or conservative or liberal, believe in serving the people that elected them. Otherwise they would not be here.

But there is an increasing problem. With the continuing attitude that Members of Congress do not deserve raises. We are finding that more and more well qualified people who cannot afford to run for office or hold office are declining to do so. Increasingly, in the Senate, I think that now 75 percent of the Members are worth in excess of $1 million; and increasingly in this House, perhaps anywhere from 30 to 50 percent of the Members are worth in excess of $1 million. When the day comes that we cannot have an average man on the street holding himself up for public office, get elected and serve, and we can only have millionaires serve in this body, America will be a poorer place for it.

I urge defeat of this amendment.

Mr. METCALF. Mr. Chairman, I yield 2 minutes to my good friend and colleague, the gentleman from Kansas [Mr. TIAHRT], who presented the pay raise with me at the Rules Committee meeting.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Washington [Mr. METCALF] for yielding me this time.

Mr. Chairman, last year Congress acted to freeze the salaries of Members of Congress by disallowing the automatic pay raise. The Metcalf-Tiahrt amendment would continue this freeze for an additional year.

The message of our amendment sends to the American people is simple and straightforward. This Congress has decided to deal with pay raises in the open and in the light of day. Even though this amendment will save over $7 million next year alone, it is less about saving money for the American taxpayer than it is about doing the right thing. This issue should be conducted in an up or down vote in the open. The American people deserve no less than that.

When this country has a $5 trillion debt and when we are struggling to balance the Federal budget, I do not believe it is prudent for this Congress or high-ranking Government officials within the administration to accept a pay raise.

We have repeatedly asked the American people to tighten their belts and help us balance the budget. We all know we must lead by example and prove that we are here to serve the people and make America better. This Congress has already demonstrated its commitment to integrity and maintaining the trust of the American people. Congressional reform is a top priority, from adopting strong internal reforms to enacting lobbying reform and taking up campaign finance later this week. This Congress has done more to return openness and honesty to this institution than any other Congress in recent history.

Mr. Chairman, I am not a man of much wealth, I am not a mean-spirited millionaire trying to pull a ploy on the Members of Congress. This job is not about a paycheck for me. I am here to serve the people in the Fourth District of Kansas. They want a balanced budget and a bright future for their kids. Until we are able to achieve that, I cannot ask them for a raise.

Mr. Chairman, I urge my colleagues to act and maintain that commitment, to balance the budget first by voting for this amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Maryland.

Mr. HOYER. I understand the gentleman's premise with respect to Members of Congress. I do not agree with it, but I understand the premise. How does the gentleman justify freezing judges and SES's in the same process, however?

Mr. TIAHRT. I believe we all have a commitment to balance the budget, even those in the administration.

Mr. HOYER. The judges are not in the administration.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Chairman, if I had the time I would ask for a parliamentary rule as to whether or not I can by unanimous consent call for a division of the question, but it counts against my time so I am not going to do that.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Does a parliamentary inquiry count against the time that is allotted to a speaker?

The CHAIRMAN. It does if the gentleman has yielded on his time for that inquiry.

The gentleman from Pennsylvania [Mr. GEKAS] controls 1½ minutes.

Mr. GEKAS. Mr. Chairman, I am in the uncomfortable position of supporting part of the amendment and opposing another part.

The gentleman from Maryland in his little colloquy just a moment ago indicated that there is a difference between raises requested for Members of Congress, the Cabinet and for judicial raises, and that is the honest truth. Members of Congress and the members of the Cabinet are passing through the Nation's capital, as it were, in their life's work. They are passing through for the short time that they have been elected or appointed to their respective positions. So we can justify no cost-of-living arrangement for these individuals. But the judges are appointed for life and they serve in a continuous fashion, not subject to the whim of the electorate, and their life's work is involved on the bench on a daily basis.

In short, the question as to judicial raises is totally different from that for congressional raises and for Cabinet raises. They deserve, the judges do, a confidence and a reliance on an increase in the cost of living so that they can continue their work on the bench unimpeded by the yearly annual budget fights that will or will not, depending on the whims of the Congress, yield a cost-of-living arrangement for the judges.

PARLIAMENTARY INQUIRIES

Mr. WICKER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WICKER. Mr. Chairman, following up on the point that the gentleman from Pennsylvania made, is it possible under the rule to separate the issue and allow the Federal judges to have a raise while denying the COLA to Members of the Congress?

The CHAIRMAN. The rule adopted by the House states that this was handled separately, but it is not possible for the gentleman from Mississippi to make that request in Committee of the Whole. The amendment of the gentleman from Washington is not divisible or amendable.

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. Mr. Chairman, is it possible for the gentleman from Washington [Mr. METCALF], the chief proponent of the amendment, to himself ask for unanimous consent to divide the question?

The CHAIRMAN. The author of the amendment could make the request to modify the amendment.

Mr. GEKAS. Does the author of the amendment, seeing some of the sentiment——

The CHAIRMAN. Does the gentleman from Pennsylvania seek a parliamentary inquiry?

Mr. GEKAS. Yes, Mr. Chairman. The parliamentary inquiry is, How can I pose the question to the gentleman from Washington?

The CHAIRMAN. That would be during debate time. The Chair has to recognize the gentleman from Washington.

Mr. GEKAS. Parliamentary inquiry. Through the Chair I could not ask the gentleman from Washington if he would entertain thoughts of asking unanimous consent on his own to divide the question?

The CHAIRMAN. The time for debate on this amendment is controlled by the rule and the gentleman from Washington and the gentleman from Maryland control the time.

Mr. METCALF. Mr. Chairman, I do not choose to divide the question.

Mr. Chairman, I yield 5 minutes to my Democratic colleague, the gentleman from Minnesota [Mr. LUTHER], who joined in the bipartisan effort.

Mr. LUTHER. Mr. Chairman, I rise today as a cosponsor of this bipartisan amendment to prevent an automatic increase in the salaries of Members of Congress and top executive and judicial branch personnel.

Last year the House overwhelmingly voted in favor of an identical measure and I believe we should do so again to avoid allowing our own pay to increase as we reduce spending in other areas of the Federal Government.

Under current law, each Member of Congress receives an automatic cost-of-living adjustment, or pay raise, each year. That provision was part of an agreement to end the old system of Members accepting honoraria.

□ 1845

I respect the thoughtful efforts of House Members at that time to clean up Congress and to ensure a fair level of compensation for Members. But much has changed since the Ethics Reform Act was passed in 1989. Our national debt is now $5 trillion, and we must take strong action to reach a balanced budget in order to secure a sound future for our children and our grandchildren.

As we debate our spending priorities, I believe everything must be on the table for discussion. Congress cannot and must not exempt itself from the tough choices we need to make as a nation. If we in Congress would benefit through a series of automatic pay increases while at the same time we ask the rest of our country to suffer reductions in Government spending, we will lost credibility with America's taxpayers and voters.

I recognize that, over time, compensation must be sufficient to encourage the best possible citizens to serve in the U.S. Congress, but this Congress has only just begun the important job of making the tough decisions necessary for the future of our country. We have not accomplished enough this session to justify a pay raise.

Mr. Chairman, one of the strongest aspects of the American tradition has been the willingness of our entire country to step up and share the sacrifice during the times of emergency or need. At this time, our national debt endangers opportunities of future generations. I believe supporting this amendment will demonstrate our intent to lead by example and ask of ourselves what we ask of others.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. WICKER], a member of the Committee on Appropriations.

Mr. WICKER. Mr. Chairman, I thank my colleague from Maryland for yielding me the time. I certainly intend to support the amendment of the gentleman from Washington.

I simply rise for the purpose of echoing what the gentleman from Pennsylvania [Mr. GEKAS] said earlier, that it is a shame that the Federal judges must be linked to the cost of living proposal with regard to Members of this Congress. Members of Congress are responsible for legislation dealing with the Federal debt. The same can be said for the President and the Vice President. We are all in this battle. The deficit has nothing to do with Federal judges. So we have a situation where their salaries are held hostage to our salaries.

I think the vast majority of Americans agree with the comments made by my colleague from Washington and my colleague from Minnesota. I think the vast majority of House Members will vote with them, as I will. I would simply just submit that it is a shame that under the rule we cannot divide the question, go ahead and give a raise to Federal judges. We have districts where the U.S. attorney makes more than the judge, the public defender makes more than the judge, the clerk makes more than the judge. It is just a shame that we cannot raise their salaries because they deserve it.

Mr. METCALF. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia [Mr. DEAL], my good friend, who also testified at the Committee on Rules to protect this amendment from a point of order.

Mr. DEAL of Georgia. Mr. Chairman, I think the ultimate mandate of this Congress has been to try to balance the budget. I commend the chairman of the Committee on Appropriations and all of those others who have made Herculean efforts in that regard. We have done so in this body by reducing our staffs by a third. We have made other efforts.

I would support this amendment. I remind my colleagues that no one who is affected by this amendment is an indentured servant. There are choices that all of us have the right to make. I would urge the adoption of the amendment.

Mr. HOYER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 7½ minutes remaining and the gentleman from Washington [Mr. METCALF] has 8¼ minutes remaining.

Mr. METCALF. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I rise in support of the amendment. We cannot allow this automatic pay raise to take effect. I want to recognize and thank all the people that have done so much to work hard to move us towards balancing the budget. But this amendment and this issue is not about pay and it is not about the salary, it is about leadership.

We must balance the budget, and we must lead by example. If we accept the pay increase, it will be interpreted that we have given up on balancing the budget or, worse yet, that we can afford and we can cut other things but we cannot cut Congress or we cannot deal with ourselves or our own salary. People are going to follow much more our actions over our words, and they are going to see what our deeds say versus what our words act.

We have worked very long and hard in this Congress to balance the budget, and it is important to do that. We stay on the glide path to balance the budget over a period of 7 years. Let us stay on that and show the commitment to the American people that we have by this action of leadership. It is an important action for us as Members at this time when we have crushing debt on our Nation that we say to our future and we say to our children we are going to deal with this and we are going to lead by example.

Mr. HOYER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there is no more vexing an issue for any public figure than voting on his or her own salary. There have been many comments that we ought to do this on the record, we ought to do it not in secret. In point of fact, if those who were debating this had bothered to look at the record, we did exactly that in the Pay Reform Act of 1989. We changed the law and said, for a raise, we have to vote in the public's view. And, in point of fact, I tell my friends, all of the freshmen who were not here and who have spoken on this bill, the House of Representatives did in fact vote on the record during the daytime with full public scrutiny on the issue of pay reform for Members. Now, I will not speak about the other body of what they did.

In the course of the reform, we said this makes no sense. What made no sense? We would go, as we are proposing to do today, 4, 5, 6, 7 years with no raise. So what happened? The same thing that would happen in everybody's family in America, whatever they were making. They would say: Hey, dad or mom, you know, groceries are getting more expensive, cars are more expensive. Our car is 6 years old, we have to replace it. Hey, the rent has gone up or the mortgage has gone up. We want to buy another house because our family is expanding, all sorts of things. As the cost of living goes up, your resources are squeezed if you freeze them.

So we said it was not automatic, I tell my friend from Washington State. We said specifically, Congress gets no raise if the fellow Federal employees did not get a raise. There was no justification, we said, for Members of Congress taking a raise if Federal employees did not get a raise. But if they got a raise and only if they got a raise, then we would take a cost of living less a half a point, less than the cost of living. That was hailed by Common Cause and other groups around the country as a step forward in rationalizing a way to affect the pay of Members of Congress.

Yes, a vexing issue for those of us in public life, and every one of us who gets up and says cost of living is justified for Federal employees, for judges, for SES's and, yes, even for Members of Congress are subject obviously to 30-second ads. It is a sexy political issue, we all know that. I am sure that the gentlemen who raised it are going to make it very clear to their constituents how they did this.

There has been a lot of talk about cutting the deficit. All right, for the first time in history, we have cut the deficit 4 years running. For the first time in may be not history, for the first time in this century, 4 years running, the deficit is down and is now half what it was just 4 years ago.

So, very frankly, we are on the right track, we are doing the right thing. We are performing our duties as we were sent here to do.

If we do what the gentleman suggests and, Mr. Chairman, everybody knows we are going to do what the gentleman suggests so everybody can go home and beat their chests and say, I was against raising my pay.

Let me tell you what is going to happen. A year from now or 2 years from now or 3 years from now, Members of Congress are going to get together and say, you know, for 5 or 6 or 7 years we have been zero, and we ought to raise it by $10,000.

We have done that before for exactly the same reason. Eleven out of 20 years it was frozen, just as we are doing now; and what happened? The American public said: What do you mean you are raising your salary by $10,000? They understand cost-of-living adjustment. Social Security recipients understand that, veteran retirees understand that.

I do not know that the gentleman is opposed to those. They understand cost-of-living adjustments. What they do not understand, properly so, and what we tried to avoid was large raises that gave the public the impression that we thought we ought to get more than somebody else, so we keyed it to Federal employees and we keyed it to cost-of-living increases.

That is what we should have done, and I urge my colleagues to vote against this amendment with little hope that that will occur.

Mr. Chairman, I reserve the balance of my time.

Mr. METCALF. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I rise in strong support of the amendment to freeze COLA pay for Members of Congress. When I ran for Congress, I pledged to do my best to bring Federal spending under control, to balance the budget, and to support tax relief for working families. This new majority in Congress has made progress but because of President Clinton's vetoes we still have a long way to go.

Accepting a cost-of-living pay increase at this time, I believe, would send the wrong message to the American taxpayers. Until we complete the job that we were elected to do, we have no business talking about pay raises. I urge adoption of the amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has the right to close on this amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to my very distinguished colleague, the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD and Independent Agencies and the leader of reform efforts in Congress.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding me the time for just a moment.

I must say that the courage my colleague is demonstrating here is very important for the House to note. I am not surprised that our new Members are here opposing even a cost-of-living adjustment, for they have not been through the process of compromise and very, very difficult effort that was put together to make sense out of Members having to vote one way or another on their own pay. But I can tell my colleagues what they do not realize is that they really are cutting off the future opportunity of their families to have a decent standard of living over a significant period of time as they serve in the House.

Above and beyond that, I think it is very fundamental for us all to understand this is a leadership issue. The gentleman from Louisiana [Mr. LIVINGSTON] rose and spoke on this issue on the floor, the only Member of the leadership. The members need from time to time to be protected against themselves. Indeed, even the author of this amendment did not know the other day that we had not had a cost-of-living adjustment for 4 years in a row with this amendment. He was unaware of the impact that this is already having upon families across the place.

Indeed we are leaving the House to people who are either born with a silver spoon in their mouth and they have got their own millions or people who could not get better jobs in the first place. That is not the direction the House needs to go in. I urge the Members to vote no on this amendment.

Mr. METCALF. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, as we talk about reforming Congress, we need to reflect back on all the reforms we have already conducted this year. When we first took office in January 1995, we passed the Congressional Accountability Act. We applied 11 laws of the land on Congress, from OSHA, to the Wage and Hour, to the Civil Rights Act.

□ 1900

After that we went about cutting the costs of Congress, really reforming the way we do business. We cut over 10 percent of the budget of Congress, real costs in our spending. We privatized functions. We got rid of 25 committees, we cut committee staff by one-third.

After we did that we changed the procedures of running Congress. We opened up Congress so we are not a closed institution. We got rid of proxy voting. Then we passed a gift ban, basically a total ban on gifts in Congress. And now we have passed lobby reform.

This is the most reform-minded Congress that we have had in generations, and I am proud to be part of all the reforms taking place in this Congress.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in very strong opposition to the amendment.

Mr. METCALF. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, some years ago a Federal judge appeared before our House Committee on the Judiciary and he said he was earning less money than any of his classmates from law school. I said, Judge, why do you not resign your job from the bench and start practicing law? My suggestion, Mr. Chairman, did not appeal to him.

My point is very simple, Mr. Chairman. I represent people in my district who earn 25, 30, $35,000 a year and they are barely making it. Now, if we, on the other hand, tonight extend a generous cost of living allowance to the Vice President, to the Executive Schedule levels 1 through 5, to the members of the Federal Judiciary to the Members of Congress, I think it would be an obvious slap in the faces of these people who are barely hanging on.

Now, all of us knew what the pay way when we signed on, Members of Congress and Federal judges as well. The time to address the matter of COLAs is not this night, and it is not on this floor.

Mr. METCALF. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I rise today in strong support of the amendment of the gentleman from Washington and the Tiahrt amendment.

I want to point out that today's debate is a little ironic, since many of us who support freezing our pay and have never, never voted for a congressional pay raise are the very ones being wrongfully attacked in the big labor television ads' claim that we voted to raise our pay.

In fact, I can think of nothing that typifies the previous Democratic Congresses more than the fact that they wrote themselves into a law, a law which automatically annually increases their pay. As a matter of principle, this body should not be giving itself a pay raise until we have balanced the budget. Moms and dads at home, businesses do not write themselves into their budgets automatic pay raises if their books are out of balance. This Congress should not either. We should set the example.

Mr. Chairman, I strongly urge my colleagues vote to pass this amendment and lead by doing the right thing.

Mr. METCALF. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, this amendment is something that I think the American public has wanted to open up in the light of day. It does include members of the administration, the judicial branch, as well as Members of Congress.

They were all tied together because I think there was a commitment that was desired by the America public that we all work for a balanced budget; that we do not pass on to the next generation the type of debt that this country has incurred, over $5 trillion.

It is going to take a considerable amount of time to pay this off. So until we get that accomplished, get on the glidepath, get to a balanced budget, we should make a commitment as Members of Congress that should include all of the upper branches of this Government, including the judicial branch, to focus on getting this accomplished, balancing the budget, restoring the hope for the future.

Mr. Chairman, I think that is why this has been grouped together and why it will stay together.

Mr. METCALF. Mr. Chairman, may I inquire who is entitled to close this debate?

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER], representing the committee position, is entitled to close debate.

Mr. METCALF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to conclude by attempting to put this amendment in perspective. At 3:30 this afternoon the national debt of the United States was $5,155,309,827,707.59. The debt owed per person is $19,400. I have to point out that this figure is already outdated because it increases every few seconds.

I know the savings achieved by freezing the congressional pay and the judges and the administrative officers is only a drop in the bucket of our staggering national debt. I know that we have tried hard to make progress in reducing the deficit and we have done some work on that. We have won some and we have lost some, but we have an awful long ways to go.

I think that the opposition just does not feel to the depth that I feel that we have a real emergency in balancing this budget and we have to take very definite action.

As we prioritize our spending and make the tough choices that affect millions and millions of American people, Members of Congress should stand shoulder to shoulder with those people and share the burden.

Mr. Chairman, it is time for Congress to lead by example. I urge my colleagues to vote for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. BOEHLERT], my good friend and one of the senior Members of this House.

Mr. BOEHLERT. Mr. Chairman, as I rise in opposition to this amendment, I would say to my colleagues that this is just pandering to base instincts. Quite frankly, what we should learn from the lessons of the past is that we should treat ourselves and treat judges and Cabinet-level and senior executive service members and other high-level officials of the Government the same way we treat the custodians of the building, the custodians of every other building. We should have the same cost of living adjustments on a regular basis as they do.

What we do, we defer it year after year after year, thinking we are appealing to everybody, and then we say we are going to play catch-up ball and we propose 15- or 20-percent increases and everybody gets upset about it and rightly so. This is an ill-advised amendment. We have already saved $53 billion in spending, $53 billion in a year and a half in this Congress. That is movement in the correct direction.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Let me tell my colleagues what I think the American public appreciates: Honesty and candor. I have been on this committee since 1983. I cannot tell my friends how many hundreds of Members have come to me to say I cannot vote for it but I sure need that cost of living adjustment.

Mr. Chairman, I yield 20 seconds to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary, one of the most respected Members in this House.

Mr. HYDE. Mr. Chairman, I thank the gentleman for that extravagant introduction.

I just want to say we do no service to the people of America, we do no service to the quality of justice or the quality of government by treating everybody with the same flagellation, the same masochism that we treat ourselves with.

If we want good people to administer justice, we have to stop penalizing them. This is the fifth year they will not even have a cost of living. We can do what we want to us, take away our bathroom privileges, but for God sakes, we should at least give a cost of living increase to the judges and the Cabinet.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time, 10 seconds.

Mr. Chairman, honesty and candor will be appreciated by the American public.

Mr. KLUG. Mr. Chairman, I rise in support of the Metcalf-Tiahrt-Luther amendment which will freeze the cost-of-living adjustment [COLA] for members of this body, judicial branch, and senior executive branch officials.

When we, as Members of Congress, make more than three-fourths of this country's workforce, there is absolutely no reason to give ourselves a raise. We took the first steps towards a fiscally sound Nation last fall by passing a budget that would bring us into balance in 7 years. I believe we can and should show the American people that we mean business by voting to hold our own salaries at 1993 levels. As we ask all other Federal departments to tighten their belts, we should do our part by not accepting this COLA.

I just cannot see, nor can I justify, giving myself a raise in the midst of a $5 trillion national debt. Voting to freeze our pay at 1993 levels will have a direct effect on the debt because it will lower our pension burden on the American taxpayer.

Members of this body, Mr. Chairman, voted in 1989 to give themselves this COLA. Had I been a Member of Congress at that time I would not have supported a pay raise then and I will not support a pay raise now.

I urge my colleagues to support the amendment.

Mr. HEINEMAN. Mr. Chairman, I rise in strong support of the Metcalf amendment to freeze the pay of Members of Congress. I ran for Congress because I was upset with the direction our Nation was heading. Year after year, Congress has continued to run up large annual budget deficits, causing our national debt to explode—now more than $5 trillion.

We cannot continue to rob from our children and our children's children to pay for wasteful government spending. All of us must make sacrifices if we are going to balance the budget. Today, families are working harder and longer, with more of their earnings going toward paying taxes. I do not believe the cost-of-living adjustment for Members of Congress should be put on autopilot.

I support the Metcalf amendment because it is a necessary measure and I urge my colleagues to do the same. The only concern I have with the Metcalf amendment is that it freezes the cost-of-living adjustment [COLA] for the judiciary. I am an original cosponsor of legislation—H.R. 2701—which would separate out the judicial pay process from the issue of pay raises for members of Congress or pay raises for Members of the executive branch. The salaries of our Nation's Federal judges should not be a political issue and should not be included in this amendment. Federal judges are lifetime employees and should be treated the same as career Federal employees when it comes to COLA adjustments. It is my hope that as this legislation moves forward, it can be amended by taking that part out concerning the judicial pay process. This Congress should act on H.R. 2701, which was introduced by my colleague, Representative ROGER WICKER, as soon as possible.

I urge my colleagues to support this amendment because it is the right thing to do and it is supported by the American people. Along with most Americans, my constituents agree that the pay raise Congress gave itself earlier this decade was wrong and any increase at this time would also be wrong. If Congress wants to give itself a pay raise or a COLA increase it should be voted on out in the open and in front of the American people.

Mr. SCARBOROUGH. Mr. Chairman, I am distressed to vote in such a way that would deny U.S. Federal judges the COLA's that I believe that they deserve. Unfortunately, because judges have been lumped together with politicians on Capitol Hill, I have no other choice but to vote for the measure lest I appear to be self-serving. It is my hope that Federal judges' pay will be separated from politicians' pay scales in the future.

Mrs. LOWEY. Mr. Chairman, I rise in support of the Metcalf-Luther amendment to deny Members of Congress a cost-of-living adjustment. Given our current deficit, I do not believe that this is the appropriate time for Members to receive a pay raise.

I am concerned, however, that this amendment will keep Federal judges from receiving a cost-of-living adjustment. I do not think that it is appropriate for the salaries of Federal judges to be tied to the salaries of Members of Congress.

This Nation has the premier justice system in the world. We rely on judges to make some of the most important decisions in our democracy—decisions that determine the reach of our Constitution, and decisions that are literally a matter of life or death.

Given the fact that judges sit at the pinnacle of our justice system, it is outrageous that judicial salaries are held back by congressional politics. Judicial salaries are completely overshadowed by salaries in the private sector. Many of our judges are forced to take a sizable pay cut to serve on the bench. Many other highly qualified individuals walk away from public service because the financial sacrifice is too great. Our Nation is the poorer for that loss.

I am a cosponsor of H.R. 2701, a bill that will separate judicial salaries from congressional salaries and will put in place an automatic annual increase for judges. Our Federal judges deserve no less. After all, they are the keepers of our democracy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. METCALF].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from Washington [Mr. METCALF] will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 104-671.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 118, after line 16, insert the following new section:

SEC. 637. (a) For purposes of this section, the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under section 3132(a) (5), (6), and (7) of title 5, United States Code, respectively; or

(3) is employed in a position in the executive branch of the Government under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(b) The President, acting through the Office of Management and Budget and the Office of Personnel Management, shall take such actions as necessary (including reduction-in-force actions under procedures consistent with those established under section 3595 of title 5, United States Code) to ensure that the number of political appointees shall not, during any fiscal year beginning after September 30, 1997, exceed a total of 2,300 (determined on a full-time equivalent basis).

The CHAIRMAN. Pursuant to House Resolution 475, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will control 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I want to thank the members of the Committee on Rules for their work as well as the members of the subcommittee for bringing to the floor, I think, a good bill, but today I want to offer an amendment which I hope will make this bill even better, perhaps what I would describe as a perfecting amendment.

Mr. Chairman, I rise today with my friend and colleague from Minnesota to offer a fairly simple amendment to this bill. Our amendment would place a cap of 2,300 on the number of executive branch political appointees that can be named. This figure would be down from approximately 2,800 now, but has been even higher in past administrations.

Mr. Chairman, this is not a new idea. In fact, the Vice President of the United States made a similar suggestion in his National Performance Review. And the National Commission on the Public Service called for an even lower cap of 2,000 political appointees. Furthermore, Citizens Against Government Waste and the Concord Coalition have endorsed this proposal, and we have gathered broad bipartisan support within this House.

But Mr. Speaker, most importantly, a savings resulting from this cap has already been assumed in the Fiscal Year 1997 Budget Resolution Conference Report. A similar suggestion was made in last year's budget resolution as well. Our amendment would simply follow through on this language.

Some interesting facts—in 1960, there were 17 layers of management at the top of the Federal Government; by 1992, there were 32. During that period, the number of senior executives and political appointees grew from 451 to 2,393—a 430 percent increase. Now ask yourselves, Is the Federal Government more responsive—more responsible—more efficient?

Mr. Chairman, report after report shows that greater quantities of such political appointees does not bring about a more responsive government, but actually confuses the communication channels and adds unnecessary layers of bureaucracy. We can make important progress toward balancing the Federal Budget by eliminating a few hundred of these positions, which average $86,000 per year in salary.

The public believes that our Government is too large. This amendment begins to address this situation. This is not a drastic reduction, but a good first step toward operating a leaner and more efficient government. Last year we here in Congress reduced our staffs by a third, and many private-sector businesses have eliminated bureaucratic layers in the last several years to become more responsive and effective in a very competitive economic environment. It seems only right that we should suggest the executive branch do the same, and it's my guess that any President can get along just fine with 2,300 political appointees.

Mr. Chairman, this is a bipartisan amendment. This is a good amendment. I urge a "yes" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition to this amendment and let me tell my colleagues why, basically. There are 2 million Federal employees. They work essentially from administration to administration. Every President, every administration will tell any one of us that one of the problems they have is making the Government work to its policies.

□ 1915

That is understandable, understandable from the standpoint of those who have been there, who want to consistently follow the policies they have been following. And the frustration of getting the government to conform to the policies of the President is also understandable.

Now, the political appointees are committed to the President of the United States, whoever he might be, to carry out the policies of the administration. Frankly, that is what the electorate expects. Now, to pretend that political appointees are not necessary or that we can cut them down to an ever-increasing smaller number is to simply take from our Presidents the ability to effect their policies.

Now, George Bush in 1992, had 3,290 political appointees or 1,000 more than this amendment affects. President Clinton has less appointees than President Bush, not by a whole lot, 3,147, 150 or 5 percent less than President Bush had. Those folks are for the purposes of ensuring the President of the United States with the ability to carry out policy.

When the people vote for President in 1992 or 1996, they expect their President to be able to effect the policies in concert or in cooperation with and in concert with the Congress. Political appointees are not good or bad. They are necessary. They are essential in a democratic system for a democratically elected official to carry out their policies.

On the other hand, in the 1930's, we said, look, 100-percent patronage is wrong. It is debilitating. It leads to very bad policies. So we adopted a Civil Service system. Actually, we had adopted it long before that, about, I suppose, in the latter part of the last century. And we said, we are going to give to the overwhelming majority of employees Civil Service protection, because what we ask them to do is not to make policy but to carry it out in a ministerial function. Some of them obviously are very high level and they obviously have decisions to make. But the fact of the matter is, they are professional employees, expected by their government to carry out the policies of Republicans and Democrats irrespective of administrations. I suggest to my colleagues that they do just that.

This amendment undermines the ability of a President to effect policies and is, therefore, wrong. I will speak to it again.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I am joining with my colleague, the gentleman from Minnesota [Mr. GUTKNECHT], in offering this amendment to reduce and cap the number of political appointees in the executive branch at 2,300 effective September 30, 1997. The term "political appointee" refers to those employees of the Federal Government who are appointed by the President, some with and some without confirmation by the Senate, and to certain policy advisors hired at lower levels.

It includes Cabinet secretaries, agency heads, and other executive schedule employees at the very top ranks of Government. It includes managers and supervisors who are noncareer members of the Senior Executive Service, and it includes confidential aides and policy advisors who are referred to as schedule C employees.

In a recently published book titled "Thickening Government," the Federal Government and the diffusion of accountability, author Paul Light reports a startling 430 percent increase in the number of political appointees and senior executives in Federal Government from 1960 to 1992.

While the number of political appointees rose significantly from 200 in 1940 to 500 in 1960, it mushroomed from 500 in 1960 to 3,200 in 1992. In the most recent 12 years between 1980 and 1992, the number of political appointees rose over three times as fast as the total number of executive branch employees.

Our amendment's primary intent is to reduce the number of lower level political appointees, known as schedule C appointees, who represent nearly half of the current number of political appointees. Our amendment is estimated to save American taxpayers between $228 million and $363 million over 5 years. This amendment is consistent with the recommendation of the Vice President's National Performance Review, which called for reductions in the number of Federal managers and supervisors

It is also consistent with the work of the National Commission on the Public Service, chaired by former Federal Reserve Chairman Paul Volcker, which stated in its 1989 report that the growing number of Presidential appointees may actually undermine effective Presidential control of the executive branch.

For this reason, the Volcker commission recommended limiting the number of political appointees to 2,000. The other body included a similar amendment in last year's bill, although it was dropped in conference. The authors plan to offer that amendment again this year.

The gentleman from Minnesota [Mr. GUTKNECHT] and I have sponsored a bill in this body to limit the number of political appointees, and we have a number of Democrat and Republican cosponsors.

I want to stress that both in the other body and here this amendment is a bipartisan effort to get our fiscal house in order. It recognizes that the sacrifices required to meet our collective goal of balancing the Federal budget must begin at the top and be spread among all levels of Government. My colleagues, please join us in supporting this amendment.

Mr. HOYER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the National Performance Review, which was referred to by the previous speaker, specifically does not do what he says it does. Yes, they have effectively accomplished the desired effect of reducing the cost of Government while providing quality higher services. The proposed amendment singles out only political appointees. Many of these appointees, by the way, are only mid-level or junior staffers. The National Performance Review plan instead focuses on all employees by removing layers of management.

Political appointees, as I said earlier, play a critical role in carrying out policy. The proposed cap would limit political appointees to 2,300. President Clinton has created the National Performance Review to promote Federal Government that works better and costs less. But if you cut the folks committed to that objective, you are going to do less, not cost less.

Presidents Reagan and Bush saw an increase of 67,000 in the Federal work force while Clinton, let me indicate to my colleague, under President Bush and President Reagan, 67,000 additional employees. Under President Clinton, 225,000 fewer employees.

This small nick is political, not policy. It undermines policy. The last time the levels of Federal employment were this low was during the Kennedy administration. So this is not an issue about reducing numbers of employees. This is an issue about reducing the accountability of the administration to the American people for the carrying out of policy through people it puts in place to oversee policy.

Mr. Chairman, I would hope that we would reject this amendment. If the gentlemen are sincere, then I think that we ought to ask the White House and perhaps even the Republican candidate for President, whoever that might be after the convention, what do you think are the appropriate levels so that you can carry out your policies? It seems to me than and only then will we have an ability to make a substantive, appropriate judgment. I do not know that any such study, maybe the sponsors came up with 2,300 out of some study or some management knowledge that I do not have. Maybe they would like to tell me where 2,300 came from.

Apparently not.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I cosponsored the Political Appointee Reduction Act, now being offered as an amendment, because I support reducing the size of our Federal Government. This amendment will reduce the size of "The Plum Book" and rightly so. I know everyone here is familiar with the Plum Book. It is published by the Government Printing Office and lists all of the positions available throughout the executive branch which are filled by Presidential and department or agency head appointment. The Plum Book which list all executive positions available, which are filled by President or agency head, used to be the size of the Johnson County KS, phone book. Now it is the size of the Manhattan phone book.

Although some progress has been made in reducing executive branch employment. Most of these reductions have been made in the Department of Defense a result of base closings, reduced funding, and so forth.

As we make the necessary reductions throughout the Federal Government, we should look beyond reducing the number of midlevel managers and support staff. Reductions should also be made at the top levels—and that is what this amendment will do.

In December 1991, there were approximately 1,975 full time political appointee positions. In the past 4 years that number has grown to 2,800, growth of 40 percent. Ironically, this growth has occurred at a time when we are all committed to reducing the cost and size of Government. This amendment caps the number of political appointee positions at 2,300, which still represents an increase over 1991. I urge my colleagues to support this commonsense amendment.

Mr. HOYER. Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Luther-Gutknecht amendment. Last year, I introduced H.R. 1671, which would have capped the number of political appointees at 2,000 and would have saved $36 million. Vice President GORE's National Performance Review recommended putting a cap on the number of political appointees, as did one of its predecessors, the Volcker commission.

Neither of those commissions set an actual cap number, but I believe the amendment before us today of 2,300 is a very reasonable compromise. I urge my colleagues today to think about how we can save money so that we can make sure that the money that the taxpayers send us is spent properly.

I would urge that they join with Citizens Against Government Waste to cut out wasteful bureaucracy and save the taxpayer money. I support this very commonsense amendment.

Mr. GUTKNECHT. Mr. Chairman, I would just say that the genesis of this number is the fact that we reduced our staffs by one-third. We think this is a corresponding number.

Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I rise in strong support of this amendment. As was just mentioned by my colleague from Minnesota, around this place we reduced committee staff by one-third. The very first day of Congress, the first thing we did is we said, we are going to get by on less. Our Nation is $5 trillion in debt. The Federal checkbook is $150 billion overdrawn; that is, we are spending $150 billion more than we are taking in.

Congress acted. They reduced committee staff by one-third on the first day, and now it is time to take the next step. This is not going to solve all our budget problems, but it is certainly a good step in the right direction.

□ 1930

There is no reason we need 2,800 political appointees returning around here. They can certainly get by on 2,300 political appointees, and I am glad the gentleman from Minnesota drafted this because, if I had drafted it, we would have reduced this number even further.

I would like to point out that the House Committee on the Budget, on which I am a member, recommended this reduction from 2,800 to 2,300, so the House Committee on the Budget has made this recommendation. Last year the Senate made this recommendation by unanimous consent. The Senate was actually ahead of us on this, and there is no excuse for us not going ahead and following that lead.

So I strongly support this amendment. I would add that Vice President GORE's National Performance Review also suggested capping the number of political appointees. Citizens Against Government Waste, Concord Coalition, my colleagues, virtually everybody in this city knows that we can survive with 500 fewer political appointees in the executive branch in this city.

I strongly support this amendment.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have already said what I have to say on this, and let me say it one more time for just a minute.

The Federal Government has about 2 million civilian employees. We are bringing that down. It is going to be about 1.9 million, 1.8 million when we finish. That is to serve the 270 million Americans, Federal level.

Contrary to the demagoguery that goes on, the growth in government has not occurred at the Federal level. It has occurred in the State and local government since the 1960's. That is where the real growth in government has occurred. The Federal Government has been relatively stable, and, as I said, we are currently at about 1960 levels.

So this is not a question of an exploding work force. This is a question, my colleagues in the House, as to whether or not this administration or any administration will have sufficient numbers of people to place in the 13 agencies of government and the departments of government and the other agencies and independent organizations, not in this country alone, but around the world, who will be there to carry out administration policy.

Now, George Bush, as I said, had almost 3,300, 3,297 I think it was. I do not have it right in front of me. But this President has 150 less, or about 5 percent less than President Bush.

This amendment reduce that another thousand, essentially, and contrary to what some of the speakers said and the previous speaker, "Oh, well, the government can operate." Of course it can operate and will operate. The irony, I tell my friends on the majority side of the aisle, is that they are constantly concerned that Federal employees are not carrying out policies they believe are appropriate. If that is the case, then this is opposite of the objective they want to seek and that they talk about.

Now this affects both administrations. We are going to have a new administration next year. I believe my President is going to win; they believe their candidate is going to win. This is not a partisan issue. This is whether either of the candidates have the ability to function effectively as the principal policymakers in America.

That is what this is all about, and I suggest to my colleagues that I do not know that 3,297 is a correct number or that 3,290, or that 3,147 is a correct number. That is the number we budget for: 3,290 was under President Bush, 3,147 under President Clinton; both of them have about the same complement of people.

Now, the President has reduced 225,000 people, which is a good number, and therefore he has less people, 150 less than he has overseeing the implementation of his policy. I have said that a hundred times. I do not know that it is going to make any more effect.

Mr. Chairman, I would hope—this was never considered in committee, never debated, no testimony on it, no independent analysis as to whether the numbers proposed or some other number was appropriate. In light of that, I would ask that we reject this amendment.

Mr. CAMP. Mr. Chairman, I rise in support of the Gutknecht amendment which saves taxpayers $211 million.

Mr. Chairman, each child born last year will owe approximately $187,000 in debt because of Congress' excessive spending. The national debt already exceeds $5 trillion.

The amendment currently before us requires the Federal Government to share in the burden of deficit reduction. For too long, the Federal Government turned to the pockets of taxpayers to fund excessive and wasteful spending.

Now, the Federal Government must look to itself. Deficit reduction begins at home and the Congress must reign in wasteful Government spending. Over my 5 years in Congress, I have not spent $565,000 of my office funds.

We have also demonstrated our commitment to deficit reduction by reducing Federal spending by $43 billion last year. We continue our efforts this year by doing more with less. We continue to review each and every Federal program for its efficiency and effectiveness and explore alternatives to get the most out of each tax dollar.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $108,447,000: *Provided*, That up to $500,000 shall be made available to implement section 528 of this Act.

AUTOMATION ENHANCEMENT

INCLUDING TRANSFER OF FUNDS

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $27,100,000, of which $15,000,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, and of which $5,600,000 shall be available to the United States Customs Service for the International Trade Data System. *Provided*, That these funds shall remain available until September 30, 1999: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds shall be used to support or supplement Internal Revenue Service appropriations for Information Systems and Tax Systems Modernization: *Provided further*, That none of the funds available for the Automated Commercial Environment or the International Trade Data System may be obligated without the advance approval of the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL AND INTERNAL AUDIT OF THE INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General and the internal audit functions of the Internal Revenue Service, $135,925,000; of which, $28,689,000 shall be made available for the necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which $106,606,000 shall be available for the internal audit functions of the Internal Revenue Service: *Provided*, That the chief of internal audit for the Internal Revenue Service shall report directly to the Deputy Secretary of the Treasury.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman in a colloquy with regard to items contained in the bill which affect the Internal Revenue Service.

I want to take this opportunity though to commend Chairman LIGHTFOOT for his hard work and diligent efforts to provide effective oversight of the IRS. With an annual budget of $7.3 billion, the IRS consumes nearly 60 percent of all of the funding under his subcommittee's jurisdiction and touches the lives of Americans more directly than any other Federal agency. I appreciate the chairman's dedication to making the IRS a more effective and efficient agency, and to improve the IRS's accountability in its handling of the massive tax systems modernization program.

Having said that, there are a number of provisions in this bill which give me cause for concern, and I hope that the gentleman can clarify several points for me.

First, I note that there is a large reduction made to the account which funds IRS Information Systems. While much of this is to the TSM Program, there appears to be a significant reduction to Legacy systems which are needed to support IRS returns processing and compliance functions. Total funding for non-TSM information systems appears to be $179.2 million below fiscal year 1996 operating levels. I am concerned that reductions of this magnitude could have a negative effect on the IRS's ability to efficiently manage the 1997 return filing season. What is the rationale behind reducing this account?

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, under the subcommittee's assumptions, we believe there will be sufficient funds provided for all of the IRS' current computer systems. Our bill assumes significant savings in this account, for instance, by reducing funds for travel, supply costs, and telephone costs. I also note that, since the bill reduces IRS employment by over 2,000 TSM employees, we assume this will save $149 million next year. These savings are applied to operating IRS computer systems, so our cuts are made to salary and overhead costs, not to computer systems.

Mrs. JOHNSON of Connecticut. Reclaiming my time, I appreciate that the bill's funding for Information Systems rests on the assumption that significant salary and overhead savings can be achieved next year, but I am concerned that it will be very difficult to actually realize those savings within the fiscal year. If this concern is verified as the bill moves forward, can the gentleman assure me that he will work in conference to restore full funding for IRS's operational computer systems?

Mr. LIGHTFOOT. If the gentlelady will yield, let me assure her that in the event that there are some Legacy systems which are funded below the level that IRS may need to operate them in the upcoming year, I am committed to increasing this number as the bill moves through conference with the Senate.

Mrs. JOHNSON of Connecticut. I thank the gentleman for that clarification. I also have several concerns about provisions in the bill relating to the Tax Systems Modernization Program. We all agree that the IRS has not adequately managed this program and that changes are needed to ensure that TSM is successful. However, the bill contains language fencing off all TSM funds until IRS establishes a restructured contractual arrangement with the private sector to deliver the balance of the program. Included within the fenced-off funds is nearly $170 million for currently operational TSM systems, such as Telefile and Electronic Fraud Detection. Since it is unlikely that these contractual arrangements will be in place by the beginning of the fiscal year, I am concerned that the fencing off language could have the effect of prohibiting IRS from using these operational TSM systems for some period of time next year.

Mr. LIGHTFOOT. If the gentlelady would yield, I want to assure her that this was not the subcommittee's intention. The fencing off language was included to ensure that IRS does not spend any more funds to continue development of TSM systems in-house. Assuming that IRS is able to provide us with a concrete list of those TSM systems which are up and running, we will clarify that the fencing off language will not affect funding for operational TSM systems.

Mrs. JOHNSON of Connecticut. Reclaiming my time, I very much appreciate that clarification. I am also concerned about the provision to transfer TSM procurement activities, including responsibility for writing the request for proposal to the Department of Defense. I question whether it will be helpful, at this point in the process, to put responsibility for contracting out TSM in the hands of DOD employees who have not had any previous experience with IRS computer systems or the agency's business needs.

While I agree with the gentleman that IRS' long-term track record on TSM has not been good, the new management structure put into place by IRS and the Department of the Treasury has come a long way toward addressing the TSM problems that the gentleman has brought to light in his oversight of this program.

Mr. LIGHTFOOT. If the gentlewoman will yield, I agree that the new management structure is a step in the right direction. However, I am convinced that IRS does not have the in-house technical capability to complete the development and delivery of a successful TSM. The proposal to transfer writing of the RFP and other contract award activities to the Department of Defense was intended to demonstrate the depth of congressional intent that IRS must get out of the business of developing TSM and turn it over to experts in the private sector who develop computer systems for a living.

The CHAIRMAN. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

(On request of Mr. LIGHTFOOT, and by unanimous consent, Mrs. JOHNSON of Connecticut was allowed to proceed for 5 additional minutes.)

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I also believe IRS does not have the technical expertise to write the RFP and award the contract in the necessary time frame. However, we do not want to burden the Department of Defense with work that does not directly benefit national defense. As the bill moves through conference, I would be happy to work with Treasury and the IRS to address the issue of who should be responsible for writing the restructured RFP. While I am determined that IRS should be out of the business of writing the new contract, I am certainly ready and willing to negotiate on who has the best technical expertise to do the job.

Mrs. JOHNSON of Connecticut. Reclaiming my time, I thank the gentleman for his willingness to be flexible on this issue. My final point is with regard to provisions in the bill relating to tax debt collections. The bill transfers $13 million from the IRS to Treasury to initiate a second private sector debt collection program, and provides an additional $13 million for continuation of the current private debt collection IRS initiative established by the fiscal year 1996 Treasury, Postal Service, and General Government appropriation.

As my colleague knows, the Ways and Means Subcommittee on Oversight, which I chair, recently held a hearing earlier to explore the idea of using private firms to assist in collecting Federal tax debts. I supported the program you initiated last year so we can determine whether privatizing some tax debt collection functions is a good business decision for the Federal Government.

I also applaud the gentleman for the language he included last year to guarantee that taxpayers rights are fully protected under the 1996 program.

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The private contractors who were recently awarded contracts under the program are subject to the disclosure laws: The Privacy Act, the Taxpayer Bill of Rights, and applicable sections of the Fair Debt Collection Practices Act.

However, I do want to emphasize my belief that the use of private collection firms to collect Federal tax debts is something that needs to be fully and fairly tested before the program is greatly expanded. under current law, private contractors cannot be compensated out of the proceeds of amounts they assist in collecting, so the pilot is being conducted using appropriated funds.

Since this does not allow for the most efficient test of the effectiveness of private contractors, the Committee on Ways and Means is in the process of developing legislation which we hope to be able to consider in the near future to allow IRS to expand the use of private collection firms and test alternative compensation arrangements that are not permissible under present law.

Thus, I urge the gentleman to drop the $13 million that the bill transfers from IRS to Treasury to initiate a second private sector debt collection program.

Mr. LIGHTFOOT. Mr. Chairman, if the gentlewoman will continue to yield, I am very pleased to learn that the Committee on Ways and Means is developing legislation relating to private debt collection. I share the gentlewoman's goal of doing what is necessary to determine whether privatizing some tax collection functions is a good business decision.

As the Treasury appropriations bill moves through conference with the Senate, I am committed to addressing the gentlewoman's concerns regarding the second private sector debt collection program.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for his clarification on these important issues.

While I remain concerned about the adequacy of funding levels provided for the IRS, I recognize the challenges the gentleman faced in putting this bill together, and I am satisfied by the chairman's commitment that he will address these issues in conference with the Senate. I commend Chairman LIGHTFOOT for his responsiveness and willingness to listen to the concerns of the Committee on Ways and Means.

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON OF Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JOHNSON of Connecticut: Page 4, beginning on line 1, strike "and Internal Audit of the Internal Revenue Service."

Page 4, line 5, strike "and the internal" and all that follows through "Inspector General" on line 8.

Page 4, line 14, strike "and of which" and all that follows through line 19, and insert "$29,319,000.".

Page 20, line 23, strike "$1,616,379,000" and insert "$1,722,985,00".

The CHAIRMAN. For what purpose does the gentleman from Iowa [Mr. LIGHTFOOT] rise?

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The text of the remainder of title I is as follows:

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, up to $3,000,000, to be derived through transfer from the United States Customs Service, salaries and expenses appropriation: *Provided*, That none of the funds shall be obligated without the advance approval of the House and Senate Committees on Appropriations.

TREASURY BUILDINGS AND ANNEX REPAIR AND RESTORATION

INCLUDING TRANSFER OF FUNDS

For the repair, alteration, and improvement of the Treasury Building and Annex, the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, and the Rowley Secret Service Training Center, $22,892,000, to remain available until expended: *Provided*, That funds for the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center and the Rowley Secret Service Training Center shall not be available until a prospectus authorizing such facilities is approved by the House Committee on Transportation and Infrastructure: *Provided further*, That funds previously made available under this title for the Secret Service Headquarter's building shall be transferred to the Secret Service Acquisition, Construction, Improvement and Related Expenses appropriation.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,387,000: *Provided*, That notwithstanding any other provision of law, the Director of the Financial Crimes Enforcement Network may procure up to $500,000 in specialized, unique, or novel automatic data processing equipment, ancillary equipment, software, services, and related resources from commercial vendors without regard to otherwise applicable procurement laws and regulations and without full and open competition, utilizing procedures best suited under the circumstances of the procurement to efficiently fulfill the agency's requirements: *Provided further*, That funds appropriated in this account may be used to procure personal services contracts.

DEPARTMENT OF THE TREASURY FORFEITURE FUND

For necessary expenses of the Treasury Forfeiture Fund, notwithstanding any other provision of law, not to exceed $7,500,000 shall be made available for the development of a Federal wireless communication system, to be derived from deposits in the Fund: *Provided*, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

VIOLENT CRIME REDUCTION PROGRAMS

INCLUDING TRANSFER OF FUNDS

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $89,800,000, of which $15,005,000 shall be available to the United States Customs Service; of which $47,624,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, of which $2,500,000 shall be available for administering the Gang Resistance Education and Training program, of which $3,662,000 shall be available for ballistics technologies, and of which $41,462,000 shall be available to enhance training and purchase equipment and services; of which $5,971,000 shall be available to the Secretary as authorized by section 732 of Public Law 104–132; of which $1,000,000 shall be available to the Financial Crimes Enforcement Network; of which $20,200,000 shall be available to the United States Secret Service, of which no less than $1,000,000 shall be available for a grant for activities related to the investigations of missing and exploited children.

(b) As authorized by section 32401, $7,200,000, for disbursement through grants, cooperative agreements or contracts, to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated only to the affected State and local law enforcement and prevention organizations participating in such projects.

TREASURY FRANCHISE FUND

There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: *Provided further*, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $51,681,000, of which $9,423,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1999: *Provided*, That the

Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $18,884,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $191,799,000, of which not to exceed $14,277,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380: *Provided*, That none of the funds made available for systems modernization initiatives may not be obligated until the Commissioner of the Financial Management Service has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; provision of laboratory assistance to State and local agencies, with or without reimbursement; $389,982,000, of which $12,011,000, to remain available until expended, shall be available for arson investigations, with priority assigned to any arson involving religious institutions; which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1997: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c) and the inability of the Bureau of Alcohol, Tobacco and Firearms to process or act upon such applications for felons convicted of a violent crime, firearms violations, or drug-related crimes shall not be subject to judicial review: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to State or local authorities who have obtained similar equipment through a Federal grant or subsidy: *Provided further*, That, notwithstanding any other provision of law, all aircraft owned and operated by the Bureau of Alcohol, Tobacco and Firearms shall be transferred to the United States Customs Service: *Provided further*, That no funds under this heading shall be available to conduct a reduction in force: *Provided further*, That no funds available for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,489,224,000; of which $65,000,000 shall be available until expended for Operation Hardline; of which $28,000,000 shall be available until expended for expenses associated with Operation Gateway; of which up to $3,000,000 shall be available for transfer to the Office of Professional Responsibility; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research and not to exceed $1,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081 and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That the United States Custom Service shall implement the General Aviation Telephonic Entry program within 30 days of enactment of this Act: *Provided further*, That no funds under this heading shall be available to conduct a reduction in force: *Provided further*, That no funds available for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations: *Provided further*, That the Spirit of St. Louis Airport in St. Louis County, Missouri, shall be designated a port of entry: *Provided further*, that no funds under this Act may be used to provide less than 30 days public notice for any change in apparel regulations.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $83,363,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1997 without the prior approval of the House and Senate Committees on Appropriations.

AIR INTERDICTION PROCUREMENT

For the purchase and restoration of aircraft, marine vessels and air surveillance equipment for the Customs air and marine interdiction programs, $28,000,000: *Provided*, That such resources shall not be available until September 30, 1997, and shall remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS
(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $169,735,000: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 1997 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at $165,335,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers, management services, and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,616,379,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,052,586,000.

INFORMATION SYSTEMS
INCLUDING TRANSFER OF FUNDS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,077,450,000, of which $424,500,000 shall be available for tax systems modernization program activities: *Provided*, That none of the funds made available for tax systems modernization shall be available until the Internal Revenue Service establishes a restructured contractual relationship with a commercial sector company to manage, integrate, test, and implement all portions of the tax systems modernization program, except that funds up to $59,100,000 may be used to support a Government Program Management Office, not to exceed a total staffing of 50 individuals, and other necessary Program Management activities: *Provided further*, That none of the funds made available for tax systems modernization may be used by the Internal Revenue Service to carry out activities associated with the development of a request for proposal and contract award, except that funds shall be available for the sharing of data and information and general oversight of the process by the Associate Commissioner of the Internal Revenue Service for Modernization, and such funds as may be necessary shall be transferred to the Department of Defense which will conduct all technical activities associated with the development of a request for proposal and contract award: *Provided further*, That none of these funds may be used to support in excess of 150 full-time equivalent positions in support of tax systems modernization: *Provided further*, That these funds shall remain available until September 30, 1999.

INFORMATION SYSTEMS
(RESCISSION)

Of the funds made available under this heading for Tax Systems Modernization in Public Law 104–52, $100,000,000 are rescinded, in Public Law 103–329, $51,685,000 are rescinded, in Public Law 102–393, $2,421,000 are rescinded, and in Public Law 102–141, $20,341,000 are rescinded.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. No funds available in this Act to the Internal Revenue Service for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed 702 vehicles for police-type use, of which 665 shall be for replacement only), and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That 3 U.S.C. 203(a) is amended by deleting "but not exceeding twelve hundred in number"; $528,368,000, of which $1,200,000 shall be available as a grant for activities related to the investigations of missing and exploited children: *Provided further*, That resources made available as a grant for activities related to the investigations of missing and exploited children shall not be available until September 30, 1997, and shall remain available until expended.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $31,298,000, to remain available until expended: *Provided*, That funds previously provided under the title, "Treasury Buildings and Annex Repair and Restoration," for the Secret Service's Headquarters Building, shall be transferred to this account.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 111. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a

Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1997, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 112. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, compiles with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 114. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 115. The funds provided to the Bureau of Alcohol Tobacco and Firearms for fiscal year 1997 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 116. Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended—

(1) by striking in the third sentence "and at the end of each fiscal year thereafter";

(2) by inserting in lieu thereof "1994, 1995, and 1996"; and

(3) by adding at the end the following new sentence: "At the end of fiscal year 1997, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under subsection (a)."

SEC. 117. Of the funds available to the Internal Revenue Service, $13,000,000 shall be made available to continue the private sector debt collection program which was initiated in fiscal year 1996 and $13,000,000 shall be transferred to the Departmental Offices appropriation to initiate a new private sector debt collection program: *Provided*, That the transfer provided herein shall be in addition to any other transfer authority contained in this Act.

PRIORITY PLACEMENT, JOB PLACEMENT, RETRAINING, AND COUNSELING PROGRAMS FOR U.S. TREASURY DEPARTMENT EMPLOYEES AFFECTED BY A REDUCTION IN FORCE

SEC. 118. (a) DEFINITIONS.—

(1) For the purposes of this section, the term "agency" means the United States Department of the Treasury.

(2) For the purposes of this section, the term "eligible employee" means any employee of the agency who—

(A) is scheduled to be separated from service due to a reduction in force under—

(i) regulations prescribed under section 3502 of title 5, United States Code; or

(ii) procedures established under section 3595 of title 5, United States Code; or

(B) is separated from service due to such a reduction in force, but does not include—

(i) an employee separated from service for cause on charges of misconduct or delinquency; or

(ii) an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) PRIORITY PLACEMENT PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the U.S. Department of the Treasury shall establish a priority placement program for eligible employees.

(c) The priority placement program established under subsection (b) shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of the agency if—

(1) there is then available any eligible employee who applies for the position within 30 days of the agency issuing a job announcement and is qualified (or can be trained or retrained to become qualified within 90 days of assuming the position) for the position; and

(2) the position is within the same commuting area as the eligible employee's last-held position or residence.

(d) JOB PLACEMENT AND COUNSELING SERVICES.—The head of the agency may establish a program to provide job placement and counseling services to eligible employees and their families.

(1) TYPES OF SERVICES.—A program established under subsection (d) may include, is not limited to, such services as—

(A) career and personal counseling;

(B) training and job search skills; and

(C) job placement assistance, including assistance provided through cooperative arrangements with State and local employment services offices.

(e) REFERRAL OF ELIGIBLE EMPLOYEES TO PRIVATE SECTOR CONTRACTORS.—Any contract related to the Internal Revenue Services' Tax Systems Modernization program shall contain a provision requiring that the contractor, in hiring employees for the performance of the contract, shall obtain referrals of eligible employees, who consent to such referral, from the priority placement or job placement programs established under this section.

This title may be cited as the "Treasury Department Appropriations Act, 1997".

Mr. LIGHTFOOT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LAHOOD] having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 475, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3756, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 3756, in the Committee of the Whole, pursuant to House Resolution 475:

First, the bill be considered as having been read; and

Second, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

An amendment by Mr. KENNEDY of Massachusetts, regarding Customs Service, for 10 minutes;

An amendment by Mr. DURBIN, regarding firearms disabilities, for 30 minutes;

An amendment by Mrs. JOHNSON of Connecticut, regarding IRS funding for 10 minutes;

An amendment by Mr. TRAFICANT, for 10 minutes;

An amendment by Mr. HOYER or Mrs. LOWEY, to strike sections 518 and 519, for 30 minutes;

An amendment by Mr. HOYER, regarding buyouts, for 10 minutes;

An amendment by Mr. WOLF, regarding buyouts, for 10 minutes;

An amendment by Mr. KINGSTON, regarding customs ports of entry, for 9 minutes;

An amendment by Mr. GUTKNECHT, regarding an across-the-board cut, for 20 minutes;

An amendment by Mr. SANDERS, regarding health maintenance organizations, for 20 minutes;

An amendment by Ms. KAPTUR, regarding China tariffs, for 10 minutes;

An amendment by Mr. SOLOMON, regarding a limitation on the Comptroller of the Currency, for 10 minutes;

An amendment by Mr. SALMON, regarding the White House Travel Office, for 10 minutes;

An amendment by Mr. HOYER, for 10 minutes; and

An amendment by Mr. GEKAS, for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. HOYER. Reserving the right to object, Mr. Speaker, and I do not intend to object, this agreement is intending, as I understand it, to give all the amendments that we know about the opportunity to be offered.

In addition, it gives us an opportunity to further discuss the points raised by the gentlewoman from Connecticut [Mrs. JOHNSON] in my amendment, and will then provide for the consideration of the balance of the bill?

Mr. LIGHTFOOT. If the gentleman will yield, that is correct.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Without objection, the unanimous consent request offered by the gentleman from Iowa [Mr. LIGHTFOOT] is agreed to.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3814, COMMERCE, JUSTICE, STATE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–678) on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I presume the answer to my question, but the Chair did not say the unanimous-consent request was adopted.

The SPEAKER pro tempore. The Chair did say that. The Chair in a very soft voice said "without objection."

Mr. HOYER. If the Speaker said that, then we are confident that it is done.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 475 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3756.

□ 1953

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose just a few moments ago, pending was the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The bill had been read through page 31, line 14. At the conclusion of the Johnson amendment the Chair will announce the further procedures pursuant to the order of the House.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON] for 5 minutes in support of her amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, this amendment strikes language in title I of the bill.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Mr. Chairman, I want to know where we are now. I would not have agreed to the unanimous-consent request if I did not think we were going to terminate proceedings of the bill at this time. That was the understanding that I had, and that was the understanding under which I gave unanimous consent.

If that is not the case, I cannot withdraw my unanimous-consent agreement, but that was my understanding, and the bill would proceed much more slowly tonight if my understanding was incorrect.

The CHAIRMAN. The Johnson amendment was pending when the Committee rose.

Mr. HOYER. I understand that, Mr. Chairman.

Mr. LIGHTFOOT. There was so much confusion.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to proceed for 1 minute out of order to determine what we are doing.

The CHAIRMAN. The gentlewoman from Connecticut [Mrs. JOHNSON] controls 5 minutes in support of her amendment. Does she wish to yield for the purpose of a colloquy?

Ms. JOHNSON of Connecticut. I am happy to yield to the gentleman from Iowa [Mr. LIGHTFOOT].

The CHAIRMAN. To whom does the gentlewoman from Connecticut [Mrs. JOHNSON] yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa [Mr. LIGHTFOOT] for a colloquy with the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN. Would the gentlewoman yield to the gentleman from Maryland?

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, there has been a misunderstanding here. I want to ask the chairman a question, because apparently I misunderstood.

I was sitting over here, obviously trying to keep track of the debate while there were discussions about what we were doing on the bill. I was brought a paper with the amendments, and I know the gentleman added a couple, and that was fine, and I did not object. But very frankly, I did not object on the premise that we were going to suspend further proceedings of the bill at this time. I was told that. That may have been an error, but that is what I was told.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I think we can straighten this out. The gentlewoman from Connecticut [Mrs. JOHNSON] got on her feet to offer her amendment before I asked for the unanimous consent request. So therefore, when we came back, we came back to her amendment. I did include her amendment on that sheet that the gentleman has in front of him, so we can resolve this very quickly if the gentlewoman wants to go ahead and hold over her amendment until tomorrow, as it was in the unanimous consent request. I think that will solve the problem.

Mrs. JOHNSON of Connecticut. I could do that, but my amendment is very, very brief. It would save me coming back tomorrow.

Mr. HOYER. If the gentlewoman will continue to yield, Mr. Chairman, the problem is, I have a number of people on this side of the aisle who tell me their amendments are very, very brief.

Mrs. JOHNSON of Connecticut. I am happy to ask unanimous consent to withdraw my amendment, Mr. Chairman, without prejudice for tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. Who seeks recognition? Does the chairman of the subcommittee seek recognition?

Mr. HOYER. Are we going to rise, Mr. Chairman?

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. LIGHTFOOT. Mr. Chairman, I move that the Committee do now rise.

Mr. HOYER. Mr. Chairman, is the question on the motion to rise?

The CHAIRMAN. Does the gentleman from Iowa [Mr. LIGHTFOOT] wish the Chair to resume consideration of the two postponed votes on the Gutknecht amendment and Metcalf amendment?

□ 2000

(By unanimous consent, Mr. ARMEY was allowed to speak out to order.)

ORDER OF BUSINESS

Mr. ARMEY. Mr. Chairman, might I suggest that we take at this time the two votes that are ordered on amendments related to this bill and then perhaps if we have agreement with everyone, we would take the votes on the suspension calendar tomorrow morning.

Mr. LEWIS of California. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Chair has the authority to put the postponed questions before the Committee.

Mr. ARMEY. Mr. Chairman, I was not making a unanimous-consent request. I do not know what the gentleman is objecting to. I am making a recommendation to the body. I think it would be helpful to take the two votes now on the two amendments. I think it would also be helpful to a lot of our Members if after we take those two amendment votes, we deferred voting on the suspensions until tomorrow.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that suggestion?

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say, I do not have a dog in this fight, and I do not care what we do on these amendments. All I know is that there are a considerable number of Members on both sides of the aisle who are very much pressing to have a time agreement tonight because they have serious scheduling problems. They were expecting, and indeed hoping, that all of the votes would be rolled until tomorrow.

I have no problems. I can stay here and vote on all of these. But I know a number of Members who are extremely exasperated about it and I wonder if the majority leader has any specific reason as to why we could not do that.

Mr. ARMEY. If the gentleman would allow me to reclaim my time, why do we not go ahead, take the two votes, and then we can maybe all of us who have a concern discuss this during the course of the time of those two votes?

Mr. OBEY. We are talking about the two votes in question that the gentleman is suggesting be voted on right now.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the only reservation that I would have raised if I had an opportunity to raise a reservation was that one of these amendments apparently has a very significant impact upon the conference members who have not had an opportunity to discuss this in conference, and there are a number who feel very strongly they need an opportunity to discuss it with their leadership before they have this vote on the floor. If we now have the vote, we will go, but the leadership should hear from them before they have such a discussion.

Mr. ARMEY. I appreciate the gentleman's point and I have no doubt that the gentleman is absolutely correct. But, Mr. Chairman, again might I suggest that we take the two votes on the two amendments that are pending on this bill and then with the agreement of the Members I think we would be able then to roll the earlier ordered suspension votes until tomorrow. That is what I would recommend.

The CHAIRMAN. Unless there is a motion to rise, the Chair will put the question on the two amendments.

Mr. HASTINGS of Florida. Point of order, Mr. Chairman. The gentleman from Iowa will have to withdraw his motion to rise, Mr. Chairman. There was a motion to rise. Just to keep the process correct.

The CHAIRMAN. The gentleman from Iowa was seated and has not renewed his motion to rise. The gentleman is seated and the Chair has never put the question to the committee.

Mr. HASTINGS of Florida. I thank the Chairman.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Mr. Chairman, as a precedent, if one makes a motion to adjourn and sits down, the motion to adjourn dies. Is that the ruling of the Chair?

The CHAIRMAN. The Chair has not recognized the gentleman from Iowa for the purpose of renewing his motion to rise after the intervening debate.

Mr. HOYER. That reason I understand and I will not press the issue.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 475, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Washington [Mr. METCALF] and the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

AMENDMENT OFFERED BY MR. METCALF

The CHAIRMAN. the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington [Mr. METCALF] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. The Chair will reduce to 5 minutes the time for a recorded vote after this vote.

The vote was taken by electronic device, and there were—ayes 352, noes 67, not voting 14, as follows:

[Roll No. 317]

AYES—352

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen

Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (AK)
Zeliff
Zimmer

NOES—67

Beilenson
Berman
Boehlert
Brewster
Campbell
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cummings
Dellums
Dixon
Engel
Fattah
Flake
Foglietta
Frank (MA)
Geren
Gibbons
Hastings (FL)
Houghton
Hoyer
Hyde
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
King
Knollenberg
Lewis (CA)
Lewis (GA)
Livingston
Martinez
McDermott
McKeon
Moorhead
Moran
Murtha
Packard
Payne (NJ)
Pelosi
Porter
Quillen
Rangel
Rush
Serrano
Stark
Stokes
Studds
Thomas
Thompson
Towns
Vucanovich
Walker
Waters
Watt (NC)
Waxman
Williams
Wilson
Wynn

NOT VOTING—14

de la Garza
Ford
Hall (OH)
Hayes
Lincoln
McDade
Meehan
Miller (CA)
Molinari
Paxon
Rose
Sabo
Slaughter
Young (FL)

□ 2023

Messrs. MOORHEAD, RANGEL, FRANK of Massachusetts, and STUDDS changed their vote from "aye" to "no."

Mr. BRYANT of Texas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 150, not voting 16, as follows:

[Roll No. 318]

AYES—267

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Pallone
Parker
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Young (AK)
Zeliff
Zimmer

NOES—150

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Berman
Bevill
Bliley
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Campbell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Cox
Coyne
Cummings
DeFazio
DeLauro
Dellums
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Klink
Kolbe
LaFalce
Lantos
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McIntosh
McKinney
McNulty
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Rahall
Rangel
Richardson
Roemer
Rohrabacher
Roybal-Allard
Rush
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornberry
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wilson
Wolf
Woolsey
Wynn
Yates

NOT VOTING—16

de la Garza
Dicks
Ford
Hall (OH)
Hayes
Lincoln
McDade
Meehan
Miller (CA)
Molinari
Paxon
Rose
Sabo
Slaughter
Walker
Young (FL)

□ 2033

Mr. ROHRABACHER changed his vote from "aye" to "no."

Mr. PORTER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LIGHTFOOT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LONGLEY) having assumed the chair, Mr. DREIR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending

September 30, 1997, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–679), on the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The suspension votes postponed earlier today will be further postponed until tomorrow.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

NORTON R. GIRAULT

The Clerk called the bill (H.R. 2001) for the relief of Norton R. Girault.

There being no objection, the Clerk read the bill as follows:

H.R. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim for the disbursement of pay due by the Department of the Navy to Norton R. Girault, United States Navy (retired), of Norfolk, Virginia. The amounts due are represented by the following checks that were received but not negotiated by Norton R. Girault:

(1) Treasury check number 3,825,188, dated August 14, 1964, in the amount of $497.00 for salary and expenses.

(2) Treasury check dated August 28, 1964, in the amount of $497,000 for salary and expenses.

(3) Treasury check number 3,920,649, dated September 25, 1964, in the amount of $507.00 for salary and expenses.

(4) Treasury check number 3,928,498, dated October 9, 1964, in the amount of $507.00 for salary and expenses.

(5) Treasury check number 3,936,639, dated October 23, 1964, in the amount of $507.00 for salary and expenses.

(6) Treasury check number 4,028,503, dated November 20, 1964, in the amount of $507.00 for salary and expenses.

(7) Treasury check number 4,026,315, dated December 4, 1964, in the amount of $507.00 for salary and expenses.

(8) Treasury check number 4,098,736, dated January 15, 1965, in the amount of $532.00 for salary and expenses.

(9) Treasury check number 4,153,425, dated February 12, 1965, in the amount of $453.00 for salary and expenses.

(10) Treasury check number 4,191,812, dated February 26, 1965, in the amount of $488.00 for salary and expenses.

(11) Treasury check number 4,247,128, dated March 12, 1965, in the amount of $558.00 for salary and expenses.

(12) Treasury check number 4,252,764, dated March 26, 1965, in the amount of $488.00 for salary and expenses.

(13) Treasury check number 4,655,442, dated May 7, 1965, in the amount of $488.00 for salary and expenses.

(14) Treasury check number 4,320,091, dated May 21, 1965, in the amount of $488.00 for salary and expenses.

(15) Treasury check dated August 26, 1965, in the amount of $506.00 for salary and expenses.

(16) Treasury check dated October 21, 1965, in the amount of $530.00 for salary and expenses.

(17) Treasury check dated November 18, 1965, in the amount of $529.00 for salary and expenses.

(18) Treasury check dated December 2, 1965, in the amount of $529.00 for salary and expenses.

(19) Treasury check dated July 28, 1966, in the amount of $544.00 for salary and expenses.

(20) Treasury check dated August 25, 1966, in the amount of $531.00 for salary and expenses.

(21) Treasury check number 6,368,406, dated January 25, 1968, in the amount of $525.00 for salary and expenses.

SEC. 2. DEADLINE.

Section 1 shall apply only if Norton R. Girault or his authorized representative submit a claim pursuant to such subsection before the expiration of the 1-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATHAN C. VANCE

The Clerk called the Senate bill (S. 966) for the relief of Nathan C. Vance, and for other purposes.

There being no objection, the Clerk read the Senate bill as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT TO NATHAN C. VANCE.

(a) PAYMENT.—Subject to subsection (b) and (c), the Secretary of Agriculture shall pay $4,850.00 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Area Fire in and around Yellowstone National Park in 1988.

(b) SOURCE OF FUNDS.—The Secretary of the Treasury shall pay the amount specified in subsection (a) from amounts made available under section 1304 of title 31, United States Code.

(c) CONDITION OF PAYMENT.—The payment made pursuant to subsection (a) shall be in full satisfaction of the claim of Nathan C. Vance against the United States, for fire loss arising out of the Mink Area Fire, that was received by the Forest Service in August 1990.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING THE YOUTH PROTECTION FROM TOBACCO ADDICTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, today I am introducing the Youth Protection from Tobacco Addiction Act on behalf of this Nation's children, who have been fooled into believing that smoking is an appealing, appropriate, or even a healthy habit.

I want to make a simple fact very clear. Tobacco kills the people who use it, just like cocaine or heroin kills its users; however, more people die from tobacco caused diseases than from illegal drugs, alcohol, homicides, and suicides combined.

Nicotine is an ingredient in every cigarette, pouch or pipe tobacco, or can of chewing tobacco. Nicotine is an ingredient unlike any other ingredient you find in the kitchen pantry. It is dangerous and it is a deadly poison. In its liquid form, an injection of only one drop would be deadly. If anyone here likes to work outside in his vegetable garden, as I do, they know that there is not an insecticide on the market that is a more effective killer than nicotine.

The nicotine contained in the various tobacco products acts as an addictive poison, not only killing the product user but also creating a strong craving. After using tobacco for a length of time it is very difficult to stop. If you do not believe that tobacco is addictive, go outside any of the House Office Buildings on the coldest day of the year to see the people who brave the freezing temperatures to fulfill their poisonous craving for nicotine.

The bill I am introducing today is intended to protect the 3,000 children who began smoking today and the 3,000 who will start tomorrow and the 3,000 who will begin smoking every day after that. The time has come for this Congress to do something to prevent our children from being fooled by the crafty and wily masters of advertising who target our children as future users of this deadly product.

☐ 1915

Because hundreds of thousands of people die from smoking-related causes each year, the tobacco industry must find replacements for these customers. The tobacco executives have an economic need to fool children to begin smoking early, just to stay even. Tobacco advertisers do not want you to know that over 80 percent of smokers become hooked when they are children. I think we all know a few of them.

It is not a mistake or unfortunate consequence that our children are becoming addicted to this poison. No, it is a deliberate attempt by deceptive tobacco advertisers in an effort to target future tobacco users. Only a fool with his head in the sand would suggest that Joe Camel or the Marlboro Man advertisements are not targeted to children and teenagers who want to be accepted and liked.

The advertisements falsely claim that smoking will increase self-esteem, popularity and performance. I am hardpressed to think of a more outright falsehood so blatantly broadcast and accepted as is tobacco advertising.

Let me tell you about the self-esteem, popularity and performance of someone who was addicted to nicotine all his life, my neighbor, somebody by the name of Chuck Edwards. If you want to check with Chuck Edwards, he happens to be the foremost expert in the west in larynx cancer. He brings in things, and he takes somebody's face off. He lifts the face off. He then disconnects their jaw. He then cleans out their larynx and guess what happens to that person, he is a recluse the rest of his life. And Chuck always says to me, "And following that, I go in after the operation and the hole that is in the trachea, they put a cigarette in it because they are so addicted they cannot leave it alone."

I probably would not object to tobacco advertising so much if they showed the truth. I would like to see them show one of Chuck Edwards' operations. The fact is, tobacco kills the people who use it. Tobacco advertisers are trying to fool children into using it. And this Congress is allowing children to be fooled by the tobacco advertisers.

If you do not believe me, just look at how the cigarettes are packaged in the United States. Here is a package from the United States. It says on there, Surgeon General's warning, tobacco contains carbon monoxide. Here is the same pack from Canada. What do they say in Canada? A little more honest than we are. In Canada, it says, Cigarettes are addictive.

I doubt most adults, let alone children, understand the dangers of carbon monoxide. I doubt most adults can describe the color, taste or odor of carbon monoxide. However, that is the warning we have chosen to place on the side of cigarette packages in this very, very small print. Now you look at the one from Canada. In clear black and white language it says, Cigarettes are addictive. In my opinion, that is what any responsible legislature ought to warn people about. Cigarettes are addictive and they ought to put on the sides, "These things will kill you, because that is what they do every day and thousands of people die."

In fact, if I had it my way, I would require all cigarettes plainly to say, Cigarettes will kill you.

Mr. Speaker, I would urge Members to get on this bill, the Youth Protection Act. I personally think it is the thing we should do for our children.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, I rise tonight on the eve of this august body going into a debate on campaign finance reform. I think it is important in this hour of special orders to really discuss what is reform. The choice before this Congress is going to very clear. One bill will come before us that says we need to spend more money in campaigns. The other bill will be coming before us that says we have to spend less. I believe that less money is reform. More power to small contributors is reform. Preventing rich people from buying public office is reform. Eliminating soft money is reform. Leveling the playing field is reform. Limiting special influence in campaigns is reform.

The bill that I authored, called the Farr bill does all these things. The Farr bill is reform. The Farr bill imposes voluntary spending limits. It imposes aggregate PAC limits. It reduces the PAC's max out from $10,000 to $8,000. It imposes aggregate large donor limits. Large donor in my bill is defined as anyone who gives $200 or more. It provides public benefits to all candidates, challengers, and incumbents alike. It levels the playing field for those who abide by the spending limits. It curbs campaign persuasion mail that is sent out under the phony guise of educational information.

The American people want reform, not more of the same. For a Congress that despite its partisan differences has addressed the issue of reform, the gift ban, the lobbying reform, the congressional compliance, we should not let the opportunity for real campaign finance reform get away from us now. The American people want this.

In the past months my office has logged 368 constituent letters in support of limits on money in congressional raises. In that same period of time, my office has logged exactly two constituent letters against limits on money in congressional races. I submit to my colleagues, if they check their offices, I think they will find the same ratio.

My bill, which I hope to offer on Thursday during the floor debate, has one priority and one priority only: To control campaign spending. The money chase now in this country is out of control. In the past years, Congress has tried to put the break on the money chase. But each time the Republican leadership has prevented that from happening.

Let us look at the record. In 1987, the Republicans filibustered a camapaign fiance bill in the Senate. In 1989, the House passed a bill but the Republicans delayed action in 1990 and set it until it was too late to appoint the conferees.

In 1991, the House and Senate passed bills and later, in 1992, a final conference report was signed and sent to President George Bush and he vetoed it.

In 1993, the House and Senate passed bills but in 1994, the Republicans blocked the appointment of conferees. Since 1987, Democrats have been in the forefront of moving campaign finance reform. Here we are again today. We have toiled at bringing campaign finance reform to American politics for nearly a decade. We will not rest until we get it.

The Democrat bill which I offer contains real reform that will make real changes to the electoral process in this country. My will seeks to reduce the power of money in elections and return that power to the people. Too much money too often decides who gets to Congress and who does not. Congress should be more reflective of the American population. Right now Congress is full of, and I must admit, white males like me. But my bill levels the playing field so that we will see more minorities, more women, more moderate income persons serving in the United States Congress, those who can run for office and be competitive.

If we do not stop the money chase, if we do not stop wealthy people from buying office, this Congress will be one big elitist white boys club. If we do not impose some limits, as my bill does, if we do not enhance disclosure requirements, as my bill does, if we do not level the playing field, as my bill does, the American people will continue to complain about the influence of money in elections, about not being able to trace where the money comes from, about Congress not doing what it is supposed to to clean up the system.

We have a chance this week on Thursday to clean up the system. I urge Members to take a look at my bill, take a look, and I speak to my colleagues on the other side of the aisle, take a look at H.R. 3505 and join me in voting for something that is really positive. Join me in showing the American people that like the gift ban, like lobbying reform, like the compliance act, this Congress can do what is right and enact serious reform to bring order out of chaos.

KIRBY PUCKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, shock waves reverberated through the sports world on Friday. Kirby Puckett told us what we did not want to hear, that this was the last day that he would wear Twins uniform No. 34.

Baseball is a game for optimists. "We will get them tomorrow" and "wait until next year" are examples created by baseball fans. We all wanted to believe that the doctors would perform magic and that Kirby would once again be patrolling the outfield and bedeviling American League pitchers. It was not to be.

If baseball is a game for optimists, Kirby Puckett was its best salesman. Maybe it was all that energy and enthusiasm trapped inside that teddy bear body that allowed him to defy the laws of gravity, the laws of physics. With leaps that would make Michael Jordan proud, Kirby robbed countless hitters of home runs.

In a sports world dominated today by megabuck contracts and even bigger egos, he was a throwback to an earlier day, to earlier day heroes. He did not believe in trash talk. He let his play speak for itself, and speak it did.

His record of excellence shouts at you. In his roughly 12 years in the major leagues, he appeared in 12 All Star games. He won six Golden Gloves. He hit 207 home runs, had a lifetime batting average of .318, and he has two World Series rings to show for it.

Not bad for a kid who almost spent his life at the Ford assembly plant on Terrance Avenue. He got laid off and returned to baseball, and we all are richer for it.

Kirby was the youngest of nine children, raised by two loving parents in the projects of Chicago's south side. We are all proud of Kirby but no one should be prouder than his mother. To paraphrase one fan, Kirby Puckett is a wonderful human being who just happened to be one of the greatest ball players of all time.

Every day he demonstrated one of the most important eternal truths, that the key to happiness is to be thankful. And so, Mr. Speaker, on behalf of Twins fans in the upper Midwest and sports fans all over the world, permit me to send this personal message: Thank you, thank you, Kirby Puckett. Good luck and may God bless you.

THE KELLWOOD CO. OF WEST VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I first tonight want to commend the Kellwood plant in Spencer, WV. As garment manufacturers across the Nation are working to improve working conditions, I have today sent a letter to the Secretary of Labor, Robert Reich, praising the Kellwood Co. of Spencer as an innovative firm which is a step ahead in the push to eliminate abuse of labor laws.

Kellwood, which is the largest private label clothing supplier in the United States, employs 500 people at a major manufacturing and distribution facility in West Virginia. This facility has long been a stabilizing force in the community and is a respected and revered employer. In the summer of 1995, Kellwood began implementing a program requiring its contractors to submit to independent audits and, if needed, follow-up remediation efforts. The company is now in the process of completing audits of its contractors nationwide to make sure they are following the rules.

I believe these voluntary efforts by Kellwood track perfectly with the Labor Department's no-sweat initiative and they are successful in correcting the contractor problems that exist in the industry.

The U.S. Department of Labor nosweat campaign is an effort to crack down on sweatshops and clothing contractors violating the Fair Labor Standards Act by using child labor that forces workers to put in excessive hours without adequate pay or operating unsafe shops.

The Kellwood Co. has become a corporate leader in eliminating these abuses. It is my hope, Mr. Speaker, that the Labor Department will recognize the leadership role that Kellwood has taken in regard to contractor compliance, particulary as Kellwood is one of a number of companies taking part in the upcoming Fashion Industry Forum at Marymount University where various parts of the apparel industry will meet to try to continue taking on the problem of sweatshops. Kellwood is to be commended.

CAMPAIGN FINANCE REFORM

Mr. WISE. I had wanted to talk about reform because this is reform week here. This is when the Republican leadership is to bring to the floor its campaign finance reform bill. The problem is, this is not campaign reform, it is campaign retreat. What this does is it does not get cash out of politics. It results in cashing in.

Mr. Speaker, I think it is important to note that this bill that will be brought to the floor, only this week a distinguished West Virginian, Rebecca Cain, the leader, president of the National League of Women Voters, criticized this bill as not being true reform.

I think it is important to point out that most Americans, most West Virginians when they talk to me, think the problem is money needs to be taken out of politics, not put into it.

Let us look at what this bill, if it passes, would do. It would permit the maximum amount that individuals can give to a candidate to go from $1,000 to $2,500 per election. That does not sound like reform to me. It would permit the cumulative amount that individuals can give to candidates and to political action committees to go from $25,000 to $72,500 per year. Does not sound like reform to me.

It would also permit the maximum amount that individuals can give to any one political party, committee, to go from $20,000 to $58,000 per year. Incidentally, that is on top of the $72,500 that is already permitted.

□ 2100

Now, this is a proposal I really find fascinating. In fact, under this proposal a wealthy individual would now be able to give over $300,000 in hard-money contributions to affect Federal elections in their State, another $2.8 million in hard money to other State political action committees, for a total of $3.1 million in a single year. Now, that is real encouraging grassroots participation. That is up, incidentally, $3.1 million. Under the present law it is $25,000. We get much more reform like this, there is no need to have any law at all.

And, incidentally, the bill still would permit unlimited amounts of soft money, which is probably the greatest abuse of all.

Whom is this bill directed to, Mr. Speaker? Only 1 percent of Americans gave campaign contributions of $200 or more during the past election, and it is indisputable that raising these individual limits can only increase the influence of the wealthy. I thought the purpose was to get grassroots participation to encourage people to participate into elections, to get more volunteers. You pass something like this, and all you do is send a message we are only interested in a rich person's club, we are only interested in how much influence money can buy.

We want real campaign reform, and that can be done on a bipartisan basis. But this is not campaign reform, it is campaign retreat, Mr. Speaker, and this is a hypocrisy to bring this out or it is ludicrous to bring this out on the floor and call it campaign reform.

This bill should be limiting costs, not increasing them. It should be encouraging small donors, not discouraging them. It should be limiting outside expenditures by outside groups. It just does nothing to curb that. It does nothing to restrict independent expenditures in a campaign, or not accountable, and it does nothing to make incumbents any more easily challenged. In fact, this is an incumbent protection bill because 9 times out of 10 that incumbent can go get that big contribution much more easily than a challenger.

Not campaign reform, Mr. Speaker.

SOCIAL SECURITY PREDICAMENT: FEWER WORKERS, MORE RETIREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to talk about one of the better kept secrets in Washington, and that is the fact that the Social Security trust fund has no money in it. There is a lot of current retirees that would like to expect that the promises on Social Security are going to stay there for the rest of their life. There is a lot of individuals that are going to be retiring in the next several years, and certainly young workers today that hope that there is some way that Social Security that they are now paying for will have something to offer them when they retire.

The predicament is that Social Security is going broke. The recent Social Security Administration estimate that they are going to be out of money earlier than they expected should be a red flag, should alert, Mr. Speaker, not only the Members of this body, but certainly the American people that we need to deal with Social Security. No longer can we put our heads in the sand and pretend that this very serious problem does not exist.

I introduced a bill last week, H.R. 3758, that deals with the problem of Social Security solvency. This bill is the only bill that has been introduced in the House that has been scored by the Social Security Administration, and it has been scored in a way that Social Security will continue to exist at least for the next 75 years, and the way it is written, Mr. Speaker, Social Security will continue to survive.

Now let me first say what the predicament is that is causing the problem in Social Security. In the early 1940's there were 42 people working and paying for the retirement benefits of every one Social Security retiree. In 1950 there were 17 people working and paying in their Social Security tax to support each one retiree. today Mr. Speaker, here is the problem: There is only three people working, supporting, paying in for each retiree, and when the baby-boomers retire, there is only going to be two working people in this country supporting that retiree.

You know what we have done? With the fewer number of workers for the larger number of retirees, we have continued to increase their taxes. Since 1970 we have increased taxes on those workers 34 times. So we continue to increase the tax on a fewer and fewer number of those working, and in terms of the demographic problems, we have an aging population. When we started Social Security, the average age of mortality, the average life expectancy, was 63 years old. Today it is 72 for a man and 76 for women. If you are lucky enough to reach age 65, you can expect to live until you are 84.

So we have an aging population on the one hand, fewer people working, and, you know, there is no trust fund, there is no reserve, it is a pay-as-you-go program where the workers today pay their money in and immediately when the Social Security Administration gets that money, they pay it out to existing retirees. If there is anything left, the Federal Government grabs the rest of that money for general fund spending.

Some people would like to believe that, look, as long as government has got those IOU's in the trust fund that somehow government can come up with the money to pay that trust fund back. I do not know how they are going to do that. How would they do that? They do it either by increasing taxes on those working to increase the burden on those individuals, and, Mr. Speaker, do you know, do the American people realize, that 70 percent of the American people today pay more in the FICA tax than they do in the income tax?

And so I say tax increases are out, so I have gradually increased the retirement age 2 years beyond the existing 67, gradually decreased the benefits for those higher income people, and what it has done is increase the solvency of Social Security to the extent that we allow those surpluses to be invested by each individual worker. So that individual worker now can take some of that FICA tax, they can take that dollar; it is going to be their own dollars, it is not going to be somebody else's dollars, and they can say, look, I am investing this in my fund, in my passbook savings account so I am assured of that money. And when you consider the fact that Treasury has had a real return of 2.3 percent on every dollar that the Treasury has taken from Social Security, and when you consider that the average equity investment is 9 percent, we end up with a bill that is going to give today's workers even greater benefits in their retirement than they would have under the existing system, plus it keeps it solvent.

Let us take our head out of the sands. Let us start dealing with the problem of Social Security.

H.R. 3760 ENCOURAGES CAMPAIGNS TO BE FINANCED BY THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take my 5 minutes to talk about this Republican so-called Campaign Finance Reform Act proposal. When I looked at it today and looked at some of the details, I have to say that I was actually shocked that in the context of a so-called reform week, which I guess now on the part of the Republican leadership is limited to this so-called Campaign Finance Reform Act, that they have proposed that the Republican leadership has come up with a bill that, in my opinion, is nothing short of obscene in terms of what it would do to the political system.

My constituents, I have to be honest, do not complain a great deal to me about campaigns and financing campaigns, but those that do write to me, those that do talk to me about the issue, the number 1 concern on their mind is the obscene amount of money that is spent on congressional races, on Senate races. We do not even get to the level of the Presidential campaign, but particularly on the Federal races for Congress, for Senate and for the House of Representatives.

Any campaign finance reform should try to make an effort to reduce the overall amount of money that is spent on a campaign and not allow the campaign and the financing of it to be increasingly dependent upon large checks by wealthy individuals, and that is what the Republican leadership is now proposing.

I have often said, and I have actually voted in the past for campaign finance reform that tries to contain a public financing component. Some people may be familiar with our State of New Jersey, with my State of New Jersey, where the gubernatorial race is sort of a good example, in my opinion, of what a good financing structure would be for a campaign. There are caps on spending, there are requirements that in order to capture public funds that you have to raise a certain amount of money from individuals, but you can also raise a certain amount from PAC's, you can have some large contributions from individuals, you can have small contributions from individuals. An ideal campaign finance reform would cap the overall amount that could be spent on a race at a rational amount and then require that the candidate raise some money from small contributors, some money from PAC's, perhaps, and some money from wealthy contributors before they get some public financing component.

Mr. Speaker, that is the only way that you can have a system, in my opinion, where anyone can run for office, for Congress, regardless of their background. If you make the system dependent more and more on large individual contributions, it will basically mean that people of modest means cannot run, and I will just give you an example.

When I first ran for Congress, my opponent was someone who had a chain of businesses, and basically what he did was to get a large amount of $1,000 individual contributions from people that were involved in his business. If you are not someone who owns a major business, a major corporation, a major business enterprise, you do not have that ability. But that is what the Republican leadership would entrench in this financed system for campaigns for the House of Representatives, and it is nothing short of obscene.

Now, I want to say that there were some Republicans, some of my colleagues on the Republican side, that actually had laid bare the system and said that they do not like what their leadership, what Speaker GINGRICH and the others in the Republican leadership, have proposed and what we are going to be voting on this week. A "Dear Colleague" letter went out from some of these moderate Republicans, or reform Republicans I should say, including MARGE ROUKEMA from my home State, and just to give you an idea, I will not read the entire letter, but I would like to read from some parts of it, and it is sent to other Republicans.

"Dear Republican Colleagues," it says, "We are concerned that the bill that the House is planning to take up next week, H.R. 3760, is more fundamentally flawed than our current system, worse than the current system." The fact is the bill will not give you political cover as we head into Reform Week. The average American will be left even further behind in the Washington money chase as they are frozen out of the political process."

The bill actually increases the amounts that wealthy individuals can contribute in Federal elections. Consider the facts. Maximum amount individuals can give to a candidate goes from $1,000 to $2,500 per election. Now instead of $1,000 the individual can give $2,500:

> Cumulative amount individuals can give to candidates and PAC's goes from $25,000 to $72,500 per year.
>
> Maximum amounts individuals can give to any one political party committee goes from $20,000 to $58,000 per year.
>
> In fact, under the proposal, a wealthy individual will be able to give over $300,000 in hard money contributions to affect Federal elections in their own State and another $2.8 million in hard money to other state political party committees, bringing the total up to $3.1 million in a single year.

Over $3 million an individual can now give to these races.

We need true reform, and this is not the way to go. This just encourages campaigns to be financed by the wealthy.

THE SPIRITS STAND UP AND PAY ATTENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, this is one of those days when the spirits stand up and pay attention. At our incomparably beautiful national cemetery at Arlington today we buried the Navy ace of aces from World War II. The overall ace of aces was a young 24-year-old Army Air Corps P–38 pilot, Richard Bong of Wisconsin, 40 aerial victories in the South Pacific.

Second was Tommy McGuire, a friend, fellow contemporary P–38 pilot of Dick Bong's. McGuire Air Force Base in New Jersey, of course, is named after Tommy McGuire.

And the third one is the gentleman I have had the honor to hang out with a couple of times. He is still living: Francis Gabreski, a Polish-American ace with 34.5 victories. He shared one victory, several victories, in Europe with wing men. But just a half a victory behind that is Capt. David McCampbell. He died on June 30, at 86 years of age, and quite a Navy officer this gentleman was.

□ 1915

Mr. Speaker, he holds the Medal of Honor, the Navy Cross, the Silver Star, the Distinguished Flying Cross. One of these days, Mr. Speaker, and I have said this many times, we are going to adjust tradition on this House floor and allow our cameras, like this one up here at the edge of the press gallery, to come in on a photograph like this when we do not have time to blow it up, which is expensive, and hold it down there in the well as a big chart-type photograph.

But this shows David McCampbell in his cockpit. His aircraft was named after his wife, Minzi III. That is because Minzi I and Minzi II, also F6F Grunman Hellcats, were so riddled with bullets when he returned home that they were pushed over the side of the carrier deck. His carrier was the U.S.C. *Essex*. He was the CAG, the commander of the air group.

What I like about this photograph, and I will tell the Members something about his young plane Captain, his crew chief, is that in this photograph, taken in 1944, Roosevelt himself, President Roosevelt, gave the Medal of Honor that January 1945 to then-commander David McCampbell, but he was 34 years of age. The British had started an untrue rumor after the Battle of Britain 4 years earlier that you were pretty much washed up as a fighter pilot after you were 23, 24 years of age. This old man, the CAG, commander of his own air group, Air Group 15, on the *Essex*, he achieved his 34th victory while he was still 34 years of age. Then they brought him home to inspire the Nation.

Mr. Speaker, let me tell the Members about that young man at his side there, who is still alive. He is Chief William Owens. He went by his middle name, Chester. No; I am sorry, he died at 30 in 1971. I am sorry, no, he is alive. His Navy career went from—sorry, Chester, I did not mean to send you to heaven, up there with David. But he was born June 24, 1941; or, excuse me, he joined the Navy on that date. He served 30 years in the Navy. Captain McCampbell served three and a half decades in the Navy. Chester is alive and very much so in Pensacola, FL. He was a CV–9, the U.S.S. *Essex*. He remembers when this picture was taken in 1944. Again, Roosevelt decorated McCampbell with the Medal of Honor on January 10.

Mr. Speaker, I have heard many eulogies and read many, but I wish I had an hour of special order tonight so I could read, and I may do this tomorrow night, the full eulogy to Captain McCampbell by another Medal of Honor winner, a marine company commander from Vietnam, Colonel Barney, Col. H.C. Barnum, Jr. Barney Barnum gave the eulogy that I will just start. No; I will do it tomorrow, since my time is up, but I will put this beautiful eulogy in the RECORD. If I can, I will read it in its totality, tomorrow.

The material referred to is as follows:

EULOGY TO CAPT. DAVID MCCAMPBELL

(By Col. H.C. Barnum)

David McCampbell, Navy fighter pilot extraordinaire, superb combat leader—a true warrior. A patriotic American. He was to naval aviation, what Gen. George Patton was to Army armour, Generals Chesty Puller, Howlin Mad Smith and Lew Walt were to Marine Corps infantry—All true combat warriors.

My first recollection of Capt. McCampbell, as a newly decorated Vietnam veteran, was at my first MOH Society Convention. I recall his flashy clothes, the infamous cane, his flare for having a good time, but most of all, his willingness to sit and talk with the new guys, the Vietnam veterans.

Accompanied by Col. Joe McCarthy years ago, I visited Capt. McCampbell in Lake Worth. I recall upon arrival, he had to show us a new Cadillac he had just bought Buffy. We sat for hours in a room adorned with photos of Navy fighter aircraft, ships, photos, and models of his famous F–6F Hellcat. I recall vividly, David's accounts of the decisions required in air combat, the excitement of combat flying. He always said he was never scared—but at times, was apprehensive.

For the next few moments, I would like to recall David McCampbell's career and accomplishments.

And as I do, I ask you to not only remember, what a great American combat warrior he was, but think about the living example he set for his fellow aviators—the young pilots he led. The foot prints he put in the sands of naval aviation were truly a path, for those aviators who came after him, to follow.

And those who David McCampbell, will recall, I'm sure, that he worked hard and played hard. He truly did it his way. David was born in Bessemer, AL, 86 years ago. He attended prep school right down the road a piece from here, at Staunton Military Academy, and had a year at Georgia Tech before his appointment to the USNA in 1929.

As a midshipmen, he first exhibited his true competitive spirit as an active baseball player and swimmer. He went on to become the 1931 AAU Diving Champion, Mid-Atlantic

States, and subsequently Eastern Intercollegiate Diving Champion in 1932. Upon graduation June 1, 1933, due to congressional legislation limiting commissions in the USN that year, he was discharged from the Navy and commissioned an Ensign in the USNR, and went inactive for a year, before being recalled in 1934 and commissioned an Ensign in the regular Navy.

His first duty was aboard the U.S.S. *Portland*, as A/C gunnery officer with Scouting Squadron 11, the aviation unit aboard the cruiser. In 1937, he was detached from *Portland* and reported to NAS Pensacola for flight training and was designated a naval aviator 23 April 1938.

For the next 2 years, Lt. McCampbell served with Fighter Squadron 4 aboard U.S.C. *Ranger*, until being transferred in May 1940 to Norfolk for duty with U.S.S. *Wasp* Air Group. He served aboard *Wasp* as landing signal officer early in WW II, until *Wasp* was lost in enemy action in the South Pacific in September 1942.

From November 1942 to August 1943, after returning from the Pacific, David had consecutive duty at Naval Air Stations in Jacksonville and Melbourne, FL. After fitting out fighter Squadron 15, he went on to command that squadron from September 1943 to February 1944. He then assumed command of Air Group 15—which was to be later labeled FABLED 15—aboard U.S.S. *Esser*.

In addition to all the responsibilities incumbent with being Air Group Commander, Cmdr. McCampbell, become the Navy's highest scoring pilot, with a total of 34 airborne enemy planes destroyed, the greatest number ever shot down by an American pilot during a single tour of combat duty. His phenomenal feat of destroying nine Japanese A/C in one air combat flight, is unequaled in the annals of combat aviation.

It was somewhere off the Philippine Islands, October 24, 1944, that Cmdr. McCampbell shot down 9 of the dozens of Japanese planes he and another pilot took on. In an interview years later, David is quoted as saying: "It was just me and my wingman. We came upon this group of 60 Jap planes. I screamed for help over the radio like a wounded eagle, but they didn't have anyone to send."

"The air director that day was John Connally—later Secretary of Navy and Governor of Texas—I asked him what I should do? He said: 'Use your judgment'. You don't think of getting out of there, because that's not what you do. So my best judgment was to attack." And attack we did.

He went on to say, "In combat you just don't think about much of anything but the enemy, and shooting him down, because that's what we were trained to do." I had help of course—my wingman shot down six planes that day."

I've heard David say, "I'm not a hero. . . ." but as I read his MOH citation, I know you all will agree with me, that indeed he was a true hero.

MEDAL OF HONOR CITATION FOR DAVID MCCAMPBELL

Rank and organization: Commander, U.S. Navy, Air Group 15.

Place and date: First and second battles of the Philippine Sea, June 19, 1944.

Entered service at: Florida.

Born: January 16, 1910, Bessemer, Ala.

Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commander, Air Group 15, during combat against enemy Japanese aerial forces in the first and second battles of the Philippine Sea. An inspiring leader, fighting boldly in the face of terrific odds, Comdr. McCampbell led his fighter planes against a force of 80 Japanese carrier-based aircraft bearing down on our fleet on June 19, 1944. Striking fiercely in valiant defense of our surface force, he personally destroyed 7 hostile planes during this single engagement in which the outnumbering attack force was utterly routed and virtually annihilated. During a major fleet engagement with the enemy on October 24, Comdr. McCampbell, assisted by but 1 plane, intercepted and daringly attacked a formation of 60 hostile land-based craft approaching our forces. Fighting desperately but with superb skill against such overwhelming airpower, he shot down 9 Japanese planes and, completely disorganizing the enemy group, forced the remainder to abandon the attack before a single aircraft could reach the fleet. His great personal valor and indomitable spirit of aggression under extremely perilous combat conditions reflect the highest credit upon Comdr. McCampbell and the U.S. Naval Service.

Cmdr. McCampbell was also credited with the destruction of 20 grounded planes, and his Air Group, which became known as FABLED 15, was credited with the destruction of more enemy planes than any other Air Group in the Pacific War.

Under Cmdr. McCampbell's leadership, Air Group 15, worked the central to far Western Pacific, participated in campaigns and attacks in the Marianas, Iwo Jima, Palalu, Philippines, Formosa, and the Nansei Shotos; He took part in the first battle of the Philippines, the now famous "Mariana Turkey Shoot", where over 400 enemy planes were destroyed in one battle. His remarkable exploits continued up to and including the Battle of Leyte Gulf.

Under the superb leadership of Cmdr. McCampbell aboard *ESSEX*, during 7 months and more than 20,000 hours of intensive operations, Air Group 15 destroyed more enemy planes, 315 airborne and 348 on the ground, and sank more enemy shipping, 296,500 tons sunk and over ½ million tons destroyed/and or probably sunk, than any other Air Group in the Pacific War.

Major combat ships sunk: 1 battleship, 3 A/C carriers, 1 heavy cruiser. Additional ships damaged: 3 battleships, 1 carrier, 5 heavy cruisers, 4 light cruiser, 19 destroyers.

Needless to say, Cmdr. McCampbell chalked up a brilliant record while in command for Air Group 15. I shared with you earlier David's MOH citation. To underscore his faithful and dedicated service to his Navy and our great country, let me share with you portions of his other citations for bravery and heroism.

THE NAVY CROSS: 2ND IN PRECEDENCE OF THE MOH

"Luzan, Philippens—. . . his coolness, quick thinking, superior judgment and outstanding leadership resulted in the sinking of one medium A/C carrier, one light cruiser, 2 destroyers and the damaging of 1 battleship . . ."

THE SILVER STAR MEDAL: 3RD IN PRECEDENCE TO THE MOH

". . . while serving as a pilot of a carrier based fighter plane in attack against the enemy in the central Philippines 12 Sept. 1944, he so ably led the attack group as to cause maximum damage and destruction of the enemy, and he did personally engage and destroy 4 enemy airplanes in aerial combat, and in the face of heavy anti-aircraft fire, did strafe and cause serious damage to several enemy merchant ships . . ."

THE LEGION OF MERIT

". . . during action against Japanese forces in the Philippine Islands, while aboard U.S.S. *ESSEX* Nov. 11–14, 1994, he directed the operations of several attack groups during this period, skillfully deploying the forces under his command to strike at the enemy with devastating speed, power and precision, in perfectly coordinated raids, which resulted in maximum damage inflicted on hostile shipping and vital harbor facilities and the complete destruction of a large Japanese troop convoy, . . ."

His 3 Distinguished Flying Crosses and air medals were awarded for repeated acts of heroism, bravery and phenomenal aerial combat skills, and are further testimonial to the naval aviation giant we gather to pay tribute to here today. A naval aviator who did what had to be done. A true legend in Naval Aviation. A man who did it his way.

After the war, from 1945 to 1948, he was assigned several staff positions on the East coast. From October 1948 to January 1951, he was assigned as Senior Naval Aviation Advisor to the Argentine Navy in Buena Aries. From February 1951 to July 1952, Cmdr. McCampbell served aboard U.S.S. *Franklin Roosevelt* as XO and subsequently Plans Officer on the staff of Cmdr Aircraft Command Atlantic. He was promoted to Captain 1 July 1952.

July 1953 to June 1956, Capt. McCampbell commanded Naval Air Technical Training Center Jacksonville and subsequently served as the Flight Test Coordinator, Naval Air Test Center, PaxRiver, MD. June 1, 1956 to January 1958—Served as staff Cmdr. 6th Fleet, January 1958—assumed command of U.S.S. *Severn*, and February 1959 to May 1960 Capt. McCampbell commanded U.S.S. *Bon Homme Richard*.

Subsequent assignments until his retirement on July 1, 1964, included such illustrious positions as C/S to Commander Fleet Air and Cmdr Carrier Air Group.

Today, Capt. McCampbell answers the last rollcall but will always be remembered for what he did for his Navy, Naval Aviation in particular, and this great nation—a nation that is what it is today because of the loyal, professional, and dedicated members of the profession of arms like Captain David McCampbell, U.S. Navy (Retired.)

And with a little imagination I believe each of us here this afternoon, can visualize David, in his Hellcat on *Esser*, breaking off a smart salute to the deck hands and heading down the flat flight deck towards mortal combat over the Philippine Sea.

Today, we bid farewell to a true hero. May God be with you David.

Semper Fi.

REAL WELFARE REFORM

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, this week this House will consider H.R. 3734, a bill which proposes to reform welfare. Our welfare system needs to be reformed. Reform, however, implies improvement, correction for the better. The bill we will consider, which is H.R. 3734, does not move families and children forward into the future. It keeps them trapped in the past. it does not provide mainstream methods, it dispenses extreme measures.

Mr. Speaker, I want to vote for a welfare reform bill, but I intend to vote for a bill that supports children and enables parents to work by providing job training and day care. But I will not vote for H.R. 3734, a bill that is sightlessly cutting $50 billion from programs from the poorest in our Nation in a blind march to balance the budget and to give money to the richest in our Nation.

Mr. Speaker, there is a bipartisan and bicameral alternative, the Castle-Tanner proposal, that ought to be considered by the House when we vote on welfare reform. Although the Castle-Tanner has provisions on immigration that need to be improved, it is a far better reform bill for our current welfare system.

Last week, this House refused to spend $30 million, just $30 million, requested by the President to help control and prevent the alarming growth of teen pregnancy. Yet, we spend $6.4 billion annual on programs once teenager are pregnant and have children. We will not spend one-half of 1 percent to prevent a problem that will cost us more than 200 times that amount in the long run. The logic of this attitude escapes any reason, and it certainly escapes me.

What does the House propose to do in the face of this illogical spending? In the welfare reform that is before us, families that have additional children will be denied cash welfare payments and children will suffer. Unmarried parents under the age of 18 who have a child will be denied cash welfare payments under certain conditions, and the children again will suffer.

We say parents must work, and they should work if work is available and they are able to work, and day care is provided for their children. But where are the jobs? Where are the resources for day care? Once again, the children will lose. We all know the old adage, "An ounce of prevention is certainly better than a pound of cure." Why, then, are some insisting on punishing children, rather than preventing pregnancy, especially among our adolescents?

Do these Members ignore the fact that every 2 hours in American a child is killed by firearms, every 4 hours a child commits suicide, every 5 hours a child dies from abuse or neglect? There are reasons why our children are killed, commit suicide, and die under tragic circumstances. There is a connection with the fact that every 32 seconds a bay is born in poverty, every 1 minute a child is born to a teen mother, every 9 seconds a child drops out of school, and every 14 seconds a child is arrested.

Mr. Speaker, we can stop this vicious downward spiral of lost lives. We can move our children from under this dark cloud of planning their funerals to the bright sunshine of planning their future.

At this time, when so many of our children are at their lowest and worst point, we need to call on the very highest and best efforts of this country. Thirty percent of all out-of-wedlock births are to teenagers below the age of 20. Every 1 minute a child is born to a teen mother. We have a national campaign whose goal is to reduce teenage pregnancy by one-third by the year 2005. This is a goal that is essential. This is a goal within our reach.

We do need a welfare reform system, but we need one that encourages work and protects our children, and a consideration of the Castle-Tanner proposal certainly is a far better alternative than the Republicans are offering.

SALUTING THE FOSTER GRANDPARENT PROGRAM, THE SENIOR COMPANION PROGRAM, AND THE RETIRED SENIOR VOLUNTEER PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to thank my colleagues for their help with three very important programs that came before the House recently. I am speaking of the Foster Grandparent Program, the Senior Companion Program, and the Retired Senior Volunteer Program.

As an amendment to the House appropriations bill, we were able to increase funding actually back to 1995 levels, which are very appropriate, because just dealing with one program for the moment, the Foster Grandparent Program, it is one of the largest people-to-people programs we have in America. We were able to, in the Labor-HHS appropriations bill for fiscal year 1997, restore the kind of funding that is needed to make this program viable and one that is going to help the most people.

It was Mary Lloyd, the director of the Montgomery County, PA, program, who brought the need to light. While many of us as Members of Congress know of the importance of the Foster Grandparent Program, I was brought to a greater awareness in a recent meeting and visit I had to the Foster Grandparent Program in my district, where I saw many of the senior citizens working with the youth at risk in our neighborhoods to make sure they are given the educational programs after school, the nurturing programs, the ones that talk about careers.

I guess one of the cases that brought to light the need even greater was the fact that some students who have been involved with drugs, where they could not be reached by their parents, many were not even reached by the clergy, they may not have been reached by the school, the foster grandparents on an intergenerational level were able to touch this young person, get them off the addiction of drugs, get them involved in positive youth activities with Scouting and youth sports.

The Foster Grandparent Program is one that is here to stay. Along with the Senior Companion Program and the retired and senior volunteer programs, they are making the kind of public-private partnership that this Congress should be embracing and is embracing, and one that the executive and legislative branches can work with together.

Mr. Speaker, we had this evening a group that met Nationally, from every State, with each one having their own story to tell. Whether it is John Pribyl, the director of Lutheran Social Services of Minnesota and the president of the Senior Companion and Foster Grandparent Program, or Mary Louise Schweikert, who is from Pennsylvania and the national president of the Association of Foster Grandparent Programs, or Patricia Renner, president of the National Association of RSVP, or the Retired Senior Volunteer Program, we heard in poignant testimony to the Members tonight how important is is to maintain these programs in a budget where we are trying to make sure that waste and duplication is, of course, eliminated, and we do not duplicate what programs the private sector or the State governments provide.

But this is certainly a program of which we can be very proud. Over half a million volunteers in each of these programs are making a difference in people's lives. After all, Mr. Speaker, life is about making a difference. We can see clearly through the efforts of the Foster Grandparent Program, the Senior Companion Program, and the Retired Senior Volunteer Program that people like Mary Lloyd in Montgomery County and others across America who are volunteers in those programs are making a difference. Tonight, along with other colleagues, I salute the Foster Grandparent Program and all they have done for America.

A REVOLUTIONARY REFORM CONGRESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, last January 1995, this House began its proceedings with great fanfare and with claims that this would be in fact a revolutionary reform Congress. In fact, things have changed quite a bit over the course of the last few months.

The taxpayers have seen this House squander $1.5 billion of taxpayer money with costly Government shutdowns. They have seen the extremism of this House in one failure after another, with almost no legislative accomplishments to point to. And now we get to 1996, and the reform Congress has, by the Republican leadership, been reduced to a reform week. This is reform week.

The only problem is that all the reforms that our Republican colleagues have come up with they now have taken their reform week, and I think they are reducing it to a reform hour. At the rate they are going, they may be down to a reform minute for this Congress.

The strange thing about the reform of this Republican Congress is that not many Members, Republican or Democrat, have much motion of what this reform hour will actually consider. Because, Mr. Speaker, in the reform hour that we will now have out of this reform Congress in this reform year, the Committee on Rules has yet to meet to even decide what amendments will be in order with reference to reforming the way this Congress operates.

Most people do not really realize that the Members themselves will not have an opportunity to vote on many of the reform ideas that people across America are talking about that they would like to see this Congress adopt. Indeed, we will consider two of the most important issues facing America: That of welfare reform and that of campaign finance reform and the way this Congress operates, without having adequate forewarning of what amendments will be considered in order, and what alternatives that people across America have advocated might be considered.

But, of course, all of this is consistent with the experience that America had last year leading up to the costly Government shutdowns. Because people across America will remember that we struggled against the Speaker, the gentleman from Georgia [Mr. GINGRICH], to get a gift ban to end the ties that bind legislators and lobbyists. We finally were able to overcome his opposition and obtain that reform last year.

□ 2130

He held here at the desk, at his Speaker's rostrum, last year for a matter of months the first lobby reform bill in almost 50 years. We were able to build up enough public concern over lobby reform that we overcame the Speaker's opposition to that reform. Now we are finally to the most important issue, that of campaign finance reform for which there is some bipartisan support in this House. There are Members on both sides of the aisle that have come up and have spoken out in favor of genuine campaign finance reform. Indeed, it was the Speaker himself who a little over a year ago stood there in front of a crowd in New Hampshire with President Clinton, shook hands and said, "We will have a bipartisan effort to address this issue of campaign finance reform." Yet once the smile was over and the cameras had gone away, nothing happened. Indeed, it took the Speaker from the summer until the end of October or the beginning of November to even announce his plans. Those plans were to appoint a commission to look at the issue. Of course, a commission has never been appointed in all the ensuing months. With all that valuable time going by, the chance that any reform, even from this reform hour that we have left, affecting the elections this year has simply gone down the drain.

I think that is extremely unfortunate. Because there was a proposal out there supported by Common Cause, supported by the Reform Party, supported by a number of independent organizations that neither the Republican Party nor frankly the Democratic Party, many elements of it, liked all that much. I think the only kind of reform that will really change this system once and for all is one that hurts each side a little bit, that there is dissatisfaction on from each side a little bit. I believe we have such a proposal in the bipartisan approach that Members of both sides have come together on and have advocated, but it now appears, not through any formal action of the leadership at this point but my word of mouth of what they may do, that they will refuse to even let this House consider that proposal in the very little time for reform, the hour or so for reform that we will have the day after tomorrow, to deal with the way that campaign dollars and campaign financing are polluting and affecting in a most negative way the way that this House operates. It is wrong that we have been narrowed to this little time. It is time for the American people to speak out and demand that this system be genuinely reformed.

FIXING A BROKEN WELFARE SYSTEM

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, before my colleague from Texas departs the floor, I just want to quickly hasten to point out that this Congress, the 104th Congress, has made reform a priority. In fact the reforms that we have enacted to date, a few of which the gentleman alluded to, have been enacted through this House of Representatives on an overwhelmingly bipartisan basis: The Congressional Accountability Act, which applies the same laws to Congress as the rest of the country and basically makes Congress work under the same laws that it imposes on American families and businesses; the very strict gift ban that was enacted last year; and very comprehensive lobbying reforms.

So it is a shame, really, that the gentleman comes to the well and attempts to make congressional reform and campaign reform a partisan issue. But to the extent that it becomes a partisan issue, I should tell the gentleman that I very well remember from my service in the 102d Congress the House of Representatives under Democratic control, and I very well remember the House bank and post office scandals that sort of gave new meaning to the term "the check is in the mail," at least back here in Washington.

Mr. Speaker, I want to talk, though, about our broken welfare system. I subscribe to the old adage that if it ain't broke, don't fix it, but our Nation's outdated and failed welfare system is definitely broken and it is in desperate need of major repair. We must fix it now. Time is simply running out.

In 1965, our country launched a war on poverty. The intentions were good, but this led, I think we know now, to the creation of the welfare state as we know it and this whole political constituency of dependency in our country. Thirty-one years and $5.4 trillion later, we have nothing really to show for the war on poverty but more poverty, despair, hopelessness, broken families, and a very damaged work ethic in American society. Doing nothing and allowing this destructive system to continue is one of the most uncompassionate things we can do.

Eighteen months ago, the new Republican majority in this Congress set out to truly reform welfare. We tried to help the Democratic President make good on his campaign promise to end welfare as we know it. But twice our efforts were stopped by Presidential vetoes. However, this week we are trying again.

Our welfare reform plan is built upon five principles; we call them pillars. We believe that welfare should not be a way of life; we feel that welfare should be replaced with work; we want to shift power and flexibility back to the States so that they can run their own welfare programs for their own residents; we believe that noncitizens and felons should not receive welfare; and we think that personal responsibility should be encouraged in order to halt rising illegitimacy rates in America. Make no mistake about it, our present welfare system has contributed to soaring rates of illegitimacy and family disintegration in America to the point where today almost one out of three births are out of wedlock.

We believe that welfare should be a helping hand in times of trouble, not a handout that becomes a way of life. So our plan would impose a 5-year lifetime limit for collecting welfare benefits. Although a family will no longer receive cash benefits after that time, the safety net remains in place. They are still eligible after the 5-year limit on welfare benefits, cash benefits, for Medicaid and nutrition assistance. And recognizing the need for hardship cases, our plan would allow the States to exempt up to 20 percent of welfare parents or welfare families from the 5-year limit.

We really believe that this is a good program and in order to make sure that welfare is temporary assistance in time of need, we emphasize work over welfare. Our plan has welfare parents, many of whom struggle against heroic odds, working within 2 years or they lose their benefits; 15 percent of welfare parents must work in this fiscal year, with 50 percent required to work by 2002. The nonpartisan Congressional Budget Office estimates that our plan will require 1.3 million working parents to work in 2002 compared to 900,000, or 30 percent, under President Clinton's bill.

Make no mistake about the President's dilemma here. He is in a real predicament because he is going to have to choose when this legislation reaches his desk between doing the right thing, making good on that campaign promise to end welfare as we know it or alienating the left wing of his own political party, which is his political base. We hope that the President will come forward and do the right thing. We hope that he will join us so that no longer will States have to spend countless hours filling out required bureaucratic forms hoping to receive permission from Washington to implement their own welfare programs.

We hope that we can reduce and streamline the welfare bureaucracy so that we can crack down on waste and fraud in the system. We hope that our plan will help reverse illegitimacy by requiring welfare recipients to assist in the identity of the fathers, establishing paternity in all cases and requiring the parents to participate.

Mr. Speaker, this is a good solid plan we will take up this week that allows individuals to reach out and help their neighbors. If we fix this destructive welfare system now, future generations of children will thank us later.

WELFARE AND CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I could not help but come to the floor of the House in listening to the previous speaker argue so eloquently but yet with little substance on the question of welfare reform. In fact, I am not here to speak about welfare reform. I hope to be engaged in that debate as I have been engaged in the process of negotiating and trying to provide for the American people real welfare reform.

Might I remind my Republican colleagues that though they claim some sort of hold on the idea of work, they vigorously oppose the increase in minimum wage to make work valuable for those single mothers who have to support their children. They have also opposed in any welfare reform the reality of having child care and job care and, yes, a job. I am reminded of Mayor Norquist of Wisconsin, I believe, who shared with me as I was a member of the National League of Cities Board of Directors when some many years ago we as city representatives were discussing real welfare reform. If I can recall, I believe that Mayor Norquist talked eloquently about the Wisconsin plan. It was not a handout, it was a handup. But one thing he emphasized is that they were concerned and worked hard to provide jobs for those individuals that would move off welfare. They first allowed them to seek jobs in the private sector but if they could not find such jobs, the local government provided opportunity for them.

So I hope, Mr. Speaker, when we engage in this debate toward the end of the week, we will be forthright with the American people, that we will not hide the ball, if you will, that we will not give them a shiny bright apple that is permeated with worms; and that is that we will tell them and work for real welfare reform that includes jobs, that includes health care, that includes opportunity for child care.

Let me now, Mr. Speaker, if I might, very briefly say that I come to the floor in support of the Farr bill on campaign reform, H.R. 3505, which I happen to be a cosponsor of. We too will be engaging in a fraudulent debate on reform at the end of the week, because we are not looking at the real issues. interestingly enough, the Farr bill has a candidate limitation where the candidates may spend no more than $50,000 of their own money.

They ask for a candidate to declare a statement that they will abide by the limits of this legislation. They require that anyone who is advertising on television will be sensitive to the physically challenged and require closed captioning. They will also limit the amount of money that can go to national parties by PAC's. That is real campaign finance reform.

Mr. Speaker, I also want to comment on the opposition to H.R. 3760, the Republican bill, where, for example, they call it reform to allow individuals to get more than $1,000 up to $2,500 per election, when they call it reform to allow PAC's to give not $25,000 but $72,500 a year, when they call it reform when the maximum amount individuals can give to any one political party goes from $20,000 to $58,000 a year; and furthermore these amounts will not count toward the new $72,500 cumulative limit.

It is interesting that Members of their own party are opposed to this kind of campaign finance reform. I do believe that reform should be bipartisan.

I think the Farr bill offers a clear and pointed response that allows those who come to this elective process, not wealthy, but simply wanting to serve the American people, that they will have a fair shake in being represented. I think that we should have a bipartisan approach to campaign finance reform. We have that opportunity this week. I hope that we will not cast aside that opportunity and that we will show the American people we can stand up, one, for welfare reform, the right kind, but real reform and campaign finance reform; we will stand up for the physically challenged, we will not allow large sums to be given on an individual basis from $1,000 to $2,500; we will not pack the PAC's from $25,000 to $72,000; and, yes, we will not allow individuals to give to the political parties, the political party committee, moneys from $20,000 to $58,000 as we will recognize that it is important that candidates declare themselves committed to campaign finance reform, allowing themselves to sign on and to abide by these rules.

This is the challenge that we have in the U.S. Congress this week, to leave this week, proud of what we have done, voting for real welfare reform, giving people a hand up and not a handout; not casting aside those individuals who need help, those young mothers who have children who can in fact become independent if we provide for them the right kind of bridge; and yes, to show the American people that we are not afraid of real campaign finance reform and we are not going to hide behind a fraudulent bill as our Republican colleagues have offered, but yet other Republican colleagues likewise have disagreed with.

We hope that these colleagues can join with us and support the Farr bill, real campaign finance reform.

Mr. Speaker, I submit the summary of the Farr bill, H.R. 3505, for the RECORD.

FARR BILL ON CAMPAIGN FINANCE REFORM—H.R. 3505

CAMPAIGN SPENDING LIMITS

Limits apply to a full 2-year cycle.

Voluntary limits of $600,000 (indexed for inflation, with 1996 as the base year).

Special election limits of $600,000.

Closely contested primaries: an additional $200,000 may be spent in the general election by a candidate who won primary by 20 percent or less.

Runoff contests: an additional $200,000 may be spent by a candidate who must face a runoff election after a primary election but before a general election.

CANDIDATES PERSONAL SPENDING

Candidates may spend no more than $50,000 of their personal funds in a cycle.

CARRYOVER OF CAMPAIGN FUNDS

Surpluses may be transferred from one cycle to the next for use in the next election cycle.

EXEMPTIONS FROM SPENDING LIMITS

Spending limits will be lifted on a participating candidate when a non-participating opponent raises or spends more than 30 percent of the cycle limit (benefits will still accrue to the participating candidate).

INDEPENDENT EXPENDITURES

Spending limits are lifted for the participating candidate to the extent that independent expenditures are made against the participating candidate or for an opponent in a general election once any single source makes such an expenditure totaling $2,500 or once such expenditures from multiple sources aggregate $5,000. When independent expenditures reach an aggregate of $15,000, the spending limit is lifted entirely on the participating candidate against whom the independent expenditures are targeted. Party committees can match independent expenditures without the expenditure counting against that party's contribution limit to the candidate.

LEGAL AND POST-ELECTION AUDIT COSTS

Costs associated with legal expenses and post-election audits shall not be counted as an expenditure for purposes of calculating spending under the limit; funds raised to cover the legal and post-election audit expenses shall not count against contribution limits.

FUNDRAISING AND ACCOUNTING COMPLIANCE COSTS

Up to 10 percent of the basic cycle limit may be spent on fundraising activities and not be counted as an expenditure for purposes of calculating spending under the limit; (up to 10 percent of salaries and overhead costs may apply to exemption); funds raised to cover the fundraising and accounting compliance expenses shall not count against contribution limits.

TAXES

Federal, State and local income and payroll taxes are exempt from limits and shall not be counted as an expenditure for purposes of calculating spending under the limit; funds raised to cover tax expenses shall not count against contribution limits.

PENALTIES FOR VIOLATING THE SPENDING LIMITS

Civil penalties for exceeding the spending limit shall include fines assessed against the campaign committee based on the amount of the overage:

Overage of 2.5 percent or less: the amount of the overage;

Overage between 2.5 and 5 percent: 3 times the overage;

Overage of 5 percent or more: 3 times the overage plus an additional penalty amount to be determined by the FEC;

Revenues from these penalties shall be directed to the FEC for compliance activities.

INCENTIVES TO VOLUNTARILY ABIDE BY LIMITS; DISINCENTIVES FOR NONCOMPLIANCE

Incentives/Benefits to those who comply:

Broadcast rate discount: requires broadcasters to sell time to participating candidates at 50 percent of the lowest unit rate in the last 30 days of a primary election period and in the last 60 days of a general election period; there shall be no limit on the dollar amount or value of the broadcast time purchased at this rate under this provision.

Discounted broadcast time is made an express condition of existing licenses and new broadcast licenses. Broadcaster will be exempted from these requirements if their signal is broadcast nationwide or if the requirement would impose a significant economic hardship on the licensee. The U.S. Court of Federal Claims has exclusive jurisdiction over any challenge to the constitutionality of the broadcast provisions.

Postage rate discount: makes the campaigns of participating candidates eligible for 3rd class, bulk, non-profit rate for mail; there shall be no limit on the dollar amount or value of the postage purchased at this rate under this provision.

Disincentives for non-participation:

Non-participating candidates who raise or spend more than 30 percent of cycle limit must file report with the FEC, which must then notify other candidates within 48 hours.

Imposes 35 percent tax on contributions of principal campaign committees whose candidates exceed the spending limits; revenues from this provision shall be directed to the FEC for compliance activities.

Non-participating candidates shall not be entitled to the lowest unit rate for TV broadcast time.

ELIGIBILITY FOR BENEFITS

Fundraising threshold: 10 percent of cycle limit counting only the first $200 in contributions from individuals.

Intention to abide by limits: candidate must file statement with declaration of candidacy.

Candidate must have an opponent in the election in which public benefits are to be used.

Closed captioning: no public benefits to candidates who do not use closed captioning in TV ads.

Violation of any of the spending limits makes a candidate ineligible for public benefits.

SOURCES OF FUNDS, PAC LIMITATIONS, INDIVIDUAL CONTRIBUTIONS

PAC contributions: $8000 per candidate, per election cycle; no more than $5000 per election.

Aggregate PAC receipts limit: 33⅓ percent of spending limit, plus an extra $100,000 if runoff and $66,600 if close primary winner.

To national parties: no PAC shall make contributions to a national party committee aggregating more than $25,000 per calendar year.

To state parties: no PAC shall make contributions in excess of $25,000 to a state party Grassroots Fund; $5000 to any other state party committee; $15,000 total to Grassroots Fund and other committees.

Leadership PACs: eliminates leadership PACs as of Dec. 31, 1996 but allows for a two-year phase out of existing funds.

Large donor limits: candidates may accept no more than 33⅓ percent of the spending limit from individuals in aggregate amounts of more than $200; plus an extra $100,000 if runoff and $66,600 if close primary winner; large donor limit removed on participating candidate if nonparticipating opponent exceeds $50,000 limit on personal spending.

Aggregate individual contribution limit: changes aggregate limit to election cycle basis and raises it to $100,000, of which no more than $25,000 may go to candidates per year.

Party contributions: counts all state and local party contributions to a Federal candidate against that party's limit.

Civil penalties for exceeding the contribution limit shall include fines of assessed against the campaign committee based on the amount of the overage:

Overage of 2.5 percent of less: the amount of the overage;

Overage between 2.5 and 5 percent: 3 times the overage;

Overage of 5 percent or more: 3 times the overage plus an additional penalty amount to be determined by the FEC;

Revenues from these penalties shall be directed to the FEC for compliance activities.

INDEPENDENT EXPENDITURES

Defines independent expenditure to mean a communication containing "express advocacy," (i.e., if, taken as a whole, it suggests taking action to support or oppose a candidate or group of candidates), and is not coordinated with a candidate or candidate's agent.

Prohibits independent expenditures:

By candidate's or political party committee;

Where there has been any arrangement, coordination or direction between candidate or agents and spender;

Where spender has been authorized to raise funds or has worked in a policy making capacity for a candidate;

Where spender has retained professional services of agents also retained during election cycle by candidate affected by spender's activity.

Reporting requirements, to be sent to FEC and Secretary of State:

Notification within 48 hours of independent expenditures each time they total $2500 from a single source or aggregate at least $5000, until 20th day before election;

Notification by 20th day before election of intent to make independent expenditures in last 20 days;

FEC must notify all candidates in that election within 48 hours of these independent expenditures.

Requires enhanced disclaimer on independent ads, to include spoken statement of who is responsible and, if on TV, a clearly printed message as well (with reasonable contrast, for at least 4 seconds)

If a broadcast expenditure is made against a participating candidate or for an opponent, the person making that expenditure must notify the affected candidate, and provide a script of ad within 48 hours of making the expenditure. The broadcaster must offer the affected candidate an equal opportunity to respond without advance payment required.

Participating candidates may spend in excess of spending limits (in primary or general) to compensate for independent ads against them or for opponent, once in excess of $2500 by a single spender or $5000 aggregate.

BUNDLING

Contributions through intermediary or conduit to be counted against intermediary's contribution limit, if intermediary is a:

PAC with a connected organization;

Union, corporation, trade association, or national bank;

Someone required to register as a lobbyist; or

Agents or employees of above groups acting on behalf of those groups.

The following may serve as intermediary or conduit;

Candidate or representative, if transmitting donation to candidate's committee;

Professional fundraiser (for fee);

Volunteer hosting house party; or

Individual transmitting spouse's donation.

Restrictions do not apply to joint fundraising activities by 2 or more candidates, party committees, or combination, or sole effort by other candidate.

Requires intermediary or conduit to report original source and intended recipient to FEC and to recipient.

SOFT MONEY

Makes these activities subject to FECA:

GOTV drive not solely for State candidates and which don't identify and are targeted at supporters of Federal candidates;

Any activities which in part promote or identify Federal candidates;

Voter registration drives;

Development and maintenance of voter files in even-numbered year;

Any activity which significantly affects Federal elections.

Makes these activities not subject to FECA:

Cost of party building or to operate radio or TV facility;

Contributions to non-Federal candidates;

Money for State or local conventions;

Activities exclusively on behalf of or which only identify non-Federal candidates;

State or local party administrative expenses;

Research for solely State or local candidates and issues;

Development and maintenance of voter files except for one year before Federal election;

Any activities solely aimed at influencing and which only affect non-Federal elections;

Generic campaign activity to promote a political party rather than any particular candidate.

Creates new separate segregated fund established and maintained by State political party committee for making expenditures in connection with Federal elections.

Prohibits use of soft money for any party activity that is subject to FECA or that significantly affects a Federal election.

National and congressional party committee must disclose all financial activity, regardless of whether it is in connection with Federal election; other political committees must maintain a non-Federal account and must disclose all financial activity including separate schedules for State Party Grassroots Funds; FEC may require other nonparty political committees to disclose receipts or disbursements in Federal elections which are also used to affect State and local elections.

Prohibits Federal candidates of officeholders from raising any money for a tax exempt group which they establish, maintain, or control, and which devotes significant activities to voter registration and GOTV drives.

CAMPAIGN ADVERTISING

Prohibits broadcasters from preempting ads sold to participating candidates at 50 percent of the lowest unit rate, unless beyond broadcaster's control.

Requires 50 percent of the lowest unit rate to be available to participating candidates in last 30 days before primary election and 60 days before general election; non-participating candidates shall not be eligible for lowest unit rate.

Lowest unit charge of a station is for the same amount of time for the same period.

Requires clear statement of responsibility in ads, with: clearly readable type and color contrasts (print); clearly readable type, color contrasts, candidate image, and for at least 4 seconds (TV); and candidate's spoken message (radio and TV).

DISCLOSURE REQUIREMENTS

Requires candidates to aggregate financial activity on election cycle basis.

Defines election cycle from day after last general election to date of next general election for that office.

Requires ID of individuals by permanent residence address.

Allows candidate committees to file monthly reports in all years.

Incorporated political committees: requires reporting of state of incorporation and the names and address of officers.

Requires candidate committees to report disbursements for the primary, general, and any other election in which the candidate participates.

Requires disclosure of the name and address of each person receiving an expenditure over $200 and the election to which each operating expense relates.

MISCELLANEOUS PROVISIONS/REFORMS

Contributions by dependents not of voting age: counts contributions toward limit of parent (allocated between both parents, if relevant).

Use of candidates' names: requires authorized committee to include candidate's name in its title; prohibits non-authorized committees (other than parties) from including candidate's name in its title or to use name to suggest authorization.

Fraudulent solicitation of contributions: prohibits solicitation of funds by false representation as a candidate, committee, political party, or agent thereof.

Advances by campaign workers: exempts advances of less than $500 made to campaign by volunteers and employees, if reimbursed within 10 days.

Labor and corporate expenditures for candidate debates, voter guides or voting records: not counted as contributions, unless expressly advocating election or defeat of a candidate and under specific circumstances to ensure impartiality.

Telephone voting by persons with disabilities: requires FEC to develop feasibility study.

Cash contributions: prohibits candidates from accepting (as well as individuals from making) cash contributions which aggregate more than $100.

Expedited review: provides expedited appeal to Supreme Court of any court ruling on constitutionality of any provision of the Act.

FEC regulations: requires FEC to promulgate regulations to carry out provisions of this Act with 12 months of effective date.

Effective date: upon enactment, but does not apply to activity in elections before January 1, 1997.

Severability: if any parts of the Act are held invalid, other provisions of the Act are unaffected.

A REPUBLICAN CONGRESS AND A DEMOCRATIC PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, it is interesting how we are hearing all these speeches tonight on Democrats calling for bipartisan support, and then all they are doing is bashing Republicans. I hardly think their discussions go beyond anything but political rhetoric, so I am going to go on to some other topics right now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield just for a moment?

Mr. KINGSTON. I will yield, but I want the gentlewoman to remember in her book, I am yielding, and I would love you to tell members of your party that Republican Members will yield to Democrats when they control the time.

Ms. JACKSON-LEE of Texas. I will be happy to do that.

Mr. KINGSTON. I am going to yield to you. I have got to give you my lecture first. You remember how it was when you were a kid and your parents were going to give you some money, you had to hear their story first.

Ms. JACKSON-LEE of Texas. That is all right since the gentleman is kind enough to yield.

Mr. KINGSTON. I have yielded countless time to Democrats. Then I have asked for the courtesy of a return, and it is so difficult to get a return. The gentlewoman being an outstanding Member of Congress, of high integrity and has the confidence of her convictions, I know she would yield to me. But I hope you tell some of your friends that.

Mr. Speaker, I yield to the gentlewoman now that she has heard my nickel lecture.

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Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say to the gentleman from Georgia, I appreciate his admonition and your kindness as well. I will not take up all of his time. I would only offer to the gentleman it might be out of the passion of the comments being made by some of the Members in this well that might cause them to delay in yielding, but I thank him for his kindness. I simply wanted to, because I do appreciate his offering or extending the offer for us to work in a bipartisan manner.

My Comments were only drawn from a letter from Republican Members who themselves are opposed to H.R. 3760, and I was offering their comments and not suggesting anything other than reading from a letter signed by CHRISTOPHER SHAYS, LINDA SMITH, among others, and that was what I was referring to. I thank the gentleman.

All I wanted to do was clarify that because I do appreciate the need for a bipartisan approach in all of the things that we do.

Mr. KINGSTON. Mr. Speaker, if I could engage the gentlewoman 1 more minute here, the gentleman from Texas, speaking 10 minutes before the gentlewoman, went out of his way to say the Speaker GINGRICH fought the gift ban. Well, there is not a bigger misrepresentation of the facts I have heard in the last 24 hours. I have been home, so I am catching up on my rhetoric now that I have been in Washington a couple of hours. But as the gentlewoman knows, the gift ban passed with overwhelmingly bipartisan support and it was, in fact, the Speaker's idea to have a gift ban which we call an absolute gift ban, as opposed to one that had a $10 limit on it.

So for a Member to say that the Speaker fought a gift ban, the gentlewoman and I both know it is absurd. That was really the comment that got my attention.

Let me yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman and his defense of the Speaker. Let me defend my colleague from Texas, who I know has the highest of integrity, and would only say that I do recall that there was vigorous disagreement and debate about the gift ban and could also allow, it the gentleman would give credit to the Democrtic Congress which attempted to put on the floor of the House in the 103d Congress the Congressional Accountability Act, and in fact it was opposed and not passed until the 104th Congress but initially initiated by Democrats in the 103d. So we all can have different explanations of our roles in the various means of reform, and I hope that maybe we will at some point come collectively to realize that real reform does require a bipartisan approach and we will get it done.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, absolutely, because the 103d Congress, as the gentlewoman remembers, was majority Democrat, as was the Senate in the 103d Congress; and had the Democrat leadership wanted to pass the Accountability Act in the 103d Congress, it was simply a matter of Democrats working together.

Now, to get back to the gentlewoman's point, it is interesting now we have a Republican House and Republican Senate and a Democrat White House and we did pass it, so bipartisanship does work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, it does work, and I believe that the stalemate did involve Republican disagreement in the 103d Congress on congressional accountability, but I think we will probably never come to complete agreement as to whose fault, but we do agree that we do need to work in a bipartisan manner.

Mr. KINGSTON. Absolutely.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his kindness.

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for her contributions to this.

A year ago, Mr. Speaker, we in this Congress, the 104th Congress, had passed 30 out of 31 parts of the Contract With America, and all of these were designed to reduce the size of government, to decrease taxes, to cut wasteful spending, to balance the budget, to have welfare reform and increase personal responsibility by shrinking government regulatory command and control bureaucracy.

We in the House were excited about it. We had passed 30 out of 31 parts. We knew that the Senate would grab these parts and run with it. And as it turned out, our friends across the Capitol in the Senate said, well, the Contract With America was a House promise, not a Senate promise, and we will get to it as soon as we have dealt with Whitewater and antiterrorism and Packwood.

So with each month of deliberation, the public interest and public support also, Mr. Speaker, ebbed and finally to the extent that it appeared that the President would not even have to veto this legislation because he would never see it.

To speak about the press a minute during this interim of time, the Republican Party has enjoyed probably an unprecedented in modern time era of public support. All the programs, everything seemed to be going well and in fact, 90 percent of the Contract With America passed with strong bipartisan support. But the press, as you know, has never loved conservatives, and their anti-Gringrich ferocity, their fever got to such a high-pitched shrill sound of indignation, and I am speaking of the national liberal media, that now the Speaker has to travel with bodyguards. He never had to before. Never changed his views when he became Speaker.

What happened? Well, the press who loves to make strawmen out of people decided well, let us kind of set this guy up, and that is what has happened now. But worse than their attacks on the Republican Speaker and the Republican Congress, the press did something far worse. They simply ignored President Clinton's inconsistencies, his apparent shortcomings.

For example, on June 4, 1992, on "Larry King Live," Bill Clinton said he would balance the budget in 4 years. "As President, I will balance the budget in 4 years," said Candidate Clinton. Well, of course that never has happened. And what happened when he did get a balanced budget? He voted it.

On January 16, 1992, Candidate Clinton said, "I am going to give a middle-class tax cut." He had a campaign advertisement that promised a middle-class tax cut. I believe the exact words were and I know I am real close on this, "Hi, I'm Bill Clinton. I have a plan to get the economy moving again, starting with a middle-class tax cut." That ran in State after State during the Democrat primary.

Then once elected, of course, in 1992, President Clinton passed the largest tax increase in the history of the country. "Let us end welfare as we know it," another favorite Candidate Clinton promise. Said it over and over again, "Let us end welfare as we know it." Does anybody ever remember that sentence being attributed to anybody else but Bill Clinton?

What does this guy do when he is President? He vetoes the welfare reform bill that did pass on a bipartisan basis, one that our Nation's Governors support. He also promised to reduce the size of government. If you take away the reductions in Department of Defense, the military personnel, the size of the government has actually increased 6,000 people.

So I think probably the press did more harm in ignoring Bill Clinton, not measuring him with the same glasses or the same scale that they would a NEWT GINGRICH, a Dan Quayle, a George Bush, a Ronald Reagan. They let him basically get away with anything he wants to. In fact, there is a great book that has been written by Brent Roselle on that point.

Let us compare now Congress, the 103d, which we mentioned tonight, versus the 104th Congress. The 103d Congress, I have already said, passed the largest tax increase in the history of the country. This is the Democrats. When the Democrats were in charge, the largest tax increase in American history was passed. That included a tax on our seniors; Social Security was hit. That included a tax on small business people and partnerships and small businesses, sub-S corporations, they got hit. On the middle-class, a 4.3 gas tax increase.

What was another thing the Democrats did when they were in charge of the Congress? Tried to socialize medicine. The gentleman from Missouri, Mr. GEPHARDT, working very closely with Mr. Clinton introduced a socialized medicine plan that would have put 100,000 new Federal employees in charge of a command control bureucracy running our Nation's health care. This incidently would have created 59 new government agencies.

Meanwhile, not to be outdone, the bureaucracy was out doing their thing. The EEOC, the Equal Employment Opportunity Commission, what were they doing? They were going around in government businesses and in private businesses trying to outlaw religious symbols in the workplace. Now, what do I mean by that? If you wore a Jesus Saves hat, T-shirt to work, if you had a Star of David necklace and you were working in an airline factory, that would have been considered harassment of Federal employees, the same way it would bringing a Playboy to work would have.

So now we have religious symbols on the same basis as pornography by the Clinton bureaucrats telling businesses what to do. If you have scripture readings in your business, you would not be able to have that. If you have scripture on your wall, you would not be able to have that.

What were the Clinton folks doing over at the OSHA agency? They were saying that if you smoked in your own house, your own property, and you had a domestic employee, a housekeeper, then you had to have ventilators in your house, and that is what the bureaucrats were doing. So these were the things that we saw under Democrat control of Congress.

Now, what have we seen in the Republican control? Well, we have cut the staff of Congress by one-third. We have reduced operating expenses by $67 million. For the first time in history, we have put Congress under the same workplace laws as the private sector. We have passed a very tough gift ban, tougher than this Congress has ever seen. For the first time in over 50 years, we passed a lobbyist registration bill. We have also passed the line-item veto so that the President can have that same tool that the Governors, most Governors, have in our country, which is the power to scratch out pork from the budget. And if it is good for a Republican President, it is good for a Democrat President. So we as Republicans did give the President that tool. We have passed securities litigation reform. That was vetoed by the President but we were able to, on a bipartisan basis, override his veto.

We are working hard on products liability legislation. As you know, that was also vetoed. The trial lawyers gave very heavily to the Clinton campaign and so the President vetoed that apparently. We have passed a bill to end farm subsidies, it phases out farm subsidies over a 7-year period of time and gives our farmers more flexibility, things that they need in terms of planning decisions, deciding what kind of crop to plant and where to plant it and how much.

We have passed the Paperwork Reduction Act so that businesses who deal with the Federal Government will not have to be mired down in all the paperwork and redtape. We have stopped the practice of unfunding mandates. This is the practice, Mr. Speaker, where we would go into, say, my town, Savannah, GA, and the Congress would tell the people of Savannah, GA, or Alma, GA, or Blackshear, GA, how to run their city, require them to offer certain services which they would have to implement but we were not going to pay for, and it was nothing but a local property tax increase and we have stopped that.

We also passed the telecommunications law that brings telecommunications law up to telecommunications technology, and I think some time in the very near future that our constituents will be picking up their phone at night, they will be ordering a movie through that. They will be watching that move on TV. The phone service and the cable television will all be offered by one company and it is going to be a very competitive package.

You might be able to dial from Athens to Atlanta, GA, without long distance and a lot of exciting things. But probably more than any of these achievements, what the Republican Congress has done is stop the ball from moving down the field in a leftward direction. We have stopped the swing to the extreme left, which is what is very important.

Now, where do we go from here? We have got a long way to go. The Government still is not working right. We can still do a better job. Our seniors are not comfortable with their retirement, their security. Our people still cannot walk down the street without looking over their shoulder, and more importantly, our children are concerned that they will not be able to share the American dream. I believe, Mr. Speaker, that both parties have a responsibility on these matters. I think that it is OK to address these problems without political rhetoric. Medicare is going to go broke, according to the trustees appointed by President Clinton, in the year 2002. We need to move in the direction of saving, protecting and preserving Medicare. I have worked on it personally very hard. I think that our seniors, my mother, my mother and dad, need to have something more than a 1964 Blue Cross/Blue Shield plan. I believe that they should have all the options that are out there in health care today, options such as a physician service network, a medical savings account, a managed care plan, traditional Medicare. I have confidence in American seniors. I have confidence that they should have all the choices that are out there.

□ 2200

I do not believe it is fair for command and control Washington bureaucrats to tell my mother what kinds of health care she has to have. I believe she should be able to keep her choice of physician, but she needs to have the choice of plans also.

It is interesting, the proposal that we have offered actually increases Medicare from around $5,000 per person to $7,000 per person, and this includes new enrollees. There is no reason in the world why we cannot address Medicare without partisan rhetoric.

Let us talk about the environment. I think it is very important that we have confidence in the air we breathe, in the food we eat, and the water we swim in. We need to know it is chemical free and clean. We need to have environmental cleanup.

The Superfund. Let us talk about that. The Superfund now is about 16 years old. In its history we have spent $25 billion, and for that $25 billion we have only cleaned up about 12 percent of the national priority environmentally polluted areas. Forty-three cents on the dollar of Superfund goes to litigation. And between 1990 and 1992, the Department of Justice spent 800,000 man-hours on Superfund litigation alone.

Mr. Speaker, I think it is time we went ahead and cleaned up the environment rather than enrich the lawyers. It is time to move ahead on it.

On the Endangered Species Act. There is a story of a man, it is a true story, his name is Ben Cone. I do not think he would mind me using his name because it is a matter of public record. But he had an 8,000-acre tract of timber in North Carolina. In one area of that land the red cockaded woodpecker came, and the value of that land in that portion fell from about a million to about $267,000, because with a red cockaded woodpecker, endangered species, you are not allowed to harvest timber. So automatically all that portion of his land dropped in value.

So the question is, Mr. Speaker, what do you do, if you are Ben Cone, if you are the farmer? Do you clear-cut the rest of it before there is a endangered species on it? Do you stop your 80-year timber rotation and start cutting? What is he supposed to do? This is not rhetoric, this is real. This is real life.

I think one of the things that our Endangered Species Act does not recognize is that we have a disincentive for people to encourage habitat enhancement that will bring endangered species to it. We should have such that if a private landowner gets an endangered species he is proud of it. Hey, I have an Indigo snake, I have a gopher turtle. You just come report it, preserve it, protect it. We can do this through some of these easements.

We worked on a bill, the gentleman from New Jersey, Congressman SEXTON, and the gentleman from Georgia, Mr. DEAL, and the gentleman from Maryland, Congressman GILCHREST, and I, that was moving in that direction. I hope, Mr. Speaker, we can get that to the floor of the House because we need to have some balance.

Another issue. A very hot topic. The president vetoed welfare reform. In my area, we believe that it is time that people who can work be required to work. Our welfare reform, our system that we have now, we have spent $5 trillion on since 1964 and all we have done is increased the poverty level.

I think it is very important for us to have a program that would identify the father of the baby. Because we say to young women, let me start with them first, if you get pregnant and you are, say 16 or 17 years old, it will mess you your college education, it will mess up your high school education, you will have some problems. That is what we say to the girl. What do we say to the boy? Nothing. You have the responsibility of an alley cat. You want to get a girl pregnant, go on about your business, we are not going to bother you.

I think it is important to say to the young man, in a loving way, that if you are get a girl pregnant you are on the hook for it just as much as she is.

I have talked about the work requirement. If you are able to work you ought to be required to work.

Let me talk about the legal alien part, people who come into our country for the benefits, people who are not here necessarily to work, although it is important for us to know in my area, in the rural areas, it is hard to find Americans who will work because our welfare benefits are so generous.

I come from Vidalia onion country. If a Vidalia onion farmer wants to get his opinions picked, he cannot get Americans. The job pays about $9 an hour. It is hard work, but that is not bad money—$9 an hour, Mr. Speaker, and you cannot get Americans to do it. You have to get migrant workers to do it. I am not talking about illegal aliens. I am talking about migrant workers.

I think the statement here is that it is more of an indication that the welfare system is broken when you cannot get Americans to work than it is an indictment of foreigners who want to come to America because they are willing to work. I will say this, though, we should not have permanent welfare benefits for illegal aliens, because when people come to our country for the benefits, they need emergency care, we should help them out, but then they ought to be on their way.

Now, block grants are something that the command and control Washington bureaucrats cannot stand, but basically what State grants would do is give local welfare caseworkers options on how to care for children.

Here is a true story in Savannah, GA, a welfare family. Two girls. One of them is 15 years old. She is in the eighth grade. The other one is 18 years old. She is in the 10th grade. Now, remember, 18-year-olds should be seniors and 15-year-olds should be in the 10th grade. The 18-year-old has a baby, the 15-year-old does not have a child. She is in school and doing well. The girls live with the common-law husband of their biological mother. He is not their biological father.

Now, the mother does not live at home anymore. She does not provide for them anymore. She does not come around because she is hooked on crack. The only time she has come by the house in recent months was to get in a fight with her common-law husband, which ended up her throwing ash at him and blinding him. So now he can no longer see and he can no longer work.

The girls have a brother who is not by their same biological father, but a step brother, and he is in jail. The question is where is their biological father? Their biological father was killed when they were small children.

This is a real case. This is a complicated case to keep up with, I realize, but this is not an unusual case. This is what is happening out there on the street today. It is a sad case. We have to help these girls.

If you remember what it was like when you were 15 and 18 years old, it was very difficult to get through school and all the pressures in a normal household much less in a situation like this. But the caseworker's problem, and he told me personally, here you have to have child care, and that is one agency; then you have to have health care, that is another agency; you get WIC, you have food stamps, you got job training, you have education, you got transportation needs, and all these have to be handled by a different bureaucracy.

Would it not be great if this caseworker working on this one family could take them from A to Z and have all their problems handled by himself or through one phone call, one-stop shopping, so to speak? That is why the block grants, which would give flexibility to the State, are so important, because that is all it would do.

What are some of the other issues we need to deal with? Crime. Truth in sentencing. We are getting better now, but it has been that when people have been sentenced for 8 years or 10 years, that they have only served 35 percent of their time. I believe, and I know most Members of this body and people in America right now believe, that if an individual is sentenced for 10 years, they ought to serve their full sentence. They ought to serve at least 85 percent of that 10 years, if they do not serve 10 out of 10.

We have passed a law that says if a State wants Federal money for Federal prison construction then their State needs to have truth in sentencing. That is something that we are still fighting about with the President and the Washington liberals, but, again, it gets our streets safer so that people can walk down their streets.

We are putting more money into drug interdiction and antidrug programs. I read a statistic the other day that said that the No. 1 age for trying marijuana now across the Nation is 13. We debate here about our children starting to smoke cigarettes early, and I believe that is a very serious problem. We cannot let our children start smoking cigarettes early. But let us do not forget about the 13-year-olds, Mr. Speaker, who are lighting up marijuana, because that is an illegal drug with all sorts of ramifications.

So while we are focusing so much time on the welfare of our children, we better remember how important it is to have a good antidrug program; to have DARE programs and so forth like that.

Mr. Speaker, all this stuff leads to some uneasiness of the American population, and it is something that we have got to deal with, but one thing that I have not mentioned up till now is the fact that all of this is for naught if we go bankrupt. We have a budget right now that 16 percent of it is going to interest on the national debt. About $20 billion each month goes to just interest. Our national debt is about $5 trillion.

Now, here are some interesting numbers, and this is from the February 6, 1995, Wall Street Journal. Listen to this, Mr. Speaker: $1 trillion has 12 zeros to it. A trillion is a million times a million. A million squared. It would take more than 1½ million millionaires to have as much money as is spent by Congress in a year.

Actually, that statistic is not true because this was written when the budget was a trillion dollars and it is now about a trillion six.

Here is another statistic. Here is an experiment, reading directly from the article. What if we were to try to pay off the $4 trillion national debt? Now, let me pause again. Old article. The national debt now is about $5 trillion. But this still is a good illustration.

What if we were to try to pay off the $4 trillion national debt by having Congress put $1 every second into a special debt buy-down account? How many years would it take to pay off the debt?

Did you want to guess at this, Mr. Speaker? Okay, I will go ahead and tell you the answer.

One million seconds is about 12 days. One billion seconds is roughly 32 years. But one trillion seconds is almost 32,000 years. So to pay off the debt, Congress would have to put dollar bills into this account for about the next 130,000 years, roughly the amount of time that has passed since the Ice Age.

I will give you another illustration, since you are begging to one, I can tell.

Even if we were to require Congress to put $100 a second into this debt buy-down account, it would still take over 1,000 years to pay the debt down. So here is another one. Imagine a train of 50-foot box cars crammed with $1 bills. How long would the train have to be to carry the $1.6 trillion Congress spends each year?

About $65 million can be stuffed into a box car. Therefore, the train would have to be about 240 miles long to carry enough dollar bills to balance the Federal budget. In other words, we would need a train that stretches the entire Northeast Corridor from Washington through Baltimore, Delaware, Philadelphia and New Jersey and on to New York in order to carry that much money.

That is just mind-boggling in terms of numbers. I think one of the biggest problems we have with our national debt, Mr. Speaker, is that it is an inconceivable amount, but if we could conceive a trillion, I think we would be so horrified, that we as a Nation would be horrified into immediate answer.

We have to balance this budget, Mr. Speaker. We have to do it for our kids. We have to cut out Government waste. We have to increase privatization. We have to increase efficiency, and we have to do it in a nonpartisan, nonpolitical way.

□ 2215

If you do balance the budget, Alan Greenspan, Chairman of the Federal Reserve, has testified that it could bring down interest rates as much as 1.5 percent. If it dropped it down 2 percent, you could save $37,000 on a $75,000 home mortgage over a 30-year period of time. You could save $900 on a $15,000 automobile loan.

These are things, Mr. Speaker, that will help the American public. It will do it now, and the time is now to balance this budget and to continue the work that we have started in this Congress.

HOUSE ETHICS INVESTIGATION

The SPEAKER pro tempore (Mr. LONGLEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, tonight I would like to talk about the process of the Ethics Committee. I have sat on the Ethics Committee for 6 years. At various times I have been a member, a ranking member, and, in one 2-year period. I was the chair. So I speak with a broad experience on the affairs of the Ethics Committee.

For me to speak on this issue is an unusual circumstance but these are unusual times. The charge of the Ethics Committee is to protect the integrity of the House and to deal fairly with the Members charged before this committee. A part of fairness is dealing expeditiously and thoroughly with charges brought to the committee. The appearance of fairness and thoroughness and impartiality is essential to any effort by the committee if the committee expects either the Members or the public to accept the results of the evaluation of any charge.

To adequately fulfill these two obligations, there has evolved a process for responding to allegations against a Member. The standing Ethics Committee is a relatively recent phenomenon. Before 1968, ethics complaints were handled in a variety of ways. There was a use of special committees or subcommittees of the Committee on the Judiciary, but since 1969, the Ethics Committee is a relatively recent phenomenon. Before 1968, ethics complaints were handled in a variety of ways. There was a use of special committees or subcommittees of the Committee on the Judiciary, but since 1969, the Ethics Committee has functioned on a bipartisan basis, composed of equal numbers of Democrat and Republican Members. This structure is unique in this partisan body because neither side by force of majority can exert its will. There must be cooperation.

Now, undeniably, in controversial cases, partisan feelings arise and cooperation becomes strained. Over the last 20 years, a mechanism has been developed to deal with such complicated or contentious cases and that is the appointment of a special outside counsel.

When partisanship has disrupted reasoned evaluation of the facts, the committee rightly has resorted to independent outside counsel on 10 occasions over the last 20 years, the Ethics Committee has chosen to seek outside counsel to resolve partisan differences and to ensure that the truth is presented to the Congress and to the American people.

Doing so is nothing new, extraordinary or prejudicial. It is instructive, I think, to review those 10 instances.

Here is a list of the cases in which outside counsel was appointed by the House Ethics Committee:

In the matter of the complaint against Representative L.F. Sikes in 1976, the Ethics Committee hired William Geoghegan.

In the Korean influence investigation in 1977, the Ethics Committee hired Phillips Lacovara and John Nields.

In the matter of Congressman Charles C. Diggs, the Ethics Committee hired William Geoghegan.

In the matter of Abscam in 1980, the Ethics Committee hired E. Barrett Prettyman.

In the matter of Congressman Daniel J. Flood in 1979, the Ethics Committee hired David M. Barrett.

In the matter of Congressman George V. Hansen, 1984, the Ethics Committee hired Stanley Brand.

In the investigation of financial transactions participated in and gifts of transportation accepted by Congressman Fernand J. St Germain in 1987, the Ethics Committee hired Johnnie L. Cochran.

In the investigation, pursuant to House Resolution 12, concerning alleged illicit use and distribution of drugs by Members of the House, the so-called page scandal in 1983, the Ethics Committee hired Joseph Califano.

In the matter of Speaker Jim Wright in 1988, the Ethics Committee hired Richard Phelan.

And lastly, regarding complaints against Representative NEWT GINGRICH in 1989, the Ethics Committee hired the firm of Phelan and John.

The results are history. In every instance, outside counsel treated the accused Member fairly but got to the truth when the committee itself was unable to. In many instances, outside counsel's recommendation on specific charges were accepted and in others they were narrowed or dropped.

This is not unlike disputes in a variety of settings where parties are unable to reach an agreement and an arbiter is sought. In families, in churches, in universities, in legal disputes, and even in sports, the ref's or the ump's decision is final.

Committees in most situations are set up with odd numbers of members so that differences of opinion can be resolved by a majority rule. That is how this body operates in most situations. In those areas where committees are set up with an even number of members, the obvious hope is that decisions will be reached by consensus or the committee will resort to an outside arbiter.

The advantages realized by the House and the committee in seeking outside counsel are numerous. The House receives the advice and counsel of a jointly selected examiner who comes to the investigation devoid of the discomfort and understandable bias that committee members might bring to such an investigation.

In addition, the counsel assists the committee to understand and to winnow the allegations and the application of overlapping rules, statues and standards of conduct to very complex facts. Counsel selected in such a manner can be both fair and thorough, which in turn, in my belief, offers the best chance that the concluding decision of the committee will be deemed a just result.

Once counsel is selected, the question before the committee is, what shall be the scope of the counsel's investigation and what shall be his or her authority.

Mr. GINGRICH, in 1988, wholeheartedly endorsed the answer to this question proposed by former Attorney General of the United States, Archibald Cox, who as head of Common Cause suggested the following in a letter to Chairman DIXON:

The outside counsel, and I quote, shall have full authority to investigate and present evidence and arguments before the Ethics Committee concerning the questions arising out of the activities of a member.

The outside counsel shall have full authority to organize, select and hire on a full or part-time basis in such numbers as the counsel reasonably requires.

The outside counsel shall have full authority to review all documentary evidence available from any source and full cooperation of the committee in obtaining such evidence.

The committee shall give the outside counsel full cooperation in the issuance of subpoenas.

The outside counsel shall be free, after discussion with the committee, to make such public statements and reports as the counsel deems appropriate.

The outside counsel shall have full authority to recommend that formal charges be brought before the Ethics Committee, shall be responsible for initiating and conducting proceedings, if formal charges have been brought, and shall handle any aspect of the proceedings believed to be necessary for a full inquiry.

The committee shall not countermand or interfere with the outside counsel's ability to take steps necessary to conduct a full and fair investigation.

Mr. Cox goes on to say: The outside counsel will not be removed except for good cause.

Because Congressman GINGRICH felt the committee was not going to adhere to the principles outlined by Mr. Cox, he wrote Chairman DIXON to raise his concerns and closed his letter with the following statement:

The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of a Speaker of the House, a position which is third in line of succession to the presidency and the second most powerful elected position in America. Clearly, this investigation has to meet a higher standard of public accountability and integrity.

As usual, Mr. GINGRICH was eloquent and his logic was unassailable. I think, Mr. Speaker, that all Members of this body would heartily and readily agree with the words of Mr. GINGRICH.

With respect to unresolved matters, the committee has only three options. Either to refer to the outside counsel those issues which remain unresolved or to leave those issues unresolved or to report back to the House the committee's inability to resolve the charges before it and ask for further direction.

The first option, that of referring to the outside counsel, has been used in the past on a number of occasions, as I outlined, and has been used in a bipartisan way to resolve very thorny issues. The process has been led by an individual whose livelihood and success does not depend on the good graces of the chair or the ranking member. In short, the Member, the committee, the House and the public must have confidence in the professionalism, integrity, open-mindedness of the outside counsel. Referral to an outside counsel must, and I emphasize, must be considered a judgment that the matter merits further inquiry, nothing more.

The second option, that of leaving the matter unresolved, is totally unacceptable, since it reduces the Ethics Committee to the Committee on Frivolous Complaints and Rule Interpretation.

The committee is able to deal only with issues over which there is no controversy because either party can, by a 5-to-5 vote, prevent the resolution of any serious or difficult issue before it. If one side feels there is an issue that merits further inquiry and the other does not, the issue will simply die in the lap of the chair. If that happens, the chair of the committee will have destroyed the Ethics Committee by failing to lead the committee to a resolution of an issue of major importance.

The third option is reporting back to the House the committee's inability to resolve an issue either by consensus or by referral to the outside counsel. The report to the House can be made either in open session or in executive session in the House Chambers. This latter course could be followed since an ethics charge could arguably be considered a personnel matter and the Member is entitled to have it aired in secret, as the Ethics Committee operates.

In a session before the House, the committee could receive direction by the House as to whether the matters should be referred to the outside counsel or follow some other course of action, such as dismissal of all remaining charges by a vote of the House in secret session.

Being on the Ethics Committee is not a sought-after plum assignment in the House of Representatives, but it is a job that must be done. Attacks on members of the Ethics Committee by either side of the aisle must be viewed with great skepticism.

Recently, on July 27, some of my colleagues put out a Dear Colleague letter in which they said, Over the past two years a systematic and coordinated effort has been undertaken to impugn the integrity of Speaker GINGRICH.

In fairness to the Speaker and with respect to the ethics process, they suggest that I recuse myself from this process.

These recent attacks on me are simply attempts by zealous and uninformed Members of the House to destroy the Ethics Committee before it completes its work on unresolved matters.

□ 2230

This kind of misguided activity will accomplish nothing but damage to the reputation of every Member of the House.

I am really quite honored that after a thorough review of my office and campaign and financial disclosure forms, those who seek to destroy the committee could come up with so little in their vain attempt to discredit the committee. I am here tonight to state that the House should have a report from the Committee on Standards of Official Conduct on matters unresolved before it, so that the House can further instruct the committee on how to proceed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today and for the balance of the week, on account of medical reasons.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of a death in the family.

Mr. MILLER of California (at the request of Mr. GEPHARDT) for today and Wednesday, July 17, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes each day, today and on July 17 and 18.

Mr. GUTKNECHT, for 5 minutes, today and on July 17.

Mr. SHADEGG, for 5 minutes, on July 23.

Mr. RIGGS, for 5 minutes, today and on July 17 and 18.

Mr. SMITH of Michigan, for 5 minutes, on July 17.

Mr. DORNAN, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DOGGETT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. HAMILTON.

Mr. SKELTON.

Mr. SERRANO.

Ms. HARMAN.

Ms. JACKSON-LEE of Texas.

Mr. VOLKMER.

Mr. TORRES.

Mr. BORSKI.

Mr. DINGELL.

Mrs. SCHROEDER.

Mr. MATSUI.

Ms. PELOSI.

Mr. FOGLIETTA.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. COX of California.

Mr. MCCOLLUM.

Mr. GILMAN.

Mr. FORBES in two instances.

Mr. BURTON of Indiana.

Mrs. SMITH of Washington in two instances.

Mr. YOUNG of Alaska.

Mr. TORKILDSEN.

Mr. DORNAN.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. KNOLLENBERG.

Mr. WHITE.

Mr. ESHOO.

Ms. DANNER.
Mr. PACKARD.
Mr. RICHARDSON.
Mr. WELDON of Pennsylvania.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1757. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes; to the Committee on Commerce.

ADJOURNMENT

Mr. McDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 17, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4137. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1995-96 Crop Year for Natural (sun-dried) Seedless, Zante Currant, and Other Seedless Raisins [Docket No. FV96-989-1FIR] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4138. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV96-948-2IFR] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4139. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Goats Imported From Mexico for Immediate Slaughter; Horse Quarantine Facilities [Docket No. 91-101-2] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4140. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt; Removal of Quarantined Areas; Technical Amendment [APHIS Docket No. 96-016-8] received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4141. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's report on the use of consistent financial terminology, pursuant to Public Law 103-325, section 210 (108 Stat. 2201); to the Committee on Banking and Financial Services.

4142. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's report on the feasibility of establishing and maintaining an interagency data bank, pursuant to Public Law 103-325 section 341(a) (108 Stat. 2238); to the Committee on Banking and Financial Services.

4143. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Review of OTS Decisions [96-65] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4144. A letter from the Acting Director, Office of Thrift Supervision, transmitting the 1995 annual report on enforcement actions and initiatives, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

4145. A letter from the Administrator, Food and Consumer Service, transmitting the Service's final rule—Removal of the "Cheese Alternate Products" specifications from the National School Lunch Program (RIN: 0584-AC04) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards/Consumer Information Regulations, Truck-Camper Loading (National Highway Traffic Safety Administration) (RIN: 2127-AF81) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4147. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Approval of the Carbon Monoxide Implementation Plan submitted by the State of Connecticut pursuant to Sections 186-187 and 211(m) (FRL-5523-2) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4148. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision 1 of Regulatory Guide 1.153—Criteria for Safety System—received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4149. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Removal of 10 CFR Part 53—Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity (RIN: 3150-AF47) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4150. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Form BD Amendments (RIN: 3235-AG25) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4151. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101-246, section 804(b) (104 Stat. 78) and Public Law 104-107, section 604(b)(1) (110 Stat. 756); to the Committee on International Relations.

4152. A letter from the Acting Director, Office of Management and Budget, transmitting the Office's report entitled the "1996 Federal Financial Management Status Report and Five-Year Plan", pursuant to Public Law 101-576, section 301(a) (104 Stat. 2849); to the Committee on Government Reform and Oversight.

4153. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Pacific Halibut Fisheries; 1996 Halibut Landing Report No. 4 [Docket No. 960111003-6068-03; I.D. 070296C] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4154. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Alabama Regulatory Program (30 CFR Part 901) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4155. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Illinois Regulatory Program [SPATS No. IL-092-FOR] received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4156. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Removal of Form I-151, Alien Registration Receipt Card, from the listing of Forms Recognized as Evidence of Registration for Lawful Permanent Resident Aliens [Docket No. 1686-95] (RIN: 1115-AD87) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4157. A letter from the Treasurer, The Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 1995, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

4158. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Idle Hour South Channel Challenge, St. Clair River, MI (U.S. Coast Guard) [CGD09-96-001] (RIN: 2115-AE46) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay, San Diego, CA (U.S. Coast Guard) [COTP San Diego 96-002] (RIN: 2115-AA97) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security for Passenger Vessels and Passenger Terminals (U.S. Coast Guard) [CGD 91-012] (RIN: 2115-AD75) received July 15, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Part III—Administrative, Procedural, and Miscellaneous—Determination of whether income of a controlled foreign corporation earned through a partnership is subpart F income (Notice 96-39) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4162. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Instructions for filing claims for refund of insurance premium excise tax based on the U.S. Supreme Court's opinion in United States v. IBM (Notice 96-37) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4163. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama

Canal Act of 1979; jointly, to the Committees on National Security and Government Reform and Oversight.

4164. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-39: Assistance to Bosnia and Herzegovina, pursuant to Public Law 104-107, section 540(b) (110 Stat. 736) jointly, to the Committees on International Relations and Appropriations.

4165. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-40: Assistance for Bosnia and Herzegovina, pursuant to Public Law 104-122, section 2 (110 Stat. 876); jointly, to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS: Committee on Appropriations. H.R. 3814. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997 and for other purposes (Rept. 104-676). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Oversight. H.R. 3760. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes; with an amendment (Rept. 104-677). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE: Committee on Rules. House Resolution 479. Resolution providing for consideration of the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-678). Referred to the House Calendar.

Mr. MYERS: Committee on Appropriations. H.R. 3816. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3166. A bill to amend title 18, United States Code, with respect to the crime of false statement in a Government matter; with an amendment (Rept. 104-680). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of July 12, 1996]

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration, S. 1459 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of July 12, 1996]

S. 1459. Referral to the Committee on Agriculture extended for a period ending not later than July 12, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROGERS:

H.R. 3814. A bill making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

By Mr. CRANE:

H.R. 3815. A bill to make technical corrections and miscellaneous amendments to trade laws; to the Committee on Ways and Means.

By Mr. MYERS of Indiana:

H.R. 3816. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. CHRISTENSEN, and Mr. ENSIGN):

H.R. 3817. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. GORDON, Mr. MCINTOSH, and Mr. WARD):

H.R. 3818. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Commerce.

By Mr. HANSEN (for himself, Mr. HEFLEY, Mr. TORKILDSEN, Mr. SAXTON, Mr. GOSS, Mr. KASICH, Mr. DEFAZIO, and Mr. RICHARDSON):

H.R. 3819. A bill to amend the act establishing the National Park Foundation; to the Committee on Resources.

By Mr. THOMAS (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. PAXON, Mr. FAWELL, Mr. HOEKSTRA, Mr. WAMP, Mr. EHLERS, Ms. GREENE of Utah, Mr. BALLENGER, Mr. RIGGS, Mr. FOX, Mr. KOLBE, Mr. WALKER, Mr. KINGSTON, Mr. HOBSON, Mr. LIVINGSTON, Mr. WELDON of Pennsylvania, and Mr. COBLE):

H.R. 3820. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 3821. A bill to restrict the advertising and promotion of tobacco products; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAUGHLIN:

H.R. 3822. A bill to direct the Secretary of the Interior to transfer the Palmetto Bend Project; to the Committee on Resources.

H.R. 3823. A bill to provide for the liquidation or reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. LONGLEY:

H.R. 3824. A bill to provide for the refunding of expenses incurred by innocent persons in the State of Maine required to comply with automobile inspection and maintenance requirements negligently imposed by the Environmental Protection Agency; to the Committee on Commerce.

By Mr. TORRICELLI:

H.R. 3825. A bill to establish Federal, State, and local programs for the investigation, reporting, and prevention of bias crimes; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 3826. A bill to amend the Community Reinvestment Act to require the reporting of actual performance data in order to verify the availability of credit on a nondiscriminatory basis; to the Committee on Banking and Financial Services.

H.R. 3827. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a women in enterprise development program to support the economic empowerment of women in developing countries; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself, Mr. MILLER of California, and Mr. RICHARDSON):

H.R. 3828. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Resources.

By Mr. ARMEY:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution of the United States to further protect religious freedom, including the right of students in public schools to pray without Government sponsorship or compulsion, by clarifying the proper construction of any prohibition on laws respecting an establishment of religion; to the Committee on the Judiciary.

By Mr. WHITE (for himself, Mr. DREIER, Mr. BASS, Mr. BROWNBACK, and Mr. FRISA):

H. Res. 478. Resolution to amend the rules of the House of Representatives to provide public access to committee documents over the Internet, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself, Mr. DREIER, Mr. WHITE, Mr. BROWNBACK, and Mr. ALLARD):

H. Res. 480. Resolution amending the rules of the House of Representatives to implement the recommendations of the task force on committee review regarding committee operations, procedures, and staffing, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 324: Mr. KENNEDY of Massachusetts.

H.R. 866: Mr. SHAYS.

H.R. 997: Mr. EHLERS.

H.R. 1010: Mr. ABERCROMBIE and Mr. MANTON.

H.R. 1073: Mr. GIBBONS and Mr. WOLF.

H.R. 1074: Mr. GIBBONS, Mr. YATES, and Mr. WOLF.

H.R. 1100: Mr. KENNEDY of Massachusetts and Mr. HAMILTON.

H.R. 1281: Ms. ROS-LEHTINEN, Mr. MANTON, Mrs. MEEK of Florida, and Mr. TOWNS.

H.R. 1386: Mrs. KELLY.

H.R. 1656: Ms. ESHOO.

H.R. 1863: Mr. BLUMENAUER.

H.R. 1975: Mr. FROST, Mr. CHAPMAN, and Mr. BENTSEN.

H.R. 1998: Ms. FURSE, Mr. JACKSON, Mr. ORTON, and Mr. WELLER.

H.R. 2190: Mr. HEINEMAN and Mrs. LOWEY.

H.R. 2209: Mr. TAYLOR of Mississippi and Mr. COLEMAN.

H.R. 2214: Mr. BOUCHER.

H.R. 2416: Mr. CLEMENT.

H.R. 2462: Mr. CHRISTENSEN.

H.R. 2480: Mr. WATTS of Oklahoma.

H.R. 2508: Mr. INGLIS of South Carolina.

H.R. 2513: Mr. WATTS of Oklahoma.

H.R. 2634: Mr. SHADEGG.

H.R. 2697: Mr. CLYBURN and Mr. MARKEY.

H.R. 2892: Mr. MEEHAN.

H.R. 2900: Mr. HORN.

H.R. 2912: Mr. ACKERMAN.

H.R. 3012: Mr. HAYWORTH, Mr. RICHARDSON, Mr. HILLIARD, Mr. CHRISTENSEN, Mr. CLYBURN, Mr. McDERMOTT, Mrs. LINCOLN, Mr. WILLIAMS, Mr. WYNN, Mr. MASCARA, Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. CHAMBLISS.

H.R. 3037: Mr. CONDIT, Mr. DEFAZIO, Mr. PETERSON of Minnesota, Mr. BEREUTER, and Mr. FALEOMAVAEGA.

H.R. 3077: Mr. DINGELL, Ms. PRYCE, Mr. PASTOR, and Ms. NORTON.

H.R. 3083: Mr. HOBSON.

H.R. 3118: Mr. COYNE and Mr. BOUCHER.

H.R. 3155: Mrs. THURMAN.

H.R. 3173: Mr. TOWNS and Mr. OLVER.

H.R. 3183: Mr. HUTCHINSON.

H.R. 3195: Mr. BACHUS.

H.R. 3203: Mr. JOHNSTON of Florida and Mr. KIM.

H.R. 3204: Mr. JOHNSTON of Florida and Mr. KIM.

H.R. 3205: Mr. JOHNSTON of Florida.

H.R. 3211: Mr. PARKER, Mr. COBLE, and Mr. BRYANT of Tennessee.

H.R. 3217: Mr. MANTON.

H.R. 3277: Mr. BREWSTER, Mrs. CUBIN, and Mr. CAMPBELL.

H.R. 3303: Ms. FURSE.

H.R. 3337: Mr. LAZIO of New York.

H.R. 3444: Mr. STUPAK.

H.R. 3450: Mr. FATTAH.

H.R. 3466: Mr. BARRETT of Wisconsin and Mr. FAWELL.

H.R. 3477: Mrs. MEEK of Florida and Ms. SLAUGHTER.

H.R. 3496: Mrs. CLAYTON and Mr. BARRETT of Wisconsin.

H.R. 3508: Mr. BAKER of Louisiana, Mr. GOSS, Ms. FURSE, Ms. WOOLSEY, Mr. BONO, Mr. WOLF, Mr. GORDON, Mr. KIM, Mr. BRYANT of Tennessee, and Mr. DURBIN.

H.R. 3512: Mr. LEWIS of Georgia, Mrs. SCHROEDER, Mr. HILLIARD, Ms. NORTON, and Mr. OWENS.

H.R. 3513: Mr. LEWIS of Georgia, Mrs. SCHROEDER, Mr. HILLIARD, Ms. NORTON, and Mr. OWENS.

H.R. 3551: Mr. DEUTSCH.

H.R. 3580: Mr. HOKE.

H.R. 3590: Mr. BERMAN and Mr. DINGELL.

H.R. 3601: Mr. SCARBOROUGH.

H.R. 3605: Mr. MARTINEZ.

H.R. 3608: Mr. STUPAK.

H.R. 3618: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, and Mr. LIPINSKI.

H.R. 3648: Mr. MARTINEZ and Mr. MANTON.

H.R. 3688: Mr. THOMPSON and Mr. McDERMOTT.

H.R. 3700: Ms. NORTON.

H.R. 3710: Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. JACOBS, Mr. CONYERS, Mr. PETERSON of Florida, Mr. McNULTY, Mr. GONZALEZ, and Mr. McDERMOTT.

H.R. 3724: Mr. GREEN of Texas, Mr. LIPINSKI, Mr. MOORHEAD, and Mr. BEREUTER.

H.R. 3746: Mr. EVANS.

H.R. 3753: Mr. CLYBURN, Mr. FRAZER, Mr. FROST, Mr. HOUGHTON, and Mr. LEACH.

H.R. 3760: Mr. KINGSTON, Mr. COBLE, and Mr. HOBSON.

H.R. 3766: Ms. PELOSI, Mr. CALVERT, Mr. DEFAZIO, Ms. NORTON, and Mr. SANDERS.

H.R. 3775: Mr. VISCLOSKY, Mr. BRYANT of Texas, Mr. PARKER, Mr. SAM JOHNSON, and Mr. SHAW.

H.R. 3778: Mr. LIPINSKI.

H.R. 3779: Mr. WAXMAN, Ms. NORTON, Mr. LIPINSKI, Mr. EVANS, and Mr. CUMMINGS.

H.J. Res. 127: Mr. WELDON of Florida and Mr. LIPINSKI.

H. Con. Res. 173: Mr. DAVIS.

H. Con. Res. 185: Mr. STEARNS.

H. Res. 172: Mr. JACKSON and Mr. EHLERS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3756

OFFERED BY: MR. DURBIN

AMENDMENT NO. 6: Page 15, beginning on line 10, strike "for felons convicted of a violent crime, firearms violations, or drug-related crimes".

H.R. 3756

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 7: Page 118, after line 16, insert the following new section:

SEC. 637. Each amount appropriated or otherwise made available by Titles I through VI of this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3756

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 8: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to issue, implement, administer, or enforce the amendments to the Customs regulations pertaining to field organization proposed by the United States Customs Service and published in the Federal Register on June 17, 1996 (61 Fed. Reg. 30552–30553).

H.R. 3756

OFFERED BY: MS. LOWEY

AMENDMENT NO. 9: Page 73, strike lines 1 through 9 (sections 518 and 519).

H.R. 3756

OFFERED BY: MR. SALMON

AMENDMENT NO. 10: Page 33, line 13, insert after "$44,193,000" the following: "(reduced by $500,000)".

H.R. 3814

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS FOR CERTAIN DEPARTMENT OF JUSTICE PROJECTS.—None of the funds made available in this Act may be used to provide to a State more than $100,000 in Federal assistance for any substance abuse counseling project under the residential substance abuse treatment for States prisoners program, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) at least 30 days before entering a contract or agreement with a private business entity for the performance of work usually performed by employees of a State under which the State will obligate more than $100,000, the State has conducted and submitted a cost-benefit analysis of the project;

(2) the cost-benefit analysis includes a detailed description of—

(A) the costs of labor;

(B) the costs of employer-provided fringe benefits;

(C) the costs of equipment or materials, whether supplied by the State or private contractor;

(D) the costs directly attributable to transferring the work being performed by State employees to a private business entity;

(E) the costs of administering and inspecting the contracted service; and

(F) the costs of any anticipated unemployment compensation or other benefits which are likely to be paid to State employees who are displaced as a result of the contracted service;

(3) the cost-benefit analysis includes an analysis of whether it is more cost effective to use employees of a private business entity than to use State employees to perform the work required;

(4) the cost-benefit analysis is accompanied by an analysis of the State's finances and personnel and an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(5) in the case of contract or agreement described in paragraph (1) that will result in a decrease in the amount of work assigned to State employees, the cost-benefit analysis demonstrates that—

(A) the contract or agreement will result in a substantial cost savings to the State; and

(B) the potential cost savings of contracting of services are not outweighed by the public's interest in having a particular function performed directly by the State;

(6) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a past performance history of the private business entity with whom the State is entering into the contract or agreement, which includes—

(A) work performed for the State under contracts and agreements described in paragraph (1) in the 5-year period ending on the 45th day before the date of entry into the contract or agreement;

(B) if no work was performed for the State under such contracts and agreements during such 5-year period, then any work performed for other States under contracts and agreements described in paragraph (1) in such 5-year period;

(C) with respect to each contract or agreement to which subparagraph (A) or (B) applies, the amount of funds originally committed by the State under the contract or agreement and the amount of funds actually expended by the State under the contract or agreement; and

(D) with respect to each contract or agreement to which subparagraph (A) or (B) applies, deadlines originally established for all work performed under the contract or agreement and the actual date or dates on which performance of such work was completed;

(7) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a copy of

any performance bond or any similar instrument that ensures performance by the private business entity under the contract or agreement or certifies the amount of such bond;

(8) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a political contribution history of the private business entity with whom the State is entering into the contract or agreement, which political contribution history lists all political contributions the private business entity has made to political parties and candidates for political office in the 5-year period ending on the 45th day before the date of entry into the contract or agreement; and

(9) not later than 5 days after submission of the cost-benefit analysis and other documents under this section, the public has been notified of the availability of the cost-benefit analysis and other documents for public inspection, and the analysis and other documents have been made available for inspection upon request.

(b) EXCEPTIONS.—The limitation established by subsection (a) shall not apply to any project when it is made known to the Federal official having authority to obligate or expend the funds that—

(1) the project is a pilot project for a particular type of work that has not previously been performed by the State and is being undertaken to evaluate whether contracting for that particular type of work can result in savings to the State; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental employees because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees.

H.R. 3814

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 2: In title II, in the item "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES"—

(1) after the twelfth dollar amount insert "(reduced by $4,099,000)";

(2) after the thirteenth dollar amount insert "(increased by $4,099,000)";

(3) after "National Weather Service," insert "including $429,715,000 for Operations and Research,"; and

(4) after the last sentence add the following: "No funds made available under this heading may be used for the Great Lakes sea lampricide eradication program or the Regional Climate Centers of the National Weather Service.".

H.R. 3814

OFFERED BY: MR. CLYBURN

AMENDMENT NO. 3: In the item relating to "DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM—BUILDINGS AND FACILITIES", after the first dollar amount, insert the following: "(reduced by $560,000)".

In title V in the item relating to "COMMISSION ON CIVIL RIGHTS—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(increased by $560,000)".

H.R. 3814

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material—

(1) is vulgar;

(2) is violent;

(3) is sexually explicit;

(4) features nudity;

(5) is disrespectful to women;

(6) is disrespectful to law enforcement personnel or efforts; or

(7) glamorizes gang membership or activities.

H.R. 3814

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 5: Before the short title at the end of the bill insert the following:

SEC. . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services until the Commission has, by rule, specifically defined the obligations of holders of such licenses to operate in the public interest, convenience, and necessity, unless the assignment of such a license is by a system of competitive bidding (in the case of mutually exclusive applications for such a license).

H.R. 3814

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 6: Before the short title at the end of the bill insert the following:

SEC. . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services.

H.R. 3814

OFFERED BY: MR. GANSKE

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS TO ISSUE CERTAIN PATENTS.—None of the funds made available in this Act may be used by the Patent and Trademark Office to issue a patent when it is made known to the Federal official having authority to obligate or expend such funds that the patent is for any invention or discovery of a technique, method, or process for performing a surgical or medical procedure, administering a surgical or medical therapy, or making a medical diagnosis.

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to the issuance of a patent when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the patent is for a machine, manufacture, or composition of matter, or improvement thereof, that is itself patentable subject matter, and the technique, method, or process referred to in subsection (a) is performed by or is a necessary component of the machine, manufacture, or composition of matter; or

(2)(A) the patent is for a new use of or a new indication for a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), new drug (as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p))), or biologic product (as defined in section 600.3(h) of title 21, Code of Federal Regulations), that is not itself patentable subject matter; and

(B) the effect of such drug, new drug, or biologic product on the body part on which it is used in the claimed method was not previously known or obvious to a person of ordinary skill in the art.

H.R. 3814

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 8: Page 112, after line 19, insert the following new section:

SEC. 615. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3814

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 9: In title II, strike the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS".

H.R. 3814

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 10: In title II, strike the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES".

H.R. 3814

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 11: In title II, under the item relating to "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES", after the first, second, sixth, and seventh dollar amounts insert "(increased by $760,500)".

In title IV, under the item relating to "UNITED STATES INFORMATION AGENCY—NATIONAL ENDOWMENT FOR DEMOCRACY", after the dollar amount insert "(reduced by $760,500)".

H.R. 3814

OFFERED BY: MS. NORTON

AMENDMENT NO. 12: In title I, under the heading "GENERAL PROVISIONS—DEPARTMENT OF JUSTICE", strike section 103.

EXTENSIONS OF REMARKS

RESPECTING THE FINE SERVICE OF THE GOVERNMENT PRINTING OFFICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. DINGELL. Mr. Speaker, the amendment to cut 100 additional employees from the U.S. Government Printing Office, offered and accepted during debate last week on the Legislative Appropriations bill, was an impulsive and arbitrary maneuver with no focus whatsoever on the quality of services rendered by this public service agency.

The amendment was another example of legislating in haste with uncertain results, which failed to take into account the tremendous record of personnel reductions that has occurred at GPO. In the past 20 years, GPO has reduced the number of its employees by more than half, from 8,000 in 1976, to 3,800 today. Last year, the House voted for additional reductions and the Appropriations Committee recommended a cut of 50 full-time employees for fiscal year 1997.

This work force reduction was accomplished by efforts of not just Congress, but also the GPO leadership, to bring the agency into the modern world of communications, and they have succeeded in doing that through a transition to electronic technologies while maintaining the traditional quality of printed Government documents.

I want to commend GPO's employees for their hard work and dedication to their jobs, which includes making this body run in a sound and effective manner. Without GPO, the nearly instantaneous transmission and publication of the CONGRESSIONAL RECORD and other vital documents could not be relied upon in an institution where swift access to information is crucial.

The amendment approved last week is not the result of any careful study or performance review. Rather, it is one of those across-the-board types of reductions we have seen offered by the majority party for a number of years to make more difficult the delivery of taxpayer-paid Government services.

Mr. Speaker, GPO has taken steps to keep up with the ever-changing nature of the information age and has done so in a cost-effective way. It should be given the necessary discretion to continue to implement needed management changes, including a reduction in unnecessary or duplicative employee positions as they occur, without interference by those who would rather enact arbitrary and across-the-board cuts. I commend the dedicated work of our GPO employees, and believe my colleagues would do the same when they come to know of the fine service they deliver.

DISASTER INSURANCE BILL

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. McCOLLUM. Mr. Speaker, it seems that virtually everyone in America is going to see a movie about the threat of aliens destroying our country. The real threat this summer is the destructive force of another major hurricane, like the one bearing down on the coast of North Carolina as we speak.

Hurricane Bertha has already taken lives and caused millions in property damage in Puerto Rico and the Virgin Islands. The threat caused by these destructive natural disasters is all too real. We face it every year and will continue to experience growing loss of life and property until we try to confront the destructive forces in a better way.

Mr. Speaker, I have a great interest in legislation that my good friend, Mr. Emerson, has introduced to reduce the impact of such catastrophic disasters. Mr. Emerson was aware that we at the Federal level need to encourage high risk areas of our country to better prepare for such events. Homeowners and businesses in States like Florida need more reliable disaster insurance protection. I would like to put the following article that appeared in today's Wall Street Journal in the RECORD. This article describes the insurance crisis that is occurring in my home State of Florida.

Currently, legislation to address these problems is under consideration in the House Transportation Committee in the form of H.R. 2873, the Natural Disaster Protection Act. I urge my colleagues to support committee action on this critical issue during the 104th Congress.

I am pleased to note that the Transportation Committee has been engaged in the process of revising the bill to address concerns raised in the hearing process, and the Senate has undertaken a similar effort.

Although this legislation certainly will not completely solve this problem of disaster insurance and will not eliminate the Federal burden relief, I believe it is a good first up on which to build future efforts. My State is taking actions on its own which will complement the programs in the proposed Federal bill and I understand that the insurance industry is examining other private sector options to increase insurance availability in high risk areas like Florida.

I would like to compliment the work of Chairman SHUSTER and his staff. We must support their efforts to report a revised bill out of committee as soon as possible. Mr. Speaker, for Congress to wait until the next major disaster to act on this issue would be a tragedy.

[From the Wall Street Journal, July 12, 1996]

FLORIDA HOMEOWNERS FIND INSURANCE PRICEY, IF THEY FIND IT AT ALL

(By Leslie Scism and Martha Brannigan)

The swath of South Florida devastated four years ago by Hurricane Andrew is in far better shape these days. But the state's insurance industry, devastated by the same storm and wary of another direct hit, is still a disaster.

Florida's homeowner-insurance business is like none other in the country: Rates, once absurdly cheap, have more than doubled in many coastal areas since Andrew, with double-digit annual increases likely in the future. Some big companies are so anxious to shed high-risk customers that they are openly touting the merits of their smaller competitors and even paying them bounties. Meanwhile, the state now operates an underwriting agency that, though it has rapidly become Florida's second-largest home insurer, is thought by many to be underfunded and incapable of handling a major disaster.

All of this comes at a time when the Atlantic is churning forth bigger hurricanes, more frequently, than at any time in decades. Last year's hurricane season was the busiest since 1933, and the march of Hurricane Bertha toward the East Coast today reminds Floridians that they are just one storm away from a disaster that could leave them homeless and underinsured.

FLIRTING WITH DISASTER

"Insurance companies and buyers have not yet fully come to terms with the new reality of megacatastrophes in the 1990s, and nowhere in the U.S. is this issue seen more dramatically than in Florida," says Sean Mooney, an economist with the Insurance Information Institute, a trade group.

This was inconceivable in the boom years of the 1980s. Hurricanes were rare, and those that hit the mainland tended to stay far from the state's two most densely populated coastal zones, the stretch from Miami to Palm Beach and the St. Petersburg-Tampa area. The insurance firms were relying on primitive models that didn't anticipate multibillion-dollar losses. The companies competed ferociously to insure the thousands of homes being built every year in the nation's third-fastest growing state.

Then came Aug. 24, 1992. Hurricane Andrew swept through south Dade County, about a dozen miles from downtown Miami. It was the most expensive natural disaster in U.S. history, causing about $16 billion in insured losses—more than half of that incurred by homeowners.

BILLION-DOLLAR LOSSES

Insurance firms took a huge hit. According to the state, 10 companies, most of them small, went broke from storm-related losses. Others also felt Andrew's punch. State Farm Group, which held policies on more the 30% of Florida's insured homes, sustained $3 billion in losses.

Some agencies couldn't make it. Scott Johnson, executive vice president of the Florida Association of Insurance Agents, says that since the storm, nearly 100 members of the group went out of business, reducing its ranks to 1,155 members. Many other agencies that weren't members also failed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Meanwhile, the companies that stayed in Florida immediately sought to reduce their market share, especially in risky coastal areas. They dropped old customers and refused to insure new ones. One company, Prudential Insurance Co. of America, even paid many of its own policyholders a year's worth of premiums to take their business elsewhere. The cost to Prudential: about $15 million.

SECOND-BIGGEST INSURER

Most of those Prudential customers wound up with the new Florida Residential Property and Casualty Joint Underwriting Association, widely known as the JUA. It was intended to be the insurer of last resort. Instead, it has grown to nearly 900,000 homeowners, just 100,000 policies shy of State Farm, Florida's biggest home insurer.

The JUA now covers 18% of residences in Florida. In the densely populated, hurricane-prone southern part of the state, it covers an even higher percentage of homes, giving it a potential exposure of more than $4 billion for a storm of the intensity of Andrew. "If the JUA were a regular insurance company, it would be fatally overconcentrated" because of its exposure in southeast Florida, says Sam Miller, vice president of the Florida Insurance Council, an industry trade group.

As the JUA has grown, so have the questions of its ability to make good on claims after a big hurricane. The JUA is exempt from the rules that require private-sector insurers to have thick financial cushions. Instead, the JUA got up and running on a hand-to-mouth basis: The premiums it collects—now running about $400 million a year—almost immediately go out the door to pay routine claims. Little of it lies around long enough to earn much investment income—a big source of capital for established insurers.

The JUA can borrow money to pay claimants. The state would then repay those debts by assessing, perhaps for years policyholders of all companies in Florida, including the JUA. Immediately after a devastating storm, policyholders could probably count on a 35% premium jump to pay off those debts, with follow-up annual increases of 20% or more, experts say.

A big problem has been the issue of raising huge sums of short notice. Last fall, the JUA secure a $1.5 billion line of credit through a consortium of banks led by J.P. Morgan & Co. "The JUA's math is that, even with a [storm] hitting an area of greatest vulnerability, they would not go" substantially above $1.5 billion in claims, says state Insurance Commissioner Bill Nelson.

But many in Florida doubt such assurances. As bad as Hurricane Andrew was, if it had taken a small turn northward toward the more densely populated areas of downtown Miami or Fort Lauderdale, the damages would have been far greater.

Should the state exhaust its line of credit, it then would have to turn to the bond market—an expensive and time-consuming proposition. "If you've got roofs flying off houses, it will seem like forever" for the JUA to float bonds, says John Auer, a vice president with Bankers Insurance Group in St. Petersburg, a midsize insurer of Florida homes.

SELLING THE BONDS

More alarming, the state could have problems finding buyers for the bonds—especially given that, after a terrible storm, two other Florida catastrophe-insurance agencies would likely be seeking investors at the same time, also with the promise that repayment would come from assessments on policyholders. "There haven't been bond issues of this size done in these circumstances," says James Newman Jr., the JUA's executive director.

Faced with its huge responsibility, the state has tried several approaches. It has funded projects aimed at reducing hurricane damage with stronger shutters, windows and doors. It also has stopped companies from dropping clients en masse, and it has slashed some proposed rate increases.

Now, the state is trying to reduce its role in the underwriting business. Even there, though, officials are running into problems. The legislature in May approved creation of "special purpose" insurance companies to take over policies otherwise destined for the JUA. As an incentive, these companies would be exempt from the assessments that the JUA would make to cover shortfalls arising from a major storm. But J.P. Morgan objected. So Mr. Nelson promised last week that he would authorize no such "special purpose" companies, eliminating one of the approaches the state devised to trim the JUA.

Under another program, more than a dozen existing companies have committed to taking JUA policyholders; one such company is a unit of American International Group Inc., a leading insurer of businesses and one of the industry's most profitable firms. Many of those heeding Mr. Nelsons's call are smaller players, including Bankers Insurance. Mr. Auer, the Bankers' vice president, says his company was lured partly by the prospect of picking through the policyholder base, an opportunity it used to identify homes located farther from the coastlines. Companies that take customers from the JUA are exempt from the JUA assessments on those policies for up to three years. (Each policyholder also comes with a bounty of as much as $100 from the state.)

Many homeowners who have had to resort to the JUA for coverage feel powerless. The policies don't cover many items that private insurers will, such as jewelry and silverware. More important, homeowners have fears about the financial status of the JUA.

Jay Esche owns a two-bedroom, two-bath frame home in West Palm Beach that was virtually untouched by Hurricane Andrew. He says he has shopped widely for coverage outside the JUA but to no avail.

Mr. Esche says he dropped Allstate Corp. when the company said in 1993 it would more than double his premium, which had been about $250 a year in 1992.

Initially, the JUA provided him with coverage for approximately $400 a year in 1993, but that soared to about $800 this year. Moreover, the JUA agreed to renew him for only six months this past April, as it seeks to move policyholders to private companies.

Mr. Esche says he is leery of the JUA. He believes the state would stand behind the policy, but that it would take a painfully long time to collect. "I can't understand why companies aren't writing new policies," he says.

Many JUA policyholders, like Mr. Esche, are concerned bout being selected by a private carrier. The JUA rates are often lower than those in the private market. Moreover, if a company offers to take over coverage from the JUA, homeowners have to accept the new company, whether or not they like the terms or the company's financial status—or try their luck in the tight insurance market.

Florida bankers are also concerned. Barnett Banks Inc. In Jacksonville has about $11 billion in home mortgages outstanding in the state. Rich Brewer, Barnett's chief credit policy officer, says he believes the JUA can handle one storm, but "I tend to believe the JUA doesn't have the ability to handle storms in consecutive years or two storms in one year."

Most businesses must rely on private insurers, often with expensive results. Stephen J. Stevens owns Hamilton's Restaurant, a beachfront eatery with $4 million in annual sales on Panama City Beach, in the Panhandle. In 1994, the premium on his policy from Aetna Life & Casualty Co. for overall coverage was $32,000. That grew to $49,000 in 1995. Then last October, Hurricane Opal hit; Mr. Stevens's business sustained some $500,000 in damages and was closed 10 days.

His losses were insured, but his costs have soared again. The premium this year is $79,000; moreover, Aetna has raised his deductible and dropped some parts of its coverage.

ALLSTATE'S ROLE

Few insurers have worked as hard as Allstate to reduce its Florida exposure. Andrew, which left Allstate with a stunning $2.5 billion in losses, hit just as the insurer was being spun off from its founder, Sears, Roebuck & Co. Unlike closely held insurance companies, or those like State Farm that are owned by their policyholders, Allstate is publicly traded, so reducing investors' fears about the company's volatility became a top goal.

Allstate pursued a hot growth strategy in Florida during the 1980s, and now it has been among the most aggressive in dropping customers as their policies come up for renewal, to the limits allowed under Florida law. In fact, Allstate's actions in the days after Andrew helped get the law passed. At that time, the insurer told Florida regulators it intended to drop 300,000 homeowners out of its more than 1.1 million policyholders. That generated fierce criticism and even jokes on national television. One comedian mocked the insurer's concept of being "in good hands" by dropping an egg to the floor.

Allstate has canceled about 90,000 Florida policies since Andrew, and it has lost tens of thousands more through attrition. It also has pursued stiff price increases, higher deductibles and capping of payments under replacement-cost clauses. Last month, it announced a far-reaching package that it said put it close to its goal of reducing its exposure in Florida to no more than about $1 billion per hurricane. The day the moves were announced, the stock price surged 6.4%.

Specifically, Allstate has agreed to pay midsize insurer, Clarendon Insurance Group, to acquire 137,000 policies. Analysts estimate that Allstate is paying $250 a policy, or about $34.3 million. Almost anywhere else, Clarendon would be paying Allstate to acquire the business.

Allstate also wants to separately create a wholly owned, Florida-only property-insurance business. The idea is that, by isolating that business and giving it its own clearly stated set of financials, it could better persuade state regulators to allow rate increases; when the unit's operations are blended with highly profitable ones elsewhere, it is harder to argue for increases, the thinking goes.

Allstate Chairman Jerry Choate concedes the moves will anger some policyholders, but says they are necessary. "We got into a situation that was not a responsible one because of the concentration of risk," he says. And he speaks highly of Clarendon: "The fact that we found a very good company to come in is something they should feel good about."

Florida isn't alone in struggling to make insurance available and affordable. In California, regulators have pushed hard during the past year to create a state-run agency that would sell earthquake policies, as insurers there balk to providing the coverage. Californians likewise are experiencing stiffer terms, including higher prices and increased deductibles. And people in both states are pushing in Congress for the passage of legislation creating a federal disaster insurance fund that would assume liabilities after private insurers paid up to a certain cap on a catastrophic event.

But it is in Florida where the issues are most clearly drawn—something clear to Insurance Commissioner Nelson. "Can the JUA handle a disaster? That's a question I ask all the time," Mr. Nelson says. He believes the answer is yes, but adds that when hurricane season starts each June, "I become very religious."

TRIBUTE TO STANLEY DROSKOSKI

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Long Island's great police chiefs. After 32 years of service to the Southold Police Department, Police Chief Stanley Droskoski retired in May. At the age of 63, Chief Droskoski has spent the last three decades serving his neighbors and his town with unwavering dedication and pride.

A graduate of Greenport High School, Chief Droskoski grew up on his family's farm in Orient. In 1964, he took the police examination and became a patrolman on the town force. Mr. Droskoski rose through the ranks from patrolman, to detective, to sergeant, and then lieutenant before taking over the department's top office in 1991.

I would like to extend my most heartfelt thanks and appreciation to Chief Droskoski for his dedication to public safety.

SYMBOLIC WAR AGAINST DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. GILMAN. Mr. Speaker, the much publicized Clinton administration cancellation of the U.S. entry visa for President Ernesto Samper of Colombia, because of his campaign's link with drug trafficking moneys, is a symbolic public gesture in the battle against illicit drugs.

However, while it is a welcome message against those who deal with or are influenced by the drug traffickers, the actions critically needed from this administration in the war on drugs, are much more important than merely revoking one visa.

Meanwhile, in our fight against the drug traffickers and their guerrilla allies in the most important drug producing nation in the world, Colombia, and other producing or transit nations around the globe, this administration has to do much more.

Illicit drugs have cost our society billions of dollars each and every year in crime, violence, incarceration, health care, lost productivity, and lost lives, especially our young people.

Revoking one visa in a nation like Colombia, is tantamount to providing a cup of water to fight a raging fire, when the local fire department has no equipment.

We must also provide the dedicated and courageous men and women of the Colombian national police, who have suffered more than 3,000 casualties in their real war, the equipment and supplies they need. We must aid them in waging the true battle against the traffickers, and their guerrilla supporters on the ground, who protect and support the cocaine labs and the air strips for processing and moving this poison eventually north to our cities, streets, and schools.

The differences between these guerrillas and the drug traffickers they protect, is difficult to distinguish. While the Colombian national police have taken down the Cali cartel leadership and killed many of its key figures, it has not been cost free. They have lost many men, planes, and helicopters shot down in the deadly struggle, while our State Department bureaucracy has acted like this was just another foreign aid account service, if and when, it suits them.

Only when we treat this struggle like the real war that it is, and we provide those willing to fight the battle with us, the tools to do the job, can the United States be seen as serious by taking the fight to the traffickers in this deadly struggle. It is in our national interest to fight this struggle abroad, before this corrosive poison reaches our shores and costs much more of our Nation's treasure, and the lives of so many of our people, especially our youth.

We in the Congress have had to push very hard for many months in order to get six replacement helicopters for Colombia for those shot down or crashed in battles with the traffickers or the use of the highly professional Colombian National Police.

These much needed excess U.S. Army Vietnam era helicopters, which our own military no longer needs, and older than many of the Colombia police pilots who fly them, are vital tools in the struggle against the narco-guerrillas.

While the six Hueys finally arrived in early June, although late for the guerrillas' annual spring offensive, they were promptly, effectively used in seizing large quantities of narcotics, and medevacing out the wounded from the battlefield in this deadly struggle being waged in Colombia today.

The Clinton administration has rolled back the source and transit resources efforts in favor of attempting to win a war by treating the wounded here at home. Supplying nearly $3 billion dollars annually for drug treatment programs in many cases, which at best produces limited results, while neglecting the source and transit nations, is a prescription for failure.

Just a little of that $3 billion from treatment moneys properly placed in key nations like Colombia, will help drive drug prices up and purity levels down, as was the case in the Reagan/Bush eras where waging a real—not symbolic—war, reduced monthly cocaine use by nearly 80 percent, from 5.5 million users down to 1.3 million users each month. It is doubtful that all those treatment moneys will produce anywhere near that almost 80 percent success rate.

With the soaring drug use we are once again witnessing here at home, especially among the young, and our newest drug czar, having already abandoned the analogy of "a drug war", focusing primarily instead on the drug users and treating the wounded, we need more effective action. A real war must be waged against drugs, or we will face another lost generation to the evils of illicit narcotics.

INDIAN CHILD WELFARE ACT AMENDMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer alternative legislation with the ranking minority member of the Resources Committee, Mr. GEORGE MILLER, and Mr. BILL RICHARDSON of New Mexico, to the Indian Child Welfare Act [ICWA]. In May of this year, the House narrowly passed H.R. 3286, which contained amendments to the ICWA. Tribal representatives opposed title III of that bill and have worked with Congresswoman PRYCE to reach an agreement on alternative legislation to ICWA. I want to thank Congresswoman PRYCE for her efforts to reach a compromise on ICWA. I want to also thank all the tribes for their efforts and important input on legislation which has an affect on Indian families and Alaska Native and American Indian children.

After the May vote, tribal representatives met in Tulsa, OK, to reach a consensus to address the concerns expressed by the authors of title III of H.R. 3286. This legislation provides for notice to tribes for voluntary adoptions, terminations of parental rights, and foster care proceedings. It provides for time lines for tribal intervention in voluntary cases and provides criminal sanctions to discourage fraudulent practices in Indian adoptions. Additionally, it clarifies the limits on withdrawal of parental consent to adoptions. The proposal provides for open adoptions in States where State law prohibits them and clarifies tribal courts authority to declare children wards of the tribal court. In addition, it states that attorneys and public and private agencies have a duty to inform Indian parents of their rights under ICWA, and provides for tribal membership certification in adoptions. These reforms resolve the ambiguities in current law which resulted in needless litigation, and have disrupted Indian adoption placements without reducing this country's commitment to protect native American families and promote the best interest of native children.

Mr. Speaker, all of the provisions contained in this bill have been tentatively embraced by the Department of Justice, the Department of the Interior, Jane Gorman, the attorney for the Rost family, and the American Academy of Adoption Attorneys, the proponents of title III of H.R. 3286. I know that they and others are sincere in their concern about litigation which has delayed a few adoptions. But ICWA is not the problem. The Rost case is a sad and tragic case. But it was caused by an attorney who tried to cover up the natural parent's tribal membership and purposefully avoided checking with the grandparents and extended family of the children to see if the family was available to adopt these children. The sad part is that this attorney did not violate the law, but he inflicted untold sorrow on the Rosts, the grandparents of the children, and ultimately on the children themselves. This proposed legislation will impose criminal sanctions on attorneys who violate ICWA requirements in the adoption of a native child. In closing, I believe we have acceptable legislation which will protect the interests of adoptive parents, native extended families, and most importantly, Alaska Native and American Indian children.

IN REMEMBRANCE OF MOLLIE BEATTIE, U.S. FISH AND WILDLIFE SERVICE DIRECTOR

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. TORKILDSEN. Mr. Speaker, I rise to remember Mollie Beattie, the first woman ever to serve as Director of the U.S. Fish and Wildlife Service. She died on June 27, 1996. With her passing this Nation lost an important advocate for the environment, for wildlife, and for professionalism in advocating for both.

Mollie and I worked closely on issues like the reauthorization of the Endangered Species Act. She was a true professional who often reached across party lines in order to achieve common goals of protecting our environment.

She strongly believed in her work and brought compassion and honesty to a government which can be seen as bureaucratic and removed from many Americans. Mollie listened to the concerns of my constituents and offered her assistance in many of the issues effecting the Parker River National Wildlife Refuge in my district.

Secretary Babbitt, when announcing Mollie's appointment as the Director of the U.S. Fish and Wildlife Service stated, "Mollie brings experience, commitment, and energy to the Fish and Wildlife Service. She is certain to provide the strong leadership we need to conserve our fish and wildlife resources for present and future generations." As Director of the U.S. Fish and Wildlife Service, Mollie did all that and much more.

We will all miss Mollie Beattie and the work she did. We know the world is a better place because of her life.

CLARIFICATION OF THE 1990 CLEAN AIR ACT AMENDMENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. HAMILTON. Mr. Speaker, I am pleased to introduce legislation today to clarify that the 1990 Clean Air Act amendments do not require pollution controls for beverage alcohol compounds emitted from aging warehouses.

To meet the strictures of the 1990 amendments to the Clean Air Act, installation of pollution controls may be required for beverage alcohol, ethanol, emissions from distilled spirits aging warehouses despite the facts that the EPA recognized that such controls could adversely effect product quality and that ethanol emissions do not contribute significantly to ozone formation.

The aging process is a natural process by which distilled spirits products derive their inherent characteristics, including color, taste, and aroma. Altering this aging process by imposing emission control technology on aging warehouses could inflict an unreasonable adverse effect on the maturation process for these products and thereby jeopardize the desired quality and uniqueness of each distilled spirits brand.

Imposition of Clean Air Act emissions controls on aging warehouses would create significant costs on both the industry and the Government. First, for the industry, distillers would risk jeopardizing the quality of their products by installing pollution control technology of uncertain effect on aging warehouses.

Second, for the Government, tax revenue would be threatened by any action which significantly impacts product quality and thereby product sales. Distilled spirits are the highest taxed consumer product in the United States and a major source of revenue for Federal, State, and local governments.

Since December 1992, the industry has tried time and time again to get a definitive answer from either the EPA or the State governments involved on the question of whether such controls are required by the 1990 amendments. While both the Indiana and Kentucky general assemblies have passed resolutions urging EPA not to regulate beverage alcohol compounds emitted from aging warehouses, EPA has still not provided a definitive response.

The change I am proposing is only for those emissions coming from aging warehouses and does not exclude any other portions of the distilled spirits production process from Clean Air Act requirements.

H.R 248, THE TRAUMATIC BRAIN INJURY ACT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. COX of California. Mr. Speaker, the recent passage by the House of H.R. 248, the Traumatic Brain Injury Act, gives me occasion to recognize several individuals in Orange County, CA, who have dedicated their lives to raising awareness and improving our understanding and treatment of traumatic brain injury.

Prior to the redistricting that took place prior to the 1992 elections, it was my pleasure and honor to be able to directly represent the citizens of Huntington Beach, CA, in the U.S. Congress. It was back then that I first met Mike Lee, a resident of Huntington Beach who suffered severe head injuries in 1991 in a tragic bicycle accident.

Both before and after the accident, Mike has lived life to the fullest. In the 1980's, he co-founded a $10 million roofing business. He's a certified life insurance agent. And from 1961 to 1971, he worked for Rockwell, the prime contractor for the Apollo Space Program. He served as pad leader for three of the Apollo moonshots—the first Earth orbital Apollo flight, Apollo 7, a lunar orbital, Apollo 9, and the first lunar landing, Apollo 11.

While the 1991 accident caused severe brain damage, greatly reducing cognitive ability and affecting short-term memory, Mike has made tremendous strides in his own recovery program to overcome his injury, and his never-give-up spirit for life has been an inspiration to the many people he's come into contact with since his accident. He's also done much to heighten public awareness and understanding throughout Orange County of traumatic brain injury.

One of the organizations that's been of help to Mike, and many others with severe brain injuries, is the nonprofit National Cognitive Recovery Foundation, which is headquartered in Irvine, CA, and on whose honorary board of advisors I am pleased to serve. Thanks to the active leadership of Dr. Dan Levinson, the foundation has garnered national attention for its role in helping to establish programs across the country to provide low-cost and effective cognitive rehabilitation, retraining, and special education for brain-injured adults.

Hundreds of persons have been helped through the foundation's community college rehabilitation courses. Coastline Community College in Costa Mesa, CA, was the first such institution to offer classes to re-educate and assist in the recovery of persons with brain injuries. Today, three community colleges in southern California offer the same innovative program, and the National Cognitive Recovery Foundation plans to expand this program to colleges nationwide. Thanks to support from charitable and private sources, Coastline is able to offer its program at an approximate cost of $50 per semester; other brain injury rehabilitation programs offered in other parts of the country can cost a person up to $15,000 per year.

The Traumatic Brain Injury Act approved by the House last week is aimed at promoting precisely these kinds of creative and worthwhile programs. This legislation will authorize the National Institute of Health to conduct research into the prevention and treatment of traumatic brain injury. It will also authorize grants to groups like the National Cognitive Recovery Foundation for innovative demonstration programs that can help improve access to rehabilitation, health care, and other service for persons suffering from severe brain injuries.

Mr. Speaker, now that the House has approved the Traumatic Brain Injury Act, I urge my colleagues in the U.S. Senate to act swiftly on this legislation. I ask them to keep in mind the daily struggles and challenges faced by Mike Lee and the thousands of other Americans with severe brain injuries. This legislation will do much to further progress in improving our understanding of traumatic brain injuries, in reducing the incidence of head injuries through public awareness and prevention efforts, and in promoting the development of effective, low-cost rehabilitation and treatment programs.

MAKING CONGRESS MORE USER FRIENDLY

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. WHITE. Mr. Speaker, over the course of the past 18 months, I have been proud to support the reforms that we have made to change the way our Government, especially this institution, works. I supported applying all laws to Congress because we need to live under the same laws as everyone else. I supported efforts to cut committees and committee staff because I felt that Congress had grown too large. And, I supported the efforts to reduce the amount of money Congress spends on itself because we need to lead by example as we work to balance the budget.

But, Mr. Speaker, there is still more that this Congress needs to do in order to improve the way this institution works.

Today, thanks to the leadership of Congressman DAVID DREIER, the House task force on committee review has developed a plan to make improvements to the way our committee system works. For the past year we have studied what changes need to be made in order to streamline and improve the committee process.

As a member of that task force, I focused on developing the proposal that will get the House wired for the 21st century. Today, I am introducing a resolution that changes the House rules so committee documents will be available over the Internet.

It's time to make Congress a little more user friendly. As more and more people go to the net to get information, we need to make it as easy as possible for our constituents to find our what Congress is doing.

We've been doing things the same way for over 40 years and last year this new Congress finally realized that a new approach was needed. The committee reforms that have been proposed will help in our continued efforts to change the way Congress is run.

This proposal will amend the rules governing House committees to help make the attached committee documents available electronically to the public by January 3, 1997. In addition, the resolution calls for the establishment of a central electronic data base for official documents and the implementation of standards that provide guidance to committees to help make information public.

Rule changes are needed because most bills and reports are printed on paper and filed manually with the Clerk of the House. In many instances, this prohibits people from having the chance to look at the bill before it is voted on in committee. Under this resolution, we can help improve public access to Congress by putting more information on the Internet.

Getting Congress on-line has been, and will continue to be, an on-going project. Through this resolution and the educational efforts of the Internet Caucus, we are going to keep the pressure on to make sure that Congress finds its way through cyberspace.

TRIBUTE TO LYNETTE WIGINGTON

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. FORBES. Mr. Speaker, I rise to congratulate Lynette Wigington, a resident from Mattituck, NY, on winning first place in the long jump at the prestigious Penn Relays that took place on April 26, 1996. Lynette Wigington, a 17-year-old senior from Mattituck High School, won with a jump of 19 feet and 5 inches. This mark was only 7 inches short of the 20 feet necessary to qualify for the Olympic Trials.

At the young age of 17, Lynette already has distinguished herself as a champion in track and field. In March, she won the National Indoor Scholastic Championships with a leap of 20 feet and 5 inches. Lynette's dedication to the sport was recently tested, but she proved to her community that she is a true contender. After the Penn Relays, Lynette sustained a painful hamstring injury that should have stopped her. But, Lynette is virtually unstoppable. In spite of her injury, she will be competing in the National Outdoor Junior Track and Field Championships in Ohio.

I would like to wish this fine athlete good luck in her future endeavors.

AN INNOVATOR, PHILANTHROPIST, HERO

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person—Alex Manoogian—who passed away last week. America has not only lost a kind benefactor and gentle heart, it has lost a talented inventor and a perfect model of the American dream.

A penniless Armenian immigrant who came to America in 1924, Manoogian was a business leader from the start. He founded the Masco Corp. in 1926 producing parts for the auto industry. In the 1950's, Manoogian revolutionized the plumbing fixture industry with his innovations—particularly the renowned Delta faucet.

While his wealth exploded with each success, Manoogian never forgot the less fortunate and his Armenian people. Manoogian donated more than $90 million to charity and education in his lifetime. His enduring gift to Detroit is the Manoogian mansion, the official mayoral residence, which he donated to the city in 1966.

He was a father figure to metro Detroit's 40,000-strong Armenian-American community and has served as an example to Armenians throughout the world. He served as international president of the Armenian General Benevolent Union for 36 years. For his hard work, leadership, and generosity, the Armenian Government recently awarded Manoogian its National Hero Medal.

His name has been bestowed on numerous buildings at local universities and his endowments have helped create an Armenian studies program at the University of Michigan. He also has a senior citizen home named for him in my district in Livonia.

It was an honor to know such a great man. He was a generous man with a kind heart. He was truly an example of the American dream. He fled chaos and tyranny in post-World War I Turkey, immigrated to America, and pursued his dream. He succeeded and never forgot his heritage.

Alex Manoogian was a good friend to all he knew and those he didn't know, but could help. He will be missed but his legacy and spirit will remain ingrained in our souls forever.

DEPARTURE OF LINCOLN UNIVERSITY PRESIDENT WENDELL RAYBURN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. SKELTON. Mr. Speaker, today I pay tribute to Wendell Rayburn, president of Lincoln University, who will be leaving after 80½ years of service. A leader in education in our State, President Rayburn has also been active in the community of Jefferson City. His most important achievement has been his commitment to greater stress on scholarship and academics. President Rayburn successfully led Lincoln University from its budget deficit and put it on a solid fiscal basis.

Further, his leadership led to new construction and higher level of maintenance. Dormitories were renovated and a new library was completed. Also he introduced new technology into the classroom. Wendell Rayburn's leadership and commitment to excellence will be missed.

TRIBUTE TO THE SMITHSONIAN INSTITUTION ON ITS 150TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Smithsonian Institution, which will be honoring the contributions Hispanics have made in the arts and sciences, and their role in our Nation's history during a special evening at the New York Coliseum.

The event is among the many to commemorate the Institution's 150th anniversary, which includes the traveling exhibition, "America's Smithsonian," being viewed by millions of citizens of New York City and millions of their fellow Americans in 11 additional cities across the Nation.

Under the leadership of Smithsonian Institution Secretary I. Michael Heyman, the Institution has increased its efforts to bring the museum closer to Hispanics by reaching out to the community through traveling exhibitions, on-line home page, educational kits featuring Hispanic artists, musical recordings, and a variety of publications.

"America's Smithsonian," the 150th anniversary exhibition, represents the cultural contributions of all Americans, including Hispanic-Americans. The special evening at the exhibition in the New York Coliseum celebrates Hispanics by bringing together Hispanic curators, academics, corporate representatives, public affairs professionals, community leaders, elected officials, and members of Spanish-language media and the mainstream press.

From the earliest arrivals on our eastern shores to the established settlements in the West and the Southwest, the large Hispanic communities in the north and south, and the diverse Caribbean representations, all clearly demonstrate the role Hispanics have played in our country's earliest history and development to the present day. Hispanic music, literature, visual arts, customs, and way of living are very much a part of this Nation's culture.

Mr. Speaker, I ask my colleagues to join me in recognizing the Smithsonian Institution in its 150th anniversary celebration for its efforts to reach out to the Hispanic community by expanding its collections and exhibitions in its museums, and traveling exhibitions like "America's Smithsonian," which give an opportunity to the Nation's flagship museum to include Hispanic contributions to this Nation's culture in the arts, science, and history.

JEWISH WAR VETERANS POST 500

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. ENGEL. Mr. Speaker, the Jewish War Veterans Post 500 of Co-op City in the Bronx is celebrating its 25th anniversary this year. This is an organization of men who have given so much to their country in time of war and now give to their communities. They help their fellow veterans who are hospitalized in the nearby Veterans' Administration Hospital, bringing them newspapers to read and company for when the day gets long. They organize fund raising events to support their charitable works and march annually in the Memorial Day parade to honor the heroic sacrifices made by fellow veterans in all wars.

We owe our liberty to these men and all others like them. This year we also celebrate the centenary of the National Jewish War Veterans, making this a truly auspicious time. As a patron member of Post 500, I am proud and happy to join my neighbors in celebrating these anniversaries.

COMMEMORATING THE 41ST ANNIVERSARY OF THE DEDICATION OF THE U.S. AIR FORCE ACADEMY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mrs. SCHROEDER. Mr. Speaker, I rise today to commemorate the 41st Anniversary of the United States Air Force Academy—one of the pillars of military education, producing some of the Nation's finest officers to ever serve and protect the American people.

On April 1, 1954, President Eisenhower signed Public Law 325, the Air Academy Act. On June 24, Secretary of the Air Force Harold Talbott announced that Colorado Springs would be the permanent site of the U.S. Air Force Academy and Denver would serve as the temporary site. The U.S. Air Force Academy began in my district at Lowry Air Force Base, July 27, 1954, and proceeded to build in strength in order to receive its first class of cadets of July 11, 1955. This date marks the official dedication and opening of the U.S. Air Force Academy.

When Dedication Day arrived, 307 young men who would make up the Class of 1959 marched onto the field in precise formation amidst the tears of the gathered 4,159 military and civilian dignitaries, public officials, the foreign attache corps, cadets from West Point and Annapolis, press, and parents. These cadets marched with pride to music played at the U.S. Air Force band, while proceeding underneath a glorious formation of B–36 bombers flying overhead.

After the ceremonies concluded, the Denver Chamber of Commerce hosted the guests at a down-home chuck wagon buffalo barbecue at the Red Rocks Park Amphitheater—a classic finish to a historic event.

As Coloradans, we are exuberant and proud that our State was selected as the location of the temporary and permanent sites of the U.S. Air Force Academy. The United States is dually proud of the excellent leaders who have graduated from the Academy—both in the Air Force and civilian life.

On the anniversary of the historic opening of the Air Force Academy, we would also like to pay special tribute to those officers whose intelligence and forethought in the Academy's conception allowed for the enormous success that has been achieved by the institution during the past 40 years. These officers include Lt. Gen. Hubert R. Harmon, the first Superintendent and Father of the U.S. Air Force Academy; Col. (later Brig. Gen.) Robert F. McDermott, Dean; Col. William B. Taylor III, Assistant Chief of Staff (Special Projects); and Col. Robert V. Whitlow, Directors of Athletics. Without these special men and others like them, the Academy would not be the foundation of excellence it is today.

A SALUTE TO DORETTA E. OAKLEY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Doretta E. Oakley on the occasion of her retirement from the Pennsylvania Department of Public Welfare.

On July 22, 1996, the Commonwealth of Pennsylvania will proudly join with Ms. Doretta Oakley on the occasion of her retirement from the Pennsylvania Department of Public Welfare. Ms. Oakley has served the Department of Public Welfare for 23 years in many capacities. She began her tenure with the State in 1974, when she became a clerk typist. Since that time, Ms. Oakley made her way up from budget clerk to income maintenance caseworker and now employment training program counselor, she did that through hard work, compassion, and commitment. She has worked tirelessly over the years to see that many people within the Pennsylvania community were able to make the transition from welfare-to-work. Her inspiration and commitment to the true spirit of the Family Support Act of 1988 will long be remembered. After her retirement, she plans to do charity work at the Upper Room Baptist Church where she is currently an active member.

I proudly join with the Commonwealth of Pennsylvania Department of Public Welfare, Ms. Oakley's family and friends in recognizing her for her many years of service with the Philadelphia County Assistance Office. Doretta, I wish you health, happiness, and prosperity in your retirement years. It is well deserved.

OUR FLAWED ENCRYPTION POLICIES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Ms. ESHOO. Mr. Speaker, today we are considering the Export Control Act, which governs the export of dual use technologies. Ironically, it does not govern the export of encryption software, which is considered a munition, and is regulated under the Arms Export Control Act. In fact, encryption software is absolutely vital in national security, electronic commerce, and personal privacy applications. I can't imagine a technology that has more civilian as well as defense applications—the very definition of dual use.

I am very concerned that current Federal controls are holding American high tech companies back from developing and marketing superior encryption products. While I understand that these controls are aimed at keeping powerful encryption out of the hands of terrorists and hostile nations, they are succeeding only in keeping foreign customers away from American products.

As you know, current U.S. policy only allows export of software with 40-bit encryption, while most encryption users prefer stronger 56-bit products that are already available on the Internet and from foreign manufacturers. In fact, over 200 foreign encryption programs are now available in 21 countries.

This imbalance between what the market wants and U.S. law allows is creating a major economic problem for American companies. An industry study found that current export restrictions could cost U.S. businesses $30 billion to $60 billion by the year 2000.

Further, current restrictions on U.S. encryption exports limit the types of products available here at home. It can be prohibitively expensive for companies to make two versions of the same software—a weak package for export and a strong package for domestic consumption. As a result, Americans often only have access to weaker encryption products.

The administration has responded to this situation with a proposal that is inadequate at best. It would let U.S. companies export software with stronger encryption—up to 64-bits—but only if a key escrow system is attached. This key escrow system would require a third party located in the United States (or where we have bilateral escrow agreements) to have the key to encrypted material so the American Government could gain access to it if the United States determines that our national security is at stake.

This plan is flawed for several reasons. Few foreign consumers are going to buy American encryption software that's compromised by our Government. Further, without stringent safeguards, the administration plan opens the door to potential Government violations of personal privacy. And it ignores the fact that foreign encryption programs without key escrow requirements are already widely available.

I support a stronger, bipartisan effort to relax U.S. export restrictions while protecting our national security interests. The Security and Freedom Through Encryption Act [SAFE] would ensure that Americans are free to use any encryption package anywhere, prohibit mandatory key escrow schemes, guarantee companies the ability to sell any encryption package within the United States, and make it unlawful to use encryption to commit a crime.

Most important, it would allow U.S. businesses to export encryption software if products with comparable security capabilities are commercially available from a foreign supplier. In effect, American encryption exports would be stronger, but offer no greater threat to the United States than other products already being used abroad.

Reforming America's encryption export policy is important for high tech companies hoping to increase their sales, businesses that want better security for their computers, online entrepreneurs looking to tap a global market for their services, and e-mail users who desire more privacy for their electronic messages. SAFE offers a way to achieve all these goals and protect our national security interests at the same time.

LAWMAKER TRANSCENDED TYPICAL WASHINGTON POLITICS

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Ms. DANNER. Mr. Speaker, this opinion piece by Ken Newton of the St. Joseph News-Press summarizes the feelings of so many people who have admired the late Congressman Bill Emerson of Missouri. I would like to place this article in the CONGRESSIONAL RECORD so it can be recorded in history with the other fine tributes to Bill Emerson.

[From the St. Joseph News-Press, June 30, 1996]

LAWMAKER TRANSCENDED TYPICAL WASHINGTON POLITICS

(By Ken Newton)

Here's a note from my career filed as a missed opportunity.

The congressman was in his home district conducting a farm tour, and I drew the reporting assignment, a warm morning at a university livestock facility. The school's agriculture chairman was anxious to show off the prize boar, which seemed more than up to the task as it trotted out of its pen, strode up to its guest and, as if scripted, relieved itself at the congressman's feet.

Oblivious to the affront, the hog became the only creature present not caught up in embarrassment or surprise. I slapped my forehead, wishing I had a camera ready.

Bill Emerson, diminished to a fireplug by an incontinent animal, took it well, shaking off his shoes and moving on to whatever came next. Life in Washington teaches you to roll with the punches.

I remembered this when I learned Congressman Emerson, who represented Southeast Missouri in Congress 15 years, died last weekend at age 58.

He was elected U.S. representative five months after I became a newspaperman, and our career paths crossed numerous times. Helped into office by Ronald Reagan's coattails in 1980, he beat a long-time incumbent whom constituents believed cared more for Jimmy Carter's attention than their interests.

Thus, Mr. Emerson became the first non-Democrat to hold the Southeast Missouri congressional seat in four decades. In the cotton-rich reaches of New Madrid County, where I grew up, they tolerated boll weevils more readily than Republicans, yet the congressman managed to win seven subsequent elections. The nick-name for the growing legion of crossover voters was "Emercrats."

Other Republican congressional hopefuls didn't have such luck in those days, and Mr. Emerson became a working-stiff representative in the out-numbered party. He paid attention to his agricultural constituency, went about the business of serving his district and occasionally called out back-bencher objections to Tip O'Neill and Jim Wright and Tom Foley, the power brokers of his chamber.

Defying the stereotype of the GOP as compassionless, Mr. Emerson adopted world hunger issues as his own. He championed the international aid program known as Food for Peace, and struck up an unlikely alliance with House colleague Mickey Leland, the Houston Democrat who died when his plane crashed during a fact-finding mission to Ethiopia in 1989.

The urban African-American and rural Republican were strange bedfellows who traveled together to famine-stricken areas a number of times, bound by a cause and not separated by partisanship. When Mr. Leland died, the Missourian's eulogy was among the most moving.

The glorious irony of Mr. Emerson's tenure in Congress is that his success as a lawmaker grew from inaccessibility to power. For his first seven terms, he waded into his duties without the necessity of kissing up to leadership or the lure of landing committee chairmanships; only majority members needed to apply. Instead he became a representative in the true sense of that title.

The accompanying sad irony is that 10 months into the Newt Revolution, when his party finally had the power, Mr. Emerson was diagnosed with the lung cancer that would kill him.

It is fashionable to regard members of Congress cynically, as hogs gone to trough, greedy souls looking only to perpetuate their political careers and attendant perks. No doubt, those views are justified with some. With many, the names that might not make the Sunday morning programs or vice presidential short lists, the call to public service is enough of a job and a reward.

Bill Emerson, a good Missourian of low profile in life, should be remembered that way.

WISCONSIN WELFARE PLAN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. PACKARD. Mr. Speaker, it was not long ago President Clinton expressed his strong support of the Wisconsin welfare reform plan. I applaud the President's decision to support Governor Thompson's ambitious plan—but actions speak louder than words.

Reforming a welfare system that encourages dependence and continued vulnerability is a top priority of this Republican-led Congress. Welfare was designed to be a safety net for those in crises, not the virtual hammock that it has now become.

The Wisconsin welfare reform proposal is very similar to the Republican welfare reform bill. The Republican plan provides real reform that will lift families out of a destructive cycle of poverty and dependency. The current welfare system only serves to make welfare children welfare parents. For too many people, welfare has become a way of life; the Republican welfare reform plan makes welfare a way of work.

Mr. Speaker, welfare weakens the American family. President Clinton has voiced support for a comprehensive welfare overhaul that will help take people off the welfare rolls and put them on the payrolls. I urge the President to sign the waiver for the Wisconsin welfare reform plan and support the Republican welfare reform bill.

ANNE E. KEARNS HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. ENGEL. Mr. Speaker, public service is the most honorable profession when it is done honestly and well. Anne E. Kearns epitomizes the public servant who has served honestly and well for the citizens in the New York City area.

She has lived all of her life in New York and for the past 20 years has worked for the Federal Government. Her duties in that time included working in the security and engineering departments of the Veteran's Administration Hospital in the Bronx and working at the New York Maritime College where she provided support services to uniformed members of the U.S. Navy and Marine Corps. She also made significant contributions to the efficient operation of the Naval Reserve Officers Training Corps.

Anne Kearns is the consummate public servant who embodies the highest ideals of government service. I am proud to congratulate her on her retirement. We are losing a distinguished public servant.

SALUTE TO CAPTAIN METROS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mrs. SCHROEDER. Mr. Speaker, on Monday, July 15, 1996, the professional and dedicated services of a Denver police officer ended. Capt. Steve Metros will be fulfilling a life-time aspiration of 41 years of constant, faithful service to the citizens of the city and county of Denver, CO.

Captain Metros was appointed to the rank of patrolman with the Denver Police Department on January 3, 1956. He has served in virtually every capacity as a Denver police officer but is especially noted for his superb dedication to battling crime and uncompromising code of ethics. Captain Metros has served as a role model to innumerable police officers and his distinguished career leaves a legacy of dedicated service and commitment.

His pride, reputation, and continued belief in the performance of members of the department have revered him throughout the department and the community as well.

His willingness to share his knowledge and words of wisdom and encouragement have rendered him a mentor to many of his subordinates and associates and to many who will follow in his footsteps.

With 41 years of service, he is a part of the foundation of the Denver Police Department and he will be sorely missed.

PARTIAL BIRTH, VETO—HEARTS WAXED COLD

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. DORNAN. Mr. Speaker, some citizens are moved to write very moving poetry about the major moral issue of our time—the horror of abortion.

PARTIAL BIRTH, VETO—HEARTS WAXED COLD

(By Dawn M. Thomas)

It is pitiful to see "We the people' caught up in our everyday cares to the extent we let a small minority of citizens and the permanent government dictate changes and laws without the bat of an eyelash as to our plight. Our apathy testifies against us! We wait until it's almost too late, and the damage has been done.

The love of money shroud in "A Woman's Right to Choose" and "A Woman's Health at Risk" has duped us into a lack of compassion for those who cannot defend themselves. Will the deceitfulness of riches which motivates the morally ignorant be allowed to wax our hearts cold? We can't let it happen. It is time to let those silent screams be heard!

The Partial Birth Abortion Ban Veto is a disgrace to "We the Register readers" and a slap in the face to what America stands for "One Nation under God indivisible with Liberty and Justice for All!" Thanks to Bill Clinton the word All has been neologized to mean, only those who live outside the womb. If a baby's head has not emerged it's not a baby. I'm abhorred! The disastrous, devastating, and disgraceful Clinton veto of the partial-birth infanticide ban is best summed up in my poem "Auspicious Dissension", (The promise of good fortune but receiving strife in it's stead.) My baby daughter, Sarah, 19 months old was the only love which could quiet my bleeding soul and quell the tears which poured down my cheeks after being slapped with the horrifying news of Clinton's veto of the ban. I look in my baby's eyes, then, grasping her close, heartbeat to heartbeat—birthed our poem "Auspicious Dissension".

AUSPICIOUS DISSENSION

Oh! This grandiouse baby in my arms compels my heart with all her charms;
A well-spring of love deep within quelling the din of blood-laden sin, of the silent lives capriciously seized, wringing exuberance from the wrought now bereaved.
Fallicious in their imperious ways neologizing life—for neokeynsian pays;
Rationalizing all along with dispersive power of a vascular-throng.
Dismantling truth with impertinent jargon; false consciousness reeling duress through pardon;
Take Heed and Alarm: For the writ that's been script has kept us alive through bridle and bit.
If not for the distal and disparage of many, our land would be peaceful and filled with plenty;
Take Heed and Alarm: The fey who are fickle God won't be mocked for he comes with His Sickle.

Culminating my poem is the fact that Abraham Lincoln our 16th president, in 1863 admonishes the whole American people, in his "Thanksgiving Proclamation", to confess their sins and transgressions in humble sorrow with assured hope and genuine repentance that it will lead to mercy and pardon. Also to recognize the sublime truth announced in the Holy Scriptures and proven by all history, that those nations are blessed whose God is the Lord. Mr. Lincoln goes on to warn us that the calamities of the day could very well be the result of our presumptuous sins. He brings to light the peace and prosperity we've enjoyed as a result of God. But Lincoln reiterates how we have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us, and how in the deceitfulness of our hearts, we have vainly imagined that all these blessings were produced by some superior wisdom or virtue of our own. Lincoln saw that we the people get intoxicated by unbroken success and become to self-sufficient to feel the necessity of redeeming and preserving grace and become to proud to pray to the God who made us. So it seemed fit and proper for President Abraham Lincoln to invite his fellow citizens in every part of the United States, at sea and sojourning in foreign lands, to observe a day of thanksgiving and praise to our beneficent Father who dwelleth in the heavens.

I hope we (voters) will be those respondent people when we vote. And I hope that next Thanksgiving we'll have shown true honor to our country by the manner in which we voted on Nov. 5, 1996. Have our hearts waxed cold? As it is today we stand in danger of becoming a third world nation! It is due time to stand up and be counted in "the number!"

TRIBUTE TO ALEXANNA PADILLA HEINEMANN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. RICHARDSON. Mr. Speaker, it is with great respect and admiration that I honor today a fellow New Mexican, good friend and great American, Alexanna Padilla Heinemann.

Alexanna Padilla Heinemann is a fifth-generation New Mexican. Her father, Alex Padilla, now deceased, was a respected and committed Santa Fe City Councilman, who was a courageous advocate for the common citizen. Alexanna is continuing in the family tradition of responding to the needs of those whose circumstances have placed their lives in harm's way. She has been especially attentive to the troubled conditions of young children by serving as a founding member, committee chairman, and board member of the acclaimed Buckaroo Ball, an annual event held in Santa Fe, NM, that aids children at risk.

In its 3-year existence, the Buckaroo Ball has donated a total of $1.3 million to charitable entities. Only the 11-year-old Santa Fe Opera annual fundraiser in Santa Fe rivals the financial success of the Buckaroo Ball. Alexanna Padilla Heinemann recently served as cochairman of this June 22 event, and a lion's share of the credit can be given to her for its success. Her leadership, combined with tireless, dedicated and skillfull efforts, resulted in a $500,000 net profit. The funds will be donated to painstakingly chosen programs and agencies that provide food, clothing, shelter, protection, and love to children in jeopardy.

I am including an article which was published in the Santa Fe New Mexican on June

27, 1996, in order to provide my esteemed colleagues in the House of Representatives additional information about the Buckaroo Ball.

In addition, I am sharing a July 1, 1996, commentary by Alexanna Padilla Heinemann, which was also published in the Santa Fe New Mexican. I provide it to my colleagues because it demonstrates Alexanna's unselfish spirit and unifying philosophy.

I am extremely proud and grateful to know Alexanna Padilla Heinemann. I respectfully invite all of my colleagues in the House of Representatives to join me in giving tribute to this esteemed New Mexican.

The article follows:

BUCKAROO BALL NETS $500,000 FOR CHARITY

(By Hollis Walker)

For the third year in a row, the 80 women who put on the Buckaroo Ball proved they could do a better job than they predicted.

Preliminary accounting shows last Saturday's ball, a three-year-old charity benefiting Santa Fe County children, netted about $500,000–$200,000 more than the Buckaroo Ball Committee pledged to raise.

After this year's contributions are made, the ball will have donated nearly $1.3 million to charities.

Buckaroo Ball co-chair: Alexanna Padilla Heinemann said she could not credit any single aspect of the multi-faceted fund-raising effort for the increased success this year.

"But this party had a particularly good feeling about it," she said. "Everybody's spirits were so high; Pam Tillis was an incredibly energetic performer, the tent decorations, which only cost $500, looked great.

"And it even rained for us, just before the party," she said. "It was perfectly cool and wonderful."

Regular sales of 1,000 tickets to the event (at $200 apiece and up for sponsors) raise only about $70,000, she said. Private and corporate donors contribute the rest.

This year's largest single donor was Ron and Susie Dubin, a Connecticut couple who have a home in Santa Fe. The Dubins contributed $25,000 toward the entertainers' fees, Heinemann said.

The only other fund-raiser in Santa Fe that rivals the financial success of the Buckaroo Ball is the 11-year-old Santa Fe Opera gala weekend, which begins tonight with its annual ball at Eldorado Hotel. The gala weekend raises at least $500,000 a year for the opera's apprentice program.

Heinemann said the Buckaroo Ball committee soon will begin conducting its usual research to develop its list of charities to which it will contribute next year. That research also will be used to determine to which charities the extra $200,000 raised at this year's ball will be donated, she said. Decisions will be made by late August.

Charity projects already slated to receive money from the proceeds of this year's ball are:

The renovation of the Teen Center at the Santa Fe Boys & Girls Club;

A salary for an adult leader for an after-school program offered by Girls Inc.;

Children's educational opportunities and pediatric dental equipment for La Familia Medical/Dental Center, which serves primarily low-income families;

The expansion of grief support and counseling for youth in 10 Santa Fe County elementary schools offered by the Life Center for Youth and Adults;

And a program to identify and treat children and teen-agers with eating disorders coordinated by Women's Health Services.

NEWCOMERS, NATIVES BOTH HAVE THE SOLUTIONS

(By Alexanna Padilla Heinemann)

Santa Fe. A place of astonishing beauty and startling anger, with plenty of printed space locally and nationally, devoted to both. Stories abound about the divisions between races and classes, between native and newcomer, with almost celebratory coverage given to this purported fissure. But there is a seed of change being planted in Santa Fe and I have seen it up close and personal.

On a clear, starry night, June 22, the citizens of Santa Fe had reason to cheer. The plight of children at risk mobilized this community and a committee of 80 women volunteers to produce the third annual Buckaroo Ball. The count came in a couple of days later: the Buckaroo Ball had netted $500,000, which it would hand over to meticulously researched children's programs and agencies.

As Buckaroo Ball co-chair this year along with Elizabeth Smith, I can be proud of a committee and grateful for a community that could make it possible to pour this unprecedented amount into a cause that desperately needs it. But there is a subtle dynamic at play here, no less profound than the splashy party or abundant funding the Buckaroo Ball affords.

As a fifth-generation New Mexican with a father who was a city councilman and an uncle who designed the state license plate, my regional roots are firm. I have had my turn at a lamenting, divisive frame of mind. But those years of criticizing and complaining were fed by an erroneous notion: that newcomers are coming here to leave their cash and build their flash without giving one crumb beyond self-serving consumption. The error and harm that lie in this notion hold the potential to undo this community.

What I have seen as a founding member, committee head, board member and, finally, co-chair of the Buckaroo Ball is a vision that totally disputes that erroneous notion; one that should command the attention and inspire the reflection of the community: there are newcomers with the means and energy who, not content with simply writing a check, want to use their resources to better the community. They are searching for ways to help.

In a perfect position to guide them are the native and longtime local Santa Feans who, keyed-in to their community, can shape the incoming resources in an informed and professional manner. One may have a bed the size of a ship; the other, a desk the size of a file folder, but each have talents essential to the process. It is a waste of time for the native or newcomer to show anything but appreciation for the other's assets.

Short-term, righteous anger may satisfy. But how far can that take us in getting the job done? The surge of adrenaline may serve as a motivating force but being either the victim or the blamed leaves neither in the position to help the community.

Conversely, an idea driven by a clear understanding, appreciation, and implementation of all the resources in the community has a life of its own.

The questions then become, "Who has a good idea?" and "Who has the ability to get it done?"

In one arena at least, the walls have come down and, three years later, the children of Santa Fe are over a million dollars richer for it. You don't have to have an agenda, you simply have to love children and feel that gnawing sickness in your gut when you encounter a little one who doesn't have enough: enough food, or safety or love.

You don't have to be either rich or have roots embedded in this dusty soil, to make a big difference in this town. You simply have to be a clever funnel of talent, energy, and resources. The more ideas brought to the pot, the better.

Think of the children who might have lost these benefits had we not chosen to keep our eyes open to possibilities.

TRIBUTE TO DELAWARE COUNTY'S SWEETHEART

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to an outstanding singer-comedienne, woman, mother, grandmother, and wife, Mrs. Julie DeJohn Patterson, who passed away Sunday, July 14, 1996, at the age of 68. Julie was born and raised in Chester, PA, and spent most of her adult life residing in Concord Township, PA, with her husband, David, and their two sons, David and Patrick, who is a longtime member of my congressional staff.

Known to many as Delaware County's Sweetheart, Julie had a career in show business which lasted for over 40 years. Her career took her around the world to the most popular night clubs and concert halls in Canada, Europe, Australia, and the United States, including an engagement at Carnegie Hall. Julie's television career included the "Ed Sullivan Show," the "Tonight Show," and a record 77 appearances on the "Mike Douglas Show." But some of her brightest moments came when she was performing locally before audiences in Delaware County and the New Jersey Shore.

Even though it would have been easy to remain totally absorbed in her career in show business, Julie's greatest pleasure in life was being a wife, mother, and good neighbor in Delaware County. She was a role model for many women today who seek to balance the pressures of a demanding career and the challenges of raising a family. In addition, her involvement in her community was exemplary. She helped raise money for various youth clubs, local charities and also produced and directed youth variety shows and presented benefit concerts to raise money for uniforms and equipment for community sports organizations.

Julie will not only be missed by her family, but by her countless friends in and out of show business, and by the many people and organizations she touched throughout her life. The Philadelphia area and, indeed, the Nation has lost a great talent and role model.

TRIBUTE TO SUTTER COMMUNITY HOSPITALS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the commitment Sutter Community Hospitals has made to the good health of millions of northern Californians. For over 70 years, this institution has earned a reputation throughout this region for superior medical care and an unparalleled record of advancement and innovation.

In this spirit, I am proud to announce the opening of the new Sutter Cancer Center, which brings together the talent, resources, and technologies necessary to offer an all inclusive program of care to residents of the greater Sacramento region and establishes northern California's most comprehensive cancer center.

The Sutter Cancer Center, established in 1942, serves as a regional oncology center to more than 1 million northern California residents. The center has 100,000 visits per year and treats more than 2,000 new patients annually. Sutter Cancer Center's research activities have yielded important medical breakthroughs, including development of many new treatment options. Each year, the cancer center is an active participant in the prestigious National Cancer Institute clinical and prevention trials, and serves as one of the 10 registries for cancer surveillance. Recognized for innovation and clinical excellence, the Sutter Cancer Center's treatment program is on par with many of the Nation's renowned cancer centers and provides Sacramento area residents with vital community health resources to help prevent and detect cancer.

This new facility is the culmination of Sutter's vision for a comprehensive, patient-focused center which brings together all the necessary resources to fight cancer in a single location. Designed as a healing environment, this premiere center provides the full compliment of cancer care services all under one roof, which Sutter believes will make the critical quality of life difference for cancer patients and their families. Committed to patient-centered care, the center has been designed to benefit patients in a variety of ways: Attendant-assisted parking, a separate entry-way, a one-stop registration center and linked information systems all will streamline the seemingly bureaucratic maze of medical services, help minimize travel and mitigate the accompanying stress associated with patients' therapy and rehabilitation. In all, the cancer center increases efficiency, eliminates duplication and enhances collaborative activities among our physicians and allied health professionals.

Mr. Speaker, I ask my colleagues to join me in celebrating a new era of treatment for cancer patients in this region. The Sutter Cancer Center is a spectacular testament to the spirit of institution and individual, and represents a cornerstone in the foundation of Sutter's vision for the fight against this deadly disease.

THE 25TH ANNIVERSARY OF BAYVIEW HUNTERS POINT MULTIPURPOSE SENIOR CENTER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Ms. PELOSI. Mr. Speaker, I rise today to acknowledge the 25th anniversary of the Bayview Hunters Point Multipurpose Senior Center.

On July 7, 1971, an extraordinary group of San Francisco citizens recognized the need to provide services dedicated to the senior residents in the Hunters Point neighborhood of San Francisco. The vision of mother Mattie Kemp and the center's founders has grown into a center that provides comprehensive services for the Bayview senior community.

The center is a compassionate environment where seniors can receive basic health screening, legal assistance and social and recreational opportunities. For the past 18 years the center has flourished under the dedicated and caring stewardship of Dr. George Davis, Ph.D. His boundless commitment to providing quality programs for the elderly has led the Bayview Multipurpose Senior Center to be a model program in the city of San Francisco.

The efforts of Dr. Davis, the staff and clients of the senior center remind us that we cannot forget the critical need for centers such as the Bayview Hunters Point Multipurpose Center. Our seniors provide an important thread in the fabric of our communities. It is imperative that we continue to support the work of the Bayview Hunters Point Center to ensure the continued vitality of these special individuals.

Mr. Speaker, on Saturday, July 13, 1996, the Bayview Hunters Point Community will hold a parade and street fair to recognize the contributions of this important community resource. Let us join the Bayview Hunters Point community in their celebration of the community's seniors and the people dedicated to continuing the legacy of the Bayview Hunters Point Multipurpose Senior Center.

LEGISLATION TO AMEND THE NATIONAL PARK FOUNDATION ESTABLISHMENT ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. HANSEN. Mr. Speaker, America's National Parks preserve our historical past, celebrate our cultural traditions, and protect the natural wonders God created.

My own State is a great example. Utah is home to the sculpted rock scenery in Arches National Park, the brilliant colors and intricrite shapes of Bryce Canyon National Park, and the spectacular cliff and canyon landscapes found in Zion National Park. Unfortunately these unique places and the other units of the National Park System need help.

Congressional appropriations have not been able to keep pace with the needs of the national parks. With a severe strain on its finances and dedicated staff, the park service is struggling to provide a quality, educational and recreational experience for the park visitor, while also protecting the natural resources and the cultural heritage in the parks.

This summer, visitors to the national parks have found closed campgrounds, garbage piling up, historic buildings needing repairs and reduced visitor services. Some specific examples: two museums and a campground are closed at Yellowstone; Padre Island National Seashore in Texas won't paint its campground bathrooms this year; and the number of rangers patrolling Yosemite's back country has been reduced from 19 to 3.

The parks clearly need help. This legislation offers important assistance in dramatically boosting National Park funding before it is too late. This bill could increase funding for the National Park Service by as much as $1 billion over the next 10 years at no cost to park visitors or taxpayers. This money will supplement—not replace—regular appropriations from Congress for the parks.

This bill enjoys strong bipartisan support on both sides of the Hill. I am pleased that Representative RICHARDSON, the ranking minority member of this subcommittee, has joined me in introducing this legislation.

This legislation would grant the National Park Foundation several new authorities. First, it would modify the current prohibition on the Foundation engaging in business. The Foundation's limitation on conducting business is unique amongst congressionally chartered foundations. In fact, two sister organizations that Congress created—the National Fish and Wildlife Foundation and the National Forest Foundation—are allowed to engage in business.

In addition, this bill would grant the Foundation some of the same powers first pioneered with the Amateur Sports Act in 1950. Under this legislation, the Park Foundation would have the authority to offer a limited number of companies the opportunity and privilege of becoming an official sponsor of the National Park System.

This bill contains multiple safeguards to make sure the images of the National Parks are not tarnished and the reputation of the National Park Service is not sullied. There will be no sponsors of individual units of the National Park System. An official sponsor could not present that its goods or services were endorsed by the National Park Service. There would be no corporate advertising in the National Parks. The Secretary of the Interior must approve in writing each official sponsor.

The list of safeguards goes on, but the bottom line is that there will not be commercialization of our National Parks.

With these grants of authority from Congress, the National Park Foundation will pursue new revenue-generating opportunities outside the parks in partnership with private enterprises. These proposals will make it possible for the Foundation to play the role originally intended by Congress in 1967—making a significant contribution to preserving America's National Parks through partnerships between Government, private business, and individuals.

WALTER AND HELEN LUCAS CELEBRATE 50 YEARS IN BUSINESS

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. VOLKMER. Mr. Speaker, I rise today to offer my hearty congratulations to Walter L. Lucas, Jr., and his wife, Helen Lucas, of Shelbina, MO, who are celebrating their 50th year in business. Walter and Helen were married on July 26, 1940. After serving his country during World War II, Walter returned to Shelbina to start Lucas True Value Hardware in Shelbina. On March 6, 1946, Walter and Helen opened the doors of their hardware store and they have been providing quality service to their customers for over 50 years.

Walter has also devoted his considerable talents to helping his friends and neighbors in Shelbina. In 1956, he established the Walt Lucas Outstanding Scholar Athlete Award as a way to honor academic and athletic excellence by local high school students. Walter has also worked closely with the Boy Scouts, where he has served as a Cub Master and a Scout Master. In addition, Walter served as the president of the Shelbina Chamber of Commerce and he is active in the Shelbina First Christian Church.

Walter and Helen are shining examples of why small business owners are the backbone of our economy. Not only have they prospered economically, they have helped many of their friends and neighbors through their involvement in the community, and I wish to congratulate them on their success in business and in life.

MARY MASI IS HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. ENGEL. Mr. Speaker, a house of worship not only brings sustenance to its parishioners, it draws sustenance from them. In Mount Vernon, Our Lady of Mount Carmel Church has given aid and comfort to its parishioners for a century and for 40 of those years Mary Masi has been office manager and church secretary, giving of herself to help her church and her fellow parishioners. In that time the church has had eight pastors and it was Mary Masi who provided the continuity for them serving as a link from the past to the future. She is always the first to volunteer for church events and is usually the driving force behind them. She is a member of many church organizations and for Mount Carmel, Mary Masi has become a symbol of loyalty, unselfishness, and devotion on whom the church and its parishioners have come to rely. I offer her my congratulations for her years of giving to her church and her neighbors.

PRESIDENTIAL ADVISORY BOARD ON ARMS PROLIFERATION POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

Mr. HAMILTON. Mr. Speaker, over many years the United States and the international community have made important progress in arms control, especially concerning weapons of mass destruction. But there has been little progress in controlling or containing the proliferation of conventional arms.

Therefore, I welcome the recent report of the Presidential Advisory Board on Arms Proliferation Policy, issued on June 25. Its findings and recommendations provide fresh thinking on the question of conventional arms control, and merit careful study by both Congress and the executive branch. I commend the work of Dr. Janne E. Nolan, the Board's Chair and the Board's other members—Edward Randolph Jayne II, Ronald F. Lehman, David E. McGiffert, and Paul C. Warnke.

I would like to bring to the attention of my colleagues the report's summary and recommendations. The text follows:

SUMMARY

Advisory Boards such as ours invariably grapple with broad mandates, changing circumstances, and widely diverse interests concerned with the substance of Board charters. As we have noted, our approach has been to review and offer recommendations on both policy and process. We have endeavored to review the Administration's current policies regarding conventional arms control, and have commented only where we concluded it appropriate. We are under no illusions as to our limitations in addressing but a few of the myriad interests and issues of great concern to the various parties concerned with arms proliferation policy.

At the core of our recommendations is our belief in the value, indeed the necessity, of strong U.S. leadership in the quest for more effective arms control in the nation's interest. This leadership must come from the top, involving the President, his Cabinet, and the Congress. As we have stated, within the Executive Branch that initiative requires in the first instance, more policy-oriented interagency coordination and execution of policy, which in turn requires a strong focal point of administration leadership. We believe that leadership can and must come from the National Security Council's longstanding interagency process. That NSC-led process, in addition to selecting and implementing the kind of advanced conventional arms restraint regime postulated here, must also address the thorny question of governmental process the Board has highlighted. There is no doubt that how we make policy and how we make individual arms or technology transfer decisions is absolutely critical to achieving U.S. arms control goals.

We believe that it is of great importance to reemphasize a point about focus. The Board's recommendations for both policy and process are built on a long-term commitment to improvement and progress, rather than on any discrete preferred regime or proposed organizational realignment. The world struggles today with the implications of advanced conventional weapons. It will in the future be confronted with yet another generation of weapons, whose destructive power, size, cost, and availability can raise many more problems even than their predecessors today. These challenges will require a new culture among nations, one that accepts increased responsibility for control and restraint, despite short-term economic and political factors pulling in other directions. While the image of a "journey" has become almost trite in today's culture, it is just such a concept that perhaps best describes the strategy for success in achieving necessary restraint on conventional arms and strategic technologies, and the resulting increase in international security.

The Administration has in recent months, in parallel with the Board's deliberations, taken steps such as the Wassenaar Arrangement, which could be the key to more enduring and comprehensive successes in restraint and control. Leaders in the Administration and in the Congress should be heartened to know that there is no shortage of individuals, in and out of government, whose energy and commitment can contribute to the ongoing effort. We are proud to have been a part of that dialogue, and are committed to continuing our participation. We summarize here the major recommendations put forward in our report:

Effective restraint requires international cooperation. U.S. leadership is essential to this end.

The fundamental principles of national security, international and regional security, and arms control must be the basis for international agreement. The inevitable economic pressures that will confront individual states should not be allowed to subvert these principles.

Sustainable, multilateral negotiations over an issue as controversial as arms transfers are best served by beginning with modest objectives that can be expanded over time. The Wassenaar Arrangement represents the most practical and promising forum to date in which to address the dangers of conventional weapons and technology proliferation.

New international export control policies are needed for a technology market where there are numerous channels of supply and where many advanced technologies relevant to weapons development are commercial in origin. This requires augmenting controls on the supply of a technology, with a greater emphasis on disclosing and monitoring end-use.

U.S. arms transfer policy can and should be developed and executed separate from policies for maintenance of the defense industrial base. It is not only appropriate but essential that the United States and other nations handle legitimate domestic economic and defense industrial base issues through such separate policies and actions, rather than use them to abrogate or subvert arms control agreements for particular weapons and technologies.

Arms and weapons technology transfers should take place without the price-distorting mechanism of government subsidies or penalties. The R&D recoupment charge, which is inconsistent with the federal government's treatment of sunk investment costs in any other area of policy or budget expenditure, should be eliminated. Arms exports should not receive subsidized financing; rather, the effort should be to eliminate such distortions internationally.

There should not be governmental constraints on direct and indirect offsets other than the review, under established standards, of any arms/technology transfer involved. The overall economic and employment impact of foreign trade is highly positive, and any attempt to dictate or curtail pricing, workshare, or "countertrade" agreements between buyer and seller is counterproductive.

The current fragmentation of U.S. government controls on transfers leads to great inefficiency and uncertain policy implementation, to the detriment of proliferation controls on the one hand and to the disadvantage of legitimate U.S. commerce on the other. Administration, information systems, and routine decisionmaking should be consolidated. An integrated management information system should be developed as soon as possible for use by all agencies involved in the export control process. In the longer run, statutory revisions to integrate the entire process in a single office should be pursued.

Within the U.S. government, the NSC should give substantially greater priority to leading and improving the interagency arms export control process.

The Administration should increase the intelligence community's focus and capabilities to understand and monitor conventional weapons and technologies developments and transfers.

SENATE—*Wednesday, July 17, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have wonderfully preserved and guided our Nation through the years and given us a position of leadership in the world. Now we ask You to bless the Senators and all who assist them in their high calling. Stir up our patriotism for our Nation and our passion for the work of Government. When we get weary, refresh us with new vision for the importance of our work. Give us a new burst of enthusiasm for our assignments by reminding us that we really report to You and are working for Your glory. Help us to remember that we are Your agents in shaping our society. Purge from us any vestige of selfish ambition or combative competition that would hinder teamwork. In a time of history when our Nation needs greater trust in You, we commit ourselves to be leaders who unashamedly live their faith and seek to keep our Nation deeply rooted in You, Your Commandments, and Your vision for us, through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. This morning there will be a period for morning business until 11 a.m. Following morning business, the Senate will resume consideration of the Department of Defense appropriations bill. We are attempting to reach agreement to limit amendments on that bill. However, if we are unable to reach an agreement, there will be a cloture vote on the Defense bill during today's session.

There has been good cooperation on both sides of the aisle on trying to identify and limit the amendments. While we still have a lengthy list, it seems to be that we can cut them down to a reasonable number, and I would like for us to make every effort to complete this Department of Defense appropriations bill today.

Senators can expect rollcall votes throughout the day and evening in order to make progress and, again, to possibly complete action on the bill tonight.

I remind my colleagues that a number of appropriations bills now have become available for consideration. I think there are five pending counting the Defense appropriations bill. So we have a lot of work to do, and I hope to move forward on those the first part of next week. We need cooperation of all our Members in allowing us to consider and complete these bills in a timely manner. I call on our colleagues on both sides of the aisle to stick with germane amendments and try to limit them so that we can get this work done.

Also, in accordance with last night's agreement, the Senate will vote on the motion to invoke cloture on S. 1936, the Nuclear Waste Policy Act, on Thursday of next week. That is July 25.

MEASURES PLACED ON CALENDAR—S. 1954 AND H.R. 3396

Mr. LOTT. Mr. President, I understand there are two bills at the desk that are now due for their second reading, and I ask that they be read consecutively.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1954) to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

A bill (H.R. 3396) to define and protect the institution of marriage.

Mr. LOTT. Mr. President, I object to further consideration of these matters at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

Mr. LOTT. Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Arizona [Mr. KYL], is recognized to speak for up to 10 minutes under the previous order.

Mr. KYL. I thank the Chair.

RELIGIOUS UPBRINGING OF CHILDREN

Mr. KYL. Mr. President, while the Supreme Court has issued decisions protecting the rights of parents to direct the religious upbringing of their children, the lower courts have narrowly interpreted these decisions to give them almost no value as precedent. As a result, public school officials have been permitted to abuse their authority and compel students—at the objection of their parents—to participate in activities violative of deeply held religious beliefs. This must be of concern at a time when we are all seeking ways to strengthen families and inculcate values in our children.

One case, which a respected Federal court judge brought to my attention, not only demonstrates the courts' unwillingness to respect the constitutional rights of parents to direct the religious upbringing of their children, it illustrates a bizarre dichotomy that has developed between the first amendment religious clauses: the establishment clause, which prohibits an official religion in the United States, and the free-exercise clause, which ensures every American's freedom of conscience. It is my sincere hope that this discussion will prod the Congress into considering ways we can assure that the Constitution will be applied to protect the rights of parents committed to firm moral guidance of their children, and in the process repair the glaring inconsistency that now exists regarding enforcement of these religious clauses in our Constitution.

One Senator who has responded to this challenge is Senator GRASSLEY, who has introduced an important bill, the Parental Rights and Responsibilities Act, which would forbid Federal, State, and local governments from interfering with "the right of a parent to direct the upbringing of the child of the parent." This could resuscitate the Supreme Court's pro-parental rights decisions. Senator GRASSLEY cited the case I am going to discuss as an example of why his legislation deserves serious consideration.

II. THE CASE

On March 4, the U.S. Supreme Court declined to hear *Brown* v. *Hot, Sexy and Safer Productions, Inc.*, 68 F.3d 525 (1st Cir. 1995), cert. denied, U.S. (1996), in which the district court ruled, and the circuit court upheld, that it is constitutional for a public school to compel students—some as young as 14—without notifying parents, to sit through an explicit AIDS awareness presentation. A ruling that permits public school officials to force students—over the objections of their parents—to participate in activities that violate deeply held religious beliefs should be of concern to us all.

School officials at Chelmsford High School in Chelmsford, MA, knew full

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

well what they were getting when they hired Suzi Landolphi, the owner of a company called Hot, Sexy, and Safer, to give presentations at two 90-minute assemblies at the school. They viewed a promotional videotape of the organization's past presentations as well as promotional brochures and articles. The superintendent and the assistant superintendent attended the presentation. The principal introduced the presenter to the students.

While school officials were busy securing what the principal described as "a very special program," no effort was made to alert parents about the assembly, and students were compelled to attend it. Some argue that public school officials cannot keep parents apprised of every detail of their children's education. But Landolphi's presentation was not a calculus exposition. It was a highly charged event, unrelated to subjects traditionally taught to high school students.

A videotape of the program reveals that the presenter concentrated on personal matters and used language so graphic that it would make former Surgeon General Jocelyn Elders blush.

Abstinence was never discussed as an option to avoid contracting AIDS. The assemblies were, however, filled with lewd demonstrations of crude sexual acts. Landolphi kicked off her presentation to 9th and 10th grade students by saying, "This is amaz[ing]—I can't believe how many people came here to listen to someone talk about sex, instead of staying home and having it yourself." This may have been the high water mark for the show.

During the program, the presenter told the students that they were going to have a "group sexual experience, with audience participation"; told a minor he was not "having enough orgasms"; commented about a minor's "nice butt"; characterized the loose pants worn by a student as "erection wear"; and had a male student lick an oversized prophylactic, after which she had a female student pull it over the male's head.

Landolphi was also philosophical: "When we are younger, we know about our private parts. We're less embarrassed. Why is that? With all of us sitting in this room right now—I mean, have you ever really sat down and thought about your private parts? Did you ever think about them?"

She concluded her presentation by instructing the students to "Become sexually proud and confident people. Know how you work. Tell your parents about sex."

Not only was Ms. Landolphi's program salacious, it was astonishingly inaccurate. Example: "When you find out someone you love has this virus, you tell them they can fight this virus, and they might fight it so well that they may never get ill. That's a fact." She informed these students that those infected with HIV could avoid AIDS by getting rid of drugs, alcohol, tobacco, and stress. And what, according to Landolphi, relieves stress? "Sex, of course."

For school officials to hold such a controversial—to put it mildly—event without parental notification suggests these officials may have deliberately sidestepped the parents. Even if, on the other hand, this heedlessness was inadvertent, it begs a broader question: Have some public school officials become so arrogant that they do not even give thought to the views of the people they serve—the community—when planning school events?

Some Chelmsford parents believed that their constitutional right to direct the upbringing of their children was violated. A Federal district court judge and a court of appeals, however, ruled against the parents.

The district court judge, in granting the defendant's motion to dismiss, opined: "Parents who send their children to public schools * * * daily risk their children's exposure, both inside and outside the classroom, to ideas and values that the parents and the children find offensive." Memorandum and Order, *Brown* v. *Hot, Sexy and Safer Productions*, No. 93-11842, slip op. at 10 (D. Mass. January 19, 1995). The effect of this brush off is to treat a convinced Christian, Jew, Muslim, or parent of other religious faith as insufficiently enlightened, deserving of exclusion from the educational process along with other narrow-minded and ignorant people. The erosion of our values that this kind of indiscriminate reasoning represents is truly breathtaking.

III. CONSTITUTIONAL PROTECTION FOR PARENTAL RIGHTS

The liberty clause of the 14th amendment, and the free exercise clause of the first amendment, should protect parents from overreaching public school officials. The 14th amendment claim is stronger, but there is also precedent for the first amendment to protect a religious person from neutral government action hostile to his or her beliefs.

A. FOURTEENTH AMENDMENT

The Supreme Court firmly recognizes that certain practices are "so rooted in the traditions and conscience of our people as to be ranked as fundamental" and therefore merit protection under the 14th amendment. *Palko* v. *State of Connecticut*, 302 U.S. 319 (1937). I can think of few rights as fundamental as the right of a parent to control the religious upbringing of his or her children.

A troika of Supreme Court decisions have encouraged us to see this route as potentially fruitful. In *Meyer* v. *Nebraska*, 262 U.S. 390, 399 (1923), the Court ruled that the liberty clause of the 14th amendment protects the fundamental right of parents to bring up children. The right of the parents to have their children instructed in a foreign language was, according to the Court, "within the liberty of the amendment." Id. at 400.

The Court reaffirmed this right in *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). In Pierce the Court declared unconstitutional a State statute that required public school education of children aged 8 to 16. The Court reasoned that the statute "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control * * * The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." Id. at 534, 535.

While decided primarily on free exercise grounds, *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972), a decision upholding the right of Amish parents to remove their children from public schools, acknowledged the liberty interest of parents to control the upbringing of their children. "The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate." Id. at 232.

In the Chelmsford case, the circuit court arrogantly dismissed the 14th amendment claim of the parents, commenting that "the Meyer and Pierce cases were decided well before the current 'right to privacy' jurisprudence was developed, and the Supreme Court has yet to decide whether the right to direct the upbringing and education of one's children is among those fundamental rights whose infringement merits heightened scrutiny." Hot, Sexy and Safer 68 F.3d at 533. For the Court to suggest that decisions regarding fundamental rights, including, for example, the right to marry, are preempted until reanalyzed under the Supreme Court's constitutionally suspect privacy decisions is, if not novel, absurd. But again, when cases involve religion, the courts all too often come up with imaginative reasons to avoid following good case law.

B. FIRST AMENDMENT

At first blush, the first amendment's free exercise clause seems like a weak instrument for those who seek relief from neutral State action that inhibits the practice of religion. It was, after all, Justice Scalia who wrote the decision in *Employment Division, Department of Human Resources of Oregon* v. *Smith*, 494 U.S. 872, 879 (1990), which announced that a "neutral, generally applicable" law does not violate the free-exercise clause even when it prohibits religious exercise in effect.

The free exercise claim advanced by the Chelmsford parents would have the same problem, if Smith were to be our guide. While the school officials at Chelmsford High School certainly offended religious children by offering the AIDS presentation, it does not seem that they intended to single out religious individuals for the offensive show. Indeed, they were equal opportunity offenders.

But for those ready to close the door on free exercise claims when government, by application of a neutral mandate, coerces individuals to violate their own religious practices, such as in the Chelmsford case, the matter is not set. Relevant to Chelmsford, the Yoder Court held that when a 14th amendment-based claim to protect the fundamental right to control the religious upbringing of their children is combined with a free-exercise claim—a "hybrid" situation—the first amendment claim is enhanced. Yoder, 406 U.S. at 233. Smith acknowledges Yoder hybrid claims. Smith, 494 U.S. at 881.

Also relevant to the Chelmsford case, Justice Scalia, in a useful concurrence in *Church of Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 559 (1993), questioned whether the rule he authored in Smith, which garnered five votes on the Court, and was the subject of a spirited attack by Justice O'Connor, merits adherence. Justice Scalia suggests that Smith is deficient in resolving free-exercise claims when "'Neutral, generally applicable' laws, drafted as they are from the perspective of the nonadherent, have the unavoidable potential of putting the believer to a choice between God and government." Id. at 577. In chronicling the tensions in free exercise jurisprudence—the mechanistic approach of Smith, versus the more nuanced approach of Yoder—the Justices concludes that neither line of cases is controlling: "Our cases now present competing answers to the question when Government, while pursuing secular ends, may compel disobedience to what one believes religion commands." Id. at 559.

If the Court does reevaluate the free-exercise clause, and decides that a more expansive reading is warranted—as it has already done with gusto for the other first amendment religious clause, the establishment clause—Justice Scalia offers some preliminary thoughts on a revitalized free exercise clause more sympathetic to the plaintiffs in coercion cases, such as that of Chelmsford, and a persuasive rationale for why the Court should resolve this conundrum:

> A law that is religion neutral on its face or in its purpose may lack neutrality in its effect by forbidding something that religion requires or *requiring something that religion forbids*. A secular law, applicable to all, that prohibits consumption of alcohol, for example, will affect members of religions that require the use of wine differently from members of other religious and nonbelievers, disproportionality burdening the practice of, say, Catholicism or Judaism." Id. at 560 (emphasis added).

What the Chelmsford school officials did, with the District Court's backing, was require something that was against the religion of some of the students. Thus this legal framework could provide relief for such compulsion situations.

The circuit court in Chelmsford dismissed the free-exercise claim under the Yoder scheme on two grounds: First, the free-exercise challenge was not "conjoined with an independently protected constitutional protection," and Second, the free-exercise claim was distinguishable because the parents did not "allege that the one-time compulsory attendance at the Program threatened their entire way of life." Hot, Sexy, and Safer, 68 F.3d at 539. Neither rationale is persuasive. As mentioned above, the Supreme Court has firmly recognized that parents enjoy certain constitutional protections in directing the upbringing of their children. And the hybrid situation developed in Yoder, and noted in Smith, does not require that an individual's entire way of life be threatened for there to be constitutional recourse.

IV. DICHOTOMY IN FIRST AMENDMENT RELIGIOUS CLAUSES

While the courts have taken great pains not to disturb neutrally drafted laws when considering free-exercise claims, and even Justices sympathetic to religious freedom, such as Justice Scalia, have agonized over these decisions, the courts are aggressive in restricting religious activities under the establishment clause. The result: an extreme dichotomy in religious clauses jurisprudence.

Contrast the federal courts' refusal to recognize free-exercise claims with their zeal in banning prayers at school ceremonies under the establishment clause. In the same year the AIDS presentation at Chelmsford High School occurred, the U.S. Supreme Court ruled in *Lee* v. *Weisman*, 505 U.S. 577 (1992) that a prayer given by a rabbi during a middle school commencement program violated this clause. Let's take a look at a part of the offending prayer:

> God of the Free, Hope of the Brave: For the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank You. May these young men and women grow up to enrich it. . . . May our aspirations for our country and for these young people, who are our hope for the future, be richly fulfilled. Id. at 581, 582.

In his opinion for the majority, Justice Kennedy reasoned that "heightened concerns [exist] when protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools." Id. at 592.

But where is the concern for the subtle coercive pressure of a mandatory AIDS assembly, whose graphic details and panderingly hip attitude toward human sexuality, offend the core values of believers in the great religions of the world? Consider that if one agrees with Justice Kennedy that students should not be coerced to listen to prayer, it is hard to understand why one wouldn't agree that the free-exercise clause should protect a school from coercing a student to participate in an activity which violates that students's religion. But a double-standard has emerged that the Chelmsford case perfectly illustrates.

The offending prayer delivered by the rabbi in Weisman was less than 2 minutes long, compared to the 90-minute presentation which took place at Chelmsford High School. The Court in Weisman did not require that the student's life lie in ruin when invalidating a benign commencement prayer. Also consider that the prayer in Weisman is a religious statement that is well within the tradition of benedictions at graduation ceremonies, and that parents accompanied the students and had notice that the rabbi was speaking.

We remove prayer because it's offensive to 1 out of 100, but don't remove—or at least make optional—material highly offensive to a student of faith. I believe that most Americans would agree that something is corrupt within our jurisprudence when an indecent presentation directed at minors is constitutional while a short commencement prayer delivered by a member of the clergy is unconstitutional.

V. CONCLUSION

When a public school presents controversial subjects, out of courtesy, it should notify parents, and give them the opportunity to have their children opt out. This isn't burdensome; it's the morally right thing to do. If public school officials exercised this courtesy in the first place, the Chelmsford controversy could have been avoided.

I believe the courts should return to the spirit of the Supreme Court decisions on parental rights, and recognize and protect the right of parents to direct the religious upbringing of their children. The U.S. Constitution requires no less. Meanwhile, Congress should consider legislation, such as Senator GRASSLEY's parental rights bill, to prod the courts to respect one of the most basic, and important fundamental rights.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER], is recognized to speak for up to 15 minutes under the previous order.

Mr. ROCKEFELLER. I thank the Chair.

(The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 1963 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROCKEFELLER. I thank the Presiding Officer and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

NATIONAL MISSILE DEFENSE

Mr. INHOFE. Mr. President, I have been presiding, and I know that we are going to be continuing with the defense appropriations bill later on. I noticed something that I read just in the last couple days that was in the Wall Street Journal under the title of "Do We Need a Missile Defense?" This has been a debate in this body for quite some time during the Defense authorization bill. It is so obvious on its face, that virtually every strategist, in terms of strategic defense in the country, agrees that we are under probably a greater threat today than we have been maybe in the history of this country in that we no longer are in a cold-war posture where there are two superpowers and you can identify who the other one is, as it was in the case of the cold war.

Some of us, I think, may be looking back wistfully at the days when there was a cold war and we could identify who the enemy was. I can recall that back during the Nixon administration, Richard Nixon and Dr. Kissinger put together the whole concept of the ABM Treaty, which was there are only two superpowers that have weapons of mass destruction and the missile means to deliver them, at least part way. Therefore, if we all agree not to defend ourselves, then the philosophy of mutual assured destruction would serve us all well. In other words, the Soviets fire at us, we fire at them, everybody dies and no one is happy.

That is not the situation today. I did not agree with it back in 1972. Back when we had the ratification of the START II agreement, I was the only Senator halfway through the rollcall to vote against it. Everyone else was voting for it until a few others realized that what we were doing is going back and reinstating or resurrecting that philosophy of the ABM Treaty, except now it would be with Russia as opposed to the Soviet Union since it no longer exists.

I think it is insane that we would even consider something like that. In fact, I had permission from Henry Kissinger himself to stand on the Senate floor and quote him when he said that he did agree at the time that that was a good policy for America in 1972, but he said that now some 25 nations have weapons of mass destruction, and he said, "It is nuts to make a virtue out of our vulnerability."

This article that I read—I will, without exceeding my time, just paraphrase a few of the comments here by some of the experts. Donald Rumsfeld was the Secretary of Defense during the Ford administration. He said:

> Only someone deep in denial can contend that the U.S. cannot be threatened by ballistic missiles. Rogue states like Iran, Iraq and North Korea have made clear their determination to acquire chemical, biological or nuclear weapons and the missiles to deliver them. China and Russia, if inclined, could threaten many countries, near and far, with nuclear missiles. Missiles are a weapon of choice for intimidation, precisely because the world knows that once a missile is launched, the U.S. is not capable of stopping it.

Henry F. Cooper was the director of the Strategic Defense Initiative during the Bush administration and the chief U.S. negotiator in the Geneva defense and space talks during the Reagan administration. He said—I will just quote this first sentence:

> America's vulnerability to ballistic missile attack is a leadership failure of potentially disastrous proportions.

Then it goes on to quote many others, including James Woolsey, who was President Clinton's former Director of the Central Intelligence Agency and now practices law in Washington. He was the one who 2 years ago said that—this was 2 years ago—we now have 22, 25 nations that have weapons of mass destruction or are in the final stages of completing those weapons and are working on the missile means of deploying them, delivering them.

I think, Mr. President, if you update his statement, as he did the other day, it is now up to some 30 nations. Look at who these nations are. When you are dealing with the Middle East mentality of Iran, Iraq, and Syria and Lebanon and Libya, and, of course, people like Saddam Hussein, who would murder his own grandchildren, we are not dealing with people that we can predict, people who think like Westerners think. Yet here we are today considering the defense appropriations bill and giving virtually no attention to our ability to defend ourselves with a national missile defense system.

So, Mr. President, I am hoping, as we keep repeating this over and over again, that we can penetrate somehow this Eastern media who would like to make people believe that the threat is not out there, this administration that keeps saying over and over again that it will be 15 years before we can be threatened by a missile attack, when in fact there are intercontinental ballistic missiles that can reach the United States from as far away as China or Russia.

We have been held hostage. We were held hostage in the Taiwan Strait when the Chinese went over and were doing their missile experimentation. One of the highest ranking Chinese officials at that time said, "We're not concerned about the Americans coming in and defending Taipei because they would rather defend Los Angeles than they would Taipei." That has to be at least an indirect threat at the United States.

The threat is real. The danger is real. We are living in a time when the threat is greater than it has been at any time in this country's history. We, as a body, are trying to do something about it against the wishes of the administration, and we have to prevail in this effort for our kids' sake.

Lastly, I am from Oklahoma, and those who saw the Murrah Federal Office Building and saw the television accounts of it—you almost had to be there to get the full impact of the tragedy that was there. It was just indescribable. The power of that bomb that blew up the Murrah Federal Office Building in Oklahoma City was equal to 1 ton of TNT. The smallest nuclear warhead known to man is 1 kiloton, 1,000 times the explosive power. So the threat is there, Mr. President. We need to deal with that and do something about it. After all, is that not what Government is for? I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Utah is recognized.

THE CRISIS IN EDUCATION IN AMERICA

Mr. BENNETT. Mr. President, you and some others in this body have heard me say that the one experience that took me out of the private sector and brought me back into public life was my term as chairman of the Strategic Planning Commission for the Utah State Board of Education. I was happily serving as the chief executive of a very successful, functioning corporation when I was asked to take that assignment in public service. It brought me face to face with the current crisis in education.

I have been interested in that issue ever since. I was interested in this morning's Wall Street Journal where the following appeared. I would like to call it to the attention of the entire Senate and, hopefully, through the CONGRESSIONAL RECORD and C-SPAN, as wide an audience as possible. In this morning's Wall Street Journal there is the following article that I find incredible:

> New York City's Cardinal John J. O'Connor has repeatedly made the city an extraordinary offer: Send me the lowest performing 5% of children presently in the public schools, and I will put them in Catholic schools—where they will succeed. The city's response: Silence.
>
> In a more rational world, city officials would have jumped at the cardinal's invitation. It would have been a huge financial

> plus for the city. The annual per-pupil cost of Catholic elementary schools is $2,500 per year, about a third of what taxpayers now spend for the city's public schools.

Mr. President, I have had this debate with leaders of the Teachers' Association in Utah. Members of the National Education Association do not come to see me because they apparently know that I have already come to the conclusion that something must be done to break the monopoly that current teachers' unions have on the way education is conducted in this country.

The author of this article goes on to tell us his own experience with his own children. He tells us how he takes his children past the Catholic schools every morning, to enroll them in what are considered the best public schools in New York City. One day he decided he would go in and see what was going on in the Catholic schools, to compare it to what was happening in the public schools. He says, "* * * I was impressed. I sat in, for example, as fourth-grade teacher Susan Viti conducted a review lesson on the geography of the Western United States." He goes on to describe the things that were done, and then he says:

> I found myself wishing that my own son's fourth-grade teachers at nearby Public School 87, reputedly one of the best public schools in the city, were anywhere near as productive and as focused on basic schools as Miss Viti. Both my boys' teachers have wasted an enormous amount of time with empty verbiage about the evils of racism and sexism. By contrast, in Miss Viti's class and all other Catholic school classes I attended, it was taken for granted that a real education is the best antidote to prejudice.
>
> Miss Viti earns $21,000 a year, $8,000 less than a first-year public-school teacher. "I've taught in an all-white affluent suburban school, where I made over $40,000. This time I wanted to do something good for society, and I am lucky enough to be able to afford to do it. I am trying to instill in my students that whatever their life situation is now, they can succeed if they work hard and study."

Mr. President, monopoly is a terrible thing, whether it is in an economy or in an intellectual circumstance. Establishing a monopoly that prevents people from looking for other ideas or other ways of doing something is the best way to guarantee stagnation. What we have in public education now is a monopoly, firmly enforced by the teachers' unions and geared to prevent any kind of intellectual competition.

We have seen it on the floor of this Chamber. Again and again last year, we tried to pass an appropriations bill for the District of Columbia. Certainly, there is no place in the world that needs appropriations more than the District of Columbia. Mired down in financial disaster and management chaos the District needed that money as quickly as it could come. Yet because we put into that bill the opportunity for experimentation on just that situation described in this morning's story in the Journal, there were people on this floor who filibustered against that appropriations bill, willing to hold up needed financial support for the District, all in the name of preserving an educational monopoly for the teachers' unions.

Now, I have very good friends in the Utah Teachers Association who come to me and say, "It is unconstitutional for you to spend public money on a private institution, particularly a private institution that has connection to a religion." Mr. President, we crossed that line, successfully, 50 years ago. All of us are familiar with the GI bills, considered by many to be the most successful Government program ever, the most successful expenditure of Government money to help people's lives that has ever taken place in the history of the United States. I have heard the GI bill being described thusly here on the floor by some of my colleagues. What do we do in the GI bill? We say to individuals, "Here is the money that we promised you to help you with your education. Now you make the decision as to where that money will be spent." Is it unconstitutional to someone under the GI bill to take that money and go to the University of Notre Dame just because the University of Notre Dame is affiliated with the Catholic Church? Is it unconstitutional for you to take that money to go to Georgetown University here in the District just because Georgetown University is run by the Jesuits? Of course, not. We have long since come to the conclusion that the money follows the student, not that it goes to support the institution.

Would it be unconstitutional for the city of New York to take Cardinal O'Connor up on his offer and say we will give you the 5-percent lowest students, we will give you the 5-percent worst problems we have, allow the money to follow the students, and let you take care of it for us? No, the constitutional precedent has been firmly established. What are they afraid of? They are afraid of saving money? They are afraid of doing better by the children? No, they are afraid of the political retaliation of the teachers' union.

The article goes on to describe that retaliation in some detail. Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Mr. President, there is no issue that we face in this body more serious than the challenge of educating our young people. That is not a cliche. That is a statement of our primary survival challenge of the future. Talk to CEO's, talk to personnel directors around the country, and they tell you more and more the primary challenge we have long term in this country is maintaining a work force that can survive international competition. Talk to many of these CEO's and they tell you that more and more of their budget is going to pay for remedial learning skills for their new hires. They are hiring people who cannot read the instructions that they are given to carry out their work. They are hiring people who cannot figure enough to even make change in a retail situation.

Recognizing that the schools will not teach these people to read and figure, they are beginning to allocate more and more of their corporate dollars to give this kind of education themselves. It is potentially, as I say, Mr. President, the single most important issue we face. I think with the collapse of the Soviet Union, this has become the long-term survival issue for the United States. Yet we allow ourselves to insist that the status quo, producing these kinds of results, is what must be maintained at all costs. We allow ourselves to say we will not even experiment with a voucher system that might challenge the present monopoly. We will not even allow an educational system that is willing to try and experiment with 5 percent of the kids who are doing the worst in our Nation's largest city, to see what might happen with that experiment.

What are the teachers' unions afraid of, when challenged with the opportunity to have an experiment of this kind? They are afraid of people like Miss Viti, described in the article, demonstrating to all of the world the bankruptcy of the present circumstance. Education is the only place I know, Mr. President, where professionals—and I consider teachers to be professionals—are willing to accept less money in order to avoid working for public payroll. In every other circumstance, the professionals earn more money when they get out of the public payroll. Lawyers in private practice earn more than lawyers who work for municipalities and State governments and the Federal Government. Doctors in private practice earn more than doctors who work for the Public Health Service. But in education, teachers earn less who work in private schools than those who work for the public. Why do they do it? Because as Miss Viti says, "I wanted to do something good for society. I am lucky to be able to afford to do it."

Mr. President, I will return to this from time to time. I am not on the appropriate committee for a variety of reasons which we understand around here. The committee assignments come by virtue of the State that you represent and the interests that you have in seeing that State is properly represented. But I could not pass the opportunity to call to the attention of the Senate this incredible statement in this morning's paper, whereby the Nation's teachers' union, working through its affiliates in New York State, have denied the lowest 5 percent of the city of New York the opportunity to try something new, and have thus condemned those 5 percent to a continued future of bleakness and lack of opportunity.

A final demonstration of this, Mr. President, again, from the information contained in the article comparing what happens in New York City schools—the public schools that are spending three times as much as the Catholic schools—in terms of the results. Here is the conclusion that comes from the New York State Department of Education. This is not a conclusion that comes from the managers of the private schools, the Catholic schools. This is the conclusion that comes from the New York State officials themselves:

> Catholic schools with 81 percent to 100 percent minority composition outscored New York City public schools with the same percentage of minority enrollment in grade 3 reading . . .

In grade 3 reading, they were 17 percent better; in grade 3 mathematics, 10 percent better; in grade 5 writing, 6 percent better; in grade 6 reading, 10 percent better; in grade 6 mathematics, 18 percent better.

A Rand Corp. study compared the performance of children from New York City's public schools and Catholic high schools and came up with these statistics. Again, this is not from the Catholic school system itself; this is from an outside observer known for its excellence and its objectivity, the Rand Corp.:

> Only 25 percent of the public school students graduated at all . . .

Let me repeat that statistic, Mr. President. It is staggering.

> Only 25 percent of the public school students graduated at all, and only 16 percent took the Scholastic Aptitude Test.
>
> By shameful contrast, the small "elite" of public school students who graduated and took the SAT averaged only 642 for those in neighborhood schools and 715 for those in magnet schools.

Here is the shameful contrast: 25 percent of the public school students graduated, and 16 percent took the SAT; and 95 percent of the Catholic school children graduated, and 75 percent took the SAT's. The Catholic school students scored an average of 815 on the SAT, compared to 642 of the public schools.

Once again, Mr. President, let me stress that these are in schools where the minority makeup is identical to the minority makeup in the public schools. If there is ever a statistical case to be made for the fact that we need to experiment with this kind of education and break the monopoly that the teachers' union has established and is maintaining on public education, this is it.

I thank the Chair for his indulgence. As I said, I will return to this subject from time to time because I consider it the Nation's No. 1 survival issue in the long term.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, July 17, 1996]

WHY THE CATHOLIC SCHOOL MODEL IS TABOO

(By Sol Stern)

New York City's Cardinal John J. O'Connor has repeatedly made the city an extraordinary offer: Send me the lowest-performing 5% of children presently in the public schools, and I will put them in Catholic Schools—where they will succeed. The city's response: silence.

In a more rational world, city officials would have jumped at the cardinal's invitation. It would have jumped at the cardinal's invitation. It would have been a huge financial plus for the city. The annual per-pupil cost of Catholic elementary schools is $2,500 per year, about a third of what taxpayers now spend for the city's public schools.

NO IDLE BOAST

More important, thousands more disadvantaged children would finish school and become productive citizens. For Cardinal O'Connor's claim that Catholic schools would do a better job than public schools is no idle boast. In 1990 the RAND Corporation compared the performance of children from New York City's public and Catholic high schools. Only 25% of the public-school students graduated at all, and only 16% took the Scholastic Aptitude Test, vs. 95% and 75% of Catholic-school students, respectively, Catholic-school students scored an average of 815 on the SAT. By shameful contrast, the small "elite" of public-school students who graduated and took the SAT averaged only 642 for those in neighborhood schools and 715 for those in magnet schools.

In 1993 the New York State Department of Education compared city schools with the highest levels of minority enrollment. Conclusion: "Catholic schools with 81% to 100% minority composition outscored New York City public schools with the same percentage of minority enrollment in Grade 3 reading (+17%), Grade 3 mathematics (+10%), Grade 5 writing (+6%), Grade 6 reading (+10%) and Grade 6 mathematics (+11%)."

Yet most of the elite, in New York and elsewhere, is resolutely uninterested in the Catholic schools' success. In part this reflects the enormous power of teachers' unions, fierce opponents of anything that threatens their monopoly on education. In part it reflects a secular discomfort with religious institutions.

I myself have felt this discomfort over the years, walking past Catholic schools like St. Gregory the Great, near my Manhattan home. Every morning, as I took my sons to public school, I couldn't help noticing the well-behaved black and Hispanic children in their neat uniforms entering the drab parish building. But my curiosity never led me past the imposing crucifix looking down from the roof, which evoked childhood images of Catholic anti-Semitism and clerical obscurantism.

Finally, earlier this year, I ventured in, and I was impressed. I sat in, for example, as fourth-grade teacher Susan Viti conducted a review lesson on the geography of the Western United States. All the children were completely engaged and had obviously done their homework. They were able to answer each of her questions about the principal cities and capitals of the Western states—some of which I couldn't name—and the topography and natural resources of the region. "Which minerals would be found in the Rocky Mountains?" Miss Viti asked. Eager hands shot up. Miss Viti used the lesson to expand the students' vocabulary: when the children wrote things down, she insisted on proper grammar and spelling.

I found myself wishing that my own son's fourth-grade teachers at nearby Public School 87, reputedly one of the best public schools in the city, were anywhere near as productive and as focused on basic skills as Miss Viti. Both my boys' teachers have wasted an enormous amount of time with empty verbiage about the evils of racism and sexism. By contrast, in Miss Viti's class and in all the other Catholic school classes I visited, it was taken for granted that a real education is the best antidote to prejudice.

Miss Viti earns $21,000 a year, $8,000 less than a first-year public-school teacher. "I've taught in an all-white, affluent suburban school, where I made over $40,000," she says. "This time I wanted to do something good for society, and I am lucky enough to be able to afford to do it. I am trying to instill in my students that whatever their life situation is now, they can succeed if they work hard and study."

You might expect liberals, self-styled champions of disadvantaged children, to applaud the commitment and sacrifice of educators like Susan Viti. You might even expect them to look for ways of getting government money to these underfunded schools. Instead, they've done their best to make sure the wall of separation between church and state remains impenetrable. Liberal child-advocacy groups tout an endless array of "prevention" programs that are supposed to stave off delinquency, dropping out of school and teen pregnancy—yet they consistently ignore Catholic schools, which nearly always succeed in preventing these pathologies.

Read the chapter on education in Hillary Clinton's "It Takes a Village." Mrs. Clinton advocates an alphabet soup of education programs for poor kids, but says not a word about Catholic schools. Similarly, in his books on education and inner-city ghettos, Jonathan Kozol offers vivid tours of decrepit public schools in places like the South Bronx, but he never stops at the many Catholic schools that are succeeding a few blocks away.

Why are Catholic schools taboo among those who talk loudest about compassion for the downtrodden? It's hard to escape the conclusion that one of the most powerful reasons is liberals' alliance with the teachers' unions, which have poured hundreds of millions of dollars into the campaign coffers of liberal candidates around the country. Two weeks ago I attended the National Education Association convention in Washington, a week-long pep rally for Bill Clinton punctuated by ritual denunciations of privatization.

Before the teachers' unions rise to political power, it was not unusual to see urban Democrats like former New York Gov. Mario Cuomo support government aid to Catholic schools. Mr. Cuomo's flip-flop on this issue is especially revealing. In 1974, when he first ran for public office, Mr. Cuomo wrote a letter to potential supporters: "I've spent more than 15 years . . . arguing for aid to private schools," he wrote. "If you believe aid is a good thing, then you are the good people. If you believe it, then it's your moral obligation, as it is my own, to do something about it. . . . Let's try tax-credit plans and anything else that offers any help."

Mr. Cuomo soon learned his lesson. In his published diaries he wrote: "Teachers are perhaps the most effective of all the state's unions. If they go all-out, it will mean telephones and vigorous statewide support. It will also mean some money." In his 1982 campaign for governor, Mr. Cuomo gave a speech trumpeting the primacy of public education and the rights of teachers. He won the union's enthusiastic endorsement against Ed Koch in the Democratic primary. Over the next 12 years, in private meetings with Catholic leaders, Gov. Cuomo would declare that he still supported tax relief for parochial school parents. Then he would take a completely different position in public. For example, in 1984 he acknowledged that giving tax credits for parochial-school tuition was "clearly constitutional" under a recent Supreme Court decision—but he refused to support such a plan.

Politically controlled schools are unlikely to improve much without strong pressure from outside. Thus, the case for government aid to Catholic schools is now more compelling than ever, if only to provide the competitive pressure to force state schools to change. And the conventional wisdom that government is constitutionally prohibited from aiding Catholic schools has been undermined by several recent U.S. Supreme Court decisions.

SUCKER'S TRAP

Since the powerful teachers' unions vehemently oppose any form of government aid to Catholic schools, reformers are often skittish about advocating vouchers or tuition tax credits, fearing that will end the public-school reform conversation before it begins. But to abandon aid to Catholic schools in the name of public-school reform is a sucker's trap. We have ended up with no aid to Catholic schools and no real public-school reform either.

Catholic schools are a valuable public resource not just because they profoundly benefit the children who enroll in them. They also challenge the public-school monopoly, constantly reminding us that the neediest kids are educable and that spending extravagant sums of money isn't the answer. No one who cares about reviving our failing public schools can afford to ignore this inspiring laboratory of reform.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I assume we are in morning business. I ask unanimous consent I may proceed for no more than 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business and the Senator is recognized for 10 minutes, without objection.

TAXPAYER BILL OF RIGHTS 2

Mr. PRYOR. Mr. President, over the past several years there has been a very extensive debate over ways to achieve more fairness for taxpayers, especially small taxpayers, through reform of our tax system. Proposals are most often very complex and sometimes extremely partisan. But there is one simple, inexpensive, and I must say unanimously-agreed upon legislative package that helps make paying taxes fairer to the taxpayer. Mr. President, we call this proposal the taxpayer bill of rights 2, which passed the Senate by unanimous vote on Thursday evening.

I am very proud we passed this particular piece of legislation by unanimous consent. The passage of this important piece of legislative work is the culmination of over one decade of dedication to its philosophy.

Many of our colleagues in the Senate today were not here in 1988 when Congress passed, and President Reagan signed into law, the very first taxpayer bill of rights. That bill was the first ever comprehensive piece of legislation enumerating the rights of the American taxpayer. For example, in the taxpayer bill of rights 1 provided:

First, the right of the taxpayer to be informed of their respective rights;

Second, the right of the taxpayer to rely on written advice of the Internal Revenue Service;

Third, the right of the taxpayer to representation; and

Fourth, the right of the taxpayer to recover, for the first time, civil damages and attorney's fees from the Internal Revenue Service.

These and other basic, commonsense provisions were codified by the first taxpayer bill of rights. The battle waged by a strongly bipartisan coalition for their codification was hard-fought, and their ultimate enactment was a first giant step for the American taxpayer.

But, since 1988 Mr. President, we have learned much about the Internal Revenue Service and the needs of taxpayers. Now is clearly time to more fully develop and expand those particular rights. With Thursday's passage of the taxpayer bill of rights 2, we have taken a very significant step forward, treating taxpayers more like customers.

This step follows the efforts taken in 1988 with the enactment of the first taxpayer bill of rights.

In 1992 I first introduced the taxpayer bill of rights 2 with considerable bipartisan backing of some 52 of our colleagues on each side of the aisle. The bill passed Congress twice that year. It was ultimately vetoed because it was included as part of two large tax bills with which President Bush did not agree. Since these two bills were vetoed at that time, the Senate has not considered taxpayer bill of rights 2 on its own merits until this past Thursday. In making its way to the Senate, this very important piece of legislation passed the House of Representatives by a unanimous 425 to 0 vote. I applaud the action of the House of Representatives, and I am proud that this Thursday, because of a strong bipartisan coalition, the Senate has now followed suit by unanimously passing taxpayer bill of rights 2.

I am also proud to say I have had the privilege and honor of working very closely with my colleagues in the Senate. Senator CHUCK GRASSLEY, of Iowa, has been a strong champion for years of increasing taxpayers' rights. He has been, certainly, a grand ally in this long fight. Senator HARRY REID, from Nevada, has also been a strong advocate for giving additional rights to the taxpayer. He has been a strong advocate and supporter of taxpayer bill of rights 2. In fact, the very first speech that Senator REID made on the floor of the U.S. Senate, shortly after his election, related to the necessity and the need of having a taxpayer bill of rights.

I look forward to President Clinton signing this very important bill in the days ahead. The taxpayer bill of rights 2 builds on a foundation laid by the original taxpayer bill of rights. It protects taxpayers by requiring the IRS to achieve higher standards of accuracy, timeliness, and fair play in providing taxpayer service. It makes the Internal Revenue Service accountable.

The taxpayer bill of rights 2 achieves these new standards through 27 new provisions—27 new protections for the American taxpayer, as a result of the passage of the taxpayer bill of rights 2.

First, expansion of the authority of the taxpayer advocate to prevent hardships on taxpayers;

Second, creation of small taxpayers' rights to an installment agreement, and further rights when installment agreements are denied or terminated are specifically spelled out to benefit the taxpayer;

Third, the expansion of the reasons for which the IRS must abate interest when it has delayed a taxpayers' case, and for the very first time in our history, a grant of authority to the courts of the power to review the interest abatement determination;

Fourth, an increase in the amount a taxpayer can recover in civil damages from $100,000 to $1 million, when the Internal Revenue Service or an agent thereof has acted negligently or recklessly in the taxpayer's case;

Fifth, provisions strengthening the code so the taxpayer may recover out-of-pocket costs;

Sixth, rules prohibiting the Internal Revenue Service from issuing retroactive proposed regulations unless the Congress provides otherwise.

Mr. President, the taxpayer bill of rights 2 contains many more commonsense provisions, designed to safeguard the rights of taxpayers. Taken together, these provisions will work to restore more faith in our system of taxation. It will provide more protection for the taxpayer in dealing with the Internal Revenue Service.

I truly believe that in the long run, this very important, bipartisan legislation will help bolster taxpayer confidence in dealing with the Government by ensuring taxpayers that they are going to get fair treatment by the tax collector, the Internal Revenue Service.

Mr. President, in closing, I would like to this morning pay a very, very special tribute to a fine gentleman who has worked for years to make certain that the taxpayer bill of rights No. 2 became the law of this land. This fine gentleman is Steve Glaze. He is a member of my staff. He sits to my left at this moment on the floor, and I can say without reservation that without Steve Glaze's constant help and support, his inspiration many times when we thought the taxpayer bill of rights 2 would never see the light of day and never become law, Steve Glaze was always that optimistic individual, knowledgeable, inspired and committed to making certain that the American taxpayer got a fairer break.

So, Mr. President, I thank my very worthy staff member, Steve Glaze, for his magnificent contribution to this bipartisan piece of legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I understand morning business will be completed at 11 o'clock. I will attempt to keep my time to that. If you will advise me when the time is up, I would appreciate it.

The PRESIDING OFFICER. The Senator is correct. Morning business does expire at 11 o'clock. The Chair will advise the Senator.

Mr. DOMENICI. I had contacted Senator THURMOND about the last 5 minutes, and he is not coming, so that is why I am using his time.

FOREIGN OWNERSHIP OF U.S. TREASURIES

Mr. DOMENICI. Mr. President, while much attention has been given to the trajectory of our budget deficit in recent months, very little has been said about how we are financing this deficit. I think this latter point is crucial because there are some very troubling trends in the ownership of U.S. Treasuries which could spell trouble down the road.

Foreign ownership of U.S. Treasuries has surged in the last 3½ years. As a percent of the total private holdings, this ratio soared from 19 percent in 1992 to 25 percent by 1995. To put this in perspective, foreign treasuries and their holdings held within a fairly stable, and narrow range of 15 to 20 percent during the 12 years previous to 1992.

Some may argue that this recent rise is not worrisome. Indeed, we should be grateful, some would say, for foreign participation. However, this ignores two very key facts.

One, this money must be paid back with interest at a future date, and interest payments abroad are an unambiguous loss to American incomes. This is not the case with interest paid to domestic residents and domestic institutions. As such, continued purchases of Treasuries amount to mortgaging away our future standard of living a little bit at a time.

The second reason is that it is usually a bad sign to see a country find itself predominantly with foreign central bank money, because when they buy our Treasuries, they lend us their money. So it is usually a bad sign to see a country find that a foreign central bank is a predominant lender of money to us.

This usually bespeaks a lack of sufficient private investment and is a warning of unsustainable fiscal policies. Witness Mexico in 1995. That is why I view the first quarter's current data with such alarm. It showed that foreign central banks bought $55 billion in U.S. Treasuries from January to March of this year alone—$55 billion. That is nearly double the amount that central banks bought in all of 1994 and is over 80 percent of 1995's yearly total.

Let me put it another way. First quarter foreign official bond purchases amounted to 6.5 percent of the entire stock of foreign treasury holdings which had been built up over time. This goes a long way toward explaining why the treasury market was so resilient initially to the collapse of the balanced budget talks that we were having with the administration at the start of this year.

Why were central banks buying so many of our Treasury bills, so many of our IOU's? While some may have viewed United States debt as a good investment, the main player was the Bank of Japan. It was not buying our Treasury bills because it wanted to, but only did so to prop up the dollar and keep the yen weak as a way of aiding its ailing exporters and its banking sector.

The Bank of Japan has been forced into such defensive dollar buying ever since the Clinton administration forcibly devalued the dollar in 1993. Since 1993, the Bank of Japan's reserves have tripled from $69 billion, Mr. President, to $208 billion, underpinning our bond market with those huge quantities of purchases.

Since these reserves are held in dollars, this translates into a similar amount of treasury purchases. At present, these Japanese treasury purchases are very stable. The Bank of Japan cannot sell them without precipitating a fall in the dollar versus yen. However, once its banking sector reserves and its exporters adjust to the current yen level, there will be less need for the Bank of Japan to be buying Treasuries. Since the U.S. bond market has been accustomed to their steady purchases, this will come as a blow to the Treasury market of the United States. Indeed, we have already seen a mild example of what might happen when foreign central banks scale back their dollar purchases.

In April through June of 1996, official Treasury purchases were only one-tenth as large as in the first quarter. It was no accident that bonds fell sharply during this period, with the 30-year yield soaring from 6.6 to 7.2 percent.

The recent example stresses the importance of reducing the amount of U.S. debt issuance now. Only in this way will we be able to prevent a sharp future bond market selloff if foreign central banks scale back their enormous appetite for our securities, which appetite is not singularly predicated upon their confidence in us but, rather, in this case, the Japanese purchases are in their own self-interest for the time being, for they are attempting to effect the value of the yen versus the dollar their way.

When that all gets stabilized, who will fill the gap as they begin to dispose of these inordinate holdings of American Treasuries?

Mr. President, I yield the floor and thank the Senate for the time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered. The Senator from Alaska.

Mr. STEVENS. What is the pending business now?

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens amendment No. 4439, to realign funds from Army and Defense Wide Operation and Maintenance accounts to the Overseas Contingency Operations Transfer Fund.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my understanding as to the vote on the cloture motion that was filed last week, it has been temporarily set aside and could be called back by the leadership after notice to the minority; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. The Senator from Hawaii and I are now at liberty to proceed with the bill; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. When we were interrupted by the proceedings on the cloture motions last week, I had an amendment pending which had been set aside. Is that still the situation with regard to this bill?

The PRESIDING OFFICER. The pending question is amendment No. 4439, as the Senator has stated. Is there further debate on the amendment?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4439

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate the amendment that was set aside, No. 4439.

The PRESIDING OFFICER. That is the pending question.

Mr. STEVENS. Mr. President, this is a technical amendment that transfers funds from one account to another to assure that the contingency operations of the Department will be met.

AMENDMENT NO. 4589 TO AMENDMENT NO. 4439

(Purpose: A second degree amendment to amendment number 4439 filed by Mr. Stevens)

Mr. STEVENS. Mr. President, I now send to the desk an amendment which was proposed by Senator INOUYE and introduced on Friday.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. INOUYE, proposes an amendment numbered 4589 to amendment No. 4439.

The amendment is as follows:

In lieu of the matter to be inserted by amendment number 4439, at an appropriate place in the bill insert:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number for Military Personnel, Navy shall be $16,948,481,000, the number for Military Personnel, Air Force shall be $17,026,210,000, the number for Operation and Maintenance, Army shall be $17,696,659,000, the number for Operation and Maintenance, Air Force shall be $17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be $9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be $1,140,157,000, the number for Defense Health Program shall be $10,251,208,000, the number for Defense Health Program Operation and maintenance shall be $9,931,738,000. (b) Of the funds appropriated under the heading Aircraft procurement, Air Force, $11,500,000 shall be made available only for modifications to B-52 bomber aircraft. (c) Of the funds appropriated in title VI of this Act, under the heading Chemical Agents and Munitions Destruction, Defense for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System. (d) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Defense-Wide, $56,200,000 shall be available for the Corps Surface-to-Air Missile (CORPS SAM) program and $515,743,000 shall be available for the Other Theater Missile Defense/Follow-On TMD Activities program. (e) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house government costs. (f) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Navy, $2,000,000 is available for titanium processing technology. (g) Advance billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated under the heading Operation and Maintenance, Navy, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities. (h) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center. (i) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Defense-Wide, $3,000,000 shall be available for a defense technology transfer pilot program. (j) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Navy, $4,000,000 is available for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997. (k)(1) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lackland Air Force Base, Texas.

(2) Subject to subsection (3), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (1).

(3)(a) The Secretary may not make a grant of funds under subsection (2) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(b)(1) The term of the lease under paragraph (1) may not be less than 25 years.

(2) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(c) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

Mr. STEVENS. I stand corrected. This is an amendment based upon a series of amendments that I will articulate after we adopt this amendment. This is a managers' amendment. It has been drafted and prepared by Senator INOUYE. With his consent, I have called it up as an amendment in the second degree to the pending amendment.

I want to give notice to all Senators that it is being brought up and it is a technical amendment. However, it does cover a series of amendments that were filed in cloture. This amendment, if adopted, covers amendments Nos. 4439, 4466, 4467, 4468, 4469, 4470, 4471, 4472, 4473, 4474, 4475, 4476, 4477, 4478, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4511, 4565, 4567, and 4576. I believe that is the list.

Because of the cloture requirements, we filed separate amendments to achieve the same objective as the managers' amendment we had worked out before the cloture motion was filed. These were a series, not totally technical, of amendments that had been worked out on both sides and cleared on both sides for inclusion in this bill by unanimous consent. If we adopt this amendment, I will ask that the amendments I have just read be withdrawn.

I turn to my friend from Hawaii to seek his concurrence in this procedure.

Mr. INOUYE. Mr. President, I have no objection, and I wish to advise my colleagues that this procedure and these amendments have been cleared by both sides.

Mr. STEVENS. Mr. President, I want to wait a minute in total fairness. We are trying to contact one Senator. I want to make sure there is no disagreement. We have the list here, if anyone who is observing these proceedings is concerned. This will, in effect, adopt the amendments that we were prepared, before the cloture motion was filed, to recommend to the Senate as one managers' amendment. That is our proceeding now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I restate my request. I have an amendment at the desk. I ask unanimous consent that it be considered as a substitute for the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, the plasma quench technology amendment will yield valuable results for our defense and aerospace industries in the near future. I understand it has been accepted by the committee, so I will keep my remarks brief. I sincerely appreciate the help and support of the chairman of the subcommittee, Senator STEVENS and the ranking member, Senator INOUYE.

Mr. President, my amendment would provide $2 million from funds available under title IV of the legislation before us, to support development of an innovative metallurgic technology called plasma quench developed at the Idaho National Engineering Laboratory, to be used in producing ultra fine titanium powder and developing an injection molding of titanium metal.

Titanium metal is of critical significance to a wide variety of strategically important manufactured products, and the need for titanium in the production of such products is set to increase dramatically. In the transportation and aerospace areas the feasibility of many advanced products is predicated on a high-quantity, low cost supply of titanium that simply does not currently exist. At the same time that U.S. aerospace companies and other manufacturers are becoming more dependent on titanium, the sources for processed titanium metal are increasingly moving offshore, becoming more expensive. High capital and operational costs, in addition to the waste disposal costs associated with the standard Kroll process for titanium production are largely to blame for this migration. This situation threatens to seriously diminish the leverage and control exercised by U.S. manufacturers over this important strategic material.

The plasma quench process represents an alternative to the Kroll process that could have a radical impact on the world's titanium market by dramatically reducing the capital and process costs, and eliminating the waste stream associated with titanium production. While commercial-scale production of other metals using this process has already been demonstrated, much developmental work is necessary to prove the viability of the process with regard to titanium.

Mr. President, this is an important step in assuring the cost-effective, viable, and readily accessible production in the United States. As I mentioned before, I thank the committee for accepting this amendment.

Mr. STEVENS. Now, Mr. President, I will announce, once again, that this is the managers' amendment. It incorporates a series of amendments that we had agreed to accept on both sides prior to the cloture motion being filed. It has been checked with the persons that had some question about it. I now believe that it is still cleared on both sides. With that concurrence from the Senator from Hawaii, I ask if he concurs that it be adopted.

Mr. INOUYE. Mr. President, I concur.

The PRESIDING OFFICER. If there is no objection, amendment No. 4589 is agreed to.

The amendment (No. 4589) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4439, AS AMENDED

The PRESIDING OFFICER. If there is no objection, amendment No. 4439, as amended, is agreed to.

The amendment (No. 4439), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I read the series of amendments that have been proposed in the cloture mode, and I recall all of those amendments.

The PRESIDING OFFICER. Without objection, those amendments are recalled.

Mr. STEVENS. Mr. President, we have a series of amendments that have been filed, and we have been notified of a series that Members will seek to debate. We have an understanding with the leadership that a cloture motion will continue to be set aside so long as we proceed expeditiously with this bill.

Senator INOUYE and I are prepared to debate and consider any amendments that Members have indicated they wish to bring before the Senate. We will announce to the Senate that if there are no Members that wish to bring the matters before the Senate, we will go to third reading.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. STEVENS. Yes, I will. Does the Senator from Hawaii have any remaining amendments he wishes to consider?

Mr. INOUYE. Not personally.

Mr. President, I want to advise my colleagues that the managers of this measure are prepared to not only debate but to pass this measure today. If we cooperate, we should be able to do so by a reasonable time this evening.

That would mean tomorrow and the weekend would be free for our colleagues to do what they normally wish to do at this time of the year. So, Mr. President, I hope that the staff on both sides will send the message out to those who are interested in presenting amendments to come forth to the floor and do so expeditiously.

Mr. STEVENS. Mr. President, if I can have the indulgence of the Chair, I have three small amendments that I will present.

AMENDMENT NO. 4563

(Purpose: To require a study regarding the F–22 advanced tactical fighter)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4563.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 2, before the period, insert: ": *Provided*, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F–22B two-seat training variant of the F–22 advanced tactical fighter: *Provided further*, That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the Congressional defense committees not later than February 15, 1997".

Mr. STEVENS. Mr. President, this amendment allocates $1 million for the Air Force to assess comprehensively the implications of the service's recent decision to terminate development of a two-seat trainer variant of the F–22 advanced tactical fighter.

I might state to the Senate that we have been informed that, if there was a proposal to eliminate the two-seat variant of the F–22 advanced tactical fighter, that would leave us without a training vehicle for this very sophisticated new aircraft.

We are not mandating that the decision be changed. We are mandating that there be a study made of that decision with regard to safety and training problems, as well as budgetary and technical problems, and that the Appropriations Committees and the Armed Services Committees of the House and Senate receive this study by February 15, 1997.

The Air Force normally acquires fighter aircraft in single-seat and two-seat variants so that the latter may be used for pilot flight training. Although the twin-seat trainers cost more than the single seat aircraft, they are considered necessary for the effective and safe training of pilots in the demanding air-to-air and air-to-ground tactical environments. Should a student pilot experience difficulties, the instructor pilot can assume control of the aircraft and safely demonstrate the required procedures and maneuvers.

Recently, the Air Force decided to cease development of the two-seat F-22—known as the "F-22B"—in order to constrain costs.

Mr. President, there are serious safety, operational, and training issues associated with this decision. The F-22 is the most complex fighter aircraft ever developed. The pilots flying it must be the best trained to operate and fight the aircraft safely and effectively. The loss of a single pilot in a training accident would be a tragedy and would deprive the nation of a talented Air Force officer needed to accomplish important military missions.

There also are major cost, budgetary, and technical issues associated with the decision. Every F-22 fighter will cost at least $111 million to procure. The entire program will cost at least $70,092,947,000. In addition to the high cost of training a pilot, the loss of just a few F-22's in training or operational accidents caused by inferior training would more than offset the savings generated by terminating the F-22B. In retrospect, this decision may well come to be seen as penny wise and fiscally and militarily pound foolish.

The amendment I am offering is intended to provide the Congress with sufficient information to enable us to fully understand the many serious implications of the Air Force decision. Congress should have the opportunity to consider, and to act on, this decision in a timely manner.

The amendment mandates that the required report be submitted in classified and unclassified versions.

Does this have my friend's support?

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides.

Mr. STEVENS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4563) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4489

(Purpose: To reduce by $100 million the maximum amount allowed for Pentagon renovation)

Mr. INOUYE. Mr. President, I call up amendment No. 4489 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN, proposes an amendment numbered 4489.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, line 8, strike out "$1,218,000,000" and insert in lieu thereof "$1,118,000,000".

Mr. BINGAMAN. Mr. President, this amendment will bring the defense appropriations bill into conformance with the authorization bill on the total cost of the renovation of the Pentagon reservation. My amendment reduces the cost cap in the bill by $100 million to a total of $1.118 billion. This is identical in purpose to the amendment passed by the Senate on June 25 during debate on the defense authorization bill.

The amendment is very simple and straightforward. It reduces the funds for the Pentagon renovation project by $100 million. As we have realigned our defense programs to meet changing needs, funds for many projects have been reduced or eliminated. Despite big reductions in defense spending and defense personnel, the Pentagon renovation project has enjoyed a steady flow of cash.

The time has come to impose greater financial discipline on the Pentagon, just as the Pentagon has asked other military organizations to be more frugal. This would be the first reduction in funds for this expensive project since its inception half a decade ago, and it amounts to less than 10 percent of the total.

Many things have changed since this 15-year project began, and I believe Pentagon renovation plans can be better aligned with today's realities. There are many factors which ease the impact of a reduced renovation budget. For example, the Department of Defense is downsizing. As the civilian and military workforce is steadily reduced, demands on workspace have eased. Construction costs in the Washington DC area have fallen and contract costs for the renovation have turned out to be considerably lower than the original estimates. On one construction contract alone, for example, costs were 36 percent less than anticipated. Also, modern communications technology makes it unnecessary to have large staffs at the Pentagon to manage dispersed operations.

Mr. President, in 1990 Congress transferred responsibility for the operation, maintenance, and renovation of the Pentagon from the General Services Administration to the Office of the Secretary of Defense. Congress recognized that the serious structural problems of the Pentagon building had to be addressed without further delay, and we took this action to get the long overdue project moving forward. Congress earmarked the $1.2 billion DoD would have paid to GSA in rent for the next 12 or 13 years as a break even way to pay for the renovations. This $1.2 billion was not based on projected renovation costs; it was simply a sum that was available and seemed a logical way to fund the renovation. Congress also provided the Department of Defense great flexibility in managing this large and complex project.

Since fiscal year 1994, the Senate Appropriations Committee has required the Secretary of Defense to certify that the total cost of Pentagon renovation will not exceed $1,218 million. But this $1.2 billion cap does not include all the renovation costs. In fact, there are four catogories of expenses which add substantial amounts to the total. For example, the Pentagon estimates the cost of buying and installing information management and telecommunications equipment is $750 million. This amount is not part of the $1.2 billion cap. Neither is the heating and refrigeration plant, the classified waste incinerator, the furniture, or the 780,000 square feet of leased spaces for people who must be moved during the construction. A figure of $1.2 billion is misleading; the expense of renovating the Pentagon easily exceeds $2 billion.

Last year the Senate passed my amendment to cut Pentagon Renovation expenses by $100 million. During conference, however, the conferees agreed to eliminate that requirement and instead directed the Defense Department to review the Pentagon's renovation plans and recommend cost saving options. In fact, this review had been underway since March of 1995. A March, 1995 Pentagon press release stated:

> This review will include re-examination of all lower cost options. At a time when the Secretary has initiated efforts to improve housing for our soldiers, sailors, airmen and marines, we need to do all we can to insure that dollars being spent for other infrastructure projects are not being taken away from the very high priority of improving the lifestyles of our men and women in uniform.
>
> I agree with this sentiment, and now I'd like to ensure that we turn these words into actions.

This well publicized review was supposed to produce a report which was due in February of this year. We didn't get that report, but on June 5 the Armed Services Committee staff did receive a one-page memo which states the Defense Department has found a savings of $37 million and will continue to look for more. A reduction of $37 million out of a total of $1.2 billion is not what I consider an aggressive response to our call to reduce costs.

Mr. President, 15 months ago the Pentagon itself publicly announced the intent to reduce the cost of this project. The Defense Department identified a new spending target only after last year's threat of a reduced cap and after I announced at the Readiness Subcommittee markup on April 30 that I would introduce a similar amendment this year if I was not convinced by the Pentagon's long-overdue report. Well, that report is not here. I am not convinced that $37 million is the best the

Pentagon can do in the way of savings. The only way in which we can force additional savings is to keep up the pressure. That is what my amendment does.

Mr. President, Americans have been asked to tighten their belts and they expect no less from their Government. The Pentagon must be expected to do the same.

I yield the floor and urge the adoption of the amendment.

Mr. INOUYE. Mr. President, this amendment conforms to the Senate-passed authorization that places a ceiling on the Pentagon renovation fund. It has been cleared by both sides.

Mr. STEVENS. Mr. President, we do support this to conform with the authorization bill as passed by the Senate.

The PRESIDING OFFICER. If there is no objection, the amendment No. 4489 is agreed to.

The amendment (No. 4489) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4566

(Purpose: To increase the funding level available to continue the Maritime Technology program to $50,000,000 within available RDT&E, Defense-Wide appropriations and provide appropriate offsets)

Mr. STEVENS. Mr. President, I call before the Senate amendment No. 4566.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT, proposes an amendment numbered 4566.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Before the period on page 30, line 13, insert: ": *Provided further*, That of the funds appropriated under this heading, $50,000,000 shall be available for the Maritime Technology program and $3,580,000 shall be available for the Focused Research Initiatives program".

Mr. STEVENS. Mr. President, this is to increase the funding level available to the Maritime Technology Program to $50 million within the available research and development funds of the defensewide appropriations to provide for appropriate offsets, and it is an item that I have introduced on behalf of Senator LOTT, and I ask for its consideration.

Mr. INOUYE. This amendment has been cleared and approved by both sides.

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no objection to amendment No. 4566, the amendment is agreed to.

The amendment (No. 4566) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, on behalf of Senator HUTCHISON, I ask unanimous consent that Michael Montelongo be admitted to the floor during the consideration of this Defense appropriations bill. He is a congressional fellow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4490

(Purpose: To set aside $10,000,000 for the United States-Japan Management Training Program)

Mr. INOUYE. Mr. President, in behalf of Senators BINGAMAN, DOMENICI, and SANTORUM, I call for the immediate consideration of amendment No. 4490.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN, for himself, Mr. DOMENICI, and Mr. SANTORUM, proposes an amendment numbered 4490.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 13, insert before the period the following: ": *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program".

Mr. BINGAMAN. Mr. President, this amendment would allocate $10 million within the DOD university research initiatives program element 61103D for the United States-Japan Management Training Program.

This program was begun in fiscal year 1991 at my initiative. It has enjoyed the support of both the Armed Services and the Appropriations Committees since its inception and I have been very grateful for the support of the senior Senators from Alaska and Hawaii. The goal of the program is to train American scientists and engineers and business managers in the Japanese language as part of their graduate educations and then place them in Japanese research institutions for internships or fellowships where they could learn firsthand how the Japanese research and development system—second only to our own at more than $100 billion per year—functions. They could then later in their careers in American industry and government help tap and build bridges to the Japanese research efforts in their areas of expertise. Essentially, this was an effort on a modest scale to learn from the Japanese success in tapping our research enterprise through such fellowships at our universities.

By all reports—and there have been several thorough reviews of this program—the program, as run by the Air Force Office of Scientific Research [AFOSR], has done an impressive job of achieving its objectives. Nineteen universities from around the country have received grants under the program and there has been significant cost-sharing from non-Federal sources to match funds provided by AFOSR.

Unfortunately, in fiscal year 1996, AFOSR was only able to fund the program at $2 million from its own resources after several years in which DARPA had provided AFOSR $10 million per year for the program. Essentially, the program got caught up in the politics of the Technology Reinvestment Project [TRP], even though the Japan program's focus was only peripherally related to the TRP's focus on government-industry technology partnerships.

Earlier this year, the Senate Armed Services Committee in its report provided discretion for the Pentagon to allocate up to $10 million to the Japan program from either PE61102F, the Air Force's defense research sciences program element, or PE61103D, the Office of Secretary of Defense's university research initiatives program element. The Armed Services Committee also directed AFOSR to ensure that cost-sharing from non-Federal sources should match AFOSR funds to the maximum extent practicable in future grant awards.

The Appropriations Committee in its report on the pending bill also urged the Pentagon to fund this program up to the $10 million level in its report language on the university research initiatives program element. I agree with the Appropriations Committee that the university research initiatives line is the more appropriate source for funds for this program, although the Air Force Office of Scientific Research should continue to manage it. I very much appreciate the Appropriations Committee's continuing support for the program. My amendment would take the extra step of insuring the full $10 million is really available to the program. I believe that taking this step is warranted in light of the great success the program has enjoyed in achieving its goals. I hope that the managers of the bill can support taking this additional step in supporting the Japan program.

I urge the adoption of the amendment and yield the floor.

Mr. INOUYE. This amendment earmarks $10 million for the U.S.-Japan Management Training program. Both authorization and appropriations include supporting report language, and it has been cleared by both sides, Mr. President.

Mr. STEVENS. Mr. President, I concur with the statement of the Senator from Hawaii. This is a matter that needs to be adopted to conform with the action taken by the authorizing committees.

The PRESIDING OFFICER. Without objection, amendment No. 4490 is agreed to.

The amendment (No. 4490) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4462

(Purpose: To provide $4,000,000 for the procurement of a real-time, automatic cargo tracking and control system)

Mr. INOUYE. Mr. President, in behalf of Senator FEINSTEIN, I call up amendment No. 4462 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Hawaii [Mr. INOUYE], for Mrs. FEINSTEIN, proposes an amendment numbered 4462.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 10, strike out "1998." and insert in lieu thereof "1998: *Provided*, That of the funds appropriated in this paragraph, $4,000,000 shall be available for the procurement of a real-time, automatic cargo tracking and control system.".

Mrs. FEINSTEIN. Mr. President, I rise today in support of my amendment to make $4 million from the Army's Research, Development, Test and Evaluation available to acquire a real-time, demonstrated, automatic cargo tracking and control system. This cargo tracking and control system is designed to assure that the smooth flow of cargo and to reduce the occurrence of misplaced cargo at Army ports. This demonstrated cargo tracking mechanism makes it possible for the manager of a port, rail yard, or other cargo distribution area to know where each container is and to move those containers without risk of being lost.

The Army has already witnessed massive unreported but costly loss of cargo location in storage following Vietnam and Desert Storm. The Army made previous attempts to purchase this tracking system but was unable to do so due to funding constraints. It is my understanding that the Army Material Command would like to use $4 million from Army Research, Development, Technology, and Evaluation budget line PE0603804A.

I am pleased that this amendment is acceptable and I thank the managers of the bill.

Mr. INOUYE. This amendment appropriates $4 million to be made available for the procurement of a real-time, automatic cargo tracking and control system. It has been cleared by both sides, Mr. President.

Mr. STEVENS. I do concur in this amendment.

The PRESIDING OFFICER. Without objection, amendment No. 4462 is agreed to.

The amendment (No. 4462) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4442

Mr. STEVENS. Mr. President, I call before the Senate amendment No. 4442.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. MCCAIN, proposes an amendment numbered 4442.

Mr. STEVENS. Mr. President, I have called this amendment before the Senate on behalf of Senator BOND and Senator FORD. It is an amendment that will prevent the reduction of the funds that are available under authorized program activities for the National Guard, and it has been cleared on both sides. It does indicate that if additional funds are required for a program, project or activity of a higher priority than any other in future acts, they should be submitted to Congress under section 1997 of the Defense Authorization Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4452

(Purpose: To prohibit the use of appropriated funds to inactivate or reduce any unit of special operation forces of the Army National Guard)

Mr. STEVENS. Mr. President, I apologize to the Senate. The number should have been 4452. I mistakenly called up 4442. I ask the previous amendment be set aside. We do not want to call it up or recall it, just not bring it before the Senate at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. And that the amendment we consider now be the amendment for Mr. BOND, Mr. FORD, and Mr. LOTT, which is 4452.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BOND, for himself, Mr. FORD, and Mr. LOTT, proposes an amendment numbered 4452.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated by this Act may be obligated or expended—

(1) to reduce the number of units of special operations forces of the Army National Guard during fiscal year 1997;

(2) to reduce the authorized strength of any such unit below the strength authorized for the unit as of September 30, 1996; or

(3) to apply any administratively imposed limitation on the assigned strength of any such unit at less than the strength authorized for that unit as of September 30, 1996.

Mr. FORD. Mr. President, as cochairman of the Senate National Guard Caucus, I join with my colleague, Senator BOND, to thank my good friend Senator STEVENS and his ranking member Senator INOUYE for including our amendment prohibiting the use of appropriated funds to inactivate any units of Special Operation Forces of the Army National Guard in the managers amendment.

This issue has just been brought to Senator BOND's and my attention. From all indications, the U.S. Special Operations Command has decided on their own to inactivate two Army National Guard Special Forces battalions by September 1998.

This inactivation represents a loss of 802 individuals—or one-third of the Army National Guard Special Forces structure. This is not only a complete surprise to me and Senator BOND, but also to the Department of Defense.

Upon hearing of this plan, I asked my staff to check with the Pentagon to see if they knew of this proposal and had given their approval. Much to my dismay, I found out this was new to them as well.

The Special Operations Command tells us that these National Guard units are excess. However, a closer examination of the facts indicates that the actual motive behind this proposal is to harvest moneys to be spent on active forces. It is my understanding that the Special Operations Command did not even bother coordinating these proposed reductions with the leadership of the National Guard Bureau, the Army National Guard, or the active duty Army.

I believe this is the first step by the Special Operations Command for the total elimination of Special Forces in the National Guard.

The National Guard Special Forces units—the 19th and 20th Groups—are made up from the following States: Alabama, Utah, Mississippi, Florida, West Virginia, Colorado, Massachusetts, Maryland, Illinois, Virginia, Washington, Ohio, Rhode Island, California, and Kentucky.

These Special Forces groups are at the highest personnel readiness levels in history. Just recently, they proved their mission readiness during Operation Uphold Democracy when they made up over one-half of the U.S. Special Forces presence in Haiti.

Mr. President, the Special Operations Command's proposal to reduce these National Guard units does not appear to be based on any thorough analysis of force structure required or cost comparison savings between Active Components and Reserve Components units.

It was because of decisions like this that Senator BOND and I joined Senator LIEBERMAN, Senator MCCAIN and others to co-sponsor an amendment to the 1997 Defense authority bill calling for a complete review of our military force structure needs.

Mr. President, I ask unanimous consent that a letter I received from the adjutant general of the State of Kentucky, Gen. John Groves, be printed in the RECORD following my remarks.

Mr. President, I again thank the chairman and ranking member and their staffs for their assistance in this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF KENTUCKY, DEPARTMENT OF MILITARY AFFAIRS, OFFICE OF THE ADJUTANT GENERAL,
Frankfort, KY, July 5, 1996.

Hon. WENDELL H. FORD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I have just become aware of a proposal by the United States Special Operations Command (USSOCOM) to inactivate two Army National Guard Special Forces Battalions by September 1998. This represents 802 ARNG spaces or one-third of the Army National Guard Special Forces structure.

As you may recall, USSOCOM conducted a comprehensive review of requirements during the 1990–92 timeframe. This review identified that two SF Groups were excess to requirements in light of the end of the Cold War. At that time, a determination was made to inactivate one group each from the Guard and USAR. The 1993 Offsite Agreement resulted in a determination that both USAR groups would inactivate and both Guard groups would remain in the structure.

Upon inactivation of the two USAR groups, the Adjutants General, with the full support of the National Guard Bureau, committed to ensuring that the readiness levels of these two groups were appropriately maintained. This was accomplished by absorbing highly qualified SF soldiers from the inactivating USAR units and intensively managing and resourcing the other shortfalls. Today, the 19th and 20th Groups are at the highest personnel readiness levels in history. Further evidence of their mission readiness was proven during Operation Uphold Democracy, when one-half of the U.S. Special Forces presence in Haiti was from the National Guard.

This proposal by USSOCOM to reduce these SF units does not appear to be based on any thorough analysis of force structure required or cost comparison savings between Active Component and Reserve Component units. It seems to be an attempt by USSOCOM to capture dollars at the expense of the Reserve Component without regard to any hard facts. These reductions will most likely jeopardize the ninety-five SF positions in Kentucky. However, the most critical aspect of these reductions is the loss of highly skilled/trained soldiers/units at a considerable savings in OPTEMPO and PERSTEMPO costs at a time when the probability of extensive participation in military operations other than war, such as in Haiti, is at an all-time high. The skills and equipment these soldiers possess to accomplish state and federal missions at minimum costs cannot be overstated.

Your assistance in stopping any further reduction in Special Forces Units would be very much appreciated. I am available to discuss this matter or answer any questions you may have either personally or by telephone at your convenience.

Sincerely,

JOHN R. GROVES, JR.
Brigadier General, KYNG,
Adjutant General.

P.S. In order to lose no time, I directed that background materials be sent to you by Fax on 3 July. This letter is my position relative to those materials.

Mr. STEVENS. Again, this is the same item discussed before. It is what I would call a preventive amendment and really instructs that the funds cannot be obligated to reduce the number of units of Special Forces in the Army National Guard for the year 1997, and we believe that it is consistent with existing law. It just indicates that those funds shall be expended for the purpose authorized only.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that this amendment has been cleared and approved.

The PRESIDING OFFICER. Without objection, amendment No. 4452 is agreed to.

The amendment (No. 4452) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4572

(Purpose: To require the Secretary of the Army to establish subcontracting goals for certain procurement using funds appropriated by the bill)

Mr. INOUYE. Mr. President, on behalf of Mr. SHELBY and Mr. HEFLIN, I call up amendment No. 4572 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. SHELBY, for himself and Mr. HEFLIN, proposes an amendment numbered 4572.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretay of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantaged businesses, and women-owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

Mr. HEFLIN. Mr. President, I rise today to propose an amendment designed to aid small business in this time of consolidation and reduced Federal spending. Over the last few years, as the Army has reduced its contracting personnel strength, I have seen larger and larger small business set-aside contracts. This process is known as bundling. Unfortunately, when the bundled contract values approach $50 million annually, the number of firms eligible to compete is greatly reduced. The pressure on small businesses is further increased by the Army's failure to place firm small business subcontracting targets in its unrestricted requests for proposals.

My amendment would, therefore, require the Army to place firm small business, small disadvantaged business, and women-owned small business subcontracting targets in appropriate unrestricted RFP's. These subcontracts would then count toward the Army's small business set-aside goal. This amendment would not, however, increase the percentage of work being set aside for small business.

As this amendment is beneficial to small business and will not affect the Army's procurement workload, I hope my colleagues will fully support it.

Mr. INOUYE. Mr. President, this amendment has been cleared. It relates to small business activities and contracts, and provides disadvantaged businesses and women-owned small businesses a slight advantage.

Mr. STEVENS. Mr. President, we have examined the amendment. There is no objection to this amendment from this side of the aisle.

The PRESIDING OFFICER. Without objection, amendment No. 4572 is agreed to.

The amendment (No. 4572) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4564

(Purpose: To require a report from the Secretary of the Air Force and the Director of the Office of Personnel Management)

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate my amendment No. 4564.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4564.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following general provision:

SEC. . (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

Mr. STEVENS. Mr. President, this is a general provision which requires the Secretary of the Air Force and the Director of the Office of Personnel Management to submit a joint report describing in detail the benefits, allowances, services, and other forms of assistance which may or shall be provided to any civilian employee of the Federal Government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling in an aircraft owned, leased, chartered, or operated by the Government of the United States.

This report is to be submitted to the congressional defense committees, the Governmental Affairs Committee of the Senate, and the Committee on Governmental Reform Oversight of the House, no later than December 15, 1996.

This report is needed because we have had some recent accidents—the terrible accident involving Commerce Secretary Brown and other accidents—of military aircraft on which civilians who were not employees of the Federal Government were killed, as a result of the accident.

I am seeking a study to determine the fairness of the situation with regard to people who may be asked, invited, by the Government to perform what amounts to semiofficial tasks, and they are involved in missions that are undertaken on behalf of the United States, and they are killed as a result of an aircraft accident.

There has been some indications that some of these people do not have the coverage of benefits and other assistance that employees of the Government have, and that their survivors do not have the assistance of the laws that are in effect for survivors of those who were official employees. I wish to present to the Senate and the Congress next year legislation to see if we can correct this situation.

There was a similar concept in World War II that I recall. We called them the dollar-a-year persons. They were placed on the payroll and received $1 in order that they might be considered government employees so their survivors, in the event of disaster, were given the same consideration as the survivors of those who were government employees.

I do not ask the Senate, the Congress, at this time, to try to correct this, because I think there is sort of a patchwork quilt out there of benefits for survivors. I want to be able to consider this matter in the next session, as I indicated.

The difficulty is that, in almost all instances, these aircraft are military aircraft, but some of them, now, are leased and some of them are actually leased for the United States but operated under other departments than the Department of Defense. So this has to be a comprehensive report for us to see what is, really, the situation under this patchwork quilt that I mentioned, and see if we can find some way to be fair and treat these survivors honorably, without regard to which agency of the Federal Government was in charge of the aircraft and without regard to whether or not they were, in fact, employees of the United States.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that this measure has been cleared and approved by both managers.

The PRESIDING OFFICER. If there is no objection, amendment No. 4564 is agreed to.

The amendment (No. 4564) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4550

(Purpose: To require a report on meeting Department of Defense procurements of propellant raw materials)

Mr. INOUYE. Mr. President, I ask unanimous consent that amendment No. 4550 be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. LAUTENBERG, proposes an amendment numbered 4550.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the defense Committees a report on Department of Defense procurement of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-operated facilities, contractor owned and operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor owned and operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulose in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense that such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

Mr. LAUTENBERG. Mr. President, I appreciate the cooperation of the managers of this bill in approving this amendment. The amendment is straightforward. It asks the Deputy Secretary of Defense to provide a report, not later than March 1, 1997, to the Defense committees on examining the advantages and disadvantages of allowing commercial facilities to compete for future contracts of propellant raw material requirements, such as nitrocellulose.

The report shall include an assessment of first, the projected future procurement requirements for propellant raw material, such as nitrocellulose; second, the capacity, ability, and production cost rates of the national technology and industrial base to satisfy DOD requirements; third, the national security advantage of preserving contractor owned, contractor operated facilities as part of the industrial base; and finally, the extent to which government owned, contractor operated rates for nitrocellulose are reduced as a result of their relationship with the DOD.

Nitrocellulose is the basic chemical in the propellant mixture that provides the propulsion power for a projectile or cartridge, such as for the 120 millimeter target practice cartridge used on the M1A2 tank for gunnery training.

Because of the shrinking Defense procurement budget, the Department of the Army had directed the production of propellant to its Government owned, contractor operated facility located at the Radford Army Ammunition Plant in Virginia in order to keep its industrial base operating. However, this decision has precluded a commercial facility in my home State from competing for certain grades of nitrocellulose. This commercial facility wants to compete for future contracts beginning in fiscal year 1999.

Mr. President, this study is intended to make information available to help the Congress and the administration make an informed decision on this issue in the future. Therefore, Mr. President, I am pleased that my colleagues support this amendment.

Mr. INOUYE. Mr. President, this amendment calls for a report on DOD procurement of propellant raw materials such as nitrocellulose.

Mr. STEVENS. Mr. President, we have examined this. There have been some technical changes made at our request. We do not object to the amendment offered on behalf of the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, amendment No. 4550 is agreed to.

The amendment (No. 4550) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4534

(Purpose: To require the Secretary of the Air Force to carry out a cost-benefit analysis of consolidating the ground station infrastructure supporting polar orbiting satellites)

Mr. STEVENS. Mr. President, I call before the Senate amendment No. 4534, offered by my colleague from Alaska, Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. MURKOWSKI, proposes an amendment numbered 4534.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Not later than six months after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites.

Mr. STEVENS. Mr. President, this is a very straightforward amendment that deals with requiring a report from the Air Force on the cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites. At present, there are several. We seek to discover whether it would be cost effective to consolidate those.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this amendment has been cleared and approved by both managers.

Mr. STEVENS. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no objection, amendment No. 4534 is agreed to.

The amendment (No. 4534) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have just completed a series of amendments that would have taken about—well, about 12 hours under cloture. So I am grateful to the Senate for an opportunity to proceed with our bill.

I would now like to announce to the Senate we would like Members who have amendments that they wish to present that have not been cleared to come to the floor. We will be pleased to consider any amendment and see if we can handle it as expeditiously as we have these that we have presented to the Senate. I might add, many of those amendments were modified substantially before we agreed to them.

So we look forward to that opportunity with regard to the rest of these amendments that have been filed before cloture. The leaders, I am informed, will look at this situation somewhere around 1 o'clock to determine whether we should proceed with our cloture vote.

At present, I think we could announce to the Senate, from the way we look at the amendments that have been submitted to us for review and were submitted to the Senate under the cloture procedure, if we work cooperatively we should be able to finish this bill by 7 or 8 o'clock tonight. We can do that by limiting the amount of time a Member might seek for the debate of an amendment or by assuring Members we will be more than pleased to attempt to work with them to alter the form of the amendments so we could agree to an amendment and take it to conference.

I am sure my friend from Hawaii joins me in urging Members now to come to the floor to present controversial amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

COMMENDING DR. LEROY T. WALKER

Mr. STEVENS. Mr. President, this has been cleared on both sides. I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution that I submitted earlier today, Senate Resolution 279.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 279) to commend Dr. LeRoy T. Walker for his service as President of the U.S. Olympic Committee and his lifelong dedication to the improvement of amateur athletic opportunities in the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I have submitted this Senate resolution to commend and thank Dr. LeRoy T. Walker, the current president of the U.S. Olympic Committee, for his contribution to amateur sports in the United States.

Dr. Walker has been the USOC president since 1992, and has been involved with the USOC since 1977. He is the first African-American to be the USOC President in the 100-year history of the U.S. Olympic Committee.

Dr. Walker started working for the U.S. Olympic Committee the year before the Congress enacted the Amateur Sports Act of 1978. That was a bill I introduced in the Senate, Mr. President.

That act marked the beginning of the modern Olympics in the United States.

Dr. Walker has been the leader in carrying out Congress' vision for the modern Olympic movement through the Amateur Sports Act.

He has brought the U.S. Olympic Committee from an era where its budget was in the tens of millions to its most recent budget in the hundreds of millions.

Athletes in the late 1970's were a different kind of amateur than today's Olympians who are able to earn millions of dollars in endorsements, and whose fame is far greater due to the substantial television coverage that we now enjoy.

The Olympics have gone from being held once every 4 years to once every 2 years, with the staggered Summer and Winter Olympics schedule.

Dr. Walker has guided the Olympic movement in the United States and in the world through these significant changes and growth.

The resolution that I have submitted mentions many of Dr. Walker's accomplishments with the U.S. Olympics and with other amateur sports organizations over the years.

Let me speak briefly on some of the remarkable things Senators may not know about my friend, Dr. Walker.

Dr. Walker was the youngest of 13 children raised in Harlem during the

Great Depression. He was the first person in his family to earn a college degree in 1940.

Not only did he earn the degree, but he graduated magna cum laude from Benedict College in just 3½ years. During that time, he earned 12 varsity letters in football, basketball, and track and field during that same time.

Dr. Walker was selected as an All-American quarterback in 1938, but kept the fact that he even played football a secret from his mother until his commencement because she was worried he would get hurt.

He earned a masters degree from Columbia in 1941. Columbia did not allow African Americans to earn doctoral degrees at that time, so Dr. Walker went to New York University to earn his Ph.D.

He was only the second African American to earn a Ph.D. at New York University.

Before Dr. Walker became involved with the U.S. Olympic Committee, he had one of the most remarkable coaching careers in the history of sports in the United States.

In all, he has coached football, basketball, and track teams that produced over 80 All-Americans, 40 national champions and 10 Olympians.

He coached or consulted the Olympic track teams of Israel in 1960, Ethiopia in 1960, Trinidad-Tobago in 1964, Jamaica in 1968, Kenya in 1972, and served as the head men's coach of the U.S. Olympic track and field team in Montreal in 1976.

Any one of Dr. Walker's achievements—whether his own athletic successes, his coaching accomplishments and his academic endeavors—not to mention his service with the U.S. Olympic Committee—would be a great achievement for most of us.

Dr. Walker has made those achievements look routine.

We commend him today for his leadership in preparing the United States for the 1996 Olympics and for preparing the U.S. Olympic Committee for the challenges of the 21st Century.

Dr. Walker is the 23d president of the U.S. Olympic Committee, and truly is one of the founding fathers of amateur sports in the United States.

His tenure as U.S. Olympic Committee President, and his long and distinguished career in amateur sports, will be capped off with the 1996 Summer Olympics in Atlanta, GA, which begin shortly.

It will be my pleasure to go to Atlanta on Wednesday to deliver to Dr. Walker the resolution I am presenting to the Senate today.

I hope the Senate will join me in support of this resolution commending and thanking Dr. Walker for all that he has done for amateur sports in the United States.

Mr. President, I urge the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution S. Res. 279.

The resolution (S. Res. 279) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 279

Whereas, Dr. LeRoy T. Walker, as President of the U.S. Olympic Committee from 1992 to 1996, and through a life long commitment to amateur athletics, has significantly improved amateur athletic opportunities in the United States;

Whereas, Dr. Walker has contributed in numerous capacities with the U.S. Olympic Committee since 1977;

Whereas, Dr. Walker is the first African-American to serve as President of the U.S. Olympic Committee in its one hundred year history;

Whereas, Dr. Walker has furthered amateur athletics in the United States through service in numerous other amateur athletic organizations, including the Atlanta Committee for the Olympic Games, the North Carolina Sports Development Commission, the Pan American Sports Organization, the Special Olympics, USA Track and Field, the Athletics Congress, and Amateur Athletic Union, the Army Specialized Training Program, the American Alliance of Health, Physical Education, Recreation and Dance, the National Association of Intercollegiate Athletics, North Carolina Central University, Duke University, Prairie View State College, Bishop College, Benedict College, and many others;

Whereas, Dr. Walker was an accomplished athlete himself in collegiate football, basketball and track at Benedict College, and an All-American in football in 1940;

Whereas, as a track and field coach, Dr. Walker helped 77 All-Americans, 40 national champions, eight Olympians, and hundreds of others, reach their potential as amateur athletes;

Whereas, Dr. Walker epitomizes the spirit of the Amateur Sports Act of 1978, the nation's law governing amateur sports;

Whereas, Dr. Walker was inducted into the U.S. Olympic Hall of Fame in 1987;

Whereas, Dr. Walker is recognized as a worldwide leader in the furtherance of amateur athletics;

Whereas, Dr. Walker will be leaving his post as the 23rd President of the U.S. Olympic Committee in 1996: Now, therefore, be it

Resolved, That the Senate commends and thanks Dr. LeRoy T. Walker for his service with the U.S. Olympic Committee, his lifelong dedication to the improvement of amateur athletics, and for the enrichment he has brought to so many Americans through these activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Senator from Illinois for deferring.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4591

(Purpose: To ensure that work under Department of Defense contracts is performed in the United States)

Mr. SIMON. Mr. President, I send an amendment to the desk on behalf of myself, Senator SPECTER, and Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. SPECTER, and Mr. HARKIN, proposes an amendment numbered 4591.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contracts for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purposes of the contract award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offerer to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—

(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) reports to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302(3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after 60 days after the date of the enactment of this Act.

Mr. SIMON. Mr. President, this is an amendment that tries to make our present Buy American Act effective on defense contracts. What it says is that when a defense contractor submits a bill, the defense contractor should indicate what percentage of that contract is going to be manufactured here in the United States, and then that should be a high factor in the determination by the Defense Department in consideration for that contract. And we also make clear that this is not to violate any agreement, any treaty we have with any other country and any memorandum of understanding we have with any other country.

The reality is that the Buy American Act just has not worked. I had the experience of being on an American base and seeing a truck made in another country, a U.S. military truck there, and I thought, you know, we really ought to be buying trucks made in the United States of America. That is just one small illustration.

I ask, Mr. President, unanimous consent to have printed in the RECORD letters from the Maritime Trades Department, from the International Association of Machinists and Aerospace Workers, from the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, from the AFL-CIO, and a letter from the Timken Co.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARITIME TRADES DEPARTMENT,
AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 15, 1996.

DEAR SENATOR: When the Senate takes up the FY97 defense appropriations bill, it will consider an amendment designed to provide preference to Department of Defense (DOD) contractors who maintain significant domestic production capabilities. The Maritime Trades Department, AFL-CIO (MTD) urges adoption of this amendment, which will be offered by Senator Paul Simon (D-IL) to help maintain the defense industrial base.

If adopted, this provision will provide a mechanism for assuring the American public that the nation's defense dollars are being utilized to provide the highest possible level of domestic employment. This is an important point to consider. Since 1987, over one million skilled American workers in the defense industry have lost their employment. These job losses resulted from military downsizing and, to a growing extent, American defense firms' expanding use of overseas outsourcing to fulfill their contractual obligations. In 1995, over $1.3 billion in foreign subcontracts and purchases were made as part of DOD contracts.

The Simon amendment requires the DOD to consider projected levels of domestic production when evaluating competitive procurement proposals. Defense firms are expected to reach stated domestic targets. In the event foreign outsourcing is significantly higher than declared, they may be deemed ineligible for renewal of that contract. The amendment also contains appropriate waivers for national security and international emergencies and provisions to guarantee the primacy of product quality in defense procurement decisions.

These requirements are hardly onerous when one realizes what is at stake. Americans working in this strategic field possess unique industrial skills that are vital to our nation's future, but their employment opportunities are being jeopardized by unfair trade and low-cost, heavily subsidized foreign competition. The aerospace industry, long considered the linchpin of our defense industrial system, may suffer the loss of 250,000 jobs by the year 2000.

Aside from the economic consideration involved, it simply is unacceptable for the DOD to allow defense contractors to increase their dependence on foreign-source military equipment and services. It is in this nation's vital interest to maintain a viable network of skilled defense workers so that our armed forces can respond to any contingency in an increasingly unstable world. Other nations understand this need, and until recently, so did America. Essentially, the Simon amendment would provide the necessary framework to insure that precious defense dollars be use to underwrite a competitive American base.

In closing, the MTD and its affiliates urge you to support the Simon amendment when it is considered as part of the FY97 defense appropriations measure.

Sincerely,

MICHAEL SACCO,
President.

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, June 24, 1996.

DEAR SENATOR: We are writing on behalf of the International Association of Machinists and Aerospace Workers to voice our strong support for an amendment to defense appropriations sponsored by Senator Paul Simon. The amendment, which has already passed the House of Representatives, is needed to maintain the integrity of defense spending by enabling U.S. taxpayers to know how much of their money is used to retain and create jobs in the United States.

Specifically, the Simon amendment would require contractors to state during the bidding process what percentage of work performed under a defense contract would be kept in the U.S. The amendment further provides that if a contractor is awarded the contract and fails to honor its commitment, it would be considered to be in breach of the contract and render itself ineligible for contract renewal.

This amendment makes good sense. American taxpayers should know whether they are funding defense programs that result in jobs at home. The current practice which permits defense contractors to operate in a shadow by engaging in the practice of seeking subcontractors outside the U.S. to perform portions of their contracts must be put to a stop. This practice has resulted in increased profits for the defense contractor with no savings passed along to the U.S. taxpayer. Most importantly, it has resulted in the loss of major opportunities for U.S. workers.

As jobs in the defense industry continue to be drastically reduced, this issue has become even more important. Total employment in the private sector defense industry declined by more than one million workers between 1987 and 1995. Defense related employment for aircraft, missiles, space vehicles, and related parts today is less than half of what it was in 1987. At the same time defense related employment is declining, government expenditures on defense and defense related projects involving work performed abroad continues to soar.

Defense contractors should not be in the business of subcontracting technology and shipping work, funded by U.S. taxpayers, offshore. Senators should, at the very least, be aware of the economic impact that large defense contracts will have on local communities and this impact should be a major factor in awarding contracts.

The Simon amendment accomplishes this goal by merely obligating a defense contractor to state what percentage of the contract's work will be performed in the U.S. It serves as a "truth in lending" provision and will force a contractor to be honest with itself and the United States taxpayer before it submits a bid on federal government defense work.

The American people have a right to know—will their money be going to create good and decent jobs at home, or will it be going to pay for subcontracted defense work abroad? Once again we urge your support for the Simon amendment.

Very truly yours,

GEORGE J. KOURPIAS,
International President.

INTERNATIONAL UNION OF ELECTRONIC, ELECTRICAL, SALARIED, MACHINE AND FURNITURE WORKERS, AFL–CIO,
Washington, DC, June 25, 1996.

DEAR SENATOR: On behalf of the working men and women of the International Union of Electronic, Electrical, Salaried, Machine & Furniture Workers, AFL–CIO, I urge your support for an amendment to defense appropriations to be offered by Senator Paul Simon. This amendment, which has already passed the House of Representatives, will enable the American public to know whether their tax dollars are creating good-paying defense jobs here in the United States, or whether they are subsidizing foreign operations.

Specifically, the Simon amendment would require contractors during the bidding process to disclose what percentage of work to be performed under a given defense contract would be kept in the United States. It further provides that this percentage be a factor in the awarding of the contract, and that the failure of a contractor to honor its commitment, constitutes a breach of the contract, rendering the contractor ineligible for contract renewal.

This amendment makes good common sense. American taxpayers should have the right to know whether they are funding defense programs which result in jobs at home. This amendment would put an end to current practice which permits defense contractors, without the public's knowledge, to ship work to subcontractors outside of the United States. While defense contractors have been the beneficiaries in the form of enormous profits, the American worker has been the loser.

Indeed, as defense work continues to decline in this country, this issue will become of increased importance. Between 1987 and 1995, total employment declined by more than one million workers in the private sector defense industry. Today, defense-related employment for aircraft, missiles, space vehicles, and related parts today is less than half of what it was in 1987.

With jobs and job stability a major concern of all workers in this country, the American people should have the right to know whether their hard-earned tax dollars will be used to create good-paying jobs at home, or whether they will be used to subsidize operations overseas. I strongly urge your support for the Simon amendment.

Sincerely,

WILLIAM H. BYWATER,
International Union President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 1, 1996.

DEAR SENATOR: Senator Paul Simon (D–IL) will offer an amendment to the DOD appropriations bill, S. 1894, that would help retain defense manufacturing capacity in the United States. A similar amendment has already passed the House of Representatives. The AFL–CIO strongly supports the Simon amendment.

Offshore production of United States defense products is an increasing concern to defense workers as well as defense strategists. The Simon amendment would give a contract preference to manufacturers who promise to build in the United States. Contracts would be required to disclose what percentage of their product would be manufactured in the U.S., and they would be held accountable for that percentage for the duration of that contract. If a contractor failed to meet its domestic production commitment, it would be ineligible to renew that contract.

The Simon amendment makes good sense by protecting defense jobs, retaining the United States defense industrial base and enhancing protection for advanced technologies by keeping them in the United States. It also provides reasonable waiver authority and excludes contracts under $100,000.

At a time of defense downsizing, it makes little sense to continue hollowing out our defense manufacturing capability. Therefore the AFL–CLO strongly endorses the Simon amendment.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legisltion.

THE TIMKEN CO.,
July 9, 1996.

I am writing to express the strong support of the Timken Company for an amendment to be offered by Senator Paul Simon during consideration of the Defense Appropriations bill for Fiscal Year 1997. The provision is similar to the Durbin amendment accepted by the House in their FY97 spending bill and would provide accountability by U.S. Government agencies in defense procurement contracts.

Under existing law and regulation, Americans are guaranteed that their tax dollars will be used by the Department of Defense in the procurement of goods and services in a manner that maintains the ability to produce certain products critical to our nation's defense. The purpose of these statutes is to sustain our national security and economy by helping to preserve the defense industrial base and the high-skilled, high wage jobs associated with it.

Unfortunately, there is no mechanism, now under law, the enforce these laws. Foreign producers consistently violate the statute by including products in U.S. defense systems that were mandated by Congress to be produced within the United States. The effect is a short term cost savings of the Pentagon with a permanent weakening of or industrial base. Such foreign sourcing of key products causes American producers to discontinue needed research and development, as well as reduce domestic capacity. We slowly become vulnerable by losing our long-term ability to produce critical defense systems.

For example, in late June, Defense Secretary Perry announced that the department would conduct an internal review of the possible illegal use of foreign high technology bearings in U.S. missile systems (such as the patriot missile and various air to air missile systems). Because these bearings are essential for the systems to work, U.S. law requires U.S.-made bearings to be used, when available, in missiles procured by the U.S. government. It is only after widespread abuse that this case received the attention necessary within the Congress and the Administration to prompt action. How many other situations simply go unnoticed and unreported? Clearly, the law must be better enforced.

The Simon amendment addresses the issue, by providing that the percentage of work a defense contractor plans to perform in the U.S. will be an important factor in the evaluation of bids; a defense contract will be deemed to have been breached if a contractor performs significantly less work in the U.S. than promised in its contract solicitation; and such a contractor will also be ineligible to have that contract renewed.

The amendment can be waived in a national emergency or for national security reasons. Also there is specific reference to not construing the provision in a manner that diminishes the primary importance of quality in the product being procured.

Your strong support of the Simon amendment is requested for a strong America. Thank you for your consideration of this matter.

Sincerely,

ROBERT LAPP.

Mr. SIMON. Mr. President, here is a defense contractor. Let me just read one paragraph here.

> I am writing to express the strong support of the Timken Company for an amendment to be offered by Senator Paul Simon during consideration of the Defense Appropriations bill for Fiscal Year 1997. . . .
>
> Unfortunately, there is no mechanism, now under law, to enforce these [Buy American] laws. Foreign producers consistently violate the statute by including products in U.S. defense systems that were mandated by Congress to be produced within the United States. The effect is a short term cost savings for the Pentagon with a permanent weakening of our industrial base. Such foreign sourcing of key products causes American producers to discontinue needed research and development, as well as reduce domestic capacity. We slowly become vulnerable by losing our long-term ability to produce critical defense systems.

I think this is a security issue.

What would happen, practically, when a company submits a bid, they would have to submit that they are going to spend 70 percent, 80 percent, or whatever percent of this contract in the United States. Then, when the Defense Department reviews the contract, that should be a high factor—not the sole factor, but a high factor—in determining where the manufacturing should go.

If a company submits a bid saying, "We are going to produce 80 percent in the United States," and then they produce 20 percent in the United States, that would be considered a breach of contract, and it would have to be considered in any future contracts by that company. I think it makes sense.

A recent GAO study in April of 1996 found that other countries are much more pressing in terms of their defense establishment in how they insist their defense money is spent within their own country. The GAO found out, among other things, that U.S. companies have entered into offset agreements totaling more than $84 billion since the mid-1980's. In order to get a contract in another country, we have agreed to $84 billion in manufacturing and purchasing of their products in another country.

I understand why some companies want to go abroad. China pays an average of $50 a month. Wichita, KS, now makes part of what it made in Wichita, KS, in China. I understand the cost savings there. We are not saying that cost savings cannot be a factor, but that a high factor has to be how much is manufactured in the United States.

As the president of Timken Company said, there is a security factor here. We need to maintain our industrial base, our research. I am told that the McDonnell Douglas facility in St. Louis, where 500 employees have just been laid off, the company is subcontracting work to Finland, Spain, Australia, Germany and Switzerland for the F–18.

Now, we are not saying that none of this work can go abroad. We are just saying it ought to be upfront in the contract.

I am pleased to be joined by Senator SPECTER and Senator HARKIN as cosponsors of this legislation. I hope it will be adopted by the Senate.

Mr. STEVENS. Mr. President, I am sad to announce to the Senate that the Department of Defense has requested that we oppose this amendment because it would impose a burdensome and relevant complication on the evaluation process. This is a very difficult process to work out.

The United States sells over $14 billion in military equipment overseas. We import about $1.3 billion. It is obvious that we have a substantial interest in continuing exports which lower the unit cost of our production that we must buy to maintain our own defense. The defense industry that is engaged in the export also has asked us to oppose this amendment.

If a contractor selects a U.S. contractor and the U.S. contractor goes out of business or cannot perform and there is no other U.S. source, the net effect of this amendment would prohibit the prime contractor from seeking a subcontractor abroad from the country of one of our allies.

This is a similar provision to the House bill. It will be in conference, and we will work out some of this issue in conference. Contrary to some of the reports I read in some of the papers this morning, the Defense Subcommittee does still confer, and we confer at length and ad nauseam sometimes, but we will confer on the issue because it is a House bill.

One of the basic problems that we have is if we interfere with the prime contractor's ability to select the best subcontractor available, we are not only imposing a burden on the contractor to respond to a solicitation that he has presented based upon availability of competitive bidding from subcontractors, the net result, Mr. President, will be the increase in costs of the defense efforts of the United States, to the taxpayers of the United States.

I view this amendment as being one which is very difficult to deal with because it is so appealing. What we are saying is the DOE policy with regard to evaluation factors would be legislated by Congress in such a way as to eliminate the ability of a contractor to look to a foreign source for a portion of the work that contractor commits to do on behalf of the Department of Defense at the taxpayers' expense and, by definition, a competitive contract.

I believe this will nullify existing procurement agreements that we have. We have some 20 longstanding allies who buy a considerable amount of their military products from us. To a great extent, we see enormous entities in the industrial base. In the United States, many of the subcontractors are from overseas.

This Senator and other Senators have been criticized for going to things like air shows, for instance. We go to trade shows and air shows to see who is out there, what is the strength of the United States vis-a-vis the foreign supplier, and are we correct to the extent that we are even buying the $1.3 billion that we buy from overseas through the use of taxpayers' funds, and directly by our contractors who do buy from subcontractors overseas.

I personally believe this is a very strong export business. Let me say, it is a $14 billion export we are looking at. That export is a strong, strong portion of our industrial base. It represents a strong portion of our industrial base. If we were to adopt the approach of the Senator from Illinois and the approach represented in the House bill totally, in my judgment, we would place at risk this strong export business. Therefore, I am sad to say I intend to move to table the amendment, subject to the comments of my friend from Hawaii.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

Mr. INOUYE. Mr. President, at first blush, one must conclude this is a good amendment. In general, it says we Americans will purchase American goods. It is a very patriotic amendment. However, Mr. President, it is not a realistic amendment.

As the chairman of the subcommittee has pointed out, we sell our allies and other friends over $14 billion worth of defense products. In return, we have purchased $1.8 billion. As everyone in this Chamber will say, trade is a two-way street. We cannot insist our allies purchase everything from us and we not purchase anything from them. If we were the only producers in the world, we may be able to dictate terms and impose our will on the rest of the world, but there are many other countries that are involved in defense production.

This amendment of my friend from Illinois does provide the Secretary of Defense the authority to waive provisions of this amendment for NATO allies—for Israel, for Egypt, for Japan, and for Korea. But we do a lot of business with countries like Malaysia, Singapore, Thailand, Indonesia, all of South America, and all of Central America, and we may reach a point where we may find these friends of ours responding to our strict restrictions by saying: Well, if that is the way you feel about it, Mr. U.S., we will buy our aircraft from France. The Mirage is just as good. Or we might buy it from Britain. They are just as good.

So, Mr. President, though at first blush this may seem like a very patriotic amendment, the effect may be one that none of us would want to happen to our industry. We may be the loser. So I join my chairman in this motion to table this amendment.

I ask for the yeas—

Mr. STEVENS. If the Senator will withhold. I know the Senator from Illinois may want to speak. We are trying to work out a time to stack votes for a later time because there are some meetings going on that the leaders are involved in, as I understand it.

I will just add this comment to my friend from Illinois. We now are becoming an industrial center for investment by foreign producers, whether it is in automobiles, aviation parts, or other types of production. We are reducing our industrial base. After all, we have reduced the amount of money spent by the taxpayers of the United States for procurement of military goods by 60 percent in the last 10 years. We have reduced it 60 percent. Now our industrial base is shrinking. As it shrinks, some of the foreign investors and foreign manufacturers are coming into our country and opening plants to take advantage of the expertise of our labor force, and they are producing some of the parts that we are exporting. This is saying to those same people who are investing in this country, creating jobs and preserving jobs here in our industrial base: That is fine. You can produce it here and we will export it, but you cannot bring into this country and compete with this country on subcontractors. I really think that is not the right policy.

So while it will be a very difficult thing to convince the Members of the House to modify this, that is what we intend to do. We will not be able to do that if this amendment is adopted. We will have no negotiating room with the House at all. The export business of the United States is of sufficient importance that we must find a way. I do believe that, with the good will that exists in the House, we will find a way to reflect the concept that the House seeks, which is that we know what we are doing when these contracts are let, and that there literally be competition. But as long as we are insisting on competition, I do not think we ought to say we only want competition from U.S. sources when we are providing so much of the overseas market, as far as these military acquisitions are concerned.

I urge Members to travel with us and look at this. It is an enormous market that we serve. Our military-industrial complex not only serves the military market abroad, but by producing the parts for aircraft, and parts for various types of vehicles we use, parts for our submarines, we are the parts supplier of the world.

This amendment would put that in great jeopardy, and I think it should be tabled at the appropriate time. I will make the motion to table at the appropriate time. I want to defer that until I get an indication from the leadership of the proper time to request that the vote take place.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I buy many of the arguments that my friends from Hawaii and Alaska used. I voted for NAFTA. I voted for GATT. In general, we have to have reciprocity in terms of trade. But we also have, in theory, a Buy American Act, which is, frankly, toothless. So I think we need something that is a little stronger.

Let me add that this amendment is more narrowly crafted than the House amendment. The House amendment introduced by my House colleague, Congressman DICK DURBIN, is stronger than this amendment. But this amendment at least says, let us find out what percentages are made in the United States and what percentages abroad.

In response to my friend from Alaska, who said this is going to mean a lot of work, I have a news release—and it is fairly typical—from the Office of the Assistant Secretary of Defense about various contracts. Here is a contract awarded to McDonnell Douglas that says, "Work will be performed in St. Louis, Missouri, 70 percent, and in the United Kingdom, 30 percent." So they are doing some of this right now. All we are saying is that the percent that is manufactured in the United States should be of high importance—not the sole consideration, but should be of high importance.

Here is another one. Refinery Associates of Texas. "Work will be performed in overseas locations."

Here is another contract that says, "Work will be performed 43 percent in Germany, 30 percent in Alabama, 22 percent in Michigan, 4 percent in California."

So they are doing these things now. What we are doing is just ignoring how much is made in the United States. Here is another contrast as to how much would be done in the United States, how much in Germany, how much in England, how much in Italy, how much in Korea, how much in Australia. So they are doing this now. This is not an undue burden.

Now, one argument they make is that this may cost a little more. It may cost a little more. I do not know what they pay for that foreign truck on an American base. Maybe we save a few dollars. But I think that when it comes to defense dollars, insofar as practically possible, we ought to be spending that money here at home. That is the reality. Again, I stress that there is a waiver where we have agreements with other countries and memoranda of understanding with other countries for any kind of emergency. I think this makes sense, and I urge my colleagues to reject the motion to table.

Mr. STEVENS. Mr. President, let me just list some major sales in the time we have. As we listened to the Senator from Illinois, I made a list. These are recent major sales:

C–130J to Britain, AH–64 Apache to Britain, AH–64 Apache to Netherlands, F–16 to South Korea, Corp-San development with Germany, F–18 to Australia, F–18 to Spain, AV–8B co-production with Britain and Spain. That is the British area being built in the United States, a co-production with Britain and Spain. And the MLRS rockets, which are so important to the Senator from Arkansas, to Germany and to Britain.

Now, that is just 5 seconds of thinking about what we are doing. The impact of this amendment places those in jeopardy.

Now, Mr. President, I am constrained to say that, the other night, a good friend of mine, who is a very intelligent person from academia, told me, "You know, as we reduce our industrial base, if you in Congress continue to put restrictions on our American industry so it cannot enter into cooperative agreements abroad, we will see the day come when we will be procuring all of our systems from abroad, because technology follows production."

Technology follows production. As we produce, we refine our systems, we develop new technology. If we are not involved in this production, we will not be able to afford the development costs and research costs to refine it. If we want to remain a leader in terms of production—particularly now of aircraft, submarine, and military vehicles—we are going to have to understand that our allies throughout the world, who are buying our major projects, are going to insist that they be involved somehow in this overall business.

Today, as I indicated, the balance is over $14 billion that we export versus about $1.3 billion we import. I do not believe that this amendment in its present form is in the best interest of the United States, and therefore I oppose it.

Mr. President, I will put the Senate on notice that unless the leader disagrees, we will call for the vote in 10 minutes, and I suggest the absence of a quorum in the meantime.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4569

(Purpose: To impose additional conditions on the authority to pay restructuring costs under defense contracts.)

Mr. INOUYE. Mr. President, in behalf of the Senator from New Jersey [Mr. BRADLEY], I ask for the immediate consideration of amendment No. 4569.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The amendment will be considered.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BRADLEY, proposes an amendment numbered 4569.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

Mr. BRADLEY. Mr. President, I offer an amendment regarding a Department of Defense [DOD] policy of paying restructuring costs to companies that are involved in a merger.

Mr. State of New Jersey is currently feeling the effects of a defense-industry merger. As a result of the Lockheed-Martin merger, a satellite plant in East Windsor, NJ, will close, causing substantial job loss. I have therefore taken a strong interest in the current DOD policy.

Under this policy, DOD reimburses restructuring costs to contractors that are involved in mergers that lead to savings for the DOD. DOD payments can be used for, among other things, worker and plant relocation, severance pay, early retirement incentives, and continued health benefits. This policy has been called payoffs for layoffs and blamed by some for the mergers in the industry.

It is my belief that layoffs in the defense industry do not result from this DOD policy. Rather, due to the end of the cold war, defense layoffs have become inevitable. While we are no longer faced with a Soviet threat, we must now come to terms with our runaway debt. These major transformnations—the end of the cold war and a spiraling budget deficit—have made job loss in the defense industry a reality and necessity.

It is my belief that this policy makes good sense. Defense cuts have led to overcapacity, which encouraged mergers and cost cutting. It is not the reimbursement but the defense cuts that lead to layoffs, and it is appropriate for DOD to pay a fraction of those savings for assistance to workers laid-off from the merger.

In light of the end of the cold war, our priorities must be twofold. First, we should encourage the Defense Department and defense contractors to reduce the excessive buildup from the cold war era. Our second priority must be to determine how to best help workers in the defense industry who have been downsized.

I have come to believe that the DOD policy meets the priorities I have stated. Indeed, it encourages contractors to achieve savings for the DOD while providing the affected workers with benefits they desperately need. In a perfect world, companies that downsize would provide their employees with a respectable severance package that would include extended health care benefits. All to often, though, laid-off employees find themselves without these benefits, struggling to put food on the table, or make the next mortgage payment.

In order to clarify the confusion regarding this policy, I would urge the Defense Department to continue to ensure that the payments made are used solely for restructuring costs, with a strong emphasis on the employees laid off. I would also urge the DOD to continue to monitor the savings certified by the companies, ensuring that the savings are greater than the restructuring payments.

My amendment therefore calls for the GAO to analyze the restructuring costs paid by the DOD and to consult with the Secretary of Labor to determine the effectiveness of the assistance provided to laid off workers. The report should ensure that the payments are being used for justified costs and that the workers laid off are treated fairly.

It is my hope that this amendment will help my constituents in East Windsor and those around the country affected by defense downsizing. This amendment assures that these workers will not be ignored.

Mr. INOUYE. This amendment is in response to the great number of mergers that we have found in the business community, and this amendment calls for a report to be issued by the Secretary of Defense and the Secretary of Labor, and that report shall include an analysis and breakdown of restructuring costs paid by or submitted to DOD, analysis of the specific costs associated with work force reductions, analysis of the services provided to the workers affected by business combinations, an analysis of the effectiveness of the restructuring costs used to assist laid-off workers in gaining employment.

This amendment, Mr. President, has been approved by both managers.

Mr. STEVENS. Mr. President, the Senator from Hawaii is correct. We have approved it. I hope, however, that the study requested will cover additional factors. I am one who believes that, if we had not had some of these restructurings and some of these consolidations of basic companies in the defense industrial base, we would have had the possibility of a loss of all of the companies involved in those consolidations. Because of the competitive aspect of our acquisitions, I think that more and more companies would have found they could not perform and meet the competition of those that were equally sharpening their pencils trying to think they could beat out the other company.

I think it has been in the best interests of the United States that we have had selective consolidations and restructuring to preserve the industrial base. I hope a portion of this is directed toward the potential loss to the United States of the industrial base had the consolidations not taken place. But under the circumstances, I think the directions are broad enough to cover that, and I will pose no opposition to the amendment. It is a study we need; there is no question about it. But I hope it is balanced.

Obviously, there are jobs lost and obviously there are costs from the reduction in the amount of procurement we are making. I just said we have reduced procurement by 60 percent. Anyone who thinks we are going to get the resultant production for the same costs or less than we were getting when we had the competition from a full industrial base is mistaken. Costs of industrial production are going up because the sources are being more limited, and there is additional cost to the taxpayer because of the inability of the limited number of companies to provide the competitive edge we used to have in terms of the industrial process. But I accept the amendment, and I am prepared to agree to it on this side.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, the amendment is agreed to.

The amendment (No. 4569) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on amendment No. 4591.

AMENDMENT NO. 4480

Mr. STEVENS. Mr. President, I ask that it be temporarily set aside to take up another amendment, which is amendment No. 4480.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, proposes an amendment numbered 4480.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 20 before the period, insert: ": *Provided further*, That of the funds appropriated under this heading $46,600,000 shall be made available only for the Intercooled Recuperated Gas Turbine Engine program".

Mr. STEVENS. Mr. President, I offer this amendment in the cloture proceedings for Senator SPECTER. It is a limitation to comply with a limitation in the authorization bill with regard to the availability of funds for the Intercooled Recuperated Gas Turbine Engine Program, and I believe it is a technical amendment that should be offered.

Mr. INOUYE. Mr. President, both managers approve the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4480) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, may I inquire as to whether the Senator from Illinois wishes to make any further statement before I make a motion to table?

Mr. SIMON. If I may have 3 minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 4591

Mr. SIMON. It was mentioned that other countries buy a great deal from us. I ask unanimous consent to have printed in the RECORD right now the requirements of Australia, Canada, The Netherlands, Norway, Sweden, and the United Kingdom, all of which are more severe than the requirements that I suggest in this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN GOVERNMENT "LOCAL CONTENT" REQUIREMENTS FOR DEFENSE CONTRACTS

LOCAL CONTENT REQUIREMENTS

A company in the United States that wants to sell defense-related marine equipment to governments in many other industrialized nations must comply with offset or other requirements that include a "local content" obligation to produce 50% or more of the system within the customer's country. "Local content" means that a U.S. company must substitute its own production with sourcing and engaging subcontractors in the target country. Also, the U.S. company frequently is required to conduct free transfer of technology to achieve the required local content. Liquidated damages can be assessed if the local content requirements are not fulfilled.

EXAMPLES OF SPECIFIC "LOCAL CONTENT" AND OTHER REQUIREMENTS OF SELECTED FOREIGN GOVERNMENTS, INCLUDING MOU SIGNATORIES WITH THE UNITED STATES

Australia: The Australian Industry Involvement office within the Department of Defense coordinates the offset policies. Guidelines are contained in the Defense Australian Industry Involvement Program, published in July 1995. Actual requirements are program specific. For example, the Ocean Patrol Combatant Project suggests that the local content be 65%. Liquidated damages assessment for unfilled local content requirements also vary with the contract. For the Australian Ocean Patrol Combatant project, the liquidated damages assessment is 20%. Another example is the Australian ANZAC Frigate project in which U.S.-based Bird-Johnson Company is participating. Bird-Johnson is required to manufacture its ship propeller system with at least 80% local Australian content.

Canada: The Director of Industrial Benefits Policy, Industry Canada agency, is the coordinator of offset authority. The Canadian term for offset is Industrial Benefit (IB). IB Managers are assigned to individual projects. It is normal for major programs to have at least 100% Canadian content requirement. Liquidated damage assessments are 10% of the unfulfilled amount of the IB commitment.

The Netherlands: The Coordinator of Offset Authority is the Commissioner for Military Production and Crisis Management within the Ministry of Economic Affairs with input from advisors for the Navy, Air Force, or Army. 100% offset is required. Offset valuation credits vary, but in general, 85% or more local content would result in an 100% offset credit.

Norway: The Coordinator of Offset Authority is the Royal Norwegian Ministry of Defense, assisted by the Director General of the Section for Industrial Cooperation. For contracts over $7 million, 100% offset is required, with 80% or more local content equal to 100% offset credit. A 10% penalty is assessed on any unfulfilled offset amount.

Sweden: At least 50% of the total value of a Swedish defense procurement with an offshore company must be in local content. The offshore bidder must sign a Draft Contract for Industrial Cooperation with the Swedish Defense Material Administration (FMV) detailing how the bidder will meet the binding industrial cooperation (I.C.) commitment. The commitment constitutes "a vital part of the decision process" concerning the acceptability of the bid. I.C. is "valued on the basis of the production of goods and services that is achieved in Sweden." Both the "economical volume" and the "qualitative contents" of the bidder's commitment are considered. I.C. credits, which must be "accepted by the Swedish industry concerned," are evaluated and monitored by the FMV, in consultation with Swedish industry.

United Kingdom: The U.K. Ministry of Defense (MOD) Procurement Executive DESO is charged with providing Government support to increase UK defense business. When offshore defense companies seek to compete, the MOD-DESO assesses the U.K. Industrial Participation (IP) proposal of an offshore defense company seeking to compare. Although IP proposals are not mandatory, in reality, the IP is a key element in whether or not the offshore company gets the MOD contract. 100% offsets are encouraged. The IP obligation must be met at no extra cost to MOD. The DESO negotiates a Letter or Agreement on the IP proposal which is not legally binding, but is considered a "Gentlemen's Agreement."

Mr. SIMON. Again, what I am suggesting in this amendment is that when a contractor submits a bid, that contractor has to say what percentage of the work will be done in the United States and it be a matter of high importance, not the only consideration, but a matter of high importance for the Defense Department. We do not suggest and we make clear that it would be waived for countries where we have agreements or memoranda of understanding.

So I think it makes sense. I hope that the motion to table will be rejected.

Mr. STEVENS. Mr. President, I shall make a motion to table this amendment at 1 p.m.. I now ask that it be set aside temporarily so that I might deal with some other matters here, if that meets with the approval of the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Hawaii.

PHOTONICS RESEARCH REPORT

Mr. INOUYE. Mr. President, last year, during the consideration of the fiscal year 1996 defense appropriations measure, the Congress approved the Center for Photonics Research at Boston University. I am pleased to share with my colleague an interim report that was just submitted by the president of Boston University, advising us of the progress being made in this technology.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOSTON UNIVERSITY,
Boston, MA, July 10, 1996.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUYE: It was a pleasure to meet with you to discuss the Center for Photonics Research at Boston University, and to have an opportunity to thank you in person for your support and leadership in the Congress. I also want to thank you again for your very generous offer to be of assistance if possible in the future, and to help put the Center on the road to self-sufficiency.

Boston University has invested over $60 million of its own funding to create and establish the Center, and we are committed to its long-term mission and success. Photonics technology will, as you have observed, be one of the keys to our nation's ability to defend itself from external threats; it will also become a driving force in all sectors of our economy. It is truly the technology of the future.

Few, if any, of our current weapons, weapon systems or platforms do not depend on photonics for their effectiveness. It was not by coincidence that photonics was declared as one of our most critical technologies needed for the future in the Critical Technologies Report to the Congress.

Research alone cannot meet the defense needs of our country. We must develop the ability to move from the research to the actual product and product-manufacturing requirements of our country. Meeting these requirements is central to the mission of the Center. The funding your Committee made available has allowed us to move the Center forward, and the actual construction is moving forward on budget and on schedule.

The Center for Photonics Research is already actively contributing to the nation's defense. To illustrate this, I enclose a brief report, prepared by Dr. Donald Fraser, the Center's Director, which summarizes the defense-related applications that are now under development.

The Center's building will be completed and ready for formal dedication next spring. We very much hope that you the Members of the Defense Appropriations Subcommittee will be able to join us at that event.

Again, thank the Subcommittee on behalf of Jon Westling and all of Boston University for its leadership and vision. I can only imagine the number and variety of difficult choices it faces every day, but I know how much I admire the service of you and your fellow Subcommittee members and what it has meant to the American people.

With warm personal regards,
Sincerely,
JOHN SILBER.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 4666

Mr. STEVENS. Mr. President, I send to the desk an amendment I offer on behalf of Senator COCHRAN and Senator LOTT. If I may first just explain it, this entitles the Secretary of Navy to lease to the State of Mississippi 5 acres of the property located at the naval air station at Meridian, MS, for use only by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities. This will be for the co-use of the State and Federal Government, as I understand it. It does provide for the renting of this facility by the United States, once it is contracted by the State, at a rate not to exceed $200,000 a year.

We have examined this lease-back concept of the reserve center and believe it is in the interests of the taxpayers of the United States to proceed in this fashion because it will mean we will have the facility and have it at an annual lease cost which is a substantial advantage to the Government.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. COCHRAN, for himself and Mr. LOTT, proposes an amendment numbered 4666.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert:

SEC. . LEASE TO FACILITATE CONSTRUCTION OF RESERVE CENTER, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) Lease of Property for Construction of Reserve Center.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the "State"), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi, only for use by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) Leaseback of Reserve Center.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed $200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) Effect of Termination of Leases.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. INOUYE. Mr. President, this amendment has been cleared and approved by both managers.

The PRESIDING OFFICER. Without objection, amendment No. 4666 is agreed to.

The amendment (No. 4666) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I am going to suggest the absence of a quorum as we go through our files to see if there are any other amendments we can go through in the manner we have thus far. I congratulate the Chair and clerk for assisting us in this manner. Again, I will announce the vote on the motion to table the Simon amendment will take place at 1 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, we have now, since we started on this bill, whether Senators realize it or not, disposed of almost 50 amendments. In the process of doing that, under the circumstances, again having to deal with the cloture problem, we filed the amendments so they only hit the bill at one point. We have been able to consolidate those. As we consolidated them, we may have made some technical errors. I ask unanimous consent that the staff and the clerk be authorize to make technical, clerical changes in numbers, et cetera, that might be required.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask the unanimous-consent agreement we have concerning these technical changes to our amendments apply to all amendments we accept by unanimous consent today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4528

(Purpose: To require certification of competition prior to the appropriation of funds for the T-39N)

Mr. STEVENS. Now I ask the Chair lay before the Senate amendment No. 4528.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. Stevens], for Mrs. Frahm, proposes an amendment numbered 4528.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Sec. . None of the funds provided for the purchase of the T-39N may be obligated until the Under Secretary of Defense for Acquisition certifies to the defense committees that the contract was awarded on the basis of and following a full and open competition consistent with current federal acquisition statutes.

Mrs. FRAHM. Mr. President, my amendment is quite simple. It requires the Secretary of Defense for acquisition to certify to the Congress that he has conducted a full and open competition, consistent with current acquisition policies prior to awarding any contract for purchasing the T-39N or its replacement. This amendment reflects the stated position of the Navy, the Department of Defense, and it reflects good government.

The Navy is currently using a 1950's technology aircraft to train our pilots. This aircraft is expensive to fly and maintain, thus wasting precious defense resources. Further, the T-39N does not provide the kind of state-of-the-art training or pilots need and deserve. I believe that the Navy, our pilots, and the Nation can be better served with a more modern and cost-effective aircraft for this purpose.

With that said, I believe that the Navy should be left to make their own choice and that their choice be based upon a full and open competition. It is through the competitive process that we can best meet the needs of our future pilots. And it is through competition that the taxpayer will be best served.

Mr. President, I urge the adoption of my amendment.

Mr. BOND. Mr. President, I rise to address the issues raised by Senator Frahm's amendment. I must first note that the T-39N aircraft currently in use by the U.S. Navy has been performing its duties for over 5 years and it will perform the same duties in the future. This is not a new program nor a new aircraft. I also understand the concern of some that the aircraft may be too old, however Navy analysis indicates this aircraft will provide valuable service through 2025. The Sabreliner T-39N has a mission completion rate of 98 percent. The U.S. Air Force in fact has consolidated its tactical navigator and weapon sensor operator training under the Navy umbrella with the understanding that the T-39N would be the trainer aircraft. Our allies who conduct the same type of training have also elected to use the U.S. Navy's T-39 Flight Officer Training Program.

Future concerns of system upgrades would be the same regardless of the aircraft flown and any other modernization upgrades would also be figured into any new aircraft purchase.

So, how does the T-39N stack up to the Navy's mission requirements?

First, the men and women who fly it, love it. The aircraft possesses the speed and range they desire and the swept wing design makes it much more adaptable to the harsh conditions of low level flight required in their training. Straight wing aircraft experience a much rougher ride at low level and may have lower mission completion rates.

In terms of flight characteristics the T-39N has been and is closest to the rise and performance of the jets the Navy, U.S. Air Force, and allied Air Force personnel will find in their inventories. I would also point out that this aircraft has had years of "fly before you buy" experience without complaint.

The aircraft has performed superbly as opposed to other aircraft used in the program in the past. As I noted before, this aircraft is currently in use as we speak, turning out the finest tactical flight officers in the world. These men and women will be going to the same aircraft they have been going to since the current contract began over 5 years ago.

There are no new design aircraft on the drawing boards which require a new airframe; any avionics systems upgrades or radar upgrades can be accommodated by the T–39N. This is the right aircraft, at the right time, and for the right cost.

Mr. STEVENS. Mr. President, this is to require certification of competition prior to appropriation of funds for the T–39N. We have discussed this matter with the Senator from Kansas and are prepared to recommend to the Senate we adopt this amendment. We will consider it in conference. There are similar provisions—the matter is discussed in the House bill, and it will be a controversy in conference.

Mr. INOUYE. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4528) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPAIR AND MAINTENANCE OF CARGO AND PERSONNEL PARACHUTES

Mr. HELMS. Mr. President, it would be helpful if I can discuss, for the Record, with the distinguished chairman of the Defense Appropriations Subcommittee, a matter of importance concerning the readiness of the Airborne units of my State.

Mr. STEVENS. I will be delighted to discuss this matter with my colleague from North Carolina.

Mr. HELMS. I thank the able Senator. At the outset, let me state I am proud that my State is home to several important military installations and thousands of fine members of the Armed Forces of our Nation. North Carolinians are especially proud that the U.S. Army's XVIII Airborne Corps and the 82d Airborne Division call Ft. Bragg home. These men and women are the front line of our Nation's defense and they are among the best trained, most dedicated and professional soldiers in the world.

When there is a need for equipment or technology to make these soldiers' tasks easier or safer, it is the responsibility of the Congress to provide for it. The modification of the Army's T–10R reserve parachute is an example of one such initiative. A study showed that a modified design would increase effectiveness to almost 100 percent. This modification was developed by the Army through a partnership between the Army and a private company. As a result of this successful partnership, Airborne troops now have a highly effective, low cost parachute that should help save lives.

I ask the able Senator from Alaska if my understanding is correct that there is a backlog in the performance of repair and maintenance work on cargo and personnel parachutes. To alleviate this backlog and thereby enhance readiness, would it be a wise use of Army resources to contract out the repair and maintenance of these chutes to a qualified manufacturer of similar parachutes? Would this not allow the backlog to be addressed in a cost-efficient manner?

Mr. STEVENS. The Senator from North Carolina is correct. In the current fiscal environment, it is important that each service seek innovative, cost-saving ways to provide support for our men and women in uniform. The Army Airborne has experienced an increase in training requirements. While the T–10R reserve parachute modification work has been successful, the Army is required to repack the parachutes after the modifications are performed and, as a result, the repair and maintenance of personnel and cargo parachutes has fallen behind. Therefore, I agree that repair and maintenance work, as well as cargo parachute repacking, would be excellent candidates for contracting out.

Mr. HELMS. I thank the distinguished Senator. I think it is obvious that my goal is to make certain that the Army has the ability to use the operations and maintenance funds appropriated within this bill to contract for parachute repair and maintenance work, as well as the cargo repacking efforts. Can the Senator give me that assurance?

Mr. STEVENS. Yes, nothing in this bill will prevent the Army from using funds in the operations and maintenance account. These funds are not earmarked because the committee frowns upon earmarking this account. However, I will bring this issue to my House colleagues during conference to gain their support for this initiative.

Mr. HELMS. I thank the distinguished chairman for his support. I will, of course, work with him as he considers this issue with Members of the House.

RAID FUNDING

Mr. JEFFORDS. Mr. President, I would like to bring to your attention two items in this bill that relate to the Reconnaissance and Interdiction Detachment, RAID, funding that fall within the budget of the Drug Interdiction and Counterdrug Activities of the Department of Defense, DOD.

Vermont, as a border State, is in a very strategic position in the country's efforts to combat drugs. Since 1991 the Vermont State Police have been successfully working with the Army National Guard for the interdiction and eradication during the comparatively short but very productive marijuana growing season. The efforts of the Vermont Army National Guard have contributed to the eradication of approximately 70–80 percent of all confiscated marijuana reported by the Vermont State Police.

Thanks to the cooperation of my colleague from Alaska, this bill will help Vermont's law enforcement community continue its successful counterdrug and interdiction efforts. I appreciate the Senator's concurrence with me and other Senators who believe the National Guard has made important and valuable contributions to the Nation's counterdrug efforts. Mr. President, this issue has bipartisan support. Both sides recognize the National Guard's efforts to interdict and eradicate illegal drugs deserve sufficient funding and have wisely indicated this in their bill. Language in the committee report states that the DOD should ensure the RAID program is fully funded and supported.

More specific to Vermont's needs, the committee included my request for $500,000 to assist in the implementation of a more focused RAID program. These funds will directly benefit Vermont's RAID program by making available two OH–58 helicopters, as well as the necessary personnel and infra-red equipment to carry out the mission. I greatly appreciate the chairman's cooperation and accommodation of my request. I also understand his feeling that the allocation of these funds should be postponed until the present National Guard Review of the State Governors' programs is completed. As it appears the review is very close to completion, there should be little delay once the appropriations bill is enacted.

Mr. President, I am pleased that my colleague from Alaska has joined me in a discussion of this important matter on the floor of the Senate, and I commend him for including these important items in the bill before us.

Mr. STEVENS. Mr. President, I was very pleased to accommodate my colleague's request on RAID. I agree with my colleague from Vermont on the importance of providing adequate funding for the National Guard Governors' State Counterdrug Plans and will keep his request in mind when the House and Senate go to conference on the Defense Appropriations bill.

AMENDMENT NO. 4591

Mr. STEVENS. Mr. President, I now move to table the amendment of the

Senator from Illinois, the pending amendment, and state, again, that the Senator from Hawaii and I have opposed this amendment at the request of the Department of Defense, the defense industrial base and on our own behalf based on our analysis of this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CAMPBELL). The question is on agreeing to the motion to lay on the table the Simon amendment No. 4591. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—69

Abraham
Ashcroft
Bennett
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Exon
Faircloth
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Kassebaum
Kempthorne
Kerrey
Kyl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—29

Akaka
Baucus
Biden
Boxer
Bumpers
Byrd
Conrad
Daschle
Dorgan
Feingold
Harkin
Hollings
Kennedy
Kerry
Kohl
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone
Wyden

NOT VOTING—2

Jeffords
Johnston

The motion to lay on the table the amendment (No. 4591) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4852

(Purpose: To improve the National Security Education Program)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 4852.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship".

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

Mr. SIMON. Mr. President, this corrects an error made in the National Security Education Program legislation and is supported by the Defense Department. It is agreed to on both sides.

Mr. INOUYE. Mr. President, both managers approve of the amendment.

Mr. STEVENS. Mr. President, this amendment clarifies the eligibility for security education funds, as I understand it, and it has been modified to meet our request.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4852) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4568

Mr. INOUYE. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 4568.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

Mr. INOUYE. Mr. President, this is a simple amendment. It says, "Any college or university that receives Federal funding under this bill must report annually to the Office of Management and Budget * * *"

This matter has been cleared by both sides.

Mr. STEVENS. Mr. President, we have cleared that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4568) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that a fellow in our office, Craig Williams, be granted the privilege of the floor during the discussion of S. 1894.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4440

(Purpose: To require an audit and report of security measures at all United States military installations outside the United States)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. WARNER, Mr. COATS, Mr. INHOFE, Mr. KERREY of Nebraska, Mr. LUGAR, Mr. SMITH, Mr. HELMS, Mr. D'AMATO, and Mr. COVERDELL, proposes an amendment numbered 4440.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on the results of the audit conducted under subsection (a), including a description of the adequacy of—

(1) physical and operational security measures;

(2) access and perimeter control;

(3) communications security;

(4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;

(5) special security considerations at nonpermanent facilities;

(6) potential solutions to inadequate security, where identified; and

(7) cooperative security measures with host nations.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add as cosponsors to the bill Senators MOSELEY-BRAUN, MURKOWSKI, WARNER, COATS, INHOFE, KERREY of Nebraska, LUGAR, SMITH, HELMS, D'AMATO and COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I am going to have a total of four amendments. I believe that three of them will be acceptable to the managers of the bill. The fourth one, I understand, will require a vote. On the fourth one, I would be more than happy to enter into a time agreement of 20 minutes on each side. When I get to it, perhaps we can get the managers' agreement at that time.

Mr. President, just over 2 weeks ago, 19 young men and women of the U.S. military were killed in a brutal terrorist attack on a housing complex in Dhahran, Saudi Arabia. There is nothing we can do to bring these men and women back to life, but it is our responsibility to make every effort to ensure this tragedy does not occur again.

Today, I am introducing an amendment that requires the Secretary of Defense and Secretary of State to jointly conduct an audit of security at all U.S. military installations overseas. Currently there are eight cosponsors including Senators MOSELEY-BRAUN, MURKOWSKI, WARNER, COATS, INHOFE, KERREY of Nebraska, LUGAR, and SMITH.

Specifically, the audit will focus on the adequacy of security measures currently in place to prevent or limit the effects of terrorist attacks on U.S. military personnel. The Secretaries would be required to report to Congress an assessment of the adequacy of existing security measures at our permanent bases overseas, including both physical and operational security measures, and any recommended remedial action where necessary.

The report would also provide information regarding cooperative security measures with host nations. Finally, the report would provide an assessment of the special security considerations at temporary basing locations, like the Khobar Towers complex, and possible solutions to these unique problems.

In these times of peace in this post-cold-war world, the No. 1 threat to our servicemembers, in addition to the normal hazards and risks associated with the job, is terrorism. This is the most difficult threat to predict, as well as prevent.

Prior to the tragedy of June 25, measures to protect our forces from terrorist attacks were clearly inadequate. The President waged war against terrorism by means of a summit meeting in a resort town in Egypt where there were 240 minutes of opening statements, 40 minutes of discussion, and a photo opportunity.

The summit produced a lot of symbolism, but little in the way of concrete recommendations to combat terrorism. Syria—identified by the State Department as one of the world's leading sponsors of terrorism—did not attend the meeting. The participants couldn't even agree to specifically condemn Iran for aiding and abetting terrorist groups. The only result of the summit was a lofty joint statement by President Clinton and Egyptian President Mubarek, condemning terrorism and promising future cooperation and consultation on ways to halt these terrorist attacks.

And, now, little more than 3 months after the summit in Egypt, and after another couple of international get-togethers to talk tough on terrorism, 19 more Americans have been killed by a terrorist bomb.

Now is the time to act. We must stop all of this talking and act on what we say we must accomplish. This amendment is designed to protect our troops who continue to make the sacrifices on a daily basis. I believe this measure deserves our careful and full review, and I hope that you will all support me on this very important issue.

Just today I received a letter from the Military Coalition offering strong support for this amendment. They stated:

> Our soldiers, sailors, airmen, and marines deserve the best we can provide and it is our continuing responsibility to provide for their safety and well being. This legislation remains consistent with that objective.

As I stated previously, it is our responsibility to provide for our men and women stationed across the globe. It is our responsibility because we, the Congress, are accountable to not just those men and women serving in the military, but to their families and the American people.

Mr. President, the pending amendment, No. 4440, is a requirement that the Secretary of Defense and Secretary of State jointly conduct an audit of security measures at all U.S. military installations overseas. It requires a report to Congress on March 31, 1997.

The specific requirements of the audit include adequacy of physical and operational security measures; access and perimeter control; crisis planning in the event of a terrorist attack, including evacuation and medical planning; special security considerations at nonpermanent facilities; potential solutions to inadequate security, where identified; and cooperative security measures with host nations.

Mr. President, there is no sense in rehashing the tragic events that took place 2 weeks ago on June 25. The terrorist attack in Dhahran in Saudi Arabia, which killed 19 brave young Americans, is well known to all of us. But it is important for us to, again, reaffirm our responsibility to ensure that we have made every effort to prevent this tragedy from occurring again.

Mr. President, this amendment calls for the audit of security measures at all U.S. military installations overseas. I am aware that the Secretary of Defense and the Secretary of State have made efforts in this direction.

I believe Congress needs to be more involved in knowing the results of those audits, and, very frankly, the American people need to know it as well.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a letter from the Military Coalition supporting this amendment.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE MILITARY COALITION,
Alexandria, VA, July 10, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of military and veteran organizations representing more than five million current and former members of the uniformed services, supports your efforts to ensure the safety of our military men and women serving overseas. Providing the best possible security and assuring those measures are never compromised should be, and always remain, a top priority.

The recent terrorist attack in Dhahran that claimed the lives of 19 American service members emphasizes the need for Congress and the Department of Defense to address the adequacy of protective measures afforded our troops serving outside the country. Questions raised about the security of U.S. foreign military installations further indicates the need to audit and assess current safety and security standards practiced at U.S. overseas facilities.

The Military Coalition is pleased to offer its strong support for your legislative initiative to protect American service members. Our soldiers, sailors, airmen, and marines deserve the best we can provide and it is our continuing responsibility to provide for their safety and well being. This legislation remains consistent with that objective.

Sincerely,
The Military Coalition:
Air Force Association.
Assn. of Military Surgeons of the United States.
Commissioned Officers Assn. of the U.S. Public Health Service, Inc.
CWO & WO Assn. U.S. Coast Guard.
Enlisted Association of the National Guard of the United States.
Fleet Reserve Assn.
Jewish War Veterans of the USA.
Marine Corps League.
Marine Corps Reserve Officers Assn.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Navy League of the United States.
Reserve Officers Assn.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
The Retired Officers Assn.
USCG Chief Petty Officers Assn.
U.S. Army Warrant Officers Assn.
Veterans of Foreign Wars of the United States.

Mr. MCCAIN. Mr. President, as I stated previously, it is our responsibility to provide for the men and women stationed overseas the maximum amount of security that we can provide. We ask them to embark on very difficult and sometimes dangerous missions, and obviously our obligation to them in return for that service and sacrifice is that we provide them with the maximum amount of security possible.

Again, Mr. President, I do not think it is either necessary or particularly appropriate at this time for me to go through the entire tragedy that took place a few weeks ago. Suffice it to say, this and the next amendment I will be proposing are very modest steps in trying to ensure the goal that all of us seek, and that is that there never is repetition of such a tragedy.

Mr. President, I yield the floor and urge adoption of the amendment.

Mr. STEVENS. Mr. President, we concur in this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4440) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4444, AS MODIFIED

(Purpose: To provide $14,000,000 for anti-terrorism activities of the Department of Defense)

Mr. MCCAIN. Mr. President, I call up amendment No. 4444 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for himself and Mr. LEVIN, proposes an amendment numbered 4444, as modified.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE
(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000, subject to authorization for transfer to appropriations available to the Department of Defense for operation and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Beginning with fiscal year 1997, the Secretary of Defense shall establish a program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities. Funds available for that program element for fiscal year 1997 shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism and are available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

Mr. MCCAIN. Mr. President, this amendment is a natural follow-on to the previous amendment. It provides $14 million to the Department of Defense specifically for antiterrorism measures.

Mr. President, the threat of terrorism to Americans living overseas has never been greater. In particular, our men and women serving in the armed forces are at great risk as they are targeted by various terrorist organizations and activities. This continues to be a reality our troops must face when we send them to lands far away from our great Nation. This was never more evident than the brutal attack in Dhahran, Saudi Arabia just over 2 weeks ago when 19 young men and women were tragically killed when a truck loaded with explosives detonated within 100 feet of their housing complex.

Today I am introducing an amendment that will provide $14 million in additional funding to the Department of Defense for antiterrorism measures. These funds will be specifically used for intelligence support, physical security measures, education, training, and any other additional measures the Secretary of Defense determines are necessary.

A report recently conducted by the Department of Defense noted that antiterrorism funding is not specifically identified in many instances since it is a part of a larger effort, primarily in physical security programs. There was an 82-percent—$8.7 million—reduction in Air Force funding, 55 percent—$43.4 million—in Army funding, and 62 percent—$4.5 million—in Navy funding.

On Tuesday, the Secretary of Defense and Chairman of the Joint Chiefs of Staff appeared before the SASC and testified in both open and closed sessions that the Department of Defense lacked sufficient funds for antiterrorism measures as a result of poor decisions by this administration to cut funds in this area. During this hearing Secretary Perry confirmed, "I think that was a bad cut. I have directed the services to increase the funding in antiterrorism." Additionally, General Shalikashvili stated,

> The antiterrorism study identified two issues pertaining to funding of antiterrorism things. One, that the services increased their funding and secondly, . . . that we create a program line under the Secretary of Defense with which he can fund high priority antiterrorism programs that need to be funded.

As a result of this review, the Secretary has recommended the establishment of a separate OSD program of $7–$14 million annually as a contingency account to be available for antiterrorism requirements. These funds would be used to ensure adequate funding for intelligence support, physical security measures, education, training, and any other additional measures the Secretary determines are necessary.

Mr. President, if we cannot afford to provide adequate protection for our men and women serving overseas, then we should not put them in those areas with high threats of terrorism. We must give them every means available to prevent, protect, and defend against terrorist attacks. It is our responsibility.

This amendment is designed to provide additional funds for the Department of Defense to protect our troops. I believe this measure deserves our careful and full review, and I hope that you will all support me on this very important issue.

I note the presence of Senator LEVIN, who is an original cosponsor of this amendment, in the Chamber.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the MCCAIN amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, is recognized.

Mr. LEVIN. Mr. President, I am a cosponsor of this amendment, and I want to just ask my friend from Arizona as to the modification. I have not had a chance to review it. Is this modification that was sent to the desk the language which I had suggested to him might be an improvement in terms of the nature of the funds and how the funds would operate? I have not had a chance to review the language which was actually sent to the desk. Is this the language which I spoke to his staff about?

Mr. MCCAIN. It is.

Mr. LEVIN. Mr. President, I very much support this amendment. We are too often fighting in our appropriations and the add-ons to the appropriations the battles of the cold war instead of the future battles which we are all going to face in the area of terrorism. Many of us had an opportunity to meet with the Secretary of Defense and the Chairman of the Joint Chiefs this morning, and the efforts which are being made in the fight against terrorism, particularly in the Middle East, were outlined in some detail to us. It is also becoming more and more clear that too much of our defense dollar is being spent on refighting battles which are no longer looming before us and on buying equipment and investing in equipment which is no longer as relevant as it once was, adding on things which may or may not have been useful 5 years ago but which are not now as much needed as are new weapons in the war against terrorism, which is going to be a growing battle. The new cold war is the war against terrorism.

There was a request of the Secretary of Defense for an analysis of how many dollars are being invested in the war against terrorism, and we got a letter back addressed to Senator NUNN from the Assistant Secretary of Defense, Sandra Stuart, outlining some of the antiterrorist activities. I want to just quote two paragraphs from that letter dated July 16, and then I will ask unanimous consent that the entire letter be printed in the RECORD.

The first paragraph I want to quote is the following:

> Anti-terrorism activities deal with traditional defensive measures such as barriers, fences, detection devices and Defense personnel who have as part of their mission protecting DOD personnel and facilities against the threat of terrorism. The Defense Department spends nearly $2 billion annually on such anti-terrorism activity overall. Traditionally we have not budgeted anti-terrorism activities in a single program because force protection is part of each individual commander's responsibility and is therefore budgeted by every installation in, for example, their operation and maintenance accounts.

The second paragraph from this letter that I will quote is the following:

> In the area of counter-terrorism, DOD has many programs and activities which are more often associated with proactive activities undertaken to neutralize the terrorist threat or respond to terrorist acts. All combatant forces in Defense potentially have as part of their mission a counter-terrorism function; however, these activities are more commonly associated with special operations forces, which have annual budgets in excess of $3 billion. That amount is in addition to the considerable sum spent from our intelligence portion of the budget to counter terrorism.

Mr. President, the letter does point out something which our amendment is aimed at correcting, and that is that a report which has been given some notice faulted DOD procedures relative to the funding of unanticipated contingencies. And the Secretary has directed corrective action in this area, according to Assistant Secretary of Defense Stuart.

So I commend the Senator from Arizona for the amendment, which I cosponsored, because it does address this question of a fund for unanticipated contingencies which I think we have to focus on more and more. We can spend the $3 billion which is referred to in terms of counterterrorism efforts and the $2 billion annually which is referred to on antiterrorism activities which are described, but we still have a need for funding unanticipated contingencies in the fight against terrorism.

This amendment is just a beginning in terms of funding that kind of a fund for unanticipated contingencies in the fight against terrorism. I am happy to cosponsor this amendment. While it is just a small beginning in that unanticipated contingencies effort, I hope we will be able to supplement it later. But it is an important step, and I commend the Senator from Arizona. I am happy to cosponsor that amendment.

Mr. President, I ask unanimous consent the entire letter I referred to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, DC, July 16, 1996.

Hon. SAM NUNN,
Ranking member, Senate Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The Secretary is looking forward to having breakfast with you and your colleagues to discuss the tragic terrorist bombing in Dhahran, Saudi Arabia, and also to have an opportunity to talk about the broader issue of terrorism and the consequences in the Persian Gulf. Force protection is the number one priority of Secretary Perry and General Shalikashvili. This is a responsibility that they take very seriously and is central to every deployment decision they approve.

Prior to the breakfast, I wanted to mention a few issues which have been reported in the press and which we feel need some clarification.

As you know, shortly after the bombing, Secretary Perry appointed retired General Wayne Downing to conduct a thorough investigation of the security situation in Dhahran, Riyadh and the balance of the U.S. Central Command facilities in the AOR. General Downing's charter empowers him to make findings and conclusions about pertinent acts or omissions on the part of individuals. In the event General Downing makes such findings and conclusions, they will be transmitted to the cognizant supervising officials for action. General Downing has assembled a qualified team who have already begun this review and will depart for Dhahran to continue his investigation by mid-week.

The Secretary has further directed General Downing to assess immediately the situation regarding moving the perimeter fence. There has been a good bit of speculation as to who spoke with the Saudis about moving this fence, what their reply was and whether this information was passed up the chain of command. Once General Downing reports his findings to Secretary Perry, we will inform you of the details.

There are two other matters which we believe need to be clarified.

The first involves the June 17 DIA Military Intelligence Digest (MID) that has been referred to in the press as an "alert". The MID is a daily publication that covers a wide array of topics of interest to policy makers, force planners, and operational forces. Additionally, the MID is delivered, also daily, to the Senate Armed Services Committee, the House National Security Committee, and the two Intelligence committees. While the MID is a classified document, there are several points that can be made for the record concerning this particular article.

Contrary to press reporting, the MID article on June 17 was not an "alert". Rather it was a compilation of previously reported security incidents that had occurred in the Khobar Towers area over the past several months. The value of this particular article was that it provided intelligence confirmation that security had been increased outside the complex and that the threat was taken seriously.

There was no warning in the article of an impending terrorist incident. When such warnings exist, they are provided to Defense decision makers immediately and directly, rather than through a publication like the MID which goes through an extensive editorial review and follows a days-long publication timeline. The article did recommend that, due to the incidents that had occurred over the past several months, security should be further increased and, indeed, approximately 130 distinct security enhancements were being implemented at Khobar Towers.

The second remaining issue deals with the level of funding within the Pentagon budget for anti-terrorism activities. Unfortunately, there is a misperception about the amount of money the Department spends. This misperception resulted from a review of one document, a JCS report which dealt with only a fraction of the total DoD funding which supports anti-terrorist activities. A portion of the report described some program funding reductions, which resulted from personnel reductions, domestic base closings, completed construction projects or program completions, but those items were just a minor portion of the overall DoD expenditures on anti-terrorism. There are two categories normally associated with Defense activities to combat terrorism: anti-terrorism and counter-terrorism.

Anti-terrorism activities deal with traditional defensive measures such as barriers, fences, detection devices and Defense personnel who have as part of their mission protecting DoD personnel and facilities against the threat of terrorism. The Defense Department spends nearly $2 billion annually on such anti-terrorism activity overall. Traditionally we have not budgeted anti-terrorism activities in a single program because force protection is part of each individual commander's responsibility and is therefore budgeted by every installation in, for example, their operation and maintenance accounts.

In the area of counter-terrorism, DoD has many programs and activities which are more often associated with proactive activities undertaken to neutralize the terrorist threat or respond to terrorist acts. All combatant forces in Defense potentially have as part of their mission a counter-terrorism function; however, these activities are more commonly associated with special operations forces, which have annual budgets in excess of $3 billion. That amount is in addition to the considerable sums spent from our intelligence portion of the budget to counter terrorism.

The JCS report was commissioned by Secretary Perry and CJCS Shalikashvili following the Riyadh bombing. Its purpose was to identify and assess all of the anti-terrorism programs, actions and preparedness of the DoD and possible areas for additional action. The report did fault DoD procedures for funding unanticipated contingencies, and the Secretary directed corrective action in this area. It is unfortunate that a minuscule portion of the JCS review is now being used to draw wider, and inappropriate, conclusions in light of the Dhahran bombing.

I hope this information is helpful. Secretary Perry looks forward to seeing you soon and discussing the issues of Saudi Arabia and terrorism in the Persian Gulf area.

Sincerely,

SANDRA K. STUART,
Assistant Secretary of Defense (Legislative Affairs).

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4444), as modified, was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4441

(Purpose: To require the submittal to Congress of the future-years defense programs prepared by the Chief of the National Guard Bureau and the chiefs of the reserve components)

Mr. McCAIN. Mr. President, I send amendment No. 4441 to the desk and ask for its immediate consideration. I ask unanimous consent Senator GRAMS of Minnesota be added as a cosponsor of this amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. GRAMS, proposes an amendment numbered 4441.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

"(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).".

Effective Date. This section shall take effect beginning with the President's budget submission for fiscal year 1999.

Mr. McCAIN. Mr. President, this amendment would require the President to submit, with his annual budget request, the future years defense plans of the National Guard and Reserve components. The Chiefs would prepare their long-range spending plans, which would then be forward to the Congress.

For years, the Congress has added billions of dollars to the defense budget for equipment and building projects for the Guard and Reserve components. These add-ons are usually based on the assertion that the Department of Defense does not provide sufficient resources for the Guard and Reserve in its annual budget requests and long-term funding plans, and that is an assertion that I cannot dispute.

The problem, however, is the Congress does not now have the necessary information to properly prioritize among the requests of individual Members of Congress for added funding for the Guard and Reserve units in their States and districts. As a result, we have earmarked billions of dollars for construction projects and procurement items based on their location, not their priority and utility to the missions of the Guard and Reserve.

A few weeks ago, the Senate passed a military construction appropriations bill containing $700 million for unrequested projects, the majority of which were for guard and reserve projects. The bill before the Senate today contains $759.8 million for unrequested equipment for the Guard and Reserve. For the most part, the allocation of this funding to meet the requirements of the Guard and Reserve is left to the appropriate officials in those organizations.

Again this year, I applaud Senators STEVENS and INOUYE for resisting the temptation to earmark these funds, unlike the Senate Armed Services Committee and the House defense committees. I wish they had also left out the earmark for six additional C130-J aircraft, but, unfortunately, this bit of perennial pork is in the bill.

Mr. President, a few weeks ago I met with the Chief of the Guard Bureau, representatives of the Reserve components and officials from the Department of Defense responsible for oversight of the Guard and Reserve. In this meeting, we discussed the need to provide adequate funding for the Guard and Reserve components. We discussed the perception that the Department of Defense does not include sufficient funds in its budget requests for the Guard and Reserve, relying instead on the Congress to add these funds each year.

Unfortunately, we do not come up with a clear way of dealing with this problem, leaving the Congress in a catch-22 situation. If we support a strong national defense which requires the Guard and Reserve be appropriately equipped and trained for their assigned missions, we have to add money for the Guard and Reserve.

Mr. President, I reiterate: The problem is that over the years, the Department of Defense is shortchanging the Guard and Reserve in their budget request because they know—they know—the Congress will add on the funding necessary to adequately equip the Guard and Reserve in their military construction projects. So we are in a terrible situation where everybody knows. It is kind of a dirty little secret. The Department of Defense knows we will add the money, so they do not request the money. And, therefore, the Guard gets the money.

Mr. President, that is not any way to run a railroad, much less a defense appropriations process.

This amendment would address this problem with respect to the Congress by ensuring we have full information on the long-range plans of the Guard and Reserve components. Basically, we are saying the Guard and Reserve need a future years defense plan just as the active duty forces will as well. In this way, as we evaluate the Department's budget request for the Guard and Reserve, we will also have before us information on the long-term requirements of the Guard and Reserve.

Mr. President, I think this amendment will serve the best interests of the Guard and Reserve in two ways. First, the Department of Defense, knowing that the Congress will have full access to long-range requirements of the Guard and Reserve, will perhaps feel compelled to better accommodate these requirements in the Department's annual budget request. Second, if Guard and Reserve programs are still underfunded, the Congress will be better informed in making allocations of any additional funds for equipment and construction projects.

I believe this amendment is a positive step forward. I believe it will reduce some of the add-ons that, frankly, have more to do with location and geography as opposed to national security needs. I believe this will give us a much better blueprint to make the very difficult decisions as to how we spend the taxpayers' hard-earned dollars which are earmarked for defense.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Alaska.

Mr. STEVENS. Mr. President, as I understand the amendment, it will require the President to submit to Congress the request of the Chiefs of the National Guard Bureau and respective Reserve components which was submitted to the Secretary of Defense that year, in order to assist the Secretary in preparing the defense program.

I might say to the Senator from Arizona, there is not a similar provision with regard to the Marines or the Air Force or the Army or the Navy. They all submit requests, really, to the President through the Secretary of Defense.

I do believe that the Senator from Arizona is right about his assertion that the Congress does respond to the requests of the National Guard Bureau and the Reserve components in a unique way. I do believe they are closer to the people and they are closer to the Members of Congress because, when we all go home we see our Reserve components, we see the members of our National Guard, and they tell us what they have asked of the National Guard Bureau. When we come back, we inquire what is in the budget. We find it is not there, so we seek it. He has a point there. But the same point might be valid as to the requests that the Chief of Naval Operations made to the Secretary, or to the Chief of Staff of the Air Force or the Army.

I do not argue with the Senator about his proposition. I am prepared to take the amendment to conference and see what the will of the House will be in that regard. I think we will probably work out something that will require an annex to the report, to have all of the requests of the various Chiefs be provided to Congress.

Let us explore that, if the Senator will, but I am happy to recommend we take it to the conference.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I appreciate the effort on the part of the Senator from Alaska to help solve this dilemma. I believe it is a dilemma, as I stated before. The Department of Defense—and I must place great responsibility on them—know full well Congress is going to add this money on. So, therefore, they will request funding for, perhaps, less popular and certainly programs with less constituent support, knowing full well the Congress is going to add on additional money. That is what I am trying to do. The Senator from Alaska obviously appreciates what I am trying to get at.

Basically what I am asking for, in some respects, is a future years defense plan for the Guard and Reserve to try to identify and prioritize their requirements.

If there is a way I can work with the Senator from Alaska and the other conferees and the Senator from Hawaii in trying to achieve this goal—I am not saying this amendment is the best way, but I think it is an issue that must be addressed, and I believe the amendment addresses it.

I, again, appreciate the understanding of the dilemma on the part of the Senator from Alaska.

The PRESIDING OFFICER. Is there further debate on the McCain amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend my friend from Arizona for this amendment. This is a subject which has been discussed at some length in the Armed Services Committee. He has consistently fought for and has been on the side of trying to identify what the priorities of the Guard and Reserve are so that we could at least consider those priorities when it comes time to identifying the items in the authorization bill. As a matter of fact, he was very forthright in his support of that position on the authorization bill.

We did adopt an amendment which I offered, I believe, on the authorization bill a few weeks ago. The question I would like to ask of the Senator from Arizona is this: Is the approach in this amendment either similar to or, at a minimum, consistent with the requirement that we added to the authorization bill on the floor, that the Guard and the Reserve components identify, prior to submission of the budget, what their priorities are so that they could be considered by the Congress when the time comes, if we add money to identify what those items are?

Mr. McCAIN. Mr. President, I say to my friend from Michigan, indeed, I believe this amendment is complementary to the amendment—a very thoughtful and important amendment—that the Senator from Michigan added to the defense authorization bill.

I also express my appreciation to the Senator from Michigan who has also fought against this earmarking of funds. Again, I would like to point out, the Appropriations Committee has simply added the money and they have not earmarked those funds, which I think is a significant improvement over what the authorizing committee has been doing. But in response to the question from my friend from Michigan, I believe this is a complementary amendment to that which the Senator from Michigan had added to the authorization bill.

Mr. LEVIN. Mr. President, I think it would be useful, assuming this amendment is adopted, for the appropriators to harmonize this language with the language that is in the authorization bill, to make sure we have precisely the same requirement, whatever it ends up being, assuming that it remains in the two bills following conference.

I also want to commend the Appropriations Committee, Senator STEVENS and Senator INOUYE, for following the generic approach on this Guard and Reserve issue. They have taken the correct position in terms of giving the Guard and Reserve components the greatest flexibility to do what is most needed by those components, rather than just some add-ons by Members of the Congress.

This is an important issue. It has been raised with great frequency on this floor. The Senate has generally taken the approach that we are going to give them the greatest flexibility rather than doing the earmarking.

I hope we prevail both in conference on the authorizing bill and on the appropriations bill. I join my friend from Arizona in thanking the Appropriations Committee for taking the position that they have and for accepting this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I say to my friend from Michigan that our flexibility in this bill is hampered by the earmarking in the authorization bill. I am not sure that we will survive conference so long as the authorization bill insists on pinning down the limited amount of money. It will lead to demands from both the House and Senate appropriators to challenge that.

I agree with the Senator from Arizona and the Senator from Michigan, Mr. President, but we have to have it in both committees in order to succeed. I do urge acceptance of the amendment.

Mr. LEVIN. If the Senator from Alaska will yield on that point, I do happen to agree with him in terms of his comment on the authorizing committee. Some of us made an effort in committee to totally eliminate those earmarks. We failed by, I think, one vote in committee. We ended with a sort of hybrid: some of the money earmarked and some not.

I agree, the fact some of it is earmarked in the Senate authorization bill does make your work more difficult in conference. I happen to regret that because I am on the generic side of this debate, but it is a fact of life.

Mr. STEVENS. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4441, the amendment offered by the Senator from Arizona.

The amendment (No. 4441) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on the next amendment, I understand the Senator from Arizona would like a time agreement. Will he state that again, please?

Mr. McCAIN. I am more than happy to agree to any time agreement. I suggest 20 minutes equally divided on the amendment, if that is agreeable to the Senator from Alaska, or any other time agreement that he chooses to enter into.

Mr. STEVENS. I am pleased to enter into that agreement. That means this amendment will be voted on at quarter after 2.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote will be taken at quarter after 2.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the amendment.

AMENDMENT NO. 4442

(Purpose: To limit the use of funds for programs, projects, and activities not included in the most recent future-years defense program)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4442.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for any program, project, or activity which is not included in the future-years defense program of the Department of Defense for fiscal years 1997 through 2002 submitted to Congress in 1996 under section 221 of title 10, United States Code, unless the Secretary of Defense certifies to Congress that—

(1) the program, project, or activity fulfills an existing, validated military requirement;

(2) the program, project, or activity is of a higher priority than any other program, project, or activity included in that future-years defense program for which no funds are appropriated or otherwise made available by this Act; and

(3) if additional funds will be required for the program, project, or activity in future fiscal years, such funds will be included in the future-years defense program to be submitted to Congress under such section in 1997.

Mr. STEVENS. Mr. President, I ask unanimous consent that we amend the unanimous consent agreement to include that it not be subject to an amendment in the second degree.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, the amendment would require an assessment by the Department of Defense programs included in the appropriations bill which are not in the administration's future years defense plan. The Secretary of Defense would be required to certify that the program fulfills a military requirement, that it is a higher priority than any other unfunded program in the future years defense plan, and any future funding requirement associated with the program will be included in next year's future years defense plan. Until the assessment is complete and the certification provided to Congress, no funds for these programs could be obligated or expended.

Mr. President, I ask unanimous consent that there be a time agreement of 20 minutes equally divided, if that has not already been agreed to.

The PRESIDING OFFICER. It has been agreed to.

Mr. McCAIN. Mr. President, this amendment is needed. The amendment would impose some degree of restraint on the Congress' seemingly unlimited desire to waste scarce defense resources on unnecessary projects.

This Congress has succeeded in increasing the President's inadequate defense budget requests of the last 2 years, adding a total of $18 billion. I fully supported these increases which have slowed, although not halted, the too-rapid decline in the defense budget over the past decade. Failure to provide adequate funding for defense will seriously hinder the ability of our military services to ensure our future security and have a deleterious effect on our Nation's ability to influence world events and maintain peace.

However, much of this additional $18 billion is devoted to unnecessary and unwarranted projects. Last year, the Congress wasted $4 billion of the defense budget on unnecessary projects. These included $700 million for unrequested, low-priority military construction projects, $1.2 billion for B-2 bombers and *Seawolf* submarines, another $2.2 billion for unrequested projects of special interest, such as earmarks for specific universities, centers, or other entities; nondefense activities, such as Coast Guard operations, support to the Atlanta Olympics, medical research education and programs; and unrequested Guard and Reserve equipment.

Mr. President, that adds up to $4.1 billion, which did little or nothing to enhance the readiness of our forces today or to modernize our forces. This year, while it appears the Senate may be exercising restraint, I have identified only $2 billion in this year's as opposed to last year's budget.

I know this is sometimes an unpleasant experience, but I have to identify some of these projects that honestly have no relation to defense spending. There is nonauthorized add-ons and earmarks—I am not going to go through all of them:

A $3.4 million add-on for "Med teams";

A $14 million add-on for Akamai program, to continue telemedicine efforts at Tripler Army Medical Center in Hawaii;

Earmarks $2.7 million for development of "dual-mode hyperspectral/fluorescence imaging technology";

The sum of $8 million for the mitigation of environmental impacts on Indian lands;

A $477,000 grant to Kansas Unified School District 207 to integrate schools at Fort Leavenworth into post-fiber-optic network;

There is $100 million for prostate cancer research; $93 million of that is earmarked in the bill. The report specifies a total of $100 million for research to be conducted in conjunction with the Center for Prostate Disease Research.

There is a $2 million add-on for the National Automotive Center; a $5.4 million add-on for Hawaii Small Business Development Center; a $4 million add-on for Instrumented Factory for gears; $900,000 earmarked for National Center for Physical Acoustics for research on ocean acoustics for purchase of special equipment; $7 million add-on for Center of Excellence for Research in Ocean Sciences in Oregon.

There is an $8 million add-on to support Pacific Disaster Center; a $3 million add-on for Southern Observatory for Astronomical Research; $4.75 million earmarked for Charleston Navy Hospital for a cancer control program conducted in conjunction with a State-owned cancer center serving coastal South Carolina.

There is a $350,000 add-on for a DOD-State-local government joint task force studying wastewater treatment, management, and disposal; $10 million earmarked for joint Army-Tennessee Valley Authority project to "develop, demonstrate, and validate a plasma energy pyrolysis system * * * to render hazardous, chemical, and medical waste into an inert glass slag byproduct."

There is $1 million for brown tree snake control; again, a $2 million add-on for natural gas boiler demonstration; $2.5 million add-on for carbon reinforced recycled thermoplastic engineered lumber; $7 million earmarked for evaluation of a multithread architecture experimental computer; a $26.8 million add-on to initiate program using DOD satellite capabilities in support of civil needs, such as detecting forest fires and volcanic activity; a $20 million add-on for Electric and Hybrid Electric Vehicle Consortia program.

There is a $25 million add-on for Optoelectronics consortia. By the way, only $20 million was authorized. There is a $13 million add-on for oceanographic partnership programs.

Mr. President, I know that the argument can be and will be made that each of those programs I talked about are worthy and important programs. Most of those that I identified have little, if anything, to do with national defense. They were not requested by the Department of Defense, nor in many cases were they authorized in the authorizing bill.

I think this amendment is a necessary starting point for curbing this kind of spending. It is aimed only at projects that are not included in the spending plans of the military services until after the year 2002.

Perhaps my colleagues are unaware of what a future years defense plan is. It is the plan the Department of Defense documents which specifies the programs, projects, and activities that are planned for a 6-year period. The current FYDP was submitted to Congress earlier this year and covers fiscal years 1997 through 2002. The services' highest priority programs are included in that document.

Mr. President, I point out that the total funding for defense in the current future years defense program is $1.5 trillion—$1.5 trillion—which means there are lots and lots and lots of projects in there. Lots of those projects are not funded in the decisions made by the Congress of the United States.

Mr. President, I understand the opposition to this amendment and have very few illusions as to its chance of passage, but I feel that it is my obligation to seek its passage.

I also ask unanimous consent, Mr. President, that a letter from the Citizens Against Government Waste in support of this amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, July 11, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to endorse your amendment to the FY 1997 Department of Defense (DOD) Appropriations bill (S. 1894). Your amendment prohibits the use of funds for projects not included in the DOD's Future Years Defense Program (FYDP) unless the Secretary of Defense certifies that those programs are a higher priority than the unfunded FYDP items and will be included in the following year's FYDP. S. 1894 contains over $2 billion worth of items not included in FYDP.

As you know, DOD submits a FYDP every year which specifies programs, projects, and activities that are planned for a six-year period. Only items of the highest priority are included by DOD. The current FYDP was submitted this year and covers FYs 1997 through 2002. This FYDP contains $1.5 trillion worth of spending items, many of which were ignored by Congress and replaced with wasteful items.

Some of the items included in S. 1894 have been listed in our Congressional Pig Book:

$1 million for Brown Tree Snake control.

$15 million for High Frequency Active Auroral Research Program (HAARP). While it was authorized, it is an objectionable add-on.

$4 million add-on for the instrumented factory for gears. In FY 1996,this program received a $5 million add-on in conference.

Wasteful spending crowds out valuable resources for high priority projects. Your amendment would help stop pork-barrel spending hidden under the cloak of defense spending. We urge your colleagues to support this amendment, which will be considered for inclusion in CCAGW's 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. McCAIN. Mr. President, I reserve the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, unfortunately, this is one amendment that we have to disagree with the Senator from Arizona on in regard to his proposal. It would prohibit the obligation of any congressionally approved funds, by definition, funds approved by the President, too, unless those funds were in the President's original plan.

The budget resolution that we have adopted in the Congress is $27.5 billion more than the President's plan. That is the 5-year plan. I stood here listening to the Senator from Arizona, and I was remembering battles that this Senator has been involved in. Three times other committees zeroed out the C–17, and the President did not request it. Our committee insisted on it. Our committee insisted on upgrading the Patriot missile when it had not been requested, was not in anyone's authorization bill. We believed it should have been upgraded. It had a significant role, I think, in the Persian Gulf war.

On the V–22, the Osprey, it was never recommended by the President or by the Secretary of Defense. We had met with the Marines, and they gave us their concept of a new order of battle, really, if they could have this new system. And our subcommittee again battled. I remember the battles here on the floor with some of my former friends about our adding money to the bill that was not authorized or requested. Today the V–22 is the signal part of our defense effort. I think this will be one of the few items of new technology, really innovative technology, in the overall field of aviation. I predict that within 20 years, it will be a significant part of commuter airline transportation throughout the world.

I do not disagree with the Senator from Arizona that we do at times agree to money that has not been requested that could be considered in a subsequent year. But I do not believe we should abandon the total flexibility that Congress has. Congress has the authority to initiate spending in areas where it feels it is necessary to meet the national defense requirements, our national security requirements. Our obligation is to provide for the common defense under the Constitution. I keep repeating that here on the floor.

I must oppose the Senator's amendment because we would have no flexibility whatsoever. Under the current budget resolution, we have programmed even this year $266.362 billion for defense. The President asked for $255.1 billion for defense. Over the period of 5 years, as I said, we asked for $27.5 billion more than the President.

Senator MCCAIN's amendment would say, even if we provided it, the Secretary of Defense would uniquely have impoundment authority, the authority to prioritize spending. In our opinion, it is not the right thing to do. So at the appropriate time, I will make a motion to table the amendment.

This language, as I understand it, would require that the Secretary of Defense, after Congress has passed an act and the President has signed it, that the Secretary of Defense must certify that the program meets valid military requirements. The Osprey stands out in my mind, Mr. President. No Secretary of Defense that I knew ever supported the Osprey, V–22. I do not wish to give the Secretary of Defense a veto power that I would not give to the President of the United States.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 33 seconds.

Mr. MCCAIN. Mr. President, I ask unanimous consent to vitiate the request for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I understand how this vote would come out. I will be satisfied with a voice vote on it. I want to assure the Senator from Alaska and the Senator from Hawaii that I am very appreciative of their very hard work and efforts. I am very appreciative of the fact that we have gone from $4 billion to $2 billion of, in my view, unnecessary and unwarranted and unauthorized spending.

However, Mr. President, I do not intend to quit in trying to stop add-ons such as those that I described before. I believe that the American people deserve to have a thorough ventilation and thorough hearing of the requirements and the appropriations that are included in this bill. I do, as I said before, appreciate the reductions in unauthorized earmarks and spending, and I think we will continue to make progress. At the same time, I have to bring to the attention of my colleagues areas that I feel are absolutely unnecessary and wasteful projects.

I yield the floor.

Mr. INOUYE. Mr. President, of course, I commend my colleague from Arizona for bringing this matter to the attention of the Senate. Every Member of this body is desirous of providing the finest defense at the least cost.

There are a few things that we should remind ourselves. First is the Constitution of the United States. Mr. President, it is not the President who is responsible to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government on regulations of land and naval forces. That is the power of the Congress of the United States. We, the Members of the Congress, were not elected by our constituents to serve as rubber stamps of the Secretary of Defense or, for that matter, of the President of the United States.

As my distinguished colleague from Alaska pointed out, if it were not for the initiative taken by this committee, the C–17 would not be in existence, the V–22 would be a thing of the past, the Patriot upgrade would not have helped our troops in Desert Storm.

For that matter, I think we should recall, in early 1990, when the seas were calm and the Middle East seemed to be a tranquil place, the Pentagon was considering doing away with the central command. That is fact, Mr. President. They were about to break up the central command and retire General Schwarzkopf. When this subcommittee heard about that, we called upon the Secretary of Defense to delay that decision for at least a year because we, on this subcommittee, felt the seas were not tranquil in the Middle East, that the air was not calm in the Middle East, that something was brewing, and within 8 months, we were shooting and they were shooting at us. If we had served as rubberstamps for the President of the United States and the Department of Defense, General Schwarzkopf would now be retired and Desert Storm would have been a disaster.

The weapon that most people credit with the great successes of Desert Storm is the F–117, the stealth fighter, the fighter that was able, in a stealthy fashion, to knock out all of the radar positions of the Iraqis. I believe we should recall that the administration did not want any more F–117's. For that matter, our companion committees in the Congress of the United States did not favor the F–117. Thank God for this subcommittee; we got the F–117.

Mr. President, I think we should always remind ourselves that the Congress shall have the power to raise armies, to support armies, to provide and maintain a Navy, to provide for calling forth the militia to execute the law of the Union against suppressions and insurrections, and to repel invasions. We are the people who are responsible for the Defense Department. We are the people who are responsible to declare war.

Mr. President, we take our responsibilities very seriously. We will do our very best to help our Senator from Arizona to bring down the costs of defense. This is not the way to do it, sir.

The PRESIDING OFFICER. There are 45 seconds remaining.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4442) is rejected.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4582, AS MODIFIED

(Purpose: To provide funds for preparing the application for renewal of the use of the McGregor Range at Fort Bliss, Texas)

Mr. STEVENS. Mr. President, I send to the desk a modification of amendment No. 4582.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRAMM, proposes an amendment numbered 4582, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . Of the funds appropriated in title II of this Act, not less than $7.1 million is available to perform the environmental impact statement and associated baseline studies necessary to prepare an application for renewal of use of the McGregor Range at Fort Bliss, Texas.

Mr. STEVENS. As amended, this makes funds available for a project in Texas which the Senator from Texas wishes to be certain is authorized and the moneys are available for.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that the managers have approved this measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4582), as modified, was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4883

(Purpose: To provide $7,5000,000 to fund 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program)

Mr. GORTON. Mr. President, I have an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 4883.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds appropriated in this paragraph, $7,500,000 shall be available for 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program.".

Mr. GORTON. Mr. President, this has to do with the military oceanographic research survey administered by the Dept. of the Navy. I understand it has been cleared by both of the distinguished managers. I want to tell them how much I appreciate their cooperation in this respect.

Mr. President, today I am offering an amendment which will increase funding for the Navy's military oceanographic research survey capabilities. With enhanced survey capabilities, university research fleets will be able to help the Navy in the important work of oceanographic research.

This amendment will reduce an approximately 240 ship-year backlog in military oceanographic survey vessels which are operated by the Oceanographer of the Navy. It allows the Navy to use non-military research ships as a supplement to its own fleet.

Most of the Navy's surveys are overseas; some are in American waters. Clearly, the Navy Oceanographer's eight ships cannot, by themselves, do all the work for 240 ship-years of backlog. They need help. The University Oceanographic Laboratory System [UNOLS], an umbrella organization of oceanographic research ships, can provide that help. These research ships are owned and operated by a variety of agencies and private organizations, including the University of Washington in Seattle. With the additional funds provided by this amendment, the Navy can enlist the aid of UNOLS in reducing its backlog.

This initiative will bring military and civilian oceanographers, together, in a spirit of partnership, for exchanges of ideas and capabilities. I thank the committee for agreeing to this amendment.

Mr. STEVENS. The Senator from Washington has identified that immediate attention be paid to this activity. We support his position that it should be maintained at the current level, and urge adoption.

Mr. INOUYE. Mr. President, the managers are pleased to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4883) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to table the motion.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Sharon Dunbar be permitted privileges of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4884

(Purpose: To provide $12,000,000 for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system)

Mr. INOUYE. Mr. President, I send to the desk an amendment on behalf of Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mrs. FEINSTEIN, proposes an amendment numbered 4884.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this paragraph, $12,000,000 is available for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system.".

Mrs. FEINSTEIN. Mr. President, I rise today in support of my amendment to authorize $12 million for the development of a pulse doppler upgrade to the AN/SPS-48E radar system.

The AN/SPS-48E is currently the only surveillance radar capable of detecting low flying cruise missiles coming out of the severe ground clutter that is typical of littoral warfare over water or land. Given the proper funding, the Navy agrees that the AN/SPS-48E pulse doppler upgrade would re-initiate clutter reduction engineering activities, thereby improving their ability to meet current and emerging threats. Present lack of funding for this one-of-a-kind, superior radar system leaves our large deck amphibious ships and the new LPD-17 class ships and their crews unprotected and vulnerable to attack.

I am pleased that this amendment is acceptable and I thank the managers of the bill.

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides. We are pleased to support it.

Mr. STEVENS. Mr. President, I concur in adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4884) was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR BATTLE CAPTAIN PROGRAM AT THE CENTER FOR AEROSPACE SCIENCES, UNIVERSITY OF NORTH DAKOTA

Mr. CONRAD. Mr. President, I see that my esteemed colleague, Senator

INOUYE, the ranking member of the Defense Appropriations Subcommittee, is on the floor. I wonder if the Senator from Hawaii would be willing to engage in a colloquy with my friend from North Dakota and me over a matter of importance to our State and the U.S. Army.

Mr. INOUYE. I would be happy to do so.

Mr. CONRAD. I thank the Senator. As my friend from Hawaii may recall, the internationally recognized Center for Aerospace Sciences [CAS] at the University of North Dakota [UND] has been conducting intensive helicopter flight training for U.S. Army Reserve Officer Training Corps [ROTC] scholarship recipients for the past decade and a half. The 1995-96 school year was the last year of a 5-year test program designed to produce 15 second lieutenants every year for the Army Aviation branch who are ready for tactical aircraft training and further assignment as combat-ready aviators upon graduation from UND. Because of the unique flight training students receive at CAS, the entire UND class has almost always received active duty helicopter assignments upon graduation.

Mr. INOUYE. Yes, I am aware of this program. Has this training been cost-effective for the Army?

Mr. CONRAD. Yes, it has. In fact, it costs approximately 40 percent less to train helicopter pilots at UND than at the Army's usual facility at Fort Rucker.

Mr. DORGAN. If my senior colleague from North Dakota would yield for a moment, I would also like to note that the recent proposal for program continuation forwarded to the commanding general at Fort Rucker suggests that we will save even more than that. My friend from Hawaii and all Senators should also be aware that the Army has consistently praised UND graduates for their excellent performance and superior airmanship. The CAS program is unique in the United States, and consequently its aviator graduates in the Air Battle Captain Program are better trained than any other ROTC graduates seeking Army aviation assignments. Appropriately, the entire UND Air Battle Captain class has consistently received active duty helicopter assignments upon graduation.

Mr. INOUYE. Considering both the cost savings and the excellent performance of UND's graduates, this program appears to be an excellent buy.

Mr. DORGAN. It is, and consequently I and my colleague from North Dakota were very surprised to learn that only 2 of this year's class of 15 graduates were assigned to active duty aviation. Clearly, many programs within the Armed Services are undergoing reorganization as part of the defense-wide effort to cut costs, but to reject the graduates from the aviation program at UND Aerospace does not make any sense to me. After all, these young officers have been handpicked and well trained. To reject these young men and women after this special training seems wasteful.

Mr. INOUYE. I understand the concern of my friends from North Dakota. From what I have heard today, rejecting these fine young men and women for the positions for which their country has trained them does not appear to make much sense.

Mr. CONRAD. That is also our thinking, and Senator DORGAN and I, with our friend from the other body, Congressman EARL POMEROY, wrote to the Secretary of Defense on May 31, asking that the assignments given to this year's graduates be reexamined. We are hopeful that it is not too late for the members of class of 1996 to receive the assignments they had every right to expect when they enrolled in the program over 3 year ago. Every member of this year's ABC class made time-consuming, costly commitments to this excellent program. In addition, the funds spent by the Army over the past 3 years on their training is in danger of going to waste if current orders are not reviewed. All 15 students are uniquely qualified to be Army helicopter pilots, and we believe it is only right to give these young people the opportunity to serve their country in this capacity, especially now that significant tax dollars have been invested in their training.

It is our hope that any procedural error which may have hindered UND's graduates during this year's selection process can be corrected for this year's class. We are also concerned, however, about future classes. We hope that UND students will be able to benefit from this excellent program for many years to come.

Mr. INOUYE. Has the Defense Department responded to your letter or taken action in light of your very understandable concern?

Mr. CONRAD. Unfortunately, we have not yet received a substantive response.

Mr. INOUYE. In light of the stress that this delay must be inflicting on this year's graduates, I would hope that the Defense Department would expedite action in this matter. I look forward to a favorable response to the letter my friends from North Dakota have sent to Secretary Perry, and would hope that Senators CONRAD and DORGAN would not hesitate to let me know if I can be of assistance.

Mr. DORGAN. I thank my esteemed colleague from Hawaii. We will be sure to do so.

Mr. CONRAD. I also thank the distinguished ranking member for his time and support. I thank the Chair, and yield the floor.

LAST CENTER

Mr. JEFFORDS. Mr. President, I would like to bring to your attention an item in this bill which is listed under the heading of Industrial Preparedness, namely the Lithographic and Alternative Semiconductor Processing Techniques [LAST] Center. This Center will play a major role in the development of a critical technology for our national defense. As you know, our national defense is heavily dependent on the electronics industry, in which there are certain critical tools and technologies. Of these, lithography is pivotal to our Nation's continued success. This is the technology used to create the ever-shrinking patterns found on integrated circuit chips and is an area where we face fierce international competition. The United States must retain leadership in this dual-use technology area through the continued investments by government, industry, universities, and industrial associations.

Since 1988, the Defense Advanced Research Projects Agency [DARPA] has been working with the Naval Air Systems Command and the Naval Research Laboratory to develop alternative lithographic technologies. Proximity x-ray lithography is considered to be the primary backup to the optical lithography technologies currently used, and to have the most promise for manufacturing future generations of chips. Yet by fiscal year 1998, DARPA plans to curtail the bulk of its funding in proximity x-ray technology.

This technology is at the delicate point where DARPA believes it is too mature to meet its development investment profile, yet the industrial infrastructure is not yet sufficient to sustain it. Therefore, DOD investment is needed to continue development of x-ray lithography and other mask technologies and to demonstrate how semiconductor processes can be used in leading edge military applications. This work more clearly fits the needs of the services than the mission of DARPA.

The bill the Senate is considering today begins a smooth transition of the results of DARPA's Advanced Lithography Program in proximity x-ray lithography to the Navy in fiscal year 1997. It establishes a Manufacturing Technology Program Center of Excellence, which would be based at the IBM research facility in Essex Junction, VT.

The bill provides for the extension of efforts begun in the DARPA Advanced Lithography Program through transition to the Lithographic and Alternative Semiconductor Processing Techniques [LAST] Center and funds the Center at $15 million in fiscal year 1997, from the manufacturing technology budget, PE78011N. It increases the request in that line by $15 million. This increase is in addition to any other planned increases.

The Naval Air Systems Command should manage this Center since it currently is the agent for most of the

DARPA contracts in this technology area. As the LAST Center's programs are part of a larger ongoing government, university, industry effort to nurture advanced lithography, both the Center's program and DARPA's X-ray Proximity Printing Program must be viewed as an ongoing effort. A coordinating effort for the LAST Program should be established and the Navy should chair a coordinating panel including representatives of DARPA and the three services, as appropriate.

This is extremely important in light of recent developments in Asia, in particular, NTT's announcement of .07 micron device demonstrations using proximity x-ray technology and Mitsubishi's recent announcement that it is proceeding with a $1 billion semiconductor fabrication facility built around synchrotron x-ray lithography technology. These, along with the fabrication of the Pohang beam line for x-ray lithography in Korea, underscore the worldwide investment being made in this critical technology.

The LAST Center will allow DOD to begin the insertion of x-ray technology and alternative semiconductor processing techniques into military applications. This Center will be of high value to military systems. I believe the Secretary of the Navy should support its continuation for a period of 5 years beginning in the Navy's fiscal year 1998 budget request.

Mr. President, I would like to thank my colleague from Alaska for joining me in a discussion of this important matter on the floor of the Senate, and I commend him for including this important item in the bill before us.

Mr. STEVENS. Mr. President, I am pleased to agree with my colleague from Vermont on the importance of maintaining the defense investment in advanced lithography, including proximity x-ray lithography. In particular, the research and development that would be undertaken at this LAST Center should provide advanced electronics manufacturing capabilities, which are essential to our national defense.

UH-60 AIR AMBULANCE COMPANIES FOR THE NATIONAL GUARD

Mr. DOMENICI. Mr. President, I would like to briefly share my concerns about an issue of importance to National Guard medical operations and capabilities in New Mexico and Nevada.

Mr. STEVENS. I appreciate the Senator coming to the floor to share his concerns on this issue with his colleagues.

Mr. DOMENICI. I understand that at the end of fiscal year 1997, the National Guard bureau will only have four National Guard UH-60 air ambulance companies throughout the United States. I am greatly concerned about the overall lack of air ambulance capability supporting our National Guard Forces.

Mr. DOMENICI. In order to address this shortfall, it would be appropriate for the Department of Defense to assess the requirements for additional UH-60 air ambulance companies beyond what currently exists in the current DOD plan for the National Guard. This review should identify the procurement profile for this aircraft, as well as associated funding and number of aircraft, in order to satisfy these requirements over the next 5 years.

Mr. STEVENS. I wholeheartedly endorse this review by the Department of Defense, which should be completed and submitted to the Congressional Defense Committees no later than April 30, 1997. I applaud the Senator from New Mexico for Bringing this issue to the committee's attention.

MILITARY USE OF A METAL CONDITIONER

Mr. WARNER. Mr. President, I would like to discuss an important matter with my distinguished colleague, the chairman of the Defense Appropriations Subcommittee. I bring to the chairman's attention a remarkable product called MILITEC-1, which is manufactured by a small Virginia company. The product is a synthetic metal conditioner that makes machines run better, and makes weapons more reliable. This permits smoother running machines that consume less power, are more reliable, and require less maintenance and parts replacement. MILITEC-1 can help our military forces save money and human resources on repairs, while at the same time have equipment that runs better.

Tests and extensive experience by both government and commercial users have proven MILITEC-1's effectiveness. The Department of Defense has issued national stock numbers to facilitate purchase of the product by all Federal Government activities, including military units, as well as by state and local law enforcement agencies.

In fact, several Federal law enforcement agencies direct the use of MILITEC-1. Indeed, in a recent issue of the Washington Post, a spokesman for the U.S. Secret Service was quoted as saying,

> "Our 2,000 agents and 1,200 officers are issued a small bottle of the stuff with their guns. We've found that it repels water extremely well and keeps weapons operating smoothly. Obviously, that is a high priority for us."

I appreciate the Service's concern for its special mission, and I believe our troops should have that same advantage.

Mr. STEVENS. I have heard of the Virginia product my distinguished colleague describes, and I concur with his interest in giving our military the opportunity to have the advantage that many law enforcement agencies already enjoy.

Mr. WARNER. Mr. President, I understand that some officials in the Defense Department have been hesitant to employ a synthetic metal conditioner, even for testing, preferring to use only traditional lubricants. This is in spite of the fact that a great many field users in the military services strongly prefer it over standard-issue products. Would the chairman agree that, if the Department requires formal performance testing to determine the value of a synthetic metal conditioner before approving services-wide use, they should provide adequate resources from appropriated funds to conduct such performance testing?

Mr. STEVENS. I agree with the distinguished Senator from Virginia that if the Department of Defense wishes to conduct performance tests to determine the merit of a synthetic metal conditioner for military use, the Department should consider funding such tests from within available funds.

PCB AND ASBESTOS REMOVAL

Mr. KERREY. Mr. President, will the Senator from Alaska help me understand a part of the bill. Within the Formerly Used Defense Site Program you have added $25,000,000 for PCB and asbestos removal. We have a situation out at the University of Nebraska where the Department turned over some land and buildings to the university in the 1960's. The problem is that the buildings contained ammunition and are contaminated. We now need to tear them down. However, the cost of structural demolition and removal of the asbestos and contamination within these buildings is considerable. Is the purpose of this $25,000,000 for problems like we have at the University of Nebraska?

Mr. STEVENS. This is exactly the kind of problem we have heard about. That is why we added this funding. We want to accelerate the cleanup of these sites wherever possible.

Mr. KERREY. I will work with the Department to help the University of Nebraska to demolish these structures and remove this asbestos. I thank the Senator from Alaska.

EOA-TYPE SYSTEMS

Mr. HEFLIN. Mr. President, I would like to take a moment to enter into colloquy with the distinguished Senator from Alaska, my friend, Mr. STEVENS.

Mr. STEVENS. Mr. President, I would be pleased to enter into a colloquy with my friend from Alabama.

Mr. HEFLIN. First let me compliment the Senator on the excellent work the committee has done this year. This is an outstanding bill. I would also like to thank staff for their hard work and dedication. As you know, I have a keen interest in the Army's electronic maintenance programs. I would, therefore, appreciate a clarification of the guidance provided in the committee report dealing with the purchase of electro optic test equipment.

The report directs the Army not to procure any sole-source off-vehicle E-O test equipment until the results of a study have been provided to the defense committees of Congress. My question is, Does this guidance restrict the procurement of variants of the Electro Optic Augmentation System, an on-vehicle tester?

Mr. STEVENS. Let me assure the Senator that the committee's guidance was not intended to restrict the purchase of EOA-type systems.

Mr. HEFLIN. I appreciate the clarification of this important matter. I thank the Senator.

WHITE HOUSE COMMUNICATIONS SUPPORT

Mr. SHELBY. Mr. President, historically the White House Communications Agency, commonly referred to as WHCA, has provided telecommunications support for the President in his role as Commander in Chief. WHCA, as part of its mission, has provided radio communications, telephone, and other telecommunications resources to the Secret Service under the authority of the Presidential Protection Assistance Act of 1976. This act states that the assistance is provided to the Secret Service without reimbursement provided that the assistance is on a "temporary basis".

Mr. STEVENS. That is correct. This WHCA support to the Secret Service had been provided on a non-reimbursable basis for 15 years, absent a clear definition of "temporary basis." As I understand the issue, this support which is provided to the Secret Service is essential and must be provided regardless of the funding source.

Mr. SHELBY. Absolutely, the support is essential in order for the Secret Service to effectively carry out their protective mission. The 15-year practice of providing this support under the Presidential Assistance Act has worked well. Recently, because of strict interpretations of that act it has been suggested that the funding to cover the cost of this support be transferred to the Secret Service so that they can then return the funds to the Defense Department to cover the cost.

Mr. STEVENS. In other words, there is no savings and there is increased redtape. This appears to be a typical bureaucratic solution—fix something that is not broken.

Mr. SHELBY. Exactly. For 15 years this essential support is provided by WHCA and funded through the Defense Department. Now, because after 15 years someone has decided to interpret guidelines differently, we must alter the funding process and add bureaucratic redtape to the process that works just fine. Providing the funds to the Secret Service so that they can return it to the White House Communications Agency is a waste of time and effort. There are no savings, just added redtape.

Mr. STEVENS. Was this change requested by the Secret Service or WHCA?

Mr. SHELBY. To my knowledge, these agencies did not request such a change. The system which existed for 15 years was fine. Certainly, if required to proceed with this reimbursement procedure they will comply. The support services are essential. Once again, however, if it isn't broke, don't fix it.

Mr. STEVENS. I agree. If the support is essential and has been provided for so many years there is no need to create more administrative redtape. Not only won't this process save taxpayer dollars, it will cost more money due to the increased administrative processes. The support is essential and should be funded in the most streamlined of methods. We should continue to fund this support directly to WHCA and their support of the Secret Service should continue.

Mr. SHELBY. Mr. President, I understand that the House has included language in their bill regarding this issue. I would hope that we can examine this issue closely in conference to ensure that the most efficient and cost-effective procedure to address this issue will be implemented.

Mr. STEVENS. We will certainly address it, and hopefully continue to fund this support program without added redtape.

B–52H BOMBERS

Mr. CONRAD. Mr. President, I note that the distinguished chairman and ranking member of the Defense Appropriations Subcommittee are on the floor, and I would like to engage in a colloquy for the purposes of discussing the subcommittee's intentions regarding B–52H bombers.

As my colleagues are aware, during floor consideration of the fiscal year 1997 Defense Authorization bill, I offered an amendment with my distinguished colleague from North Dakota which clarified the Senate's intent regarding B–52's by instructing the Secretary of the Air Force to retain the entire inventory of these battle tested, dual-capable bombers in active status, and to ensure that aircraft in attrition reserve would receive the standard maintenance and upgrades just like other B–52's. Our amendment was unanimously approved by the Senate with the full support of the Armed Services Committee, which again this year has clearly instructed the Air Force not to retire, or to prepare to retire, any B–52's during the fiscal year.

With passage of an amendment offered by Senator STEVENS to the defense appropriations bill, a total of $69,500,000 will have been added to the fiscal year 1997 defense budget request to maintain the entire fleet of 94 B–52H aircraft. In light of this additional funding, is my understanding correct that the Defense Appropriations Subcommittee agrees that the Defense Department should not retire, or prepare to retire, any B–52's during fiscal year 1997?

Mr. STEVENS. The Senator is correct. Additional funds have been provided for operations and maintenance, militaray personnel, and procurement at levels considered appropriate to allow all B–52's to be retained in active and attrition reserve status.

Mr. CONRAD. Would the chairman also agree that all the B–52's should receive standard maintenance and upgrades?

Mr. STEVENS. That is the subcommittee's intent. Depriving the attrition reserve bombers of the maintenance and modifications required for them to operate in combat would be inconsistent with the subcommitte's understanding of what attrition reserve status entails.

Mr. CONRAD. I thank the chairman for this strong statement of support. Might I ask the distinguished ranking member whether he shares this understanding?

Mr. INOUYE. I certainly do. I am pleased that we were able to provide the funding necessary to ensure that there be no question that B–52's should not be retired, or prepared for retirement, during fiscal year 1997.

Mr. CONRAD. Again, I thank the chairman and ranking member for their help on this extremely important matter, and would like to clarify a last point for the Record. As my friends on the Defense Subcommittee are aware, the Air Force's estimates of the additional funding required to maintain these aircraft have fluctuated over the past several months. Would the subcommittee be willing to reallocate B–52 funds between appropriations accounts in conference, or to describe in the conference managers' statement, the subcommittee's understanding of how the additional $69,500,000 is to be spent, should clarification be necessary?

Mr. STEVENS. I understand my friend's concerns, and, if necessary, we could raise these matters in the conference with our House counterparts. I also would add, in recognition of my friend's interests in this matter, that we will do our best to come out of conference with the full $69,500,000 we have allocated for the B–52's.

Mr. INOUYE. The Senator from North Dakota raises a valid point, and I know that the chairman and I will try to accommodate him should it become clear that some reallocation of B–52 funds between appropriations accounts, or further language clarification, is advisable.

Mr. CONRAD. Once again I thank the Defense Subcommittee's distinguished leadership for their strong support. I greatly appreciate their cooperation throughout this process and the hard work of their able staff members, and am pleased that we have been able to work together to maintain our entire fleet of B–52's.

TELEMEDICINE

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging my good friend, the distinguished chairman of the Defense Appropriations Subcommittee, in a colloquy regarding support to the Army, Navy, Air Force, and other branches of the military in their efforts to promote and utilize the innovative delivery of telemedicine processes and techniques which improve the responsiveness and quality of care.

A coordinated and innovative telemedicine system designed to enhance the medical and behavioral care provided to personnel who have been exposed to high-trauma events would be of considerable benefit to the U.S. military. It would expand the knowledge base needed for successfully delivering both emergency and disaster management services and would also expand the applications of telemedicine and enhance diagnostic and treatment coordination and delivery. Given the experience of the U.S. military during and since the Persian Gulf war and the increased threat posed by weapons of mass destruction the military could benefit greatly from such a resource.

I would further note that the northeast region of the United States is inadequately represented in national telemedicine research. I urge the conferees to consider directing the Department of Defense to allocate a portion of the $20 million for telemedicine in the Defense appropriation's fiscal year 1997 bill, to an organization in the northeastern United States with lengthy experience in organizing and providing comprehensive medical and behavioral services. A not-for-profit health care organization engaged in the delivery of medical care, in medical and allied health education and training, and in medical research would be the most appropriate type of entity for achieving expanded applications and coordination of telemedicine efforts. Both the U.S. military and the northeast region would benefit from allocating funds to a qualified entity in the region.

Mr. STEVENS. Mr. President, I would say to the distinguished senior Senator from Pennsylvania that I have long been a supporter of telemedicine and its application to military medicine. I believe that telemedicine can significantly enhance medical readiness and I encourage the Department of Defense to seek innovative opportunities to expand those capabilities. I will be happy to work with the senior Senator from Pennsylvania and the Department of Defense to ensure that such proposals, especially those qualified proposals being put forward in the northeast region of the United States, receive a thorough review for possible inclusion into the fiscal year 1997 Department of Defense telemedicine programs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I see the Senator from Iowa is here. We have discussed an agreement concerning an amendment he is to offer.

He is going to offer an amendment to the bill pertaining to the number of general officers, I believe, in the Marine Corps.

I just simply want to ask unanimous consent that his amendment not be subject to a second-degree amendment but that he be permitted to modify that amendment during the debate if he so wishes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I have an amendment I am going to offer, but I do not want to send it to the desk at this point. I hope we will be able to do today what we were not able to do in late June when I discussed this very same issue on the Defense authorization bill. I hope that I have a chance to have some dialog in a very formal way of educating our colleagues about this issue I am raising, and I hope to have that with some members of the Senate Armed Services Committee as well as prominent members of the Senate Appropriations Committee who are in the Chamber.

To remind my colleagues, this is the issue of whether or not we need 12 more Marine generals. This issue, I admit, appears to be micromanaging the Defense Department. Most of my speeches on the Defense Department come during the budget debate, the budget resolution debate which is very much a macro-approach on defense expenditures.

I think, however, that in the sense of micromanaging we raise a point of how money is being spent because if my amendment which I will offer would be adopted, I do not pretend to subtract big dollars from the appropriations bill that is before us. The issue here is a broader issue of what are the priorities within our military establishment. We hear from the Secretary of Defense, we hear from the Senate Armed Services Committee, and maybe we all agree, of the need for modernization of the military, the updating of our capabilities, that spending money on that is a very high priority. And so we are seeing in the days now beyond the cold war era and also in the era of efforts to reduce the deficit and hopefully to balance the budget, a military force structure that is downsizing.

So if it appears to be micromanaging, it is only because it is so very obvious that when you have a downsizing taking place, why are we "topsizing" the administrative overhead in the form of more brass at the top. The Marines like to say—and I think they have every right to say this—they are looking for "a few good men." Obviously, today we amend that, that the Marines are looking for a few good men and women.

I think most of us remember that slogan on TV or we saw it in a magazine or we even saw it on bumper stickers. For me, these words always spoke the truth, because even though I have not been in the military I had a brother that proudly served in World War II in the Marines, and I remember as a teenager putting as many of his Marine emblems on as I could because I wanted to be just like my brother. And so I have great admiration for any branch of military service, but if there is one that I always thought most of it was the Marines because of my brother. And whether then in World War II, when they had 485,000 troops with 70 generals, or today, when they have 173,000 with 68 generals, you can only conclude that the Marine Corps is small but it is very tough, it is very disciplined, and, quite frankly, in every sense it is very different from the Army, the Navy, and the Air Force. The Marines are proud of it, and Americans ought to be proud of it.

But when I see these proposals that come before us, I think something has changed, that the Marines are not just looking for a few good men and women anymore. With this appropriation bill, and with the authorization bill, they are looking for a few more generals, 12 to be exact. The Marines want the extra generals at a time when the Marine Corps is getting smaller.

Let me say, I hoped to have dialog with the Senate Armed Services Committee on this. But this issue that is included in the Senate Armed Services Committee bill was very hotly debated in the deliberations of the House Armed Services Committee, and the House Armed Services Committee rejected—rejected—the Marine Corps' attempt to authorize 12 more generals. So, even within this Congress there is a diverse opinion on whether or not this is justified. So they want extra generals.

The other services downsizing like the Marine Corps. The Department of Defense has cut the number of general officers in the other services by 20 percent. You will see from the chart here how this is divided up, but a total figure has dropped by 204 since we have had the downsizing of the military, from 1,055 in 1987 to 851 in 1995. So, why does the Marine Corps need a few more generals to lead fewer men and women?

You see here, the Army has gone from about 400 in 1987 down to this figure that is under 300. The Air Force has gone from 335 down to just a little over 300. The Navy, at 250-plus admirals, down just a little bit, but down some. The Marine Corps has been very steady right here—very steady during this period of time. I am not arguing here that the Marines should have downsized in the number of general officers. I am not arguing that at all. I am just arguing for the point of view that the downsizing has gone on and there has been a downsizing in the number of generals and admirals. The Marines have been very steady. I am arguing that they should not be going up.

While this is going down, why, then, do we raise this up considerably, by 12, by another 20 percent, more generals to lead fewer men and women? Why is the Marine Corps trying to have more brass at the top when the bottom is getting smaller? Why is the Marine Corps top-sizing when, in fact, throughout the branches it is downsizing? Why does the Marine Corps want more generals when junior officers and sergeants are getting thrown out?

Of course, Mr. President, the heart and soul of the Marine Corps are its 27 infantry battalions. This is what the Marine Corps is all about. Everything the Marine Corps does is focused on moving, protecting, and supporting these 27 battalions. If those 27 battalions are not healthy, then the Marine Corps is not strong.

A doctor has been examining the vital signs of the 27 battalions, and they are not up to snuff. There are, in fact, critical shortages within the Marines. It does not happen to be whether or not they need 12 more generals. The critical shortage is of platoon commanders and sergeants. Lieutenants and sergeants are the ones who train the force and keep it ready to go. If war broke out, they would lead these units in battle. So why is the Marine Corps adding generals when there is a critical shortage of sergeants? The Marine Corps could buy the sergeants it needs at the price of the 12 generals it is asking for.

I raised, as I said before, these questions on June 26 when the Defense authorization bill was on the floor. Senator WARNER responded to my question on June 28. I did not have an opportunity to have a dialog with him on the floor of the Senate on it, but he spent a great deal of time, I am sure, putting together a statement. It was in the RECORD, and I have had a chance to study that. Frankly, I still do not understand the answers. So that is why I am here today.

I raise these questions again for one reason. The Defense authorization bill as approved by this body on July 10 contains a special provision. That special provision is section 405. Section 405 increases the number of generals from 68 to 80. That is 12 more generals. The House-passed version of the bill contains no such authority. As I said, there was very heated debate on this in the House Armed Services Committee. The House rejected the request for more Marine generals.

In 1987, as you can see here, the end strength of the marines was, to be exact, 199,525. At that time, the Marine Corps had a total of 70 generals, 2 more than what they have right now. Those 70 generals led the Marine Corps through the gulf war, which would have been here in 1990–91. And then, like every other branch, the Marine Corps began downsizing. The number of generals during this period of time dropped by just 2, to 68. But marine end strength continued a gradual decline until fiscal year 1994, right here, when it got down to 174,158. This year it dropped off again to, to be exact, 172,434. That is a reduction of 27,091 marines since fiscal year 1987. Despite the continuing drop in end strength, the number of generals stayed, as I said here—the number of generals has been very constant during this period of time, and it is still constant over here at 68 to 70; 68 right now is the exact number.

Despite the continuing drop in end strength, we see this level at 68 provided for until section 405 came along, to authorize 80 Marine generals. That would cause this figure to head north. My question is, why?

I am sure we are going to have an answer to that. I hope it is an answer that will negate my need for this amendment. But, frankly, I think I have had a chance to study several documents. I have had a chance to study several documents that I am going to make some reference to in further debate on my amendment, that tell me that, first of all, some of the things that have been told to Senators about why these additional Marine generals are needed, are simply not true. I will also try to demonstrate where the real need in the military is.

I said more sergeants and more commanding officers. We have evidence of that. There are papers prepared by a Marine Corps major that raise questions about the need for certain redundant commands and the extra generals to run them, and also the issue of the layers of command that we have, unnecessary duplication.

Then there is a KAPOS study referred to by Senator WARNER in his statement that I think shows me something different than what it showed to Senator WARNER that I want to discuss with my colleagues.

So why do 27,000 fewer Marines need more generals giving them orders? These are the reasons that I have heard so far, and I am going to lay these out, but my colleagues on the opposite side of this issue will discuss these as well.

First, we have the explanation given on page 279 of the Armed Services Committee report:

> This increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of Navy/Secretariat staff and in the joint arena. . . .

So, are these folks then, by that explanation, to become bureaucratic warriors?

The second argument that is given is that technology has changed the nature of warfare. More generals are needed to run the battle. Some would say this is an exact outgrowth of the Goldwater-Nichols Act of 1986, and that is why this is necessary. I think there is an awful lot about Goldwater-Nichols that we need to look at that is very legitimate. But it is in regard to the efficiency that comes as a result of Goldwater-Nichols, not the administrative overhead and waste that Goldwater-Nichols might generate if misinterpreted and used as an excuse for in justifying 12 additional generals at this point.

Last, another rationale given. Some contend that the Marines need the additional 12 general officers to fill critical war-fighting billets. Who is going to argue with that one?

But I have some points I want to make about that. I think we will show, at most, a very, very small minority of these might go to that purpose, because we want to make sure that we maintain the war-fighting capability of every service. National defense is a primary responsibility of the Federal Government, and no other level of government in the United States contributes to that.

So, as I said, we have these four arguments, and many more, that might be given. I do not understand these arguments. Why do the Marines need more generals when the Marine Corps is downsizing, as you see what has happened since 1986. Why increase the number of generals when there is a critical shortage of sergeants and lieutenants in the infantry battalions? These critical war-fighting billets need to be filled before we add wasteful and unnecessary brass at the top.

I want to yield the floor now, because I hope to encourage discussion on this. I will have some further responses, but I hope I have more specific comments from the other side. I do not mean the Democratic side, I mean people presumably on the Armed Services Committee, both Republican and Democrat, who disagree with my point of view, and then I would like to speak again.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am not going to take but just a few minutes. The point that has been raised by the able Senator is in conference now. This is not an appropriations matter. It is in the bill we passed in the Senate. It will be decided in conference. This is not an authorization bill, this is an appropriations bill. The authorization bill that the Senate passed includes certain figures for the Marine Corps and the number of generals. The House is different. So they will decide that issue there.

This is an appropriations measure, and I think it will be a mistake to even consider this here, because it will be settled in conference. The conference will determine this matter, and since it is not an appropriations matter, I suggest that we not consider it here, and I ask the able Senator if he will withdraw his amendment and let it be settled in conference?

Mr. GRASSLEY. You have asked a very legitimate question, but I was hoping to have discussion on it on the floor during the debate on the armed services bill. I had asked Senator WARNER, who offered to respond to it, but on that particular day I was speaking, he could not respond because he did not have the answer right then, he wanted to study it. And that is legitimate.

I asked him if he would call me to the floor the next day and to give me an opportunity to respond. He probably did not have time, so I am not stating there is fault. I am simply stating what I believe to be a fact. So we did not have a discussion of this.

Mr. THURMOND. I assure the Senator, it will receive careful consideration in the conference.

Mr. GRASSLEY. I know that, but I think the conference will benefit from a discussion of this issue on the floor of the Senate that we did not have during the authorization bill. That is why I bring it here. I legitimately bring it here because I am not trying to cut out *x* number of dollars to take it away from the Defense Department, I am only asking my colleagues to choose the necessity of 12 additional generals in the Marine Corps versus the needs of modernization and a lot of other needs of the military and have the money spent on those needs that Secretary Perry has put forth.

So I hope that you will agree with me that even though this does involve the priority of money within the Defense Department, and that makes it an appropriations issue, as I see it, I say to my distinguished colleague from South Carolina, I do not want to withdraw it at this point.

Mr. STEVENS. Will the Senator yield?

Mr. THURMOND. I will be pleased to yield.

Mr. STEVENS. Mr. President, the ratio of general officers to enlisted ranks in the Air Force is 1 to 1,380; in the Army, it is 1 to 1,552; in the Navy, it is 1 to 2,143; in the Marine Corps, it is 1 to 2,558.

There are 57 members of the headquarters staff who are of general rank; they are admirals in the Navy. There are 51 in the Army, 45 in the Air Force and 18 in the Marine Corps. The Marine Corps has the lowest number of generals. That is the lowest number of generals per enlisted ranks, and it has the lowest number of generals in the service headquarters. They are more with their troops than the others. The others have probably more sweeping responsibilities in terms of headquarters staff. I am not being critical to the alignment.

I say, I do agree with the Senator from South Carolina. We have never tried to regulate through the appropriations process the number of general officers. The time might come when we take that battle on. But we have not done it so far. I see no reason to do it now.

The Senator's amendment would say that none of the funds appropriated by this act could be used to support more than 68 general officers on active duty in the Marine Corps. It is opposed by the Marine Corps, obviously, because they have this, what we call, the tooth to tail ratio of 1 to 2,568, which is almost twice that of the Army. And they have one-third of the general officers in their headquarters staff than the Army does.

So I really urge the Senator again to not persist. This matter was debated on the Armed Services bill. It is in conference.

I see the Senator from Idaho, who is the chairman of that subcommittee, is here now. I will be happy not to make a motion to table yet if he wishes to speak to the matter. But it is my feeling that this is not an appropriate debate for an appropriations bill.

We do not deal with force structure. We do not deal with the allocation between the generals and the enlisted, and officers in general, between officers and the enlisted corps, except at the request of the Armed Services Committee when we do fund separate items they have requested.

So I believe, I say to the Senator, this is not a proper debate for the appropriations process. I do not say that in the sense of judging this Senator's right to bring the matter to the floor. But I intend to make a motion to table as soon as the Senator has completed his statement.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to say this again. This is not an authorization bill. This is an appropriations bill. This very item is in conference now between the Senate and the House, because they did not agree with this. I want to assure the Senator that his point will be carefully considered and given every consideration in that conference. I will see, myself, that it gets careful consideration.

The House and the Senate differ. They can arrive at a conclusion as to what decisions should be made. But to bring it up on the floor on another bill, an appropriations bill, is really not appropriate. I assure the Senator again that we will give it careful consideration when we have a conference. And the conference will begin in a few days. In fact, the chairman of the House committee and I have talked today about starting this conference right away. We expect to meet tomorrow to begin this conference.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. May I inquire of the Senator from Iowa, does he wish to make any further statement in this regard?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. First of all, to comment on the figures, the ratio, that the Senator from Alaska gave. I do not think these numbers are exactly like what he gave, but I think they are very close. I have a chart here because I want to make the very point that the Senator was making.

But what the Senator is suggesting, the distinguished chairman of the committee, is that we should solve this problem that the Marines have—and the Marine ratio is not a problem, the fact that they have one general for 2,568 Marines. That is good. That is lean.

There has been a downsizing here. And it seems to me that you keep the Marine ratio where it is. You do not solve the problem by making the Marine Corps chubby with generals like the Navy is chubby with admirals.

This is what should happen in this normal downsizing. The number of Marines go down, as we have seen here from 199,000 down to 172,000. The Army has been downsized. The Air Force has been downsized and the Navy has been downsized. You have seen a reduction in the number of general officers. You have seen the Marines keep constant during this period of time of downsizing.

I do not find fault with that. I am not saying that should be necessarily reduced like the Army, Navy, and Air Force. But more generals would bring the Marine Corps number down. At a time of budget constraints and at a time when the Secretary of Defense is advising us he has to have more money for the modernization of our military force, I just think that this is a very wise expenditure of money or a good way to set our priorities in the Defense Department.

So, as I said, I was hoping that there would be a willingness on the part of the Armed Services Committee to discuss these issues. I see one of the subcommittee chairman of the Armed Services Committee here. I would like to defer to the Senator to speak on this point because obviously he is here because he disagrees with me. But I want to answer some of the points he brings up, if the Senator has strong opposition to my amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am here to affirm what the chairman of the Senate Armed Services Committee has stated, what the chairman of the Senate Subcommittee on Defense Appropriations has stated, and the ranking member. This is not the appropriate bill for this type of legislation to be attached to.

In the subcommittee dealing with military personnel, which I am the chairman of, we are dealing with this very issue. I will tell the Senator, without going into all the details, because, again, I say to my friend from Iowa, we are right in the midst of the very discussions that he is suggesting should take place, we are having them, both among the Senate conferees and the House conferees, as to whether or not this is an appropriate proposal, and also what the appropriate number should be.

I tell the Senator, the Secretary of Defense, the Secretary of Navy, they all support this proposal. In fact, we have a letter from the Secretary of the Navy to Congressman SONNY MONTGOMERY discussing this whole issue. Part of the rationale for this is because of the Goldwater-Nichols joint operation. We have situations where, in joint command, the marines have had to forego their responsibility because they do not have the generals to fulfill that role in that joint command.

So we have some legitimate reasons why the marines have asked for this. And you do have, again, the Navy and the Secretary of Defense that support this. But as the chairman of the full Armed Services Committee has said, we are in conference discussing this on the appropriate bill, which is the defense authorization bill, not the appropriations bill. So, again, I just say to the Senator from Iowa, I think it would be in our best interest if we could remove this amendment from the discussion on the appropriations bill. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alaska.

Mr. STEVENS. Does the Senator from Iowa wish to respond to that again?

Mr. GRASSLEY. I will take some time.

Mr. STEVENS. The Senator from Alaska is going to move to table the Senator from Iowa's amendment, but I want to be courteous.

Mr. GRASSLEY. I have not sent the amendment to the desk yet. I will go ahead, if that is what the Senator wants me to do. I think the statement by the Senator from Idaho, the statement by the Senator from South Carolina indicate that they want to discuss this on the basis of procedure and not on the basis of substance. So if we cannot have a debate on this, then I guess I will take advantage of the time for offering my amendment to express my views in the way of informing my colleagues in this body why I think some of the arguments that have been used in support of these 12 additional Marines are not legitimate arguments. I appreciate the attention of people who are involved in this debate.

There is only one point of procedure that I will take advantage of now before I save some time on the substance of my amendment. That is, remember, this bill that is before us has the appropriations for the personnel accounts of the Department of Defense.

The point being made by my two colleagues on the Armed Services Committee that this is not something legitimately discussed in a bill that provides the money for the salaries of the people in the military, including whether or not we ought to have 12 additional marine generals, just is not legitimate. There is no more legitimate point of discussing appropriations and the number of slots you are going to fund than in the very bill that has the appropriated money for the personnel accounts.

Now, the distinguished Senator from Idaho, who is now in the chair, stated the rationale of the Goldwater-Nichols legislation. I will respond to that because I think that if that is the reason for this, then the rationale behind the Goldwater-Nichols legislation of reducing interservice conflict and the duplication between services for getting to the mission of each service is not being properly met, because the Goldwater-Nichols Act placed special emphasis upon joint operations, joint staff, and joint duty.

Now, we agree on that, I am sure. The present Goldwater-Nichols legislation presently exempts 12 joint general officer billets from statutory service seals. So there is already consideration in Goldwater-Nichols for the needs of joint command, joint operations, joint staff, and all of that. We should not consider Goldwater-Nichols—which, by the way, was passed in 1986—as constituting a license to expand joint and service headquarters when the force structure is shrinking.

Now, I quoted in June quite liberally from Marine Gen. John Sheehan. I am sure the Marine command has gotten to General Sheehan and said to him, "General Sheehan, call up some Senators and tell them that GRASSLEY might be misquoting you or using your statement out of context." Let me assure you, I have studied what General Sheehan has said and what I said in June, and I am going to say that what General Sheehan said is not out of context. It is a voice within the Marines arguing that we not have a lot of waste on overhead and command, so that the Marines can fulfill their responsibility. General Sheehan talks about excess headquarters, but the need for excess headquarters is generated by general officers who occupy those headquarters that General Sheehan is so worried about.

He said this: "Headquarters in defense agencies should not be growing as the force shrinks. At the end of the day, we need combat capability in the field." He is—General Sheehan—is commander and head of the U.S. Atlantic Command.

Headquarters should shrink as the force shrinks. I believe that is what he is saying. The joint headquarters should replace redundant service headquarters. This should happen as the joint headquarters begin to perform the missions previously done by service headquarters. Joint headquarters were not formed to create another redundant layer of bureaucracy. Service headquarters should be reduced or eliminated as joint headquarters take charge. That was the whole idea behind the Goldwater-Nichols reform: to fuse, to integrate, and to consolidate, get rid of wasteful, overlapping commands, headquarters, operations, and equipment.

Marine Corps commands in North Carolina are prime examples of redundancy. There are four layers of command headquarters for the 2d Marine Division and the 2d Marine Air Wing based in North Carolina. Each layer has command headquarters, generals, large staff, buildings, vehicles, airplanes—the whole works. The four layers are as follows: Layer 1 is the 2d Marine Division and the 2d Marine Air Wing; layer 2 is the 2d Marine Expeditionary Force colocated with the division; layer 3 is the Marine Corps Forces Atlantic colocated with the division; and layer 4 is the U.S. Atlantic Command at Norfolk, VA, under Marine Corps General Sheehan.

Mr. President, how many of these layers are really needed? Each layer exists to command and control ground air teams of the 2d Marine Division and the 2d Marine Air Wing. Two layers will get the job done. So, two layers are redundant.

I am not alone in that view. Maj. David A. Anderson—and, of course, I do not know Major Anderson, but he wrote an article called "Stretched Too Thin," raising questions about our shrinking budget and about the challenges before us to do more with less. This is an issue from the U.S. Naval Institute proceedings, July of this year, right now, in fact.

I ask unanimous consent the article of this Marine Corps major be printed in the RECORD. It is from inside the

Marines, another very good document for my colleagues if this thing is going to be considered in conference, that my colleagues ought to take into consideration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STRETCHED TOO THIN

(By Major David A. Anderson, U.S. Marine Corps)

Realigning to meet the nation's changing needs will require a painful reorganization—to include standing down the III Marine Expeditionary Force on Okinawa—but the Marine Corps that emerges can provide a better capability for the nation and an improved quality of life for the troops.

The Marine Corps has embarked on a journey into a new era, filled with much uncertainty. This is not new for us; our history is filled with such times of challenge and duress that we as Marines have overcome—a time-honored tradition that we have come to expect of ourselves and our nation of us. This time, however, our challenge is made greater by the environmental turbulence within which we operate; global political uncertainty, downsizing, shrinking defense budgets, changing and competing roles and missions, increasing societal expectations, the ever-increasing pace of technology, and the upswing in jointness and operations other than war.

The challenge before us is to do more with less. We have done this and continue to do so with uncommon vigor and resourcefulness. In fact, no other organization—military or otherwise—does a better job of allocating scarce resources to competing needs and maximizing the benefits than the Marine Corps. In spite of this, we are approaching our threshold of effectiveness, because our strategy and capabilities are not in sync with today's environment.

The Marine Corps is affected by two environments—external and internal—each of which consists of five broad elements; political, economic, physical, technological, and societal. The external factors influence the internal policies and practices, which in turn influence our values, attitudes, and behavior.

Political Elements. The Department of Defense is in the midst of a congressionally mandated reduction in force. But what we have discovered is that because of the unstable nature of global politics, U.S. willingness to intervene, and additional requirements to operate in joint arenas and conduct operations other than war, operational tempo has not been reduced in proportion to force reductions. The Marine Corps' response has been to improve existing capabilities within the reduced force structure and to operate smarter, using advanced technology and our inherent ingenuity.

The nut that has yet to be cracked, however, is the one that balances operational training, operational deployments, and the morale and welfare of our Marines within current personnel and budget restraints. It is well documented that 10–25% of our active-duty force is operationally deployed at any one time. The Marine Corps currently is at approximately 87% manning from its peak years of the mid-1980s. It has the longest training pipeline of all the armed services, along with requisite school requirements, joint billet requirements, the manning of a joint task force headquarters, and an inordinately high first-term attrition rate (approximately 30%). This leaves an effective operating force of 50–70% of total personnel strength.

In an effort to minimize the impact on the operational force, we have established personal staffing goals, prorate distributions of critical military occupational specialties (MOSs) and ranks, and out-of-hide tables of organization (T/Os). This has created a phenomenon I call "peg-holing." Let's say there are six people qualified to fill ten billet requirements. Essentially what happens is that respective monitors chase these billets through continuous reassignment, with the squeaky-wheeled command getting the grease, leaving some other command bone dry. As an extreme example, consider the shortage of 0402 logistics majors within the 2d Force Service Support Group. While I was assigned to 2d Landing Support Battalion—from August 1993 to July 1995—the battalion's T/O called for six majors; the staffing goal was two; one was on hand. Another example within the same battalion is 0481 landing support specialists. The T/O calls for 312; on hand were 277, of whom 119 were deployed. The remaining 158 Marines then must support day-to-day II Marine Expeditionary Force operations, meet annual training requirements, fill out-of-hide T/O requirements, and maintain an Air Contingency Force detachment (and also squeeze in schooling or annual leave).

As additional challenge to our operational force has been the establishment of such new military occupation specialities as computer small systems specialists and the adoption of systems such as the MAGTF Deployment Support System II, which reflect our incorporation of advanced technologies. They have come at the expense of other MOSs, because we have imposed the requirement without increasing overall force strength or compromising mission capabilities. The result—once again—is an overextended operational force.

Economic Element. Ever deeper defense cuts have come at great expense to the Marine Corps, despite our ability to squeeze more value out of every dollar spent. Those who entered active service after 1 August 1986, upon retiring at 20 years, will receive 40% of their base pay instead of the 50% received by those who entered prior to this date. Dependent health care is costing active-duty members more each year. Collectively, our equipment has exceeded it service life. The Marine Corps procurement budget is averaging only 50% of the $1.2 billion it needs annually. Prepositioned war reserves have been depleted to offset nonrepairable equipment, and a growing portion of our budget is being spent to repair aging equipment. The Army is acquiring additional bigger, faster, more capable ships in support of its maritime prepositioning force. We are forced to buy and fix less-capable ships.

Most of our shrinking budget, out of necessity, is being spent to sustain operational forces. This leaves little money to maintain or upgrade existing facilities, including base housing (which is substandard, inadequate, or un-inhabitable in several locations), or to purchase garrison property. Most alarming is the backlog of military construction projects the Marine Corps has accumulated. During a recent visit to the 2d Force Service Support Group, Major General B. Don Lynch noted that at current funding levels, it could take another 100 years to fund our current military construction requirements.

Physical Element. Many of the facilities in which we work and live require extensive renovation or replacement. Complicating our housing problems is the shortage of base quarters in high-cost geographical areas such as Washington, D.C., Southern California, and Hawaii. Often the wait for quarters is as long as 12–24 months, and the best off-base housing locations are well beyond the means of most Marine families. Many Marines must deal with an excessive commute time because they cannot find affordable off-base housing close to work. Those who can afford to buy homes often are reluctant to do so, because they fear having to sell or rent when they are transferred after their typical three-year tours. Furthermore, housing allowances often fall short of the true cost of housing.

Technological Element. In our rapidly changing age of technology, the accumulation of technology doubles every seven years—faster in some fields. The Marine Corps is doing its best to sort through what it can and cannot use or afford. We are discovering that what we can afford will not keep us at the forefront in operational readiness. In many instances, we are able to buy only enough promising technologies to keep our foot in the door. Often by the time we can afford and fully implement a technology it has become obsolete.

We are even having difficulty assessing the value of technologies because of personnel shortages. A significant part of adopting new technologies is recognizing the personnel requirements to operate and maintain them. This has placed us in the situation of having to create new MOSs at the expense of others—and thus continue to expand the mission requirements of our Marines.

Social Element. The word's out on the street that what you will get from the Marine Corps is demanding work, frequent deployments, substandard living quarters, little free time, slow promotions, and fewer reenlistment opportunities. These impressions, the abolishment of the draft, and eroding benefits are making it difficult for the service to attract society's best and brightest young men and women. It is showing in the Marine Corps' first-term enlistments: one-third fail to complete their enlistment contracts. This problem probably is multifaceted: there is a prevailing societal attitude of "If it doesn't feel good, don't do it"; many young people are growing up without healthy role models; and some become disillusioned with the Marine Corps when it fails to meet their expectations. But the most serious contributing factor is that more than 45% of our first-termers enter under some type of enlistment waiver—and not just for minor traffic violations. They include admitted and frequent drug use, serious offenses, juvenile felonies, and medical (to include psychological) waivers.

I found this figure appalling and unbelievable, so I decided to put it to the test. I randomly surveyed 125 of my first-termers. To my surprise, 57—or 45.6%—had entered with waivers other than for minor traffic violations. As many as 49 of the 57 waivers were given at individual recruiting stations. We are having to compromise our institutional standards to meet our enlistment goals. In addition, I found a direct positive correlation between those enlisting with waivers and those who were subject to nonjudicial punishment and first-term attrition.

Societal pressures and expectations add to our challenge. For example, we must allow for and accommodate marriages of our junior Marines, further exacerbating our leadership challenge and our need to stretch a dollar. Many of these young marriages fail, adding to an already inordinately high divorce rate among Marines. As these marriages deteriorate, we spend significant time providing counseling and dealing with issues such as bad debts and alcohol or spousal and child abuse.

Reshaping for the Future

This picture leaves much to be desired, but it is not all gloom and doom. The short answer to our problems is a lot more money and many more quality young men and women with moral fiber and a strong work ethic. Unfortunately, the reality is that our budget most likely will be cut further, our force will get smaller, and societal values and expectations will not change anytime soon. What remains for the Corps to do is to assess more realistic options—those that meet the needs of our nation, preserve our integrity, and stay in line with our Commandant's planning guidance—and choose the one that best meets the challenges of current and future environmental turbulence and is responsive and quickly adaptable to both new threats and emerging opportunities.

The first step in the process is to re-identify ourselves. Who are we, and what is our role/mission? As the Commandant has stated, "The Marine Corps is the nation's naval, combined arms, expeditionary force in readiness. Our reason for being is what it always has been—warfighting." He further states, "It is vital that our organization be designed with one goal in mind: success on the battlefield." To this end, the Marine Corps should be measured by the return on investment it offers the nation. The two key factors that determine return on investment are competitive effectiveness and strategic responsiveness.

Competitive effectiveness is a measure of how well we operate. It can be divided into two submeasures: efficiency in swiftly and decisively responding to our nation's needs, and effectiveness in getting the job done. Strategic responsiveness is a measure of how well we relate to the environment. It also can be divided into two submeasures: attractiveness, that is, being the force of choice; and capability responsiveness, or whether capabilities match battlefield needs.

I believe that our force can be structured and equipped better—to meet the changing needs of our nation and our Commandant's vision for the future, to preserve the integrity of our institutions, improve quality of life for our Marines, and maximize return on investment—within current operating restraints. The proposal is a painful one, but it can preserve our future as the force of choice. We cannot sustain today's Marine Corps and meet tomorrow's needs. A leaner, better-equipped, and more-prepared force should be our objective.

Our warfighting capabilities should focus on:

One warfighting Marine expeditionary force (MEF) capable of organizing a Marine air-ground task force (MAGTF) in support of a major regional contingency.

One warfighting MEF capable of organizing a MAGTF in support of a small-scale regional contingency.

One MEF maintaining a fully capable, expeditionary, joint task force headquarters.

One MEF capable of executing the full range of operations other than war.

The capability to employ three forward operating Marine forces in the form of Marine expeditionary units (special operations capable) (MEU/SOCs).

The capability to employ forward operating maritime prepositioning squadrons (MPSs) as part of the Marine Corps Maritime Prepositioning Force as logistics support to a contingency MAGTF.

A fully integrated indivisible reserve force.

A force built around this concept could look something like this:

Commander, Marine Forces Pacific/I MEF, with a colocated headquarters at Camp Pendleton, California, capable of organizing a MAGTF in support of one major regional contingency; employing two forward operating Marine forces in the form of a MEU(SOC), with one in reserve; and employing one operating MPS—with current staffing goal force structure.

I MEF (Forward), located in Guam or Australia and capable of orchestrating Asian/Pacific Rim contingency operations; a forward logistics base in support of regional contingencies and joint training operations; employing one forward operating MPS.

III MEF would be stood down entirely (personnel and equipment), with equipment redistributed to I MEF, II MEF, and prepositioned war reserves; personnel reassigned as needed to support I MEF (Forward) mission and to fill I MEF and II MEF shortfalls, as well as joint task force headquarters, joint, and critical non-FMF billets; remaining forced reduced through end-of-active-service and retirement attrition.

Commander, Marine Forces Atlantic/II MEF/Joint Task Force Headquarters, with co-located headquarters at Camp Lejeune, North Carolina, and joint headquarters at Norfolk, Virginia, tasked with employing one warfighting MEF capable of organizing a MAGTF in support of a small-scale regional contingency; employing a fully capable, expeditionary, joint task force headquarters; executing the full range of operations other than war; employing one forward-operating Marine force in the form of a MEU(SOC) with one in reserve; employing one forward-operating MPS. This includes standing down one infantry-regiment equivalent and proportionate support personnel/equipment, reassigning personnel and reducing strength equivalent through end-of-active-service and retirement attrition and redistributing equipment.

Non-FMF/Support Commands capable of sustaining or improving current FMF support within the present command structure, with a reduction of personnel strength in line with FMF force reduction and an increased number of joint billets, as required.

This plan reduces our force strength by 17,000–22,000, with the following advantages:

It complies with the Commandant's planning guidance.

It reduces force strength 10–12 percent without significantly compromising operational capabilities.

It reduces overseas deployments by 40–60%, thus saving money and improving force morale.

It allows us to divert dollars previously committed to support deployments and procurement dollars planned for replacing aging equipment to other areas historically neglected because of funding shortages, as well as to innovative technologies and concepts that will put us at the cutting edge in expeditionary force readiness.

It makes the Marine Corps more appealing to young men and women, which eventually will allow for more selective recruiting.

It increases the nation's return on its investment in the Marine Corps.

It shrinks the strategy-capability gap.

This is not a panacea for all our ailments, nor does it completely close our strategy-capability gap. It is, however, a necessary step in the right direction, when coupled with initiatives to get more Department of the Navy/Defense dollars, divest ourselves of unproductive areas, streamline processes, lengthen tours, shorten promotion time, and improve reenlistment incentives.

Mr. GRASSLEY. By eliminating redundant commands, more marine generals would be available for joint duty. Unfortunately, that is not what the Marine Corps has in mind. The Marine Corps wants, obviously, to have it both ways. They want to keep generals in the old redundant marine headquarters. In fact, the Marine Corps would like to place at least three of these 12 new generals in these overlapping commands.

Get this: We have 12 more generals. You say we need them because of Goldwater-Nichols. They want to place three of these new generals in these overlapping commands. They want to assign more generals to the new joint headquarters, too. I think the Marine Corps needs to make a choice and to place priorities where they belong. That is the argument, my comment, on Goldwater-Nichols.

The second is the use by the Senate Armed Services Committee of the rationale in its report language where it wants to make very clear that the extra generals are not needed for warfighting jobs. It kind of backs up what I said in regard to the supposed argument that we need more generals because of the requirements of Goldwater-Nichols. The Armed Services Committee says they are not needed for war-fighting jobs. Remember, the purpose of our defense is the defense of the country. That involves the potential of going to war. That is war fighting.

I want to read the language one more time:

> The increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of Navy Secretariat staff and in the joint arena.

Now, that is not war fighting. The committee is saying that these generals are needed for bureaucratic infighting. That is the way I read it. And where? Maybe in the Pentagon budget wars.

Now, the Marine Corps tells an entirely different story. The Marine Corps has provided a list of 14 positions that might be filled with new generals.

Now, I know the legislation only called for 12, but the list covers 14 slots. I ask unanimous consent to have the list of these 14 generals for the Marine Corps printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USMC ADDITIONAL AUTHORIZATION REQUEST

CG, II Marine Expeditionary Force.
DepCG, I Marine Expeditionary Force.
DepComdr, MarForLant.
ADC, 1st Marine Division.
ADC, 2d Marine Division.
AWC, 2d Marine Aircraft Wing.
CG, MCRC/ERR.
CG, MCRC/WRR.
Dir, Warfighting Development Integration Division.

ADC/S P&R (Programs).
Joint (NMCC-4).
Joint (USPACOM).
Joint (USCentCom).
Joint (USSouthCom).

Mr. GRASSLEY. The Marine Corps says that 12 additional generals are needed to fill vacant war-fighting positions. To the members of the Senate Armed Services Committee, you say in your report that they are not needed for war fighting, that they are needed because of the needs within the Pentagon, within the bureaucracy. The marines themselves say they need the additional generals to fill vacant war-fighting positions.

Now, it seems to me that we ought to be able to have the Armed Services Committee and the Marine Corps talking off the same song sheet if there is a need for it. Those are the Marine Corps' own words. I underscore in this effort the word "vacant"—to fill vacant war-fighting positions.

First, if you look at these, to say that these are war-fighting positions—and I am using the Marine Corps' rationale, not the Armed Services Committee's rationale—I think that would really be stretching the point. Three of the positions, by the Marine Corps' own request, are in the Pentagon. I hope I do not insult people when I say that is not war fighting. I understand that the entire military is dedicated to war fighting, yes, but close to the battlefield, no.

Two of these generals are for recruiting. That is not war fighting. Three are high-level joint headquarters positions. That is not war fighting. Five or six are connected with Marine combat forces, and that is getting close to war fighting. But now, just reading the request of what the marines want to do with 14 additional generals does not fully explain the issue. So you have to dig deeper.

When you get down to the nitty-gritty, Mr. President, you see that few, if any, of the new generals would actually fill vacant—emphasis on "vacant"—war-fighting positions. Now, that is, again, the Marine Corps rationale for these generals, not the Senate Armed Services Committee rationale for generals. So to back up the assertion I just made, you need to examine each proposed billet. I have done that. To do that, you need two documents. You need the Department of Defense directory entitled "General Officer Worldwide Roster." I have it here. This is the March 1996 issue. And you also need the "United States Marine Corps General Officers Position List," provided by the Director of Personnel Management on July 9, 1996.

If you go down the list—and I am not going to go through all these positions because I do not think I have to in order to justify my statements—you can look at the first position at the top of the list. No. 1, commanding general of the Second Marine Expeditionary Force. Now then, if you consult the Department of Defense directory, they say the position is already filled by Lt. Gen. Charles E. Wilhelm. General Wilhelm wears a second hat as commander of the Marine Corps Forces Atlantic.

If you look at the second position on the list, it is deputy commanding general, First Marine Expeditionary Force. If you look at the directory in the Department of Defense, that position is also filled. It is filled by an acting brigadier general, Edward R. Langston, Jr., a senior colonel doing a general's job. He wears a general's insignia but is paid as a colonel. In military language, he is "frocked." General Langston is the deputy under Gen. Anthony C. Zinni, the commanding general. Mr. President, I could go through all the positions, but the results are the same.

Bottom line: All but one of the existing positions is filled. Only one is actually vacant. That is why I have said that the marines say they want an additional 14 marines to fill vacant war-fighting positions. The Senate Armed Services Committee says they need them not for war fighting, but for other purposes.

I want to place in the RECORD the status of each of the proposed posts that I have referred to. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POSSIBLE ASSIGNMENTS FOR NEW GENERALS

Main argument: The Marine Corps says it needs the additional 12 generals to fill critical billets as follows:

No. 1. Position: Commanding General, 2ND Marine Expeditionary Force.—Current Status: Filled by Lieutenant General Charles E. Wilhelm.

No. 2. Position: Deputy Commanding General, 1ST Marine Expeditionary Forces—Current Status: Filled by acting** Brigadier General Edward R. Langston, Jr.

No. 3. Position: Deputy Commander, Marine Corps Forces Atlantic.—Current Status: Filled by acting** Brigadier General Martin R. Berndt.

No. 4. Position: Assistant Division Commander, 1st Marine Division.—Current Status: Filled by acting** Brigadier General Jan C. Huly.

No. 5. Position: Assistant Division Commander, 2ND Marine Division.—Current Status: Vacant.

No. 6. Position: Assistant Wing Commander, 2ND Marine Air Wing.—Current Status: Filled by colonel selected for general.

No. 7. Position: Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region.—Current Status: Filled by acting** Brigadier General Jerry F. Humble.

No. 8. Position: Commanding General, Marine Corps Recruit Depot/Western Recruiting Region.—Current Status: Filled by acting** Brigadier General Garry L. Parks.

No. 9. Position: Director, Warfighting Development Integration Division.—Current Status: New Position.

No. 10. Position: Assistant Deputy Chief of Staff for Programs and Resources (Programs).—Current Status: Filled by Major General Thomas A. Braaten (Deputy Chief of Staff for Programs & Resources is Major General Jeffrey W. Oster).

No. 11. Position: Joint Staff, National Military Command Center.—Current Status: Filled by acting** Brigadier General Dennis T. Krupp.

No. 12. Position: Joint, U.S. Southern Command—Current Status: New Position.

No. 13. Position: Joint, U.S. Pacific Command—Current Status: New Position (Marine Corps is represented by Major General Martin R. Steele as Director for Strategic Planning & Policy).

No. 14. Position: Joint, U.S. Central Command—Current Status: New Position (Marine Corps is represented by Lieutenant General Richard I. Neal as Deputy CINC and by Brigadier General Matthew E. Brodrick as Commander Forward Headquarters Element/Inspector General).

Recap: 9 filled**; 1 vacant; and 4 new.

**Six of the nine positions are filled by acting brigadier generals. These are senior colonels who occupy a general's billet. He or she wears the insignia of a brigadier general but is paid as a colonel. The Marine Corps refers to this status as "frocked."

Source: Department of Defense, General/Flag Officer Worldwide Roster, March 1996; Updated and verified by Marine Corps document dated July 9, 1996.

Mr. GRASSLEY. Mr. President, as I have said, 9 of the 14 proposed general officers positions are already occupied. Of the nine occupied positions, one is filled by a lieutenant general, one is filled by a major general, one is filled by a general selectee, and six are filled by acting brigadier generals.

So, Mr. President, it seems like these vacant—again, I emphasize the word "vacant"—war-fighting positions are already well covered. They are filled.

Mr. President, there is one thing about all this that really bothers me, and that is the one vacant position. I want to talk about that one vacant position. Of all of the positions, the vacant one seems like the most important one, and ought to be filled: assistant commander of the 2d Marine Division. It is not like there is a gaping hole in the command structure. As I understand it, the division's chief of staff is doing the job. He is a senior colonel, who is getting excellent experience, experience that is preparing him for promotion to general. But if this position is as important as I think it is, why is this position not filled? Why is the Marine Corps fattening up headquarters staff with generals when one of its three divisions is short a general officer?

If war fighting is the top priority—and that is what the Marines say, not what the Senate Armed Services Committee said—why are so few generals assigned to war-fighting billets? Only 25 percent of all Marine generals are in combat posts. About 50 percent of the Marine generals are in the Washington, DC, area. Are these misplaced priorities? Are Marine generals in the wrong place? If the Marine Corps is short of generals in war-fighting commands, then some generals should be moved.

They should be moved from lower priority command headquarters to top priority combat jobs.

Mr. President, war fighting is not the driving force behind the proposal for additional Marine generals. If it were, the proposal would be linked to force structure. But it cannot be linked to force structure because, as I have shown so many times with my charts—and I will not get them out again—the structure is shrinking. This happens to be the Marines—down from 199,000 in 1987 to 172,000 right now.

So it seems to me that might not argue for fewer generals, but it surely does not argue for 12 more generals. So it had to be hooked up to something else. That something else is vacant headquarter billets. That is what is driving this.

The Marine Corps commissioned an independent study to figure out exactly how many more generals were needed to fill these posts. The study was conducted by Kapos Associates, Inc. That study is fairly thick, and it was referred to by Senator WARNER in his response to my statement in June. I do not know whether he actually labeled it as the Kapos study. But I think it is the only one he could have been referring to. It is entitled "An Analysis of U.S. Marine Corps General Officers Billet Requirements." It is dated March 20, 1996. The Kapos study concluded—this study that I just held up—that the Marine Corps needed—get this. This study recommended 37-to-95 more generals to fill key positions. I suppose I ought to look at that 37 to 95 and say to myself, "Well, heavens. If they are only going to suggest 12 more, we ought to be happy, and just sit down and shut up." But the Kapos study did not look at the war-fighting requirements. That is very basic to why I think you had better be careful when you quote from this study. It did not look at force structure. It had one goal—fill those big, fat headquarter jobs sitting out there. The question was not in this study: How many generals do we need? Instead it was: How many positions do we fill? In no way did this Kapos study address the threat. It did not look at future force requirements or the need to downsize. This was a study about how to take and hold important bureaucratic real estate—pure and simple. That is the engine driving the mushrooming headquarters problem that is so much of a concern to General Sheehan of the Atlantic Command.

As a force shrinks, generals are flocking to the headquarters. That is my response to the second argument. The first one was the Goldwater-Nichols rationale.

The second is what is stated in the U.S. Senate Armed Services Committee report saying that these are not needed for war-fighting capability, and that is opposite what the Marine Corps said in this document that I put in the RECORD, where they want these 14 Marine generals, that that is for war fighting.

It also sounds like the Marines want to be top-heavy with rank like the other services. As I said, the other services are top-heavy. The Marines, from the standpoint of general to marine ratio, is a lot more efficient and effective. It's less top-heavy but if this goes through, then that means that the Marine Corps will be chubby with general officers the same way the Navy is chubby with admirals at a time of the force is shrinking. I suppose the Marines feel like they have been shortchanged.

The other services have far more generals. They probably want a place at the negotiating table in the Pentagon, too. The Army has 291 generals, or 1 general for every 1,748 soldiers. The Navy has 218 admirals, or 1 admiral for every 1,994 sailors. The Air Force has 274, 1 general for every 1,461 airmen. The Marine Corps, 68 generals, or 1 for every 2,568 Marines. Big is good. Small is bad. The Air Force is the smallest, or the fattest. The Marine Corps is the leanest. But we do not fix this problem by making the Marine Corps chubby like the Navy, for example. But that is what happens if we give the Marine Corps 12 additional generals. We fix this problem by making other services lean like the Marine Corps.

In other words, I am suggesting that, at a time when the Secretary of Defense is saying that our primary responsibility is improvement and modernization of our capability, we ought to be very cautious about wasting money on administrative overhead. The Marine Corps used to be really lean and mean.

You will see here, at the height of World War II, there were 485,000 marines, 72 generals. The 72 generals is about the same as today, 68 to be exact. But the Marine Corps was three times bigger back then—1 general for every 6,838 marines.

Clearly, the other services are top-heavy compared to the Marines. You do not balance the load by making the Marine Corps top-heavy like the other services. You fix it by making the others less top-heavy, by reducing the number of generals. You fix it by giving them the right number of generals, a number that matches force structure.

Lastly, the proponents for more Marine generals suggest that technology creates a need for more generals. That is possible. But the reverse is also possible. Technology could reduce the need for so many generals and admirals.

When it comes to technology, you ought to take, for instance, CCCI. That stands for Command, Control, Communications, and Intelligence. Billions of dollars are going to be spent for CCCI. That technology gives the top generals and admirals the capability to run the battle from the Pentagon. It gives them the ability to communicate directly down to the smallest units operating anywhere in the world. Just read Colin Powell's book "My American Journey," and you can see how he did it. He just by-passed all the redundant service headquarters in between.

So CCCI could reduce the need for having so many generals forward deployed with the infantry battalions.

So I do not understand the need for more Marine Corps generals when the Marine Corps is downsizing. The number of generals should be decreased as the Marine Corps gets smaller.

The request for more generals reminds me of the recent words of Marine Corps Gen. John Sheehan, Atlantic Command. I quote him extensively on June 18 in my case to freeze the defense infrastructure costs. General Sheehan argues that "Headquarters should not be growing as the force shrinks."

Continuing to quote, "The growth in headquarter staff jobs is threatening the military's war-fighting capabilities."

So I think General Sheehan from inside the Marines hits the nail on the head. He has identified the root cause of the problem. He helps me understand why the Department of Defense cannot cut infrastructure costs. The growth in headquarter staff is being driven by one powerful force—excess generals and admirals searching for a mission. Each senior officer needs a place to call a home and to hoist a flag. Every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind somewhere someplace. Each new general funded in this bill will need some new piece of real estate.

All of this makes me think that more Marine generals now is not a good idea. Responding instead, as the Secretary of Defense, Mr. Perry, says, modernization is our greatest need.

So the amendment that I am going to offer this afternoon would put a lid on the number of Marine generals at 68 where it is today, not making a decision for the authorization committee, as the distinguished members of the authorization committee are saying that I am impinging upon their decision. You go ahead and make whatever decision you want. But should we spend money on 12 more Marine generals when the force structure has shrunk by 27,000? Or should that money instead be spent on modernization, as the Secretary of Defense says? It seems to me that is where it belongs.

I am going to yield the floor. I still have some other pieces of supporting information and documentation I want to put in the RECORD, and I ask to do that.

I yield the floor.

AMENDMENT NO. 4453

(Purpose: To provide $150,000,000 for defending the United States against weapons of mass destruction, and to provide offsetting reductions in other appropriation amounts)

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, as I understand it, there is no amendment pending at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, if it is satisfactory with the Senator from Alaska, the chairman of the committee and manager of the bill, I will present an amendment at this time, but I would like to make sure it is satisfactory to him.

Mr. STEVENS. We are prepared for the Senator's amendment and welcome it.

Mr. NUNN. I thank the Senator from Alaska.

Mr. President, this amendment on behalf of myself and Senator LUGAR, Senator DOMENICI, Senator WARNER, Senator HARKIN, and others, is filed at the desk as amendment No. 4453, so I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. LUGAR, Mr. DOMENICI, Mr. WARNER, and Mr. HARKIN, proposes an amendment numbered 4453.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be $2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by $12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by $138,000,000.

Mr. NUNN. Mr. President, I ask unanimous consent that minority staff members on the Armed Services Committee and two congressional fellows—and I send a list to the desk—be accorded privileges of the floor during the Senate's consideration of votes relating to the Department of Defense appropriations bill for fiscal year 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

MINORITY STAFF MEMBERS

Christine E. Cowart.
Richard D. DeBobes.
Andrew S. Effron.
Andrew B. Fulford.
Daniel B. Ginsberg.
Mickie Jan Gordon.
Creighton Greene.
Patrick T. Henry.
William E. Hoehn, Jr.
Jennifer A. Lambert.
Michael McCord.
Frank Norton, Jr.
Arnold L. Punaro.
Julie K. Rief.
James R. Thompson III.

CONGRESSIONAL FELLOWS

Maurice B. Hutchinson.
DeNeige V. Watson.

Mr. NUNN. Mr. President, the amendment that is now the pending business provides funding for Defense Department activities authorized by the Defense Against Weapons of Mass Destruction Act which was accepted by a 96-to-0 vote 2 weeks ago in this Chamber. That program deals with one of the most urgent national security problems America faces today, and this amendment funds the DOD part of that authorization. We have worked very carefully and constructively with the appropriations staff, our friends from Alaska and Hawaii, Senator STEVENS and Senator INOUYE. They have both been very strong supporters of this overall initiative, and they have been very cooperative in working with us. We did not have the authorization bill drafted in time to get that to the appropriators for their consideration in their normal markup activities. Therefore, we have this amendment in the Chamber today.

This amendment, as I have said, deals with one of the most urgent national security problems facing America today. I have just come from a press conference with Bob Ellsworth and General Goodpaster and others, Dr. Rita Hauser, where they have spent a number of months with a very distinguished panel, including the Senator from Arizona, Mr. MCCAIN; the Senator from Florida, Mr. GRAHAM; Congressman PAT ROBERTS; Brent Scowcroft; and others.

That report, which sets forth America's vital interests and distinguishes those vital interests from extremely important interests and distinguishes both of those categories from less important interests, makes an enormous contribution to the dialog we should have in this country about what is truly in the vital interests of America.

By the term "vital," I mean interests that are so strong and have so much effect on the American people, their security and their well-being that we are willing to fight if necessary and send our young men and women to war if necessary to protect those interests.

It is very clear in reading that report that one of the top vital interests of the United States is to prevent this country from being the victim of attacks with weapons of mass destruction from terrorist groups and, in order to do that, to do everything we can possibly do to get ready for that and to deter it and prevent it by stopping these weapons at the source before they get to this country and, if they do get here, God forbid, doing something about it and being prepared to deal with it.

This threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, and nuclear weapons, in my view, is a top and vital national security interest of this country.

This threat is very different from the threat of nuclear annihilation with which our Nation and the world dealt in the cold war after World War II. During the cold war, both we and the Soviet Union recognized that either side could destroy the other within a matter of hours but only at the price of its own destruction.

Today, this kind of cataclysmic threat is greatly reduced, but tragically the end of the cold war has not brought peace and stability. As a matter of fact, I think we can describe the period of the cold war as being one where we had very high risks because of the likelihood of escalation, and escalation would mean the use of weapons of mass destruction when two superpowers confront each other all over the globe. But during that period of high risk we also had high stability because both superpowers understood the consequence of getting into a nuclear war and therefore did everything they could to prevent it, including controlling clients and allies so that we would not have wars that could escalate involving the two superpowers.

We have moved into another era now. We are in a period of much lower risk, but because we do not have those superpowers contending and constraining, we are in a period of lower stability, lower risk but lower stability. Some of those States that we call rogue nations, fanatic groups, small disaffected groups, and subnational factions or movements that hold various grievances against the U.S. Government have increasing access to and knowledge about the construction of weapons of mass destruction. Individuals and groups are not likely to be deterred from using weapons of mass destruction by the classical threat of overwhelming retaliation. Most of them do not have a return address so we do not know where they are in many cases, let alone have a real fix on how to deter them. These groups are not deterred by the threat of a nuclear counterstrike, and a national missile defense system, no matter how capable, is irrelevant to them. These subnational groups and terrorist groups are the primary focus of our threat today.

Mr. President, the Permanent Subcommittee on Investigations held a series of hearings over the last year, the subcommittee chaired by Senator ROTH. I have chaired it in the past and am now the ranking Democrat member on it. We had hearings, a whole series of hearings over the last year. Senator LUGAR has had hearings in the Foreign Relations Committee, and the hearings have been about the proliferation of weapons of mass destruction. At those hearings, we heard from representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia and foreign officials. These witnesses described the threat that we cannot ignore and which we are, without any doubt, unprepared to handle. CIA Director John Deutch, for one, candidly observed, "We have been lucky so far."

The release of deadly sarin gas in the Tokyo subway was a warning bell for America. Prior to those attacks in Japan, the sect that carried out those attacks was unknown to United States intelligence and poorly monitored by Japanese authorities.

We received a louder warning bell in the World Trade Center bombing in New York. It was here in the United States, not half a world away. The trial judge at the sentencing of those responsible for the New York Trade Center bombing pointed out that the killers in that case had access to chemicals to make lethal cyanide gas. According to this trial judge, they probably put those chemicals into that bomb that exploded. Fortunately, the chemicals appeared to have been vaporized by the force of the blast. Otherwise, the smoke and fumes that were drawn into and up through the tower in New York would have been far, far more lethal.

So according to this opinion by the trial judge, Mr. President, we have already had a major chemical attempt in this country.

We had a third warning bell in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. This showed yet again the ease of access to simple, widely available commercial products that, when combined, can provide powerful explosives.

This kind of knowledge can also give us the threat of chemical weapons. This knowledge and much more is available over the Internet today to millions and millions of people.

Our purpose here today is not to frighten anyone, certainly not to frighten the American people. It is to persuade the Congress that we face a new and a very severe national security threat for which American Government at all levels—State, local and Federal—are at this stage woefully and inadequately prepared. We must begin now, today, to prepare for what surely threatens us already. To do this effectively we must take the expertise that has been built up over the years in both the Department of Defense and Department of Energy and make it available to Federal, State and local emergency preparedness and emergency response teams. There is much to do to prepare our State and local governments for this threat. Doing it will require leadership from the people who know about it and who have expertise in it, that is the Department of Defense and the Department of Energy. There is simply no other practical source.

In the authorization bill we make it clear we hope to move this function over a period of time to the Federal Emergency Management Agency or other appropriate agencies, but today we have no choice. If we are going to deal with this problem, it has to be dealt with by people who have the training and equipment and know-how and expertise, and that is the Department of Energy and the Department of Defense.

The time to do this is now, not after we suffer a great tragedy. Like many of my colleagues, I believe there is a high likelihood that a chemical or biological incident will take place on American soil in the next several years. I hope and pray that does not happen. But we do not want to be in a posture of demanding to know why were we not prepared.

This training and equipment function is the heart of the act, but it is not the whole act. Other parts are designed to beef up our capability to detect and interdict weapons of mass destruction and their components before they reach the United States. In addition, the authorization act allocates some funds for expansion and continuation of the original Nunn-Lugar concept through very important high-priority programs run both by the Department of Energy and by the Department of Defense.

Finally, the act establishes a coordinator in the office of the President of the United States, to address serious deficiencies in the coordination of activities across the many Federal, State and local agencies who have some responsibility for portions of the overall program.

The amendment I propose today, with my colleague and partner, Senator LUGAR, and Senator DOMENICI, provides funds for the portions of this act that are conducted by the Department of Defense. It is certainly my hope the Department of Energy funding will be in the appropriate appropriation bill when it comes forward. Specifically, these activities include the training of local first responders on dealing with a chemical or biological terrorist incident; providing assistance to the U.S. Customs Service and customs services in the former Soviet Union, Baltics, and Eastern Europe in interdicting such materials; stepping up research and development efforts—and this is enormously important—in developing technologies that can detect chemical and biological weapons and materials; and bolstering programs in the original Nunn-Lugar program that are designed to stop these materials at their source, which is by far the best way and most efficient way and the safest way to protect our own country and prevent the use of such materials here in America.

Mr. President, when I use the term "first providers," I am talking primarily about firemen, policemen and health officials who would rush to the scene and, in virtually every exercise we have had, the second tier fatalities have come in these categories, people who rush to the scene to help the victims and end up being victims themselves because they are not equipped or trained to deal with this kind of threat.

This amendment is fully offset in achievable savings from various Department of Defense accounts. The total here is $150 million, which is completely offset so this does not increase the bill in terms of total amount. I am convinced we must address this issue before the unthinkable happens in this country.

Can we afford to dismiss the possibility that another World Trade Center or Oklahoma City bombing could involve chemicals, biological weapons, or radioactive materials? If we do ignore this threat, we do so at our own great peril. The trends are clear. More nations and groups are exploiting the increased availability of information, technology and materials to acquire mass destruction or mass terror capabilities. There is no reason to believe that they are not willing to use them. I have heard too many experts, whose opinions and credentials I respect who have vast experience in this area, tell me it is not a question of if, but only of when.

I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation and I believe it is a strong beginning. So I urge my colleagues to support the amendment.

I see my colleague and friend on the floor, the Senator from Indiana, so I yield the floor.

Mr. STEVENS. Will the Senator yield just one moment? Would he be interested in a time agreement on this amendment?

Mr. NUNN. I would say, we can enter into a time agreement very easily. I think we could also simply make a couple of more speeches and have a vote or order a vote and stack the vote, whenever the Senator from Alaska would like to do so.

Mr. STEVENS. We are prepared to accept the amendment without a vote.

Mr. NUNN. I would like to consult and talk with the Senator from Indiana on that, but I appreciate the Senator's expression.

Mr. STEVENS. Could we agree to another 20 minutes on this amendment?

Mr. NUNN. I have concluded my remarks. I think the Senator from Indiana indicates that will be acceptable to him.

Mr. STEVENS. Mr. President, I ask unanimous consent there be a vote on this amendment—we will not make a motion to table it—if desired by the sponsors, at no later than 4:15 today.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I will withhold that request for a minute.

Mr. NUNN. Just reserving the right to object, whatever the Senator wants to do on a rollcall vote will be fine. I would like to have a rollcall vote but I will consult with him on that. But in terms of the order, if the Senator prefers to order this at some later time and stack it with some other amendment if we do have a rollcall, that is fine with the authors.

Mr. STEVENS. We are using rollcall votes, when we do have them, to sort of flush out other amendments, so I would be pleased to have a vote or not have a vote but we will discuss it and I will withhold the request.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, prior to the Fourth of July recess, the Senate passed an amendment to the DOD authorization bill offered by Senators NUNN and DOMENICI and myself that was entitled the "Defense Against Weapons of Mass Destruction Act of 1996." The vote on that amendment was 96 to 0.

Last week, the Senate voted final passage of the Defense authorization bill, that contained our amendment.

The amendment we are offering to the DOD appropriations bill is designed to appropriate the resources to implement the programs outlined in our amendment to the DOD authorization bill, and to provide offsetting reductions in other appropriation amounts.

To refresh the memories of my colleagues, our amendment to the authorizing legislation dealt with one of the most urgent national security problems America faces. That is, the threat of attack on American cities and towns by terrorists or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons.

The current state of our domestic readiness to deal with these kind of attacks is woefully inadequate. Our amendment sought to begin today to prepare for what surely threatens us already.

There were three basic elements or components to our amendment to the DOD authorization bill. The first component stemmed from the recognition that the United States cannot afford to rely on a policy of prevention and deterrence alone, and therefore must prudently move forward with mechanisms to enhance preparedness domestically not only for nuclear but chemical and biological incidents as well.

Our hearings over the past year demonstrated that the United States is woefully unprepared for domestic terrorist incidents involving weapons of mass destruction. Although recent Presidential decision directives address the coordination of both crisis and consequence management of a WMD incident, the Federal Government has done too little to prepare for a nuclear threat or nuclear detonation on American soil, and even less for a biological or chemical threat or incident.

This is particularly true with regard to the training and equipping of the local first responders—the firemen, police, emergency management teams, and medical personnel who will be on the frontlines if deterrence and prevention of such incidents fail. Our amendment sets forth several common-sense measures that could greatly improve our readiness to cope with a domestic incident involving weapons of mass destruction.

Almost all of the expertise in defending against and acting in response to such chemical and biological threats and their execution resides in the Department of Defense which has worked to protect our Armed Forces against chemical and biological attack. It is our belief that this expertise must be utilized and can be utilized without infringing on DOD's major missions or on our civil liberties.

The second component addressed the supply side of these materials, weapons, and know-how in the states of the former Soviet Union and elsewhere. Building on our prior Nunn-Lugar/CTR experience, and recognizing that it is far more effective, and less expensive, to prevent proliferation in the first place than to face such weapons on the battlefield or the school playground, our amendment included countermeasures intended to firm up border and export controls, measures to promote and support counterproliferation research and development, and enhanced efforts to prevent the brain-drain of lethal know-how to rogue states and terrorist groups.

We seek to capitalize on the progress achieved in dismantling nuclear weapons of the former Soviet states and in preventing the flight of weapons scientists over the past 5 years and to expand the core mission of the program so as to address strategically the emerging threats that compromise our domestic security. The resources that will be required to implement programs proposed in the amendment are not intended to supplant, but rather to supplement, current Nunn-Lugar funding levels.

In addition to enhanced efforts to secure the weapons and materials of mass destruction, we must recognize that the combination of organized crime, porous borders, severe economic dislocation, and corruption in the states of the former Soviet Union has greatly increased the risk that lethal materials of mass destruction as well as the know-how for producing them can pass rather easily through the borders of the former Soviet Union. While much of the risk still resides in the four nuclear states of the former Soviet Union, there is also great risk in the states of the southern tier and the Caucasus. This region shares common borders with nations in the Middle East and poses a substantial smuggling threat.

Although Nunn-Lugar programs have begun to offer training and equipment to establish controls on borders and exports throughout the former Soviet Union, much more needs to be done.

The last and major component of our amendment to the Department of Defense authorization bill stemmed from the recognition much of the current effort to deal with the NBC threat crosscuts numerous Federal departments and agencies and highlights the need for the creation of a national coordinator for nonproliferation and counterproliferation policy in order to provide a more strategic and coordinated vision and response.

This portion of our amendment addressed three serious deficiencies in planning for contingencies at home occasioned by the threats posed by weapons of mass destruction. First is the lack of coordination of activities across the many Federal agencies who have some responsibility for some portions of the overall problem. Second is the lack of coordination of Federal agencies and activities with those of the States and local governments who will be the first to bear the brunt of any attacks.

Third, is the lack of national security funding in many of the Federal agencies whose actions must ultimately be integrated with those of the Department of Defense and the Department of Energy.

To support a comprehensive approach to nonproliferation, our amendment provided that a national coordinator should chair a new Committee on Proliferation, Crime, and Terrorism, to be established within the National Security Council. That committee should include the Secretaries of State, Defense, Energy, the Attorney General, the Director for Central Intelligence, and other department and agency heads the President deems necessary. This committee within the National Security Council should serve as the focal point for all government nonproliferation, counterproliferation, law enforcement, intelligence, counterterrorism, and other efforts to combat threats to the United States posed by weapons of mass destruction.

Mr. President, our colleagues in the Senate gave overwhelming support last month to our amendment by a vote of 96 to 0.

This amendment to the Department of Defense appropriations bill provides the resources to carry out the critically important programs established in our amendment to the authorization bill.

We hope for an equally overwhelming vote in support of this amendment to fully fund these programs.

I thank the Chair.

Mr. HARKIN. Mr. President, I commend my colleagues, Senators NUNN, LUGAR, and DOMENICI, for developing this amendment which is a good first step in addressing the principal security threat facing the citizens of the United States today. I am pleased to join them in sponsoring this important antiterrorism proposal. I have always been in favor of the wise use of taxpayers' funds and this amendment meets that test. We have to be prepared to combat terrorism.

Currently we have precious few means to deal with the threat of a terrorist attack of any kind, let alone nuclear, chemical, or biological terrorism. This amendment focuses on that vacuum.

Events from Oklahoma City to Tokyo show that there is a major security risk in the ordinary—a rental truck or a subway. Training local emergency officials to recognize the signs of weapons of mass destruction in these mundane circumstances will help prevent these insidious attacks in the first place. Further training will allow local officials to ameliorate the impact should such a tragedy occur.

Mr. President, this is the right amendment at the right time for the people of Iowa and the United States. If my colleagues care about protecting Americans on American soil, I urge them to support this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Alaska.

Mr. STEVENS. Mr. President, we concur in the statements made by the Senator from Georgia and the Senator from Indiana. The Senator from Hawaii and I support the amendment. We are prepared to either accept it or to have a rollcall vote. What is the desire of the Senator from Georgia?

Mr. NUNN. I would like to have a rollcall vote, if that is satisfactory with the floor managers, but I will do it at whatever time is convenient.

Mr. STEVENS. Mr. President, I ask unanimous consent that the rollcall vote on this amendment take place at 4:15 and not be subject to second-degree amendments; that the rollcall start at 4:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

Mr. INOUYE addressed the Chair.

Mr. STEVENS. I withhold that.

Mr. NUNN. Mr. President, do we need the yeas and nays on the amendment? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4885

(Purpose: To provide $3,000,000 for the Operational Field Assessment Program)

Mr. INOUYE. Mr. President, on behalf of Senator HEFLIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. HEFLIN, for himself, and Mr. SHELBY, proposes an amendment numbered 4885.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 6, strike out "1998." and insert in lieu thereof "1998: *Provided*, That of the funds appropriated in this paragraph, $3,000,000 is available for the Operational Field Assessment Program.".

Mr. HEFLIN. Mr. President, I rise today to offer an amendment to the Defense appropriations bill to enable the Department of Defense to initiate a program called Operational Field Assessments. The warfighter, as a result of lessons learned from Desert Storm, Desert Shield, and Bosnia, needs this quicker way of evaluating joint tactics, doctrine and procedures.

The Operational Field Assessment is a nontraditional, field executed evaluation that pits the warfighter, that is the pilot, ship driver, or tank commander, against multiple threat hardware pieces, operated with changeable technical parameters, as would be encountered in a specific unified command's combat environment. The requirements to be satisfied and the scenarios to be executed are driven primarily, by a command intelligence element, working in concert with the command's operations personnel. It is patterned after the threat, conducted with a "human-in-the-loop" approach, and has no preconceived outcomes. The object is to learn from the experience.

The Operational Field Assessment can be conducted on a large scale with multiple weapons and complex scenarios, or on a small scale with a few weapons and simple scenarios as required by the command. It can be executed jointly or in a combined environment with our allies. It involves a host of expert organizations; ranging from the various Scientific and Technical Intelligence Centers, owners of foreign material hardware, test ranges, research and development entities, and the services, to name a few. The DOT&E has assumed OSD advocacy for the OFA because the critical experience and expertise necessary to plan, execute, and evaluate the results of joint operational field assessments resides primarily in the DOT&E Office. The OFA program will also be invaluable in improving the future acquisition oversight of joint OT&E. The Director, OT&E, has created a MOU with Defense Intelligence Agency, the National Security Agency, and the National Reconnaissance Office to assist in support of this program. It is a new approach to provide our warfighters with valuable, needed, and usable intelligence information in an era when we must be smarter with our fiscal resources. Our warfighters need it and I fully support it. Due to the urgent requirement of this program, I urge my colleagues to fully support this amendment.

Mr. INOUYE. Mr. President, this amendment earmarks funds for the Operational Field Assessment Program. It is to provide our commanders an innovative, flexible and timely response in the innovation of solutions to war-fighting identified deficiencies.

This has been cleared by both sides, Mr. President.

Mr. STEVENS. We support the amendment, Mr. President, and I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4885) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4886

(Purpose: To set aside $3,000,000 for acceleration of a program to develop thermally stable jet fuels using chemicals derived from coal)

Mr. STEVENS. Mr. President, I have an amendment which I send to the desk on behalf of Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 4886.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 2, before the period at the end insert ": *Provided*, That of the funds appropriated under this heading, $3,000,000 shall be available for acceleration of a program to develop thermally stable jet fuels using chemicals derived from coal".

Mr. STEVENS. Mr. President, this funds an item that is specifically in the authorization bill concerning coal research. It has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4886) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4451

(Purpose: To set aside $20,000,000 for payment to certain Vietnamese commandos captured and interned by North Vietnam)

Mr. INOUYE. Mr. President, on behalf of Senators KERRY and MCCAIN, I ask for the immediate consideration of amendment No. 4451.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. KERRY, for himself, and Mr. MCCAIN, proposes an amendment numbered 4451.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the total amount appropriated under title II, $20,000,000 shall be available subject to authorization, until expended, for payments to Vietnamese commandos captured and incarcerated by North Vietnam after having entered the Democratic Republic of Vietnam pursuant to operations under a Vietnam era operation plan known as "OPLAN 34A", or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces while participating in operations in Laos or along the Lao-Vietnamese border pursuant to "OPLAN 35", who died in captivity or who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

Mr. INOUYE. Mr. President, this amendment appropriates $20 million for payments to Vietnamese commandos who were captured and incarcerated by North Vietnamese forces while they were engaged in covert activities pursuant to United States operations.

These operations were joint United States-South Vietnamese intelligence-gathering operations. And approximately 500 Vietnamese operatives, some civilians, some members of the Army, were recruited by the Government of South Vietnam. And we provided training and funding, including salaries, allowances, bonuses and death benefits. The majority of these operatives were captured. They were tried for treason by the north, and imprisoned in North Vietnam until the 1980's.

Declassified Department of Defense documents suggest that the Defense Department systematically wrote off the commandos known to be in captivity as dead in order to avoid paying monthly salaries. The death benefits were paid to the next of kin. Many of the commandos spent 20 years or more in prison. This amendment would provide the funds to repay each commando a lump sum of $40,000. This amendment has been cleared by the managers of this measure. It has the approval of the administration.

Mr. STEVENS. Mr. President, this amendment, as I understand it, is cosponsored by Senator KERREY and Senator MCCAIN, two of our Members who should know more about this subject than anyone else. I am pleased to support it, but I point out it is limited. It is limited to the authorization. I do not think it ought to be expanded beyond the scope as defined in the original authorization. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4451) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4887

Mr. STEVENS. Mr. President, I send to the desk an amendment for the Senator from Utah, [Mr. BENNETT].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BENNETT, proposes amendment numbered 4887.

On page 29, line 20, strike "Forces" and insert in lieu therefore "Forces: *Provided further*, That of the funds available under this heading, $1,000,000 is available for evaluation of a non-developmental Doppler sonar velocity log".

Mr. STEVENS. Mr. President, this is the amendment of the Senator from Utah. It seems to be very much in order as far as we are concerned. It is for an investigation of an entirely new concept. I believe the Senator from Hawaii has also cleared this.

Mr. INOUYE. We have no objection.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4887) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4888

(Purpose: To set aside $10,000,000 for independent scientific research on possible causal relationships between gulf war service and gulf war syndrome)

Mr. INOUYE. Mr. President, on behalf of Senator BYRD, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BYRD, proposes an amendment numbered 4888.

Mr. INOUYE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 2, before the period at the end insert: ": *Provided, further*, That of the funds appropriated under this heading, $10,000,000 shall be available for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War".

PERSIAN GULF SYNDROME

Mr. BYRD. Mr. President, the amendment that I am offering will designate $10 million from within the funds allocated to the Defense Health Program to investigate the possible links between exposure to chemical warfare agents and what has come to be called "Gulf War Syndrome." I understand that the amendment has been cleared by the managers of the bill, and I thank them for their assistance. On June 21, 1996, the Department of Defense announced that between 300 and 400 U.S. soldiers may have been exposed to the chemical warfare agents sarin and mustard gas when they destroyed an Iraqi ammunition storage facility in March, 1991. The Department of Defense further announced that other events and locations would be examined to determine whether or not additional military personnel were exposed to chemical warfare agents. Up to this point, the Department of Defense had maintained that no personnel were exposed to chemical warfare agents, so no scientific research on the link between the soldier's illnesses and these agents had been conducted. My amendment would remedy that situation by providing $10 million for badly needed independent scientific research on this topic.

Many soldiers have maintained that their illnesses resulted from their wartime service in the Gulf, whether from chemical warfare agents or from other hazardous exposures. Some of these soldiers suffer an additional, tragic, problem. Their children born after the war have birth defects or catastrophic illnesses that these soldiers believe are the result of their wartime exposures. No independent scientific research has been conducted on this link, although medical literature suggests that chemical warfare agents are teratogens. That is, they are believed to cause birth defects and other problems in children of exposure victims, according to the Institute of Medicine and the Stockholm International Peace Research Institute. In the Defense Authorization bill, I offered an amendment that would provide medical care for these children until scientific evidence determines whether this link is verified. So, I expect that the Department of Defense will move quickly to obligate these funds, and to include in the research an examination of the possible link between chemical warfare agent exposure and birth defects.

Mr. INOUYE. Mr. President, this amendment provides $10 million within the funding available for defense health programs to research the gulf war syndrome. This measure has been authorized by the Senate, and it has been cleared by both sides.

Mr. STEVENS. Mr. President, this is money earmarked within existing funds as was previously ordered by the authorization bill, and we believe it is in order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4888) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I believe it is in order now for us to proceed with the recorded vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4453

Mr. DOMENICI. The Senator has 30 seconds before the vote. I ask the Senator, could I have 30 seconds?

Mr. STEVENS. Yes.

Mr. DOMENICI. I was not here when Senator NUNN and Senator LUGAR spoke on this amendment. I have been part of preparing the amendment. It has more facets than that which we are talking about here. But I want to thank Senator STEVENS. He attended a session where these ideas were thrashed around by some of America's experts and concerned people from the laboratories and various branches of the military.

I wholeheartedly support this amendment. I hope the Senate will adopt it. It is obvious to most of us, who are looking around this world, that America's most serious security problem has changed dramatically, and it is now the threat of biological and chemical weapons of mass destruction. It will be very hard to contain them and locate them and to get a management scheme with high technology and science to find out more about them and to be able to defend ourselves, but I think this is a step in the right direction getting our communities prepared. I wholeheartedly support it.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 4453 offered by the Senator from Georgia [Mr. NUNN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 4453) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield to the leader.

Mr. LOTT. Mr. President, first, I want to thank the two managers to the bill. I have not had too many occasions in the last few days to congratulate Senators for really making good progress and doing a great job.

The Senator from Alaska and the Senator from Hawaii, as always, are really doing a good job in working through the amendments without our having to resort to a cloture motion. They have cleared out a number of amendments. A number have been accepted, and some we are voting on.

I urge colleagues to continue working with the managers, and I believe we can get this done. The leadership is committed to getting the defense appropriations bill done today. If we continue to have good cooperation, we can get it done at a reasonable hour. I thank the Senators for what they have been doing, and I urge them to continue.

THE NATIONAL GAMBLING IMPACT STUDY COMMISSION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish the Gambling Impact Study Commission.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 704) to establish the Gambling Impact Study Commission.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Gambling Impact Study Commission Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the most recent Federal study of gambling in the United States was completed in 1976;

(2) legalization of gambling has increased substantially over the past 20 years, and State, local, and Native American tribal governments have established gambling as a source of jobs and additional revenue;

(3) the growth of various forms of gambling, including electronic gambling and gambling over the Internet, could affect interstate and international matters under the jurisdiction of the Federal Government;

(4) questions have been raised regarding the social and economic impacts of gambling, and Federal, State, local, and Native American tribal governments lack recent, comprehensive information regarding those impacts; and

(5) a Federal commission should be established to conduct a comprehensive study of the social and economic impacts of gambling in the United States.

SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Gambling Impact Study Commission (hereinafter referred to in this Act as "the Commission"). The Commission shall—

(1) be composed of 9 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall be appointed for the life of the Commission as follows:

(A) 3 shall be appointed by the President of the United States.

(B) 3 shall be appointed by the Speaker of the House of Representatives.

(C) 3 shall be appointed by the Majority Leader of the Senate.

(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission under section 4. The members may be from the public or private sector, and may include Federal, State, local, or Native American tribal officers or employees, members of academia, non-profit organizations, or industry, or other interested individuals.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under section 4.

(4) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall conduct the consultation required under paragraph (3) and shall each make their respective appointments not later than 60 days after the date of enactment of this Act. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 60 days after the vacancy occurs.

(5) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly designate one member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 75 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the appointment of the last member of the Commission, or not later than 30 days after the date on which appropriated funds are available for the Commission, whichever is later.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have one vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on—

(A) Federal, State, local, and Native American tribal governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

(2) MATTERS TO BE STUDIED.—The matters studied by the Commission under paragraph (1) shall at a minimum include—

(A) a review of existing Federal, State, local, and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

(B) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

(C) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

(D) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

(E) an assessment of the extent to which gambling provides revenues to State, local, and Native American tribal governments, and the extent to which possible alternative revenue sources may exist for such governments; and

(F) an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet.

(b) REPORT.—No later than 2 years after the date on which the Commission first meets, the Commission shall submit to the President, the Congress, State Governors, and Native American tribal governments a comprehensive report of the Commission's findings and conclusions, together with any recommendations of the Commission. Such report shall include a summary of the reports submitted to the Commission by the Advisory Commission on Intergovernmental Relations and National Research Council under section 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under section 4. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 4. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by an individual, entity, or organization under contract to the Commission under section 7 shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code. Information obtained by the Commission, other than information available to the public, as the result of a subpoena issued under subsection (b)(1) or subsection (b)(2) shall not be disclosed to any person in any manner, except—

(1) to Commission employees or employees of any individual, entity, or organization under contract to the Commission under section 7 for the purpose of receiving, reviewing, or processing such information;

(2) upon court order; or

(3) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(A) the identity of any person or business entity; or

(B) any information which could not be released under section 1905 of title 18, United States Code.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for Level V of the Executive Schedule under section 5316 of such title.

SEC. 7. CONTRACTS FOR RESEARCH.

(a) ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.—

(1) IN GENERAL.—In carrying out its duties under section 4, the Commission shall contract with the Advisory Commission on Intergovernmental Relations for—

(A) a thorough review and cataloging of all applicable Federal, State, local, and Native American tribal laws, regulations, and ordinances that pertain to gambling in the United States; and

(B) assistance in conducting the studies required by the Commission under section 4(a), and in particular the review and assessments required in subparagraphs (A), (B), and (E) of paragraph (2) of such section.

(2) REPORT REQUIRED.—The contract entered into under paragraph (1) shall require that the Advisory Commission on Intergovernmental Relations submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

(b) NATIONAL RESEARCH COUNCIL.—

(1) IN GENERAL.—In carrying out its duties under section 4, the Commission shall contract with the National Research Council of the National Academy of Sciences for assistance in conducting the studies required by the Commission under section 4(a), and in particular the assessment required under subparagraph (C) of paragraph (2) of such section.

(2) REPORT REQUIRED.—The contract entered into under paragraph (1) shall require that the National Research Council submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

(c) OTHER ORGANIZATIONS.—Nothing in this section shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the Commission's duties under section 4.

SEC. 8. DEFINITIONS.

For the purposes of this Act:

(1) GAMBLING.—The term "gambling" means any legalized form of wagering or betting conducted in a casino, on a riverboat, on an Indian reservation, or at any other location under the jurisdiction of the United States. Such term includes any casino game, parimutuel betting, sports-related betting, lottery, pull-tab game, slot machine, any type of video gaming, computerized wagering or betting activities (including any such activity conducted over the Internet), and philanthropic or charitable gaming activities.

(2) NATIVE AMERICAN TRIBAL GOVERNMENT.—The term "Native American tribal government" means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2703(5)).

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission, the Advisory Commission on Intergovernmental Relations, and the National Academy of Sciences such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

(b) LIMITATION.—No payment may be made under section 6 or 7 of this Act except to the extent provided for in advance in an appropriation Act.

SEC. 10. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the Commission submits the report required under section 4(b).

Mr. LUGAR. Mr. President, I rise today in strong support of S. 704, the National Gambling Impact Study Commission Act, and I urge my colleagues to approve this important legislation.

I want to express my appreciation to Chairman STEVENS, Senator GLENN, and the Governmental Affairs Committee for their commitment and careful attention to this important issue. Senator STEVENS and the committee have made significant improvements to the original bill, providing additional resources and appropriate authorities to allow the Commission to conduct a meaningful study of gambling. I also want to thank the author of bill, Senator SIMON, for his steadfast leadership and dedication to this effort.

I want to share with my colleagues some of my thoughts about this important issue and about why I believe the Nation would be served by a national study of gambling.

The rapid spread of legalized gambling in the United States in recent years has raised concerns in Congress and elsewhere about the social and economic impacts of gambling on our States and communities. Throughout our Nation's history, the popularity of gambling has come and gone, and returned again. Public outcry against casinos and State lotteries during the post Civil War period led to a ban on gambling throughout the United States by 1920. During the past 20 years, however, the gambling industry in the United States has experienced unparalleled growth and expansion. In 1978 only two States allowed casinos and a handful of others sponsored lotteries. But today some form of gambling is legal in 48 States.

Gambling revenues grew more than twice the rate of our Nation's manufacturing industries in 1990. Americans wager almost a half a trillion dollars a year and industry profits are estimated to have reached $40 billion annually.

A major reason for this astronomical growth of gambling is that State and local governments facing budget shortfalls are desperate for revenue. State and local government officials all too often accept gambling as the silver bullet solution to balancing their budgets without raising taxes. Even if a State or community is reluctant to host a gambling establishment, it can be drawn over the edge by the threat that gambling operations may locate in a nearby town or neighboring State. For many local officials, the legalization of gambling becomes an economic survival issue rather than a question of developing sound public policy.

The actions of State and local governments that hope to use gambling as a solution to financing the needs of their cities and communities are understandable. Yet, the quick-fix, ready-cash approach can be a shaky foundation upon which to base an economic development strategy.

As mayor of Indianapolis during a difficult period of economic uncertainty and social unrest in the late 1960's, I learned that a community must be built in living rooms, classrooms, and churches.

To strengthen the city's economy, we launched a comprehensive reorganization of local government, consolidating our city and county. We cut property taxes 5 times in 8 years, attracted businesses, and made Indianapolis the amateur sports capital of the world. Indianapolis is a dynamic and successful city, and it has reduced poverty and crime that plagues many urban areas.

Long-term growth and prosperity for our communities are most often earned the old-fashioned way—through hard work, dedication and commitment to common purpose.

The folks facing the toughest decisions on whether to permit gambling are leaders at the local level. These officials are frequently overwhelmed by the size and complexity of proposals made for casinos and other establishments promising jobs and solutions to local financial dilemmas. They are often forced to make decisions about gambling in a vacuum of reliable, unbiased information—information desperately needed to make sound choices that will affect both the social and economic future of their communities. This is one area where the resources of the Federal Government can help communities by providing them objective, unbiased information they can use to make their own informed decisions about gambling.

Mr. President, while history is replete with examples of communal difficulties associated with gambling, it is difficult to determine the costs—especially in certain human factors related to problem gambling that include alcoholism, divorce, suicide, family dysfunction, and criminal activity.

A number of studies have attempted to address the social costs of gambling; however, they are often regional in focus, limited in scope or funded by subjective interests. A Federal study commission will provide a broad-based, authoritative report on this important aspect of the gambling issue that deserves closer examination.

As a society we appear to have made a piecemeal decision to legalize a wide variety of gambling activities. But this does not obviate the need to be mindful of the underlying problems associated with gambling that lead most of the country to keep it illegal for decades.

We know that the presence of legalized gambling can exacerbate numerous social problems, including crime, alcoholism, corruption, suicide, bankruptcy, family dysfunction, and compulsive or addictive behavior. These side effects can represent an enormous moral and financial cost to communities.

The gambling industry does not choose to confront these moral questions. The gambling industry frequently asserts that what it is providing is an adult entertainment option. Undoubtedly, many adults can gamble responsibly, have a good time, and sustain the financial losses that they incur. But we should not deceive ourselves that gambling is no different than any other entertainment option. Gambling is a complex and problematic activity both in terms of its economic and social impact on communities and its economic and psychological impact on individuals and families.

Gambling-related employment is not comparable to other forms of employment such as manufacturing. Gambling does not produce a value-added product or reinvestment in the market economy. Although gambling operations can contribute lower-paying jobs to a local economy, other businesses in the region often lose as a consumer spending for goods and services shifts to a small number of casinos and casino-related activities.

One does not have to be a gambling prohibitionist to conclude that our Nation needs to know more about where we are headed.

Mr. President, this legislation creates a 2-year, 9-member commission appointed by Congress and the President to conduct a comprehensive legal and factual study of the social and economic impacts of gambling on States and communities. S. 704 does not propose to further tax, regulate or limit gambling activities.

The Commission will be charged with compiling all Federal, State and local laws pertaining to gambling. The Commission also will assess the impact of gambling on local businesses; the relationship between gambling and levels of crime; and the impact of problem and pathological gambling on individuals, families, and the economy.

The Commission will examine electronic gambling involving use of the Internet. Internet gambling is a new and rapidly growing activity in the United States and elsewhere. It allows people using personal computers and credit card accounts to gamble across State lines and national borders. Internet gambling could have serious international policy implications for the United States. Very little is known about the risks associated with citizens who gamble in "virtual" casinos located outside U.S. jurisdiction. We need to learn more about the Internet.

After 2 years, the Commission will submit a comprehensive report to the President, the Congress, Governors, and Native American Tribal governments on its findings. This report will provide objective, unbiased data and analysis that States and communities can use to make their own informed decisions about gambling.

Providing the Commission with adequate resources and authority to perform its duties is essential to developing an authoritative report. Allowing the Commission to conduct hearings, provide recommendations and have a limited, but effective level of subpoena power are essential to achieving this goal. To reduce the cost of the Commission, S. 704 uses existing Government entities—the Advisory Commission on Intergovernmental Relations and the National Research Council of the National Academy of Sciences—to assist in the Commission's efforts to compile existing laws and conduct research on problem and pathological gambling.

Senator STEVENS and the Governmental Affairs Committee have worked to establish a balanced and effective commission that will conduct a thorough review of the social and economic impacts of gambling. At the same time, the committee worked to ensure that information gathered by the Commission would not be misused nor exceed the commonsense bounds of our Federal system. The bill incorporates existing privacy laws under title 18 to ensure protection for individual privacy and for business trade secrets.

The bill allows the Commission to subpoena certain documentation necessary to carry out its duties as outlined in the bill. The Commission is allowed subpoena authority to gather additional information to help the Commission understand documentation received under subpoena.

I have worked with Senator SIMON, Senator STEVENS, the Governmental Affairs Committee and Representative FRANK WOLF to gain approval of this legislation in the Congress because I believe the country would be served by a Federal study. The House of Representatives approved similar legislation this year, and the President has indicated his support for establishing a commission to study gambling. It is my hope the Senate will give swift approval to this important measure to examine this pressing national issue. I believe the Commission's work will be helpful to State and local leaders as they make their own informed decisions about whether or not to allow gambling in their communities.

Information is the goal of this Commission. Information will strengthen the democratic decision-making process.

I urge my colleagues to join me to support passage of S. 704.

Mr. STEVENS. Mr. President, I rise today to support S. 704 as amended by the Governmental Affairs Committee. The bill establishes a national commission to study the social and economic impact of legalized gambling in the United States.

S. 704 was originally introduced on April 6, 1995, by Senator PAUL SIMON and Senator RICHARD LUGAR. Currently, there are 25 Senate cosponsors of this legislation.

On November 2, 1995, the Governmental Affairs Committee held a hearing on S. 704. At that time, concerns were raised about the adequacy of the funding levels and the scope of the original bill.

On May 14, 1996, the Governmental Affairs Committee approved a substitute which was drafted in consultation with the sponsors of the Senate and House bills and the representatives of various groups.

This bill, as reported by the committee, attempts to address a wide range of concerns, including balancing the needs of the commission to get access to information and protecting the rights of individuals to their personal privacy.

S. 704 as amended creates a nine-member commission—three appointed by President, three by the Speaker of the House, and three by the Senate majority leader. The commission has 2 years to conduct the study and issue a report, which may include findings and recommendations, to the President, the Congress, the Governors, and native American tribal governments.

Under this bill, the commission will utilize the expertise of the Advisory Commission on Intergovernmental Relations and the National Research Council. This will avoid duplicating work already done by the Government, reduce the cost of the commission, and ensure that the States are not left out of the process.

The bill specifies a number of topics that the commission will study, encompassing many aspects of gambling and its effects, including problem gambling and gambling on the Internet. It authorizes "such sums as may be necessary"—the original bill introduced in the Senate only provided $250,000 for the commission. Funding for the commission would be subject to appropriations. The commission will terminate after completing its 2-year study.

The most recent Federal study of the effects of gambling was published 20 years ago—the 1976 Commission on the Review of the National Policy Toward Gambling. At that time, that study cost $3 million—which would be the equivalent of $8.1 million today.

In 1976, only two States—Nevada and New Jersey—had legalized gambling. Currently, 48 States have some form of legalized gambling, and since 1988, 21 States have legalized casino gambling.

There has been rapid growth recently in the gambling industry—it is now a $40 billion industry which includes casinos, riverboats, Indian reservations, State and interstate lotteries, and electronic gambling. Despite the growth in this industry, not much current objective data exists on the impact of legalized gambling in the United States.

Other concerns that the committee addressed include: specifying the areas to be studied; problem gambling; electronic gambling—such as gambling on the Internet; requiring the report to be issued to Governors and native American tribes so that they could make use of the information; and providing a clear definition of gambling.

The House version introduced by Representative FRANK WOLF on January 11, 1995, was passed by the House of Representatives on March 5, 1996, after some modifications by the House Judiciary Committee.

Unlike the House bill, the original Senate bill did not include subpoena power. The House bill allowed the commission to subpoena both individuals and documents. The Congressional Research Service has indicated that based on a review of commissions created in recent years, it is unusual to grant broad subpoena power to this type of commission.

However, recognizing the short period of time in which the commission has to complete its work and the need to be able to obtain relevant information, S. 704 as amended grants the commission the power to subpoena documents.

In order to protect the privacy of individuals, however, information gathered by the commission must be kept confidential. The bill provides criminal penalties under section 1905 of title 18 of the United States Code for the unauthorized disclosure of any confidential personal or business information.

Any information obtained by the commission—whether voluntarily provided or provided under subpoena—may not be disclosed to any person in any manner, except to authorized commission employees; upon court order, or when released by the commission in aggregate or summary form that does not directly or indirectly disclose the identity of any person or business.

In addition, individuals falsifying information to the commission are subject to criminal penalties under section 1001 of title 18 of the United States Code.

The commission may serve a subpoena throughout the United States, and may go to a U.S. district court to enforce it. All subpoenas must comply with the requirements for subpoenas under the Federal Rules of Civil Procedure. The commission is required to notify the U.S. Attorney General at least 10 days in advance of issuing a subpoena. This will allow the Attorney General time to raise objection if the subpoena is going to interfere with an ongoing criminal investigation.

The Congressional Budget Office projects S. 704 as amended will cost $5 million, roughly equal to their revised estimate for the House version, H.R. 497. CBO also projects that the costs to State, local, and tribal governments for complying with information-gathering requests will be minimal. Mr. President, at this point I ask unanimous consent that the CBO's letter on this bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.

Hon. TED STEVENS,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 704, the National Gambling Impact Study Commission Act.

Enactment of S. 704 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 704.

2. Bill title: National Gambling Impact Study Commission Act.

3. Bill status: As ordered reported by the Senate Committee on Governmental Affairs on May 14, 1996.

4. Bill purpose: This bill would establish a commission to study the impact of gambling in the United States. The study would cover many issues related to gambling, including the relationship between gambling and crime and the extent to which gambling provides revenues to state, local, and Native American tribal governments. The commission, consisting of nine members, would have two years after it first meets to conduct the study and to present its findings to the Congress. In addition, the chairman of the commission would have the authority to appoint an executive director and other personnel to assist the commission in performing its duties. The bill would require that the commission contract with the Advisory Commission on Intergovernmental Relations and the National Academy of Sciences for assistance in conducting its study. Finally, the bill would grant the commission the authority to hold hearings and subpoena documents.

5. Estimated cost to the Federal Government: As shown in the following table, CBO estimates that enacting S. 704 would increase discretionary spending by about $5 million over the next two years, assuming appropriation of the necessary funds.

[By fiscal years, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATIONS ACTION						
Estimated authorization level	2	3	....	....	....	
Estimated outlays	2	3	....	....	....	

The costs of this bill fall within budget function 750.

6. Basis of estimate: For purposes of this estimate, CBO assumes that S. 704 will be enacted by the end of fiscal year 1996, and that the estimated amounts will be appropriated for each of the next two years. We projected outlays based on the historical rate of spending for similar commissions.

To estimate the cost of S. 704, CBO assumed that the commission would hire about 20 people to provide technical and administrative support, and that the commission would have other costs similar to those incurred by the first commission established to study gambling in 1974—the Commission on the Review of the National Policy Toward Gambling. In total, CBO estimates that the proposed commission would cost about $5 million over the next two years. This cost would cover per diem and travel expenses of the commission's members and witnesses, salaries of the commission staff, contract expenses and other administrative costs.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local, and tribal governments: Public Law 104-4, the Unfunded Mandates Reform Act of 1995, defines an intergovernmental mandate as an enforceable duty imposed on state, local, or tribal governments, except a condition of federal assistance or a duty arising from participation in a voluntary federal program.

CBO has determined that providing documents and information, and answering questions about such information under threat of a subpoena, constitutes an enforceable duty on these entities as defined by the law.

Based on information provided to us by eight states with significant gaming operations and from interest groups representing state, local, and tribal governments, CBO estimates that the cost to states, localities, and tribal governments of providing documents and information to the commission is unlikely to exceed, on average, $100,000 per state. Total costs are thus unlikely to exceed $5 million. They would be incurred over the two-year period during which the commission is preparing its study.

9. Estimated impact on the private sector: Public Law 104-4, the Unfunded Mandates Reform Act of 1995, defines a private sector mandate as an enforceable duty imposed on the private sector, except a condition of federal assistance or a duty arising from participation in a voluntary federal program. S. 704, the National Gambling Impact Study Commission Act, contains provisions that require the gaming industry and individuals to provide documents and information, and to respond to questions about such information under threat of a subpoena. Those provisions constitute a private sector mandate. Although the demand for information by the commission from individual operators could impose substantial compliance costs in some cases, CBO estimates that the aggregate annual impact on the private sector would fall well below the $100 million threshold specified in Public Law 104-4.

10. Previous CBO estimate: On November 17, 1995, CBO transmitted a cost estimate for H.R. 497, the National Gambling Impact and Policy Commission Act, as ordered reported by the House Committee on the Judiciary on November 8, 1995. The two estimates are similar; we now estimate federal costs of $5 million over the 1997-1998 period, whereas our previous estimate for H.R. 497 was $4 million over the 1996-1998 period. The increase in estimated cost is attributable primarily to S. 704's provision authorizing reimbursement of expenses incurred by witnesses at commission hearings.

11. Impact: Estimate prepared by: Federal Cost Estimate: Susanne S. Mehlman. State and Local Government Impact: Theresa Gullo. Private Sector Impact: Matthew Eyles.

12. Estimate approved by: Robert R. Sunshine for Paul N. Van de Water, Assistant Director, for Budget Analysis

Mr. STEVENS. The Clinton administration states that it supports legislation creating a commission to study the effects of gambling, but has stopped short of endorsing any specific bill. The Department of Justice has stated that the substitute addresses many of the agency's concerns, and have asked that their views be included in the RECORD. Mr. President, at this point, I ask unanimous consent that the Justice Department letter outlining the administration views on the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 21, 1996.

Hon. TED STEVENS,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in regard to S. 704, the National Gambling Impact and Policy Commission Act, which the Committee ordered reported last week. I especially want to express my appreciation to you for your staff's cooperation in resolving several concerns expressed by the Department.

As President Clinton recently stated in letters to Senators Simon and Lugar, the Administration supports the establishment of this Commission. One of the duties of this panel is to conduct a comprehensive study, which will include an assessment of the relationship between gambling and levels of crime.

The Committee-approved version of S. 704 addresses a number of issues of concern to the Department of Justice. For example, section 5(b)(1) gives the Commission the power to subpoena certain information, but also provides that the "Commission shall transmit to the Attorney General a confidential, written notice at least ten days in advance of the issuance of any such subpoena." This provision would allow the Department to learn in advance who is being subpoenaed and the subject matter of the subpoena. In addition to keeping us abreast of what the Commission is doing, this would permit the Department to object or make our views known regarding such subpoena.

However, we understand that this provision does not constitute any kind of approval process. No inference should be drawn if the Department is notified of the pending issuance of a subpoena and does or does not object or comment. For example, such silence should not be construed as approval or endorsement of the subpoena or its subject matter. Nor should the presence or absence of a comment be construed to indicate the presence or absence of a criminal investigation, on which the Department as a matter of policy does not comment.

We understand that Section 5(b) does not grant the Commission authority to subpoena federal agencies. However, section 5(c) of the bill gives the Commission the authority to obtain information directly from federal agencies. This provision says that "[u]pon request of the Commission, the head of such department or agency may furnish such information to the Commission." This language is intended to preserve the ability of a federal agency, including the Department of Justice, to use its discretion and judgment in withholding privileged and sensitive information.

We would appreciate it if you would include this letter in the record of consideration of this legislation. Again, we thank you and your staff for your cooperation in resolving these important issues.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Please do not hesitate to contact me if I may be of assistance on this or any other matter.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. GLENN. Mr. President, I rise in strong in support of the Stevens substitute to S. 704—legislation to set up a national commission to study the growth of legalized gambling in America and its relevant social, economic, and legal impacts.

Gambling is an industry that is growing rapidly. In 1976—the last time we studied this issue on a national basis—legalized wagering in the United States totaled $22 billion, while legalized gaming approached $3 billion. In 1994, legal wagering exceeded $482 billion, while legal gaming reached $40 billion. We now have riverboat and land-based casino gambling in a number of States, and most States operate their own lotteries. In addition, Indian tribes are increasingly turning to casino and other forms of gaming as a tool for economic development. Finally, the gambling industry is looking toward the Internet and other electronic media as the markets for the future.

This kind of explosive growth in an industry that brings with it both serious economic and social costs along with benefits is at least a cause for further study. So I support the establishment of a national commission. This issue has not been examined on a national or Federal level for nearly 20 years and I believe that it is time we looked at gambling in America in greater depth.

The 1976 commission concluded that the regulation of gambling should be a State responsibility. With the exception of gambling on Indian lands where there is a shared Federal-State role, that is currently the case. But given the rapid growth of the industry in America in recent years, the proper role of the States and the Federal Government on this issue needs study and examination. There are important federalism and sovereignty questions that need to be answered. I don't have the answers—I'm not sure any of my colleagues do either. That's why establishing a commission to study gambling and to advise Federal, State, local, and tribal policymakers is both necessary and worthwhile. Some might argue that this commission represents an intrusion on states rights. I don't agree. This commission does not have the power to regulate, only to make recommendations. It is a study commission, not a regulatory body.

This substitute represents a considerable improvement from the original S. 704. The commission's charter has been strengthened. It will assess: the impact of existing policies and practices concerning legalized gambling; the impact of pathological gambling on individuals and families; the relationship between gambling and levels of crime; the growth of electronic or Internet gambling; and the extent to which alternative sources of revenues could be developed for State, local, and tribal governments. Based on its examination of these issues, the commission will then make appropriate recommendations to policymakers at all levels of government.

The substitute includes my proposal that the commission contract with the National Academy of Sciences [NAS] to assist in producing the study, with a particular emphasis on employing the NAS to study the problem of pathological gambling. This may be the most pernicious aspect of the growth of legalized gambling and we don't have much knowledge about it. We read the occasional story in the newspaper about some of the elderly cashing their social security checks to play the slot machines; teenagers gambling on the internet; the poor getting hooked on the lottery or keno; or others committing suicide under the weight of crushing casino debts. But we don't have much national or aggregate information on problem gambling and how it is being affected by the rapid growth of the industry. With its scientific expertise, the NAS is the ideal organization to gather and analyze this information.

The commission is also directed to utilize the Advisory Commission on Intergovernmental Relations [ACIR] to review existing State and local laws and policies on gambling, including existing enforcement and regulatory practices that address crime and gambling. Earlier drafts of the substitute had ACIR carrying out all the responsibilities of the commission. I thought that was too much for ACIR to do, first, because some of the aspects of the study are outside the scope of ACIR's expertise and second, because some in Congress have unfortunately succeeded in nearly zeroing out ACIR's appropriation, thus making it difficult, if not impossible, for ACIR to carry out the commission's work. This version wisely focuses ACIR to look at the Federalism aspects of the gambling issue, where ACIR's expertise would be most helpful and where it will need less funding to do the work.

The Stevens substitute does grant the commission limited subpoena authority. Some have argued that subpoena power gives the commission an open license to conduct a witchhunt in a legitimate industry. These arguments have been raised in discussing the House version, which grants the commission unlimited subpoena authority and charges it with such missions as investigating organized crime and political corruption. The Senate bill is different. We don't have the commission looking into organized crime or political corruption. Its mission is to focus on the broader socioeconomic impact of gambling, with the only matter relating to crime that the commission is to look at is the correlation between gambling and crime rates. This would be valuable information for states or communities who are considering legalizing gambling in their jurisdictions.

The Stevens substitute does grant the commission power to subpoena documentary information. I think such subpoena authority is needed to ensure that the commission has access to all the documents it needs to carry out its work in a thorough and independent manner.

I would point out that the 1976 commission had subpoena authority. I would like to read an excerpt from a letter from Charles Morin, Chairman of the 1976 Commission, to Congressman FRANK WOLF, sponsor of the House bill.

> The 1972–76 commission had subpoena power and, because of that, we never had to use it—in other words, when you have the power you will get cooperation. Obviously, the power need not be unrestricted and Congress may see fit to provide safeguards and, if the power were to be abused and there were non-compliance, the commission would be forced into court to compel compliance—something it would be most reluctant to do. On the other hand, if it were used legitimately, it would mean that information had been withheld for a reason—which is why you must have the power! And in the normal instance, as we found out from our years of experience, the knowledge that we had the power and would not hesitate to use it provided all the persuasion we needed.

I think Mr. Morin sums up pretty well why subpoena power is needed. But he does note that Congress may wish to put some parameters and limits around the commission's subpoena power. We've done that. The commission may only subpoena documentary information, and that is only after those who possess the materials fail to supply them as requested by the commission. The commission cannot subpoena witnesses to compel public testimony. This should satisfy those who are concerned that the commission might misuse its subpoena authority to create some sort of public spectacle. The commission may also issue a subpoena in order to help it understand the materials already obtained pursuant to that authority, and the choice is given to the respondent to submit answers either through a sworn deposition or written interrogatories under oath. Finally, we require the commission to issue written notice to the Attorney General at least 10 days in advance of issuing any subpoena.

Still, some remained concerned that the commission would misuse its subpoena authority to publicly disclose confidential business information, or violate the privacy of certain individuals who gamble. So we added an additional safeguard. We placed the commission under the Trade Secrets Act, Federal law which carries with it both civil and criminal penalties for the unauthorized disclosure of confidential business information by any Federal employee. Serious violations of the act can lead to a jail sentence of up to one year. The Trade Secrets Act applies to all Federal employees and officers of the Federal Government and we would extend its application to the members and employees of the commission.

So we have put some limits on the commission and set up penalties if those limits are violated. Those who might argue that we have created some renegade commission are misguided. We have granted the commission the powers it needs to carry out its mission, but we've also ensured that penalties exist for those who abuse those powers.

There are a couple of points I would like to clarify in the legislation since we did not file a report on it. First of all, we are making one change to the bill since the markup. We are correcting language in Section 5 to ensure that the Trade Secrets Act covers not only subpoenaed information, but information voluntarily supplied to the commission. Without this change, people would be discouraged from voluntarily supplying confidential business information to the commission as it would otherwise not be protected. Our change also includes a provision that ensures that the Trade Secrets Act applies only to confidential business information. Business or other information that is currently available to the public or already in the public domain, such as information in trade publications, journals, magazines, 10(k) filings, etc., would not be covered by the act. The commission should be able to publicly discuss and release information that is already in the public domain without fear of facing some frivolous lawsuit.

The commission, under section 5(b)(2), is allowed to issue additional subpoenas to further its understanding about materials already produced by that means. The respondent, again, has the choice as to how to comply—either by a sworn deposition or through written interrogatories under oath. In my view, it is crucial to discuss what the verb "to understand" means in this regard. Indeed, it is a relatively new term of art in defining subpoena authority. A very narrow reading would limit such a subpoena to helping the commission understand only what is written on a page. I do not subscribe to this very restrictive interpretation and certainly do not think it is our intent to do so. Questions about the facts and circumstances beyond the four corners of a document—how it was developed, who was responsible for writing and/or approving it, and under what context—may be well necessary and crucial to augment the commission's understanding of the materials at hand and carry out its duties. I think the commission should have such authority and use it, if necessary, to clarify and supplement the information contained in the documents themselves. That's the only way the commission will be able to fully comprehend the meaning and context of any subpoenaed documents.

This commission will be closely watched by many, including those with the power and resources to tie the commission up in costly litigation. It is subject to the Federal Advisory Committee Act [FACA], a statute which requires compliance with open meetings and public access, but also a statute that allows litigation, something we've seen a significant amount of in the last several years with various executive branch commissions and taskforces. So I would urge the commission at its first meeting to read FACA and to closely adhere to its requirements.

We've given the commission significant latitude in establishing its own rules and procedures of operation. I would urge that at its very first meeting that the commission establish those procedures, and not wait until later when some issue arises and the commission has not set appropriate rules to deal with it. In particular, the commission should establish its rules for the issuing of subpoenas in their first meeting, and not wait to establish those rules just before the commission is actually considering issuing a subpoena.

In closing, I want to thank Senators SIMON, LUGAR, and LIEBERMAN and their respective staffs for working with Senator STEVENS and I to develop this legislation. It is a well thought out proposal that will ensure a thorough, balanced, and fair examination of gambling in America. I urge my colleagues to support it.

Mr. BREAUX. Mr. President, I would like to engage Senator STEVENS in a colloquy regarding the enforcement of a subpoena issued by the Gambling Impact Study Commission. The vast majority of Federal commissions created by Congress in recent years have not possessed subpoena power. Of the few commissions in the past that have been granted subpoena power, and in this case I support it, the authority to enforce a subpoena was typically placed with the U.S. Attorney General. For example, legislation which established the National Indian Gaming Commission, the Commission on Civil Rights, the Commission on Government Procurement, and the President's Commission on Organized Crime expressly specified the Attorney General's involvement in any action to enforce a subpoena.

The language of S. 704, the Gambling Impact Study Commission Act, provides that "* * * the Commission may apply to a U.S. district court for an order requiring that person to comply with such subpoena." It is my understanding that the Attorney General, which has expertise in this type of matter, could be asked by the commission to seek enforcement of a commission subpoena, and it is often the case that the Attorney General is asked to do so.

Mr. STEVENS. The Senator is correct. We have been in contact with the Department of Justice [DOJ] and have been advised informally the DOJ would not object to enforcing a subpoena issued by the commission. In fact, they have been operating under the assumption that they would be called upon to enforce such a subpoena. There are many other Government bodies which use DOJ to enforce subpoenas and they are fully staffed to handle such requests.

Mr. BRYAN. Mr. President, a matter that I would like to clarify with the bill's lead sponsor, Senator SIMON, involves two interrelated issues regarding the Commission's study of the role of advertising in promoting gaming. First, unlike the Commission's other areas of study, advertising is a constitutionally protected right of communication between buyers and sellers of legal products. Second, the Federal Government, through the Federal Trade Commission, already exercises broad enforcement and regulatory authority over false and deceptive advertisements in general, including those for gaming.

My question to my colleague is whether the Commission will be mindful of the unique first amendment liberties for advertising, and of the FTC's already existing regulatory authority over false and deceptive advertising when the Commission assesses and evaluates the impact of gaming advertisements.

Mr. SIMON. My answer to my friend from Nevada, Senator BRYAN, is an unequivocal yes on both counts. As my colleague points out, the first amendment freedom of commercial speech provides important liberties for advertising. It is my hope and intention that the Commission will grant special attention to the first amendment implications of its recommendations and avoid trespassing upon any constitutionally protected freedoms of commercial speech when it formulates its policy recommendations.

Moreover, as my friend from Nevada points out, section 5 of the Federal Trade Commission Act empowers the FTC to prevent "unfair or deceptive acts or practices affecting commerce." It is my hope and intention that the Commission will take this fact into account and, to the extent practicable and appropriate, will incorporate the FTC's existing authority and expertise over false and deceptive advertising.

Mr. BREAUX. Mr. President, I would like to engage Senator STEVENS in a colloquy regarding the privacy rights of individual citizens who engage in legal gambling activities.

The Gambling Impact Study Commission Act (S. 704), which I cosponsored and support, is intended to conduct a thorough study of issues related to legalized gambling. Private citizens who engage in legal gambling activities, dine in a casino restaurant or stay in a casino hotel, should also have their right to privacy protected.

The sponsors of this bill and other Members of the Senate have been careful to state that the intent of this bill is to conduct a thorough study of the gaming industry while protecting the privacy rights of individual gamblers. I understand that this legislation addresses the privacy issue by prohibiting the release of individual information unless it is in aggregate or summary form and that there are sufficient criminal and civil penalties to prevent public release of such information. In addition, this legislation is intended to be consistent with any other law which offers privacy protection to American citizens, including the Privacy Act of 1974.

Would you agree that the intent of this legislation is to provide the Commission with the necessary tools to gather the information it needs while protecting the privacy rights of Americans? It is my understanding that it is estimated that between 4 and 6 percent of gamblers are compulsive gamblers. Is it correct to assume that, although the Commission can subpoena the information, it would not have a need for the personal records of private citizens, including the vast majority of individual gamblers who are not considered compulsive gamblers?

Mr. STEVENS. The Senator is correct on all counts. This legislation fully protects the privacy rights of American citizens.

Mr. REID. Mr. President, the record should reflect that had this matter been decided by a roll call vote, I would have voted in the negative.

I believe this legislation to be unwarranted, invasive, and potentially capable of doing more harm than good. It is indeed ironic that this Congress, which professes to be a States rights Congress has chosen to take action on a bill that affects an inherently State matter.

While this bill enjoys overwhelming support—even from some in the gaming industry—I believe it establishes a poor precedent. We should not be creating commissions to study lawful industries governed predominantly by State law. Nevada's regulation of gaming works well. As the former chairman of the Nevada Gaming Commission, I know first-hand the many benefits resulting from this successful relationship.

Notwithstanding over 200 studies of gaming, the proponents of this legislation argue that yet another study is warranted. I believe the most recent impetus for greater examination is but the camel's nose under the tent. Opponents of legalized gaming seek to use this commission as a means to increase both Federal regulation and taxation of gaming. Ultimately, in my opinion, they will not be satiated until this law abiding industry is either outlawed or regulated to death. I wish to disabuse them of any notion that they will succeed in their endeavors without a fight.

It is difficult to even grant this commission the benefit of the doubt. While I have some hope that the commission will appreciate Nevada's model of modern gaming operations I am concerned that it will focus on those stories where gaming has failed. The well organized special interests lined up against lawful gaming operations have consistently demonstrated their willingness to find only one side of the debate. It is imperative that those who are appointed to this commission include people of good will and impartiality who are capable of examining this industry from an unbiased perspective. It does not need headline seekers intent on magnifying a few unique negative stories and painting a broad-brush gloom and doom picture that would unfairly taint Nevada's No. 1 employer.

Perhaps my greatest objection to this measure, however, is the unwarranted inclusion of subpoena power. In this Senator's view, we should not be empowering congressionally appointed commissions with such broad subpoena authority for a study of gaming. Permitting the exercise of such a coercive tool only invites mischief and abuse by those who are hostile to the gaming industry.

I realize it is the prerogative of the majority to set this Congress' agenda and prioritize those issues that should be addressed. I do not believe the formation of this unwarranted commission is, or should be, a priority. Again, this is a matter of States rights.

Today, by voting against this bill, I realize I represent but the smallest minority. However, I believe my concerns about the potential for abuse and officious intrusion are entirely warranted. There is not a doubt in my mind as to the ultimate agenda of the antigaming extremists. It is my sincere hope that my fears are proved wrong. I wish I could stand before this body and say I look forward to reading a responsible and insightful report on gaming. Unfortunately, while this commission may be created with the best of intentions, there is too much opportunity for it to do mischief and promote unwarranted proposals. That said, I will be steadfast in my own monitoring of its evolvement and agenda.

Mr. BRYAN. Mr. President, I would like to register my strong opposition to S. 704, the Gaming Impact Study Commission Act. While this bill is improved over the egregious version that passed the House, I still believe this is a waste of taxpayer's money and has the potential of becoming a witch-hunt instead of a legitimate study. If this turns into a witch-hunt, it could have a chilling effect on leglaized gaming nationwide and have a devasting effect on the economy of my State of Nevada.

Advocates of legislation to create a Federal Gambling Study Commission have stated the purpose of the commission is to study the socioeconomic effects of all forms of gambling and to make recommendations to Congress. They consistently emphasize that no one, least of all the legal gaming industry, should fear just a study.

While the gaming-entertainment industry has nothing to fear from a fair and unbiased study, anti-gaming groups have tried to skew this study into looking at only one side of the issue and to turn this into a crusade.

The argument has been advanced that a Federal commission is needed to look at the impacts of the spread of gaming because State and local governments lack the ability to acquire and act on objective information in the face of well-financed attempts to put casinos or other gaming-entertainment operations in their area.

The reason why this premise is false is that even without the assistance of a Federal commission, jurisdiction after jurisdiction has actually decided not to approve an expansion of gaming. No State has approved new casino gaming for several years. For example, 7 of 10 gaming initiatives were defeated in 1994 and no new casino gaming or video poker was approved by a new jurisdiction in 1995.

The proposed commission is a Federal solution in search of a nonexistent State problem: States are free to make their own decisions on whether to permit gaming, one way or another.

Still others attack legalized gaming as some insidious form of entertainment that must be banned. The fact is today the legalized gaming industry is as legitimate a business as any of the Fortune 500. More than 50 publicly-traded companies, all regulated by the Securities and Exchange Commission, own gaming interests. The stocks of these companies are owned by millions of Americans around the country.

The gaming-entertainment industry directly and indirectly employs over one million people throughout the United States, paying $6 billion in salaries in 1994 alone. The casino gaming-entertainment industry paid more than $1.4 billion in taxes to State and local governments in 1994 with an estimated $6 to $7 billion more paid by other forms of gaming-entertainment, such as State lotteries, horse and dog racing.

Nevada is proud to be the gaming-entertainment capital of the world. Nevada's gaming industry provides 43 percent of the $1.2 billion annually going into the State's general fund. About $215 million from gaming revenues is dedicated to the State's university system and another $400 million goes to kindergarten through grade 12 education programs.

None of this is to suggest that the gaming-entertainment industry, like any other major business, particularly one which hosts millions of visitors each year, does not have its share of public issues and challenges to address. The industry, to its credit, is making a serious effort to address concerns about problem gaming. For example, the industry recently made a multimillion dollar commitment to a new national center for responsible gaming which last week chose the Harvard Medical School's division of addiction for a $140,000 grant to study problem gaming.

This all leads me back to the question of why we need to spend taxpayers dollars to study gaming.

Again, this bill is better than the House version which contains an open-ended, unrestricted authority for the commission to issue subpoenas. In the House version, there are almost no protections on what could be subpoenaed and what they could do with this information.

I do not believe gaming is appropriate for all locations. Each community should weigh the merits and decide if they want gaming, and if they do, what types of gaming and under what conditions do they want it.

I am concerned that in certain jurisdictions gaming is not being adequately regulated. Nevada's gaming industry is closely monitored with the State regulatory body employing 375 individuals. Unless the regulation is improved in certain jurisdictions, including Indian casinos, we may see problems down the line. We should make it a priority to improve this regulation.

I regret some groups have seized this issue to make a full court press against all gaming. Gaming-entertainment is a legitimate, highly-regulated industry that is being unfairly maligned. It has made significant contributions to the Nation's economy and I am proud of the benefits it has brought Nevada.

Mr. LAUTENBERG. Mr. President, in recent months, the gaming industry has come under considerable attack here in Washington. And as a senator who represents thousands of ordinary people who are employed by the industry, I want to come to their defense.

Mr. President, if you believed some of the rhetoric around here, you would think that gaming is the root of all evil. Yet millions of Americans gamble, whether in the form of State lotteries, office pools, race track betting, church bingo, or casino gaming. For these citizens, gaming is fun, it is exciting, and, if pursued in moderation, it need not do any harm.

Gaming is also an important part of our economy, and provides jobs and opportunities for thousands of our citizens. Nationwide, casinos provide jobs for over 365,000 Americans. In Atlantic County, NJ, casinos directly supply one out of three jobs. Last year, 33 million people visited Atlantic City, more than any other city in America.

Mr. President, in 1976, the voters of New Jersey decided that they wanted Atlantic City to have casinos. That was a democratic decision that reflected the views of our electorate. Nobody forced New Jerseyans to vote that way. They evaluated the benefits of gaming, and they made their choice.

As a result of that decision, revenues generated by the gaming industry in New Jersey have provided literally hundreds of millions of dollars for various projects throughout the State. They have financed the New Jersey Vietnam Veterans Memorial. They have built hundreds of homes. They have renovated day care centers, a bus terminal, and a trauma center.

They also have helped improve the lives of countless numbers of people living in the area. In Atlantic City, the number of families on Aid to Families with Dependent Children has dropped by about 30 percent since the first casino opened.

The more than $1 billion from casino property taxes paid since 1978 have lowered the burden on other property owners and supported schools in Atlantic County. Taxes on casino revenues have supported pharmaceutical assistance to the elderly, nursing and boarding home care and assistance with utility bills for senior citizens and the disabled.

Mr. President, in the past, some casinos have been tied to organized crime and other problems. But it is unfair to assume, as some do, that these problems are inevitable. Atlantic City's casinos are the most regulated in the country, perhaps the world. And the history of the last two decades is that, by and large, this regulation works.

Mr. President, I met recently with the heads of the New Jersey casinos. And I can tell you that the industry is not concerned about a study, if it is conducted in a fair and impartial manner.

But, Mr. President, I have real concerns about the likelihood that the commission to be established by this legislation will not be impartial. The whole impetus for this legislation seems to be coming from the Christian Coalition and others who are on a moral crusade against the industry. Maybe some of my colleagues believe that Ralph Reed and others only want an objective evaluation of this industry. But I doubt it. Instead, Mr. President, this study seems designed to lay the groundwork for a massive attack on the gaming industry. An attack that serves the political goals of a radical fringe.

I want to acknowledge that, as with many other products and services, some people who gamble do so to excess. And that can be a very serious problem. Compulsive gamblers can destroy themselves and their families with just a few rolls of the dice, and they need help. We should not ignore their plight. In the case of other addictions, we've encouraged public education efforts which have proven to be the most effective deterrent to excesses. I would encourage States and localities to consider such efforts, if appropriate. However, for the overwhelming majority of people, gaming is a complement to a vacation or the equivalent of going to a movie on Saturday night. It is recreation. And, in the case of Atlantic City, the tourism industry is making great efforts to diversify and provide attractive convention facilities and opportunities for family vacations. I would hate to see these efforts, and the contribution they make to our State's economy and communities, hurt by a political witch hunt.

So, Mr. President, I hope that the commission's study will prove to be objective, balanced, and fair. And I hope its conclusions are reasonable and rational. However, if this study simply leads to punitive legislation, which will hurt the hundreds of thousands of men and women who work in our casinos and related jobs, I will fight it every step of the way.

Mrs. KASSEBAUM. Mr. President, I rise today in support of S. 704, legislation to establish a national gambling impact study commission.

In the past few years, we have witnessed the rapid proliferation of the gaming industry across the Nation—initially under Indian tribal ownership and more recently by State governments. In my home State of Kansas, the casino and slot machine issue has been hotly debated. Race tracks and river boat gambling have been established in the Kansas City area, and both the Kickapoo and Potawatomie Nations have plans to expand certain gaming facilities on tribal lands.

I realize that gaming can provide tremendous revenues for State and local economies, particularly for Indian tribes wishing to improve reservation conditions and provide employment opportunities. In this regard, gaming has produced positive results. However, growing evidence indicates gambling has some harmful side effects. A particular concern focuses on reports that gaming causes the breakup of families, suicides, increased teenage gambling, corruption, and the closing of main street stores.

Mr. President, I think an impact study would help Americans better understand the unintended social and economic effects the gaming industry is having on our families and communities. I also believe we have a responsibility to bring together all the relevant data so that Governors, State legislators, and citizens can make more informed decisions about gambling in their home States.

Concerns have been raised in the Senate regarding the commission's original subpoena authority. As my colleagues have already stated, however, those concerns were addressed by the Senate Committee on Government Affairs when it adopted the Stevens substitute amendment on May 14. In my view, the final measure represents a balanced approach—one that addresses individual privacy rights and business trade concerns but also provides the commission the authority and resources necessary to thoroughly examine this issue.

This legislation has drawn broad, bipartisan support in Congress. I strongly urge my colleagues to vote in favor of S. 704.

Mr. COATS. Mr. President, there is a shadow creeping across the American landscape. It thrives in some of the poorest of our urban and rural communities. It threatens our towns and cities with economic cannibalism. It undermines our political process with a flood of cash into the campaign coffers of our politicians. It preys upon the weakness of the poor, the elderly, and the young with the promise of easy money. It undermines the family with pathological addition and spousal and child abuse, and neglect.

Mr. President, what is this menace? We know it all too well. It is gambling. An industry that, just a few years ago, was frequently pursued by law enforcement agencies from the Federal Bureau of Investigation down to rural county sheriffs is today touted as the economic savior of communities across America. And it is increasingly embraced and promoted by State and local government across the country as the answer to chronic government funding problems.

Mr. President, the gambling industry is booming. In 1988, only two States—Nevada and New Jersey—permitted casino gambling. By 1994, 23 States had legalized gambling. During this time, casino gambling revenue nearly doubled. In 1993, $400 billion was spent on all forms of legal gambling in American. Between 1992 and 1994, the gambling industry enjoyed an incredible 15 percent annual growth in revenues.

Many of my colleagues would look at this performance and say "good for them." Many would cite the gambling industry as an American success story. I am not so enthusiastic. There are many unanswered questions regarding the hidden costs of rolling out the welcome mat for the gambling industry. Many of the promises made by the gambling industry—of jobs, economic growth and increased tax revenues—are dubious at best. The statistics on the devastating impact on our families are beginning to roll in. Concern about teenage gambling addition is growing as more and more teens are lured by the promise of easy money. Crime and suicide numbers are sky-rocking in communities where gambling has taken root.

Mr. President, it is time to take a good, hard, objective look at the gambling industry and the gambling commission proposed in this bill is an important step toward getting the facts.

Critics of a gambling study commission claim that this is purely a State issue, that there is no Federal role.

This claim will not bear scrutiny. Article 1, Section 8 of the Constitution clearly provides Congress authority over issues of interstate commerce. Mr. President, surely a one half trillion dollar-a-year industry, in which parent corporations own and operate facilities in multiple States, can be considered interstate commerce. Further, gambling interests are involved in political campaigns in virtually every State, and crime associated with gambling does often cross State lines. Finally, given the potentially devastating impact of pathological gambling on the American family, it is critical that this Federal commission be established to gather the facts on the explosion of legalized gambling.

Opponents of this commission have raised many charges against it. They have claimed that the commission is a tool of the religious right. they have claimed that the commission will become a witch hunt against the gambling industry.

Mr. President, these claims are unfounded. The appointment of commissioners will be equally divided between the executive branch and the two Houses of Congress, ensuring that no faction may dominate the work of the commission. Further, Mr. President, the scope of the commission is clearly established within this legislation, which will prevent commission members from embarking on unrestricted investigations of the industry. Finally, this legislation enjoys broad bipartisan support, across both ideological and political lines, in both the House and Senate. President Clinton has indicated his support for this commission. The national media and newspapers across the country have been unanimous in advocating this gambling study commission.

Mr. President, in recent years the gambling industry has preyed increasingly on struggling rural communities. These communities have been targeted with millions of dollars in promotional money and lobbying. They are lured by the promise of booming economic development, new jobs and expanded tax revenues.

There can be little doubt that this promise has held true in the short-run for some communities. What many communities are beginning to discover, however, is that in the medium and long term, gambling takes a lot more from our communities than it gives. These costs are measured in broken families and broken lives.

Our communities are being sold on the vision of becoming another Las Vegas. They are being promised tourist dollars and booming economic growth. The reality is different. The preponderant majority of gamblers on riverboats and in this new breed of casino are from the local community. Essentially, the gambling industry is cannibalizing the local economy.

A 1994 study of riverboat gambling in Joliet, IL found that 74 percent of all players came from within 50 miles of Joliet. A similar study of gambling in Aurora found that 70 percent of all players came from the immediate Aurora area, with only 3 percent coming from outside the state of Illinois. Henry Gluck, the CEO of Caesar's World casino firm told a 1994 New York State Senate hearing on gambling that the potential for casinos to attract outside dollars, and I quote, "truly applies to a few major cities in the United States." I doubt that this is the message that the people of Harrison County, IN are getting from the gambling industry.

It is becoming increasingly clear that these casinos provide little additional value to local economies and tend to shift money out of local businesses. Casinos are one-stop entertainment. They provide meals, drinks and everything else. Players simply take entertainment dollars that would normally be spent at local restaurants, bowling alleys, baseball parks, and movie theaters and spend them at the casinos. This is not economic growth. It is economic churning.

Crime is another critical issue that this Commission will examine. Traditionally, organized crime has been synonymous with the gambling industry. There is every indication that its influence is still present. However, just as important are the more local concerns of dramatic increases in theft and violence that has followed the growth of gambling in America. A study conducted by "U.S. News and World Report" found that crime rates in communities with gambling are nearly double that of the national average. Examining assault, burglary, and larceny, the report found 1,092 incidents per 10,000 population in 1994 in communities where gambling is present. The national average for these crimes is of 593 per 10,000 people. U.S. News concluded that "* * * towns with casinos have experienced an upsurge of crime at the same time it was dropping for the Nation as a whole. They recorded a 5.8 percent jump in crime rates in 1994, while crime around the country fell 2 percent." This same study found that in 31 locations that got new casinos crime surged 7.7 percent in the first year following the introduction of the casino.

Deadwood, SD legalized casino gambling in 1989. Five years later serious crimes had increased by 93 percent, forcing the community to double the size of its police force. In Central City, CO assaults and thefts increased by 400 percent in the first 2 years after gambling's introduction.

Mr. President, our Nation is all too aware of the toll that crime takes on our cities and towns. It is critical that we come to understand how gambling acts as a catalyst for criminal activities and provide these facts to communities that face decisions about inviting this industry into their local economies.

Another area of concern is that of pathological gambling. For decades now our Nation has struggled with the demon of addiction. In the past, this problem has taken the form of drugs and alcohol. However, the rapid expansion of gambling injected a new narcotic into the Nation's bloodstream. Problem and pathological gambling is on the rise. The National Council on Problem Gambling places the number of Americans with serious gambling problems at around 5 percent. Most studies confirm this estimate. However, as gambling becomes more pervasive, this number is increasing. What does this mean?

As with other addictive behaviors, gambling impacts the individual, their families, their job, virtually every aspect of their lives. Marital problems—separation and divorce, spousal and child abuse and neglect, substance abuse, and suicide are all side-effects of problem gambling. Durand Jacobs, an individual who has done outstanding research on the impact of gambling, conducted a study of 850 Southern California high school students. He discovered that "children with gambler parents experienced almost twice the incidence of broken homes caused by separation, divorce, or death of a parent by the time they were 15 years old." Another study, published in the Journal of Community Psychology, found that about 10 percent of the children of compulsive gamblers had been the victim of physical abuse of the gambler parent. Fully one-quarter of the children in the study suffered "significant behavorial or adjustment problems."

Ronald Reno, in his study on the "Dangerous Repercussions of America's Gambling Addiction," cites a gamblers anonymous study that found that 78 percent of spouses of gamblers threatened separation or divorce with nearly half carrying through on their threat.

Harrison County, MS, an area of intense gambling activity, experienced a 149-percent increase in the divorce rate the year following the introduction of riverboat gambling. A study in Deadwood, SD, found that reports of domestic abuse have risen more than 50 percent since the advent of legalized gambling. Central City, CO, experienced a six-fold rise in child protection cases in the first year following casino gambling's introduction.

Mr. President, perhaps the most disturbing fact about the spread of gambling is the danger it poses to children. As with other addictive behaviors, our children are most vulnerable to gambling addiction.

The March 1996 edition of "Policy Review" tells the story of Joe Kosloski. Joe, then 16, won a little money at a bowling tournament. Taking the money, he and some friends headed for the Atlantic City casinos. Despite being only 16 at the time, these kids got in. Joe got on a roll, and parlayed his winnings into a couple of thousand dollars. Like most gamblers though, Joe's luck did not last. His fever for gambling, unfortunately, did.

Once the cash ran out, Joe opened credit accounts in the names of family members and used cash advances and credit cards to gamble. When Joe's scam finally came crashing down on him, he had amassed a $20,000 debt. At 20 years of age, with no previous criminal record, he is in Pennsylvania Federal Prison for credit card fraud.

Mr. President, it had been my intention to offer an amendment to S. 704. As currently written, the bill would provide the Commission the power to subpoena documents only. In my view, this substantially limits the Commission's ability to do its work. The gambling industry is a one-half trillion dollar a-year cash business. Many of the insidious tactics used by the gambling industry to bilk people out of their money must be considered by the commission in order to understand fully the modern business of gambling. These techniques range from themeing—the development of themes within the casino to attract and hold people there for longer periods of time—to various techniques to entice people to place more frequent or higher wagers. Here I quote from a "U.S. News and World Report" article of March, 1994:

> A decade ago, most casinos bothered to gather data only on high rollers. Now they use slot-club cards to snare the meat-and potatoes guy, too. After filling out a survey and receiving an ATM-like card, slot junkies insert them into a "reader" built into almost all slot machines. In a distant computer room, casinos track the action 24 hours a day, down to the last quarter.
>
> Players who use the cards the longest get the most comps, somewhat like a frequent-flier giveback. At the Trump Castle in Atlantic City, an internal document shows that 64 percent of all slot players now use the Castle card. The cardholders lost $109 million to the slots last fiscal year, or about $101 per player per trip. Slot players who never bothered with the card, by contrast, lost $31 per trip on average.

Mr. President, it is my strong belief that this Commission should have full subpoena power to encourage the cooperation of gambling industry figures to appear before the Commission. In order to ensure that this bill was brought to the floor and passed, in order to ensure that there is no delay in getting to the facts, I agreed not to offer this amendment. However, I am here to serve notice that, at the first indication that the gambling industry is dodging the Commission, I will be back here to offer legislation to broaden the Commission subpoena power.

Finally, Mr. President, I would like to talk briefly about State sponsored gambling. In most States this takes the form of lotteries. However, in many States, including Indiana, the lottery has opened the door to scratch tickets, horse racing, casinos, the works. At last count, 48 States have become involved in some form of gambling. Mr. President, given the concerns I have laid out, there is something very disturbing about States promoting gambling as a solution to economic development and shrinking tax bases. To quote the late Dr. Richard C. Halverson, our former chaplain, this State sponsored gambling is nothing short of a tax on the character of our people. It is dereliction of our public duty to use gambling to solve Government revenue problems.

Annual lottery sales now approach $32 billion. Yet the virtue of gambling as a revenue source is dubious at best. Money Magazine estimates that States keep only about one-third of total revenues generated from lotteries. Further, many States rely on lottery revenue to fill revenue gaps rather than lower taxes. Many States claim to use the lottery to fund education. However, the proportion of State spending on education has remained relatively unchanged.

Perhaps most disturbing, Mr. President, is that as States are being flooded with gambling cash, the tide of political scandal is rising. Across the country, State legislators are grappling with how to stem the tide of gambling interest dollars and the corruption that follows it. And Congress is no exception. Gambling dollars are also finding their way into our campaigns. Mr. President, I feel strongly that the Commission should examine this problem in detail.

In closing, Mr. President, I congratulate Senators LUGAR and SIMON for getting this bill passed. It was no easy task. In addition, I reiterate my concern and my warning regarding the subpoena issue. If the gambling industry throws its lawyers at the Commission the way they have thrown their lobbyist at Congress, I have little doubt that we will revisit this issue.

Mr. LOTT. Mr. President, I ask unanimous consent that a managers' amendment at the desk be deemed considered and agreed to.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment (No. 4889) was deemed considered and agreed to; as follows:

Beginning on page 16, line 25, strike "as the" and all that follows through "(b)(2)" on page 17, line 2.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, the Senate proceed to the House companion measure, Calendar No. 344, H.R. 497, and all after the enacting clause be stricken and the text of S. 704 be inserted in lieu thereof, the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and any statements or colloquies relating to the measure appear at this point in the RECORD. Finally, I ask that S. 704 be returned to the calendar.

Mr. REID. Mr. President, reserving the right to object. I want the RECORD to reflect when the voice vote is done, or whatever the procedure is to get this matter passed, that I be recorded as voting "no" and that I be allowed to insert in the RECORD a statement regarding this legislation dealing with the unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I would like that to be a part of the request.

Mr. BRYAN. Mr. President, I make the same request.

Mr. LOTT. Mr. President, I add that to the unanimous-consent request. I ask to include the statement and position of both of the Senators from Nevada. Mr. President, without their cooperation, this would not be possible. Like them, I have some reservations, but they have helped work out the problems, and I think they should get the opportunity to be recorded against this Commission, even though they have agreed to let it go on a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 497), as amended, was deemed read the third time, and passed.

Mr. LOTT. Mr. President, I want to recognize the diligent efforts of the Senators who have been working on this Commission. Senator LUGAR, from Indiana, has been very helpful. He is one of the two original sponsors. He has been ably assisted in our effort to clear out problems by Senator COATS from Indiana. Several Senators had some amendments they were interested in on both sides of the aisle, and they have agreed to withhold those. There was also, of course, the very fine work of Senator SIMON to help work through problems on the Democratic side of the aisle. Without their cooperation, efforts, and commitment to this, it would not have happened. In fact, I would not have been pushing for it personally.

So I commend them. I would be glad at this point to yield the floor so they can make statements.

One final person, if I might, Mr. President. I would like to also commend the chairman of the Governmental Affairs Committee who had this hot potato in his lap and managed to work it out in a way so that we can get it approved by unanimous consent. I thank him for that work.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from North Carolina has been very patient with us this afternoon. He repeatedly sought the floor. We have urged him to delay. I now ask that, in morning business, he be recognized so that he may make his statement for 12 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object—I shall not—I would like to speak for 2 minutes on the bill.

Mr. STEVENS. Let me ask this. I ask unanimous consent that Senator FAIRCLOTH be recognized for 12 minutes, Senator SIMON for 2 minutes, and Senator KENNEDY for 3 minutes as though in morning business so that we can get that out of the way. Then we will go back to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to be recognized as if in morning business for 12 minutes.

Mr. SIMON. Parliamentary inquiry, Mr. President: I reserved the right to object subject to my being acknowledged for 2 minutes to speak on this bill. I do not think that the request was granted.

Mr. STEVENS. The request was granted, Mr. President. We had committed to Senator FAIRCLOTH first, if the Senator does not mind.

Mr. SIMON. I would like to speak for 2 minutes on the bill which was just passed, if I may. I think my colleague from North Carolina would yield to me.

Mr. FAIRCLOTH. I yield to the Senator from Illinois for the 2 minutes, if I may then go.

Mr. SIMON. I thank him.

Mr. WARNER. Mr. President, will the Senator kindly yield to me 1 minute following the Senator from Illinois? I am on the same bill.

Mr. FAIRCLOTH. I also yield to the Senator from Virginia.

Mr. STEVENS. Mr. President, respectively we have already yielded to the Senator from Massachusetts following the Senator from North Carolina. If our request is going to be honored, I hope we will adjust this accordingly.

Does the Senator from Virginia seek to speak on the same bill as the Senator from Illinois?

Mr. WARNER. Mr. President, that is correct; the same bill on which I am a cosponsor.

Mr. STEVENS. May I suggest that the Senator from Illinois be recognized for 2 minutes, the Senator from Virginia for 1 minute, the Senator from Massachusetts 3 minutes, and the Senator from North Carolina will have his 12 minutes.

I rephrase my unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. SIMON. Mr. President, I thank a number of my colleagues for their help on creating the commission that has just passed, assuming the House acts favorably.

Particularly, I would like to thank my colleague from Indiana, Senator LUGAR. Senator WARNER from Virginia has been very helpful. Senator John GLENN was helpful. Senator STEVENS was helpful. And a number of others that I should acknowledge, as well as Michael Stevenson of my staff. What we have just done is to say, let us look at this problem. I think we owe that to the Nation, and I appreciate our colleagues doing that.

The fastest growing industry in our Nation today is legalized gambling. Is this good for the Nation? Is it not? Should it be slowed somewhat? No one suggests that we are going to close down Las Vegas or Atlantic City. But I think we ought to look at this problem and see what the dimensions of that problem are and what we ought to do. That is what the commission bill does.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to join in thanking the principal sponsors of the bill—the Senator from Indiana, the Senator from Illinois and the Senator from Alaska and also my distinguished colleague in the House of Representatives, Representative FRANK WOLF. I have been working as a team with FRANK WOLF. It is essential for America simply to listen and learn about the growth of gambling. Then we can decide for ourselves. States and individuals can decide for themselves. But this bill will start a vital educational process.

I am privileged to have been a part of the effort which has succeeded today. We did not get everything we wanted. But we have certainly made a start, and, if necessary, there may be a sequel to this piece of legislation in the future.

Mr. WARNER. Mr. President, I applaud passage of the Gambling Impact Study Commission Act. It has been apparent for some time that a reasonable consensus had been reached on providing the Commission with reasonable powers and duties, and I congratulate the leadership for bringing this important bill to the floor.

I also congratulate Senator STEVENS for maneuvering this legislation through a tricky legislative process. Senators LUGAR and SIMON have done a remarkable job of keeping public attention on this issue. And Representative WOLF from my home State of Virginia has certainly been a leader in steering this legislation through the House of Representatives. I have enjoyed working with all of them to make sure that the facts about gambling are laid before the people so that they and their representatives can make fully-informed decisions about gambling in their States and communities.

Mr. President, we all know that the benefits of gambling are often easy to see—tax revenues for the States, jobs created in casinos, attention paid to cities or States with exciting games and lotteries. These benefits are very evident in a number of our communities around our country.

The problem is that the downsides of gambling are harder to see. If a teenager gets addicted to gambling, or a father loses his family savings, the effects on their families, their employers, and their friends, are difficult to quantify. And just as there is no doubt that the benefits of gambling are real, these hidden costs are very real indeed.

This Commission will be an unbiased factfinding body to analyze the effects of gambling. The Commission will have a number of important topics to consider, including: gambling addictions, reliance by States on gambling revenues, advertising, the effect of increased gambling operations on Native American communities and reservations, relationships between gambling and crime and alcoholism, and effects of gambling on other types of businesses and entertainment. The Commission will have a full plate of issues to consider and I am confident this bill will provide it the resources and time for thorough investigations and recommendations.

The gambling industry has spoken out against the investigatory tools this bill gives the Commission and I can understand their concern that the Commission be even-handed. I believe the compromise reached concerning the scope of the Commission's use of subpoenas and hearings responds to those concerns. For the Commission's conclusions to be reliable, it must have good information from the industry—without this cooperation, the Commission would be no more useful than the incomplete and biased studies States and localities have had to rely upon in the past.

The Commonwealth of Virginia has considered a number of types of gambling over the past several years. It has adopted some, such as a State lottery, while rejecting others like riverboat casinos. The new Commission will be able to provide the Virginia legislature, executive branch, and citizens with more accurate facts as they continue to debate the future of gambling in the Commonwealth.

I do not favor federalizing regulation of the gambling industry—this bill does not require or foresee any Federal response to the findings made by the Commission. It is a fact-finding act. Seeing the growing importance of gambling in our society, however, I have concluded that discovery of these facts for consideration by the States may be more important than any new Federal legislation.

Again, I congratulate the leadership and sponsors, and I hope that this legislation can be enacted in the very near future.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized according to the agreement.

Mr. KENNEDY. Mr. President, I thank the Chair. I thank Senator FAIRCLOTH.

Mr. President, speaking today at a private high school in Minneapolis, candidate Bob Dole—formerly Senator Bob Dole, who should know better—offered the American people what he called an "Education Consumer's Warranty." But candidate Dole was not being candid about the facts.

He did not hesitate to bash teachers and students. But many of his criticisms were based on blatant misinformation, and he offered no solutions to the problems he mis-identified.

Candidate Dole said that test scores and literacy are dropping. In reality, math and science scores on the National Assessment of Educational Progress are up since 1982—for 9- 13- and 17-year olds. In addition, American students finished second among 31 nations in a 1992 study of reading skills.

Candidate Dole said that students are taking fewer courses in basic subjects. The opposite is true. In the early 1980s, only 13 percent of high school graduates had 4 years of English and at least 3 years of math, science, and social studies. By 1990, according to the National Center for Education Statistics, 40 percent of high school graduates had taken at least those basic courses.

Candidate Dole said that SAT scores are dropping. He was right 10 years ago, but he is very wrong now. In 1983, SAT scores had been dropping for a decade. In the 1990s, they are rising. The national average score for the class of 1995 was 910, the highest since 1974.

Candidate Dole also said that dropout rates are rising. In fact, more students are finishing high school and going on to college than ever before. The high school dropout rate has been cut by a third—from 17 percent in 1967 to 11 percent in 1993. Almost 90 percent of students are graduating from high school. Between 1980 and 1993, the proportion of high school graduates going to college increased—from 49 percent to 62 percent.

Despite these improvements, much more needs to be done, and I commend candidate Dole's new-found support for education. As Senate majority leader, he helped lead the Republican attempt to slash funds for education. He even wanted to slash support for safe and drug free schools by more than half. But now he agrees that every student has the right to be safe in school.

Candidate Dole voted to cut support for reading and math by $1 billion last year. Now he rightly agrees that all students need a solid grounding in basic subjects.

Candidate Dole voted against the Improving America's Schools Act in 1994, which encourages greater parent involvement in the full range of educational decisions for their children. Now he rightly says parental participation is a key component of successful education.

Obviously, when it comes to education, candidate Dole has a difficult time escaping his anti-education record.

By contrast, President Clinton is the "Education President." He has worked tirelessly and effectively to improve education since he was elected in 1992. He led the opposition to the Republicans' attack on education last year, and he has proposed a budget that invests significantly more in education in the years ahead, and while still achieving a balanced budget in the year 2002.

If Americans want an Education President, they already have one. Any "Education Consumer" would be well-advised to go with the proven product, not a candidate who is suddenly discovering the error of his past ways.

Mr. President, I thank the Senator from North Carolina.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1968 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alaska.

AMENDMENT NO. 4575, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a modification of the amendment No. 4575, and ask it be considered immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, for himself, Mr. JOHNSTON, Mr. COCHRAN, and Mr. LOTT, proposes an amendment numbered 4575, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 7, before the period insert the following: ": *Provided*, That of the funds provided in this paragraph and not withstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $25,000,000 is available for the benefit of the Army National Guard to complete the remaining design and development of the upgrade and to increase gunner survivability, range, accuracy, and lethality for the fully modernized Super Dragon Missile System, including pre-production engineering and systems qualification".

Mr. STEVENS. Mr. President, I ask this amendment be agreed to because it will provide up to $25 million to upgrade the Dragon Missile System that is currently employed by the Army National Guard. It has been cleared on both sides, I believe.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4575), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4493, AS MODIFIED

(Purpose: To provide $1,000,000 to assist the education of certain dependents of Department of Defense personnel at Fort Bragg and Pope Air Force Base, North Carolina)

Mr. STEVENS. Mr. President, I ask the clerk lay before the Senate amendment No. 4493, as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HELMS, proposes an amendment numbered 4493, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 22, before the period, insert: ": *Provided further*, That of the funds appropriated under this heading, $1,000,000 is available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of defense located at Fort Bragg and Pope Air Force Base, North Carolina".

Mr. HELMS. Mr. President, this amendment will help restore equitable treatment for Fort Bragg-based military personnel and dependents who live in and attend school in nearby Harnett County, NC. To achieve this, my amendment authorizes $1,000,000 from fiscal year 1997 Army O&M funds to be applied to the costs of Harnett County schools' providing quality education to dependent children of Fort Bragg personnel.

This amendment will remedy the gross disparity that now exists in the distribution of impact aid dollars intended to help defray the costs of the schooling of military-connected dependents. Over the years, and despite a substantial increase in Fort Bragg-connected student populations, the Federal Government has provided a declining amount of impact aid dollars to

Harnett County. Under current law, Harnett County no longer qualifies for any impact aid funding.

Mr. President, much of the growth in Harnett County's public school system is directly attributable to the influx of military personnel. According to one housing developer in Harnett County, 98 percent of the families buying in one of his communities are military families.

During the past few years, thousands of students have been added to the rolls of Harnett County's school system. Many of them are children of Army personnel and DOD civilians employed at Fort Bragg. This growth has caused severe school overcrowding in Harnett County. Many children attend classes in temporary facilities, such as cafeterias, gymnasiums, auditorium stages, libraries and trailers. In some schools, students must wait in line up to an hour to use the bathroom.

Mr. President, projections indicate that Harnett taxpayers will have to spend $87,000,000 for new schools within the next decade merely to keep up with this growth. The county simply does not have the resources to build another school without substantial assistance.

The Federal Government has an obvious obligation to provide for the education of military dependents. Because of the nature of military service which requires frequent moves and reassignments, military families seldom have an opportunity to establish strong roots in a community and to become active in local schools. The Federal Government has a duty to ensure that these parents need not worry about the quality of education afforded their children.

To further exacerbate the education funding crisis, Fort Bragg is now seeking to purchase an 11,000-acre property—known as the "Overhills property"—which will nearly double the amount of land the Federal Government presently owns in Harnett County—7,000 acres of the Overhills property are in Harnett County. This purchase by Fort Bragg will cause Harnett County to permanently lose an additional $24,000 in annual tax revenues.

Some may ask why Harnett County should be singled out to benefit from this amendment. It is because it's the right thing to do. Harnett is the only county in the Fort Bragg Impact Area that suffers an economic loss due to its location near Fort Bragg. According to 1990 figures, Harnett County has been losing $122,000 per year because of Fort Bragg.

Since then, impact aid funding has been eliminated, the number of military dependents has soared, and the Army has proposed to erode further the tax base. Without help, the situation will worsen further.

Let there be no doubt, I fully support the acquisition of the Overhills property by the Army—provided that Harnett County's school system is given the assistance it needs and deserves.

Mr. President, North Carolinians are proud of the several great military installations within our borders. For more than 50 years, North Carolinians have been especially proud of Fort Bragg, home of the United States Army's XVIII Airborne Corps and the 82nd Airborne Division. These units and other units stationed at Fort Bragg are on the front line of our Nation's defense; standing ready to deploy anywhere, any time, to preserve freedom in the world.

Mr. President, I spent four non-heroic years in the Navy during World War II. I have great affection and respect for the soldiers and defense support personnel who are devoting their lives to the defense of our country. I will do anything in my power to ensure that they are provided everything they need to do their jobs.

This includes not merely providing an adequate training area, equipment and hardware; they also deserve the quality of life and peace of mind to enable each soldier to focus on his mission, accomplish it, and return home safely.

Unmistakably essential to that quality of life is the proper education of their children.

Mr. President, I urge Senators to support this amendment which takes a small step towards addressing the educational needs of the children of our Nation's finest soldiers.

I ask unanimous consent that "Education Equity Fact Sheet" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATION EQUITY FACT SHEET

The Helms amendment would authorize $1 million over two years to ensure that Fort Bragg-connected dependents who attend school in Harnett County, N.C. are treated the same as Fort Bragg-connected dependents who attend school in Cumberland County, N.C.

CRITICAL SITUATION

Currently, Harnett is the only county in the Fort Bragg Impact Area that suffers an economic loss due to its location near Fort Bragg. (Fort Bragg-Pope AFB Impact Assessment, Sept. 1990).

Military dependents are attending classes in makeshift classrooms including cafeterias, gymnasiums, auditorium stages, libraries, and trailers. It is projected that $87,000,000 is needed to provide for new school facilities over the next 10 years. (Harnett County News, Apr. 10, 1996).

According to 1990 figures, Harnett loses $122,000/year and that deficit has substantially worsened as the number of post-related personnel and dependents moving into the county has increased dramatically. (Id.)

It costs the same amount to educate a child in Harnett County as it does to educate a child in Cumberland County.

No child of a military service member should be treated as a second-class citizen.

The federal government's responsibility to provide for the education of military dependents should not depend upon where their parents live.

UNJUSTIFIABLE IMPACT AID DISPARITY

FY96 Cumberland—$2,586,932.00/14,143 Students=$183 per student.

FY96 Harnett—$47,176.00/1,025 Students=$46 per student.

However, under current law, Harnett County no longer qualifies for any impact aid funding, even though their base-connected student population is soaring.

Fort Bragg wants to buy a Rockefeller Estate known as the "Overhills Property", lying primarily in Harnett County—the purchase will almost double the amount of land the federal government owns in Harnett County, causing an additional annual tax loss of $24,000.

Each new resident pays an average of only $231 per person in taxes to Harnett County while it costs the county $500 to educate each child.

Military families flock to Harnett.—Fayetteville Observer-Times—Sun., Dec. 3, 1995.

"Ninety-eight percent of the families buying [in Heritage Village] are in the military."—Bill Arnold, Partner in the Kilnarnold Corp.

Out of room.—Harnett County News—Wed., April 10, 1996.

"We've reached the critical stage for Harnett County. No. 1 we're a low wealth county and No. 2, we're fast growing. We're picking up 600 extra students a year."—Hank Hurd, Assistant School Superintendent.

"Western Harnett Middle is now in an extremely overcrowded situation right now. . . . It's a crisis situation as far as the school facilities needs of our county are concerned."—Harnett's Assistant School Superintendent Hank Hurd.

"We're going to see more and more mobile classrooms. But, it's no long term solution. The more mobile classrooms you put in, the more bathrooms and cafeterias are overtaxed."—Hank Hurd.

"We need construction that is stable in our classrooms that will last for years to come instead of this patchwork. . . . Sometimes students don't understand why we don't have the same things that we need as other students in the main building have."—Special Education Teacher Angela Williams.

"Sometimes we have to wait at least one hour in line to use the bathroom. . . . The bathroom we have to use has only four stalls for 50 girls. . . . Then when we are late for class, we get written up by our teachers."—Student Sandra McNeill.

"All of these trailers were supposed to have handicapped ramps to follow federal guidelines. . . . We do have a special-ed child who walks on crutches. . . . We had a Physical Education class out here last year and they had to carry the child up the steps."—Angela Williams.

"They have educational TV's in the main classrooms and we can't even get a TV in our hut classrooms."—Angela Williams.

Growth squeeze in Harnett County Schools.—The News & Observer—Sat., Feb. 3, 1996.

"It will be years before the needs of our children are met." Comments on the schools condition without the prospect of outside help, county schools superintendent Bob Beasley.

"We spend a lot of our time just figuring out what we're going to do next" in an effort to make room for new students, Principle Ned White.

"To one new schoolhouse per year," that the county needs "but can't afford to be built." The space needed to accommodate the estimated 500 new students per year, for the next three to five years, Chairman H.L. Sorrell Jr. of the county commissioners.

Mr. STEVENS. Mr. President, this amendment has been cleared on both sides. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4493), as modified, was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield to the Senator from Indiana for a request.

PRIVILEGE OF THE FLOOR

Mr. COATS. Mr. President, I ask unanimous consent a staffer of mine, Maj. Sharon Dunbar, be granted the privilege of the floor during debate on the defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I wonder if I can inquire of the Senator from Alaska whether he anticipates there will be any time for additional morning business, or does he have a full schedule on appropriations?

Mr. STEVENS. We would be happy to. How much time does the Senator wish?

Mr. COATS. Mr. President, 5 minutes at most.

Mr. STEVENS. We promised the Senator from Iowa he could proceed with his amendment. As soon as he is finished, we will be glad to consider that, if that is agreeable.

AMENDMENT NO. 4890

(Purpose: To permit up to $10 million of appropriated funds to be used to initiate engineering and manufacturing development of airborne mine countermeasure system)

Mr. INOUYE. Mr. President, I send to the desk an amendment proposed by Senators DODD and LIEBERMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. DODD, for himself and Mr. LIEBERMAN, proposes an amendment numbered 4890.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, on line 20, strike the period and insert in lieu thereof: ": *Provided further*, That up to $10 million of funds appropriated in this paragraph may be used to initiate engineering and manufacturing development for the winning airborne mine countermeasure system."

Mr. DODD. Mr. President, I rise to offer an amendment on behalf of myself and Senator LIEBERMAN that will help to preserve strong technological innovation in the State of Connecticut, as well as contribute to the safety of U.S. troops.

The amendment will allow the Navy to spend up to $10 million to initiate engineering and manufacturing development of the Magic Lantern airborne mine countermeasure system, which was created by the Kaman Corp. of Connecticut.

This important measure maintains the ability of one of Connecticut's businesses to continue development of vital antimine technology. The Magic Lantern system was deployed in a prototype stage during Desert Storm, and in subsequent tests, the improved system has met and exceeded every Navy-established criteria, including probability of detection and classification, area coverage, and false alarm rate.

Mr. President, I understand this amendment will be agreed to, and I am pleased that the Magic Lantern program will be able to continue to contribute to both the economy of Connecticut and the safety of U.S. troops.

Mr. INOUYE. Mr. President, this amendment has been cleared by both managers.

Mr. STEVENS. This deals with using funds within appropriations to initiate engineering and manufacturing development of an airborne mine countermeasure system.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 4890) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 4463

(Purpose: To prohibit the use of funds for support of more than 68 general officers of the Marine Corps on active duty)

Mr. GRASSLEY. Mr. President, I call up an amendment filed at the desk, No. 4463.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 4463.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps.

Mr. GRASSLEY. Just to bring my colleagues up to date as to where we are on this amendment, I have spoken a long time on it. I have one more point I want to make.

I have been told two individuals want to speak, one who wants to speak for my amendment and one against it. I do not think Senator STEVENS cares to prolong the vote on this amendment. When the time comes, I will be willing to do that. I am saying, a couple of others want to speak. I am not sure they will be able to speak. I notified their offices. If they do not come over, as far as I am concerned, we can go to the completion of the amendment. Is that all right with the Senator from Alaska?

Mr. STEVENS. I am pleased to agree with that procedure. We normally try to get a time agreement, if the Senator wishes a time agreement. We do not know how many other Members wish to speak on the Senator's amendment, so we will defer that. Has the Senator submitted his amendment?

Mr. GRASSLEY. It is called up.

If you will remember, my amendment, just read, would not fund the 12 additional Marine Corps generals that the Marine Corps wants, and the money is in this bill to do that. My argument, obviously, was as the number of marines has gone down from 199,000 to about 172,000 to 173,000, it seems to me that as we are downsizing, we should not be topsizing the administrative overhead from the standpoint of adding 12 more generals.

We have seen a reduction in the number of generals and admirals—maybe not enough—but we have seen a reduction in the other three forces. They still are not as efficient from the standpoint of the number of generals and admirals as the Marine Corps is.

Regardless of that, it seems to me inconsistent with balancing the budget, when the Secretary of Defense is pointing out to us the need for every dollar that we can get going into modernization, that we do not spend more money on administrative overhead. If 70 generals were in charge at the time there were 199,000, it seems to me we do not need 80 generals when we have 172,000 marines.

One argument that has been made by the Senate Armed Services Committee, the authorization committee, is that this issue should be decided in conference between the House and the Senate on the authorization bill and should not be a point to discuss when we have the Senate defense appropriations bill up.

I disagree with that, and I disagree with that because this is a legitimate appropriations matter. The Marine Corps requested 12 additional generals, and these generals do cost extra money. In fact, it involves a lot more money. That extra money is in the bill that is before the Senate right now. Regardless of what the Senate Armed Services Committee said, if the money is not in this bill, then the new generals do not get paid. Period. You cannot pay people if there is no money appropriated for it. You cannot pay these new generals based on the authorization bill. DOD cannot write one check based on an authorization.

The money is in the military personnel account. You can turn yourself, if you want to see it, to pages 6 and 7 of the committee report, and there you find a listing of the branches of the military, the number of people who are being funded by this legislation. You are not going to receive a paycheck if there is not money appropriated, because you cannot spend money in our Government without the consequence of an appropriations bill.

So these generals are expecting to be paid. They will only be paid if the money is in this bill, and my amendment would take that money out. It would leave the money to the Defense Department, hopefully to do what the Secretary of Defense said should be done, and that would be to modernize our military capability.

The last point—at least I think it will be the last point I will have to make because we have not had the debate on this amendment that I hoped we were going to have, particularly from people on the Senate Armed Services Committee. Most of their arguments have been procedure, that this is in their bailiwick, it should not be decided now. They have not been willing to state their case. Maybe somebody will come over here and do it, and I hope they will.

But the last point I want to make is that if there is a real need for additional personnel to be funded in the Marines, it is for more sergeants and more lieutenants, because those are the people who lead Marine platoons in battle. That is the place where there is a tremendous shortfall in the number of qualified people who are needed, and I will refer to a study in just a minute.

Earlier in this debate, I talked about the driving force behind the request for 12 more Marine Corps generals. I said even though the Marine Corps said that war fighting was the reason they needed more generals and even though the Senate Armed Services Committee said war fighting was not the reason for needing more generals, in either case, this cannot be justified because these positions are not going to war fighting, and it is not because of Goldwater-Nichols.

With all due respect, I think people who make these arguments are using smokescreens. If war fighting were the top priority, the Marine Corps would be adding more platoon sergeants, not more generals to fill the highest levels in headquarters positions. I said the Marine Corps has a critical shortage of sergeants and lieutenants. I said that in one of my earlier statements today. These are the people, lower in the ranks, who train the force and keep it ready to go. If war breaks out, they would lead our platoons into battle.

Everyone knows that the heart and soul of the Marine Corps fighting force is its 27 infantry battalions. That is what the Marine Corps is all about. Everything the Marine Corps does is focused on moving, protecting and supporting those units. If those 27 battalions are not healthy, then the Marine Corps is not strong.

Well, a doctor has been examining the battalion's vital signs, and they are not up to snuff. I repeat what I said a moment ago, there is a critical shortage of platoon sergeants. That statement is based on an important piece of information. It is based on the Marine Corps briefing paper that I have in my hand, "Making the Corps Fit to Fight." It is called a unit cohesion task force interim report.

This review was conducted by the unit cohesion task force in April of this year, just 3 months ago. It was under the leadership of Marine Col. G. S. Newbold.

I ask unanimous consent to print a portion of this briefings in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAKING THE CORPS FIT TO FIGHT—UNIT COHESION TASK FORCE INTERIM REPORT

UNIT COHESION TASK FORCE—COL. G.S. NEWBOLD

MM

Sgt. Maj. J.H. Lewis III.

MMEA

Lt. Col. B. Judge.
Maj. J.P. Diffley.
Maj. D.J. Donovan.
Maj. S.J. Jozwiak.
Maj. R.J. Vandenberghe.
Mr. R.W. Spooner.

MMOA

Maj. J.M. Lynes.
Maj. R.A. Padilla.
Maj. M.J. Toal.

MMP

Lt. Col. G.R. Stewart.

MA

Lt. Col. R.L. Reece.

RAM

Maj. R.B. Harris.

THE LEGEND

First to Fight.
Most ready when the Nation is least ready.
The Nation's 9–1–1 Force.

THE REALITY

Infantry Battalions are staffed at 57% of ASR requirements for 0311 Sergeants.

The inventory of MPs/Corrections Marines exceeds that of Artillerymen.

We have more Utilities Specialists than Tankers and Amtrackers combined.

Less than 50% of Enlisted Marines remain with the same Infantry Battalion for two deployments.

OFFICER REALITY

88% of Majors are not in the FMF.

Nearly 15% in Northern Virginia.

Only 11% of 0302 Lieutenants & 29% of 0302 Captains make two deployments with the same Battalion.

Despite aviator shortage, nearly 52% of all aviators are not in the FMF.

REALITY FROM COMMANDERS

. . .We had to pull our boat platoon from the CAX before FINEX to get them to Little Creek to start the [MEU SOC] cycle.

Our training cycle is not in sync with the personnel cycle.

Without stabilizing our ranks, cohesion's benefits are lost and training is the equivalent of pouring water into a bottomless bucket. . .

If maneuver warfare seeks to shatter the enemy's cohesion, we must seek to strengthen our own as a matter of self-protection.

I have lance corporals as platoon sergeants and sergeants as platoon commanders.

Three weeks ago we went on a battalion run and fell out with 121.

The concept that numbers are more important than morale, cohesion etc., must be reconsidered.

We do have quality NCOs and SNCOs, but the best go off to other key billets (DI/Recruiting).

ENABLING PHILOSOPHY

In order to fulfill its role as the Nation's crisis response force, the Marine Corps will re-establish the primacy of the operating forces by creating manpower and training policies and programs that support cohesion and stability.

PRIORITIES (PILLAR 4)

The FMF will be manned at 90% of T/O—General C.E. Mundy, Jr., 1990.

Reality—enlisted 88%; officers 84%.

"Our system is geared to the success of individual careers vice the success of individual units"

PRINCIPLE

Since our heart and soul is our warfighting capability, service in the FMF must be our top priority.

Mr. GRASSLEY. I want to quote selectively from this paper.

The first slide has this title, "The Legend," with bullets, "First to Fight," "Most Ready When the Nation Is Least Ready," "The Nation's 9–1–1 Force."

Who is going to argue with that about the Marines? They have that reputation. They live up to that reputation, and we ought to support that reputation.

Colonel Newbold is talking about the Marine Corps' mission. Then, of course, he gets down to the guts of his briefing, what he calls "The Reality." Of course, this is what we ought to be concerned about. In fact, we ought to be disturbed about this.

The very first bullet is a blockbuster. I want to quote: "Infantry Battalions Are Staffed at 57 Percent of ASR for 0311 Sergeants." Of course, a 0311 sergeant is an infantry noncom. He is a platoon sergeant. Every platoon must have a sergeant, and a platoon is in deep trouble without a good one.

So what does the Marine Corps do with 43 percent of its platoon sergeants missing, at the very same time when the command of the Marine Corps is asking for 12 additional generals?

Another slide is entitled "Reality From Commanders." This provides an answer. The commander's answer:

> I have lance corporals as platoon sergeants and [I have] sergeants as platoon commanders.

At a time when the Marines are asking for 12 additional generals, and they are using lance corporals as platoon sergeants and sergeants as platoon commanders. The commander, of course, has to make good with what he has, but that is not good enough.

Corporals are normally squad leaders, and lieutenants are platoon commanders. If corporals have to do the job of a sergeant, and sergeants are called upon to do the lieutenant's job, then why cannot colonels do a general's job?

I referred to that in the sense that every one of these so-called vacancies that is called for, the need for these new generals, all but one is filled with colonels who are getting the job done. If the colonels would take up some of the slack—and it is being done already, and the job is being done well—what is the need for 12 additional generals, when we need sergeants and lieutenants, when we had 70 generals here when it was 199,000, and we are down to 172,000 now, and we have 68 generals? Why do we need 80?

The briefing paper does indicate that the quality of the noncoms and the sergeants on hand is excellent. Unfortunately, the good ones are being shipped off to nonoperational, noncombat assignments.

This is what the briefing paper says: "We do have quality NCO's and SNCO's, but the best go off to other key billets," like drill instructors and recruiting duty.

This is Colonel Newbold in his task force report,"Making the Corps Fit to Fight."

Mr. President, recruiting duty, that is where some of the new generals would go. We have been told that by this report. If recruiting duty is not a good place to send your best NCO's, then why is it a good place to put generals?

The briefing paper concludes with this piece of philosophy. I quote from the briefing paper.

> In order to fulfill its role as the Nation's crisis response force, the Marine Corps will re-establish the primacy of the operating forces by creating manpower and training policies and programs that support cohesion and stability.

Those are very profound words by people in charge who are going to get the job done even though they do not seem to get the support of people higher up. Because I do not think they are getting the support when they need sergeants and lieutenants and we are putting the money into generals.

We are downsizing the Marine Corps and topsizing the administrative part of it. If the operating forces are the top priority, why are only 25 percent of the Marine Corps general officers command combat officers? Well, the paper draws a conclusion to that.

I want to quote from the paper again.

> Our system is geared to the success of individual careers versus the success of individual units.

Mr. President, this is what my amendment is all about, promotions at the top versus the needs of the infantry battalions, sergeants versus generals. What does the Marine Corps need more, sergeants or generals? If we want the Marine Corps to be the 911 force, always ready to go, then we should make sure that the 27 infantry battalions are rock solid. We better make sure they have the essentials to be effective. We better make sure that they have a full complement of sergeants and lieutenants.

It would be irresponsible to give the Marine Corps more generals when its heart and soul is short of the stuff that it needs to do battle. The Marine Corps should not be topsizing while it downsizes. As the Marine Corps gets smaller, it seems to me it is legitimate to cut the brass at the top, as the other services have already done. I had a chart here to demonstrate that.

Of course, most importantly, the point was made by our Secretary of Defense of how important modernization is. Those at the top of the heap should have what they need to get the job done. By voting for my amendment, you will send the right message to the Marine Corps. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent to yield, as in morning business, to the Senator from Indiana for such time—how much time would the Senator wish? Five minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. I want to thank the Senator from Alaska for yielding this time.

EDUCATION IN AMERICA

Mr. COATS. Mr. President, earlier this afternoon the Senator from Massachusetts, Senator KENNEDY, spoke on the floor indicating his concern and expressing his criticism of remarks that Senator Dole made today in Minneapolis. I want to take just a few moments to respond to those remarks. I thank the Senator for yielding the time for me to do that.

What Senator Dole said today in Minneapolis was that this country needs education reform, not education reform as defined by this administration and by some in this Congress, but real education reform. Education reform that ensures that parents have authority to be involved in their children's education, and in their curriculum, and in the formation of educational programs for their children. Education reform that would break up the monopoly that dominates public education. Education reform that gets money into the classroom instead of the bureaucracy. Education reform that rewards teachers, and rewards the Governors who run effective programs, and rewards mayors and school boards. Education reforms that try new approaches, and education reform that loosens Washington's grip on this country's schools.

For a decade or more now, the Congress and the public have been debating how we can improve our public education system, and a number of proposals have been made. But there is an entrenched bureaucracy that insists on making no real changes, on perpetuating the status quo. What Senator Dole was talking about was shaking up that status quo and bringing about reform that brings real results.

One of the issues that was discussed and was criticized earlier is the question of choice for low-income students. This is an issue that I have been involved with for some time. I have offered amendments, on a bipartisan basis with Senator LIEBERMAN, allow test programs, or pilot programs, for vouchers for low-income parents which would allow us to test the concept of school choice.

It seems hypocritical for those of us who have the means to afford school choice, whether by moving to another school district because we are unhappy with the public school where we currently are situated, or by enrolling our children in private schools or parochial schools, to deny that freedom of choice to those families who do not have the resources to send their children to a private school.

The voucher demonstration program is an attempt to understand the impact of enabling families choice over their children's educational opportunities. Many of these families have children who are consigned to some of the most violence-prone, educationally challenged schools in America. Mothers and fathers know that the only way to successfully give their children a chance to escape a lifetime of these difficult environments is to get a better education. Yet the Congress and this administration have repeatedly blocked attempts at even the most minor of reforms to allow low-income children to escape their poor-performing, violent schools.

The reform Senator LIEBERMAN and I proposed was a 3-year demonstration grant. We proposed trying it in 10–20 school districts around the country—costing a very modest amount of money—to see if it works. Even that small of a reform effort is rejected, time after time. My Project for American Renewal includes an expansion of that concept to provide experiments in up to 100 school districts. By trying a demonstration program, we'll be able to see if what the opponents of school choice say is right, but the only way to test their arguments is to get some objective evidence to evaluate school choice. I fear, Mr. President, that the opponents know that school choice would work: they know it would pose a challenge to the existing system.

I suggest that that is exactly what the existing system needs—a challenge, a challenge to improve its educational efforts. That challenge will come through competition. Public schools and private schools and parochial schools can exist side by side. The competition among the three of them provides better education for all students involved. This has been demonstrated in my hometown of Fort Wayne, IN, on a number of occasions. We ought to move in that direction.

To criticize Senator Dole for calling for education reform because he has failed to support the status quo initiatives provided by this administration that make no major change, efforts of the Clinton administration and the status quo that is perpetuated by Members of this body and call that educational reform—I think the American people know better. Call this what it is, and that is an attempt by a Presidential candidate to bring about some change in our educational system that will benefit the children—not the bureaucracy, not the unions, not the administration—the children that are actually receiving the education, or would like to receive the education. I commend Senator Dole for his remarks, for his initiative in this area. I hope he has the opportunity to carry it out.

I regret we cannot seem to get beyond the status quo of what in many cases is a failed education system, particularly in areas where children live in poverty, the District of Columbia being the prime example. We have struggled and struggled and struggled to try to give the young people opportunities that others of us have and they do not have. It is regrettable that we cannot discuss this on a rational basis and cannot support the efforts of someone trying to bring about this change.

I thank the Senator from Alaska for his patience and his time on this. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4443, AS MODIFIED

(Purpose: To strike $2,000,000 available for environmental activities with respect to the Joint Readiness Training Center at Fort Polk, Louisiana)

Mr. STEVENS. I send to the desk an amendment numbered 4443, as modified, pertaining to the Joint Readiness Training Center in Fort Polk, LA, and ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. McCAIN, proposes an amendment numbered 4443, as modified.

The amendment (No. 4443), as modified, is as follows:

On page 8, line 3, before the period, add the following: "*Provided*, That the amount made available by this paragraph for Army operation and maintenance is reduced by $2,000,000."

Mr. McCAIN. Mr. President, this amendment would reduce Army operation and maintenance funding by $2 million to eliminate an add-on for Readiness Training Center at Fort Polk, LA.

During Senate consideration of the fiscal year 1997 Defense authorization bill, an amendment was adopted which would authorize the transfer of additional acreage from the Forest Service to the Army at Fort Polk. This transfer would increase the training area at Fort Polk to ensure adequate acreage to conduct realistic land forces training. I had no objection to this amendment and believe it will serve the needs of the Army and the other Services.

However, at the same time, it is unclear that an additional $2 million will be required in fiscal year 1997 to adequately protect the land and facilities in this additional area.

The report accompanying this bill describes the purposes for which this funding would be used, including hiring more foresters, environmental engineers, and natural resources support personnel, as well as maintaining the forest, roads, and public recreational areas, and protecting the red-cockaded woodpecker, long leaf pine, pitcher plant bogs, and archaeological resources. These are activities which certainly should be undertaken for this new property, but they are also activities which are underway on the current property utilized by the JRTC.

Mr. President, therefore, I suggest that, instead of setting aside $2 million for these purposes now, we instead encourage the Army to conduct the necessary land management and environmental maintenance activities for these additional acres in the most cost-effective way possible. However, if the funds currently available to Fort Polk are insufficient to ensure that the high standards of land and environmental management are maintained at the newly expanded Fort Polk, I believe the Congress would look favorably on a reprogramming request from the Army to make funding available. In addition, I expect the Army to make funding available. In addition, I expect the Army to include in the fiscal year 1998 budget any additional costs associated with expanding Fort Polk's Joint Readiness Training Center.

Mr. President, I understand that my colleagues from Louisiana may offer an amendment to retain $500,000 of these earmarked funds. While I would prefer that the Army proceed with this effort and request reprogramming authority if additional funds are required, I would have no objection if the managers preferred to retain $500,000 of these funds.

AMENDMENT NO. 4448, AS MODIFIED, TO AMENDMENT NO. 4443

(Purpose: To restore $500,000 for environmental activities with respect to the Joint Readiness Training Center at Fort Polk, Louisiana)

Mr. STEVENS. Mr. President, we have two amendments. One is in the first degree and one is the second degree.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. JOHNSTON, for himself and Mr. BREAUX, proposes an amendment numbered 4448, as modified, to amendment No. 4443.

The amendment (No. 4448), as modified, is as follows:

On page 1, line 7 strike out "$2,000,000" and insert in lieu thereof "$1,500,000".

Mr. JOHNSTON. Mr. President, I have identified $500,000 in one-time costs that need to be funded immediately to ensure that the natural resources and archeological sites at Fort Polk are protected. The Army's environmental record has clearly demonstrated how seriously they take their stewardship of the land with which they are entrusted. I believe the money requested will be used in a cost effective manner and will ensure that the resources are protected to the same high standards currently maintained by Fort Polk.

The red-cockaded woodpecker is an endangered species and is protected by Federal law. Woodpecker nesting trees are marked with a 1-meter thick white band. The nesting trees are protected by a 62-meter buffer zone that are marked by orange bands. Military training is restricted within this the buffer zone. Funding will allow for the red-cockaded woodpecker sites to be identified, cleared, marked, and 62-meter buffer zone established.

There are Indian, archeological sites, cemeteries, and other historical sites located on this land and we must ensure that these sites are adequately protected. The balance of the funding will provide sufficient resources to survey the land, identify cultural and archeological sites, and mark them accordingly.

I also encourage the Department of the Army to identify any incremental costs associated with managing this land and I would support any reprogramming requests they find necessary to submit. I further expect that their fiscal year 1998 budget submission will include any of these recurring costs.

Mr. President, I believe the amendment is acceptable to Senator McCAIN and the managers of this bill.

Mr. BREAUX. Mr. President, I rise today in support of the second degree amendment I am offering with Senator JOHNSTON that would give $500,000 to the Department of the Army for environmental protection activities at Fort Polk, LA. Earlier this month my distinguished colleague and I were able to include a provision in the Department of Defense authorization bill that would transfer acreage in the Kisatchie National Forest to the Army at Fort Polk. That amendment will allow Fort Polk to expand its training exercises while continuing its unique mission of providing our troops the best training possible at the Joint Readiness Training Center [JRTC]. I am pleased we were able to work with the managers of the authorization bill to have the transfer provision included in the bill.

On this pending amendment, I would like to thank Senators MCCAIN, STEVENS, and INOUYE who have been very cooperative in working with Senator JOHNSTON and me to appropriate $500,000 for environmental protection at Fort Polk. This funding will ensure that the high standards of land and environmental management are maintained at the newly expanded JRTC. The Army can use this funding to continue surveying and marking trees that are inhabited by the red-cockaded woodpecker. In its current operations, the Army establishes a 62-meter buffer zone around these trees to alert military personnel and the public to stay clear of the area. The Army also posts signs to clearly mark archeological sites, such as cemeteries and Indian burial grounds, and other sensitive areas. This $500,000 will enable the Army to continue providing this and other important environmental programs at the JRTC.

I appreciate the help Senator MCCAIN and the managers of this bill have given Senator JOHNSTON and me on this amendment and I urge its adoption.

Mr. STEVENS. These are two amendments worked out with the Senators from Louisiana. They have combined their amendments. This is an amendment that has been on the list all day. It has been modified.

I ask unanimous consent the Breaux amendment to the McCain amendment be adopted and the McCain amendment be adopted. I yield to my friend from Hawaii.

Mr. INOUYE. Mr. President, I am pleased to agree.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 4448), as modified, was agreed to.

The PRESIDING OFFICER. The question is now on the first-degree amendment, as modified, as amended.

The amendment (No. 4443), as modified, as amended, was agreed to.

Mr. INOUYE. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur today with respect to the pending bill S. 1894 be vitiated and during the Senate's consideration of S. 1894, the following amendments be the only first-degree amendments in order, and limited to relevant second-degree amendments, and following the disposition of the amendments, S. 1894 be read for a third time, the Senate proceed immediately to House companion bill H.R. 3610, all after the enacting clause be stricken, the text of S. 1894 be inserted, H.R. 3610 be read for a third time, and the Senate proceed to vote on the passage of H.R. 3610, all without further action or debate.

The list is a Grassley amendment we are about to vote upon; a Bumpers F/A-18C/D amendment, on which there is a 30-minute time agreement; two relevant Daschle amendments; a Dorgan amendment pertaining to funding reduction, on which there is a time agreement of 30 minutes equally divided; Senator FORD's amendment on chemical demilitarization; Senator HARKIN's amendment on defense merger, on which there is a 45-minute agreement, 30 minutes for Senator HARKIN and 15 minutes to the managers of the bill; a Heflin amendment on pump turbines; a relevant amendment for Senator INOUYE; a Levin amendment on counterterrorism; a relevant amendment for Senator NUNN; Senator SIMON, a labor related amendment; and one relevant amendment for myself as Senator managing. I add Senator FEINGOLD's amendment, on which there is a time limit of 30 minutes, if we do not work it out. He has two amendments.

I further ask that following the passage of H.R. 3610, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, and S. 1894 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4463

Mr. STEVENS. Mr. President, I regretfully disagree with the Senator from Iowa and state again that our act does not allocate funds to the entities of the Department of Defense by the roster, or in any way related to the force structure. If the Senator wishes to limit the funds so it cannot be used to support more than 68 general officers, that is an issue for the authorization committee.

At the request of the chairman of the Armed Services Committee, I move to table the amendment of the Senator from Iowa, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Grassley amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—79

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Exon
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner

NAYS—21

Bingaman
Boxer
Brown
Conrad
Dorgan
Faircloth
Feingold
Grams
Grassley
Gregg
Harkin
Kassebaum
Kohl
Lautenberg
Pressler
Pryor
Simon
Specter
Thompson
Wellstone
Wyden

The motion to lay on the table the amendment (No. 4463) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Arkansas is seeking recognition.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Arkansas is recognized.

AMENDMENT NO. 4891

(Purpose: To reduce procurement of F/A-18C/D fighters to six aircraft)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. FEINGOLD, and Mr. KOHL, proposes an amendment numbered 4891.

The amendment is as follows:

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: "$7,005,704,000, to remain available for obligation until September 30, 1999: Provided that of the funds made available under this heading, no more than $255,000,000 shall be expended or obligated for F/A-18C/D aircraft."

Mr. STEVENS. Mr. President will the Senator yield to me just a moment?

Mr. BUMPERS. I will be happy to yield.

Mr. STEVENS. Mr. President, it is the plan of the managers of the bill to have the debate on the Bumpers amendment. We feel that amendment will go to a vote sometime between 20 after and 25 after 6. After that, we will have the Harkin amendment, and it will be voted on sometime around 7 o'clock. After that time it will be my intent to ask that all further votes be stacked until tomorrow morning commencing at 9:30, and we will have final passage following that. There will be some few statements just before final passage. We do have a series of amendments to debate yet tonight, but we will have no more votes after the Harkin amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I may yield to the Senator from Iowa for a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kevin Ayelsworth, a congressional fellow on my staff, be permitted floor privileges during debate on the DOD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I wonder if we could enter into a time agreement on this amendment.

Mr. STEVENS. Mr. President, we entered into a time agreement, if I may respond to the Senator from Arkansas, based upon our conversation. There is at this time I believe 30 minutes equally divided.

Mr. BUMPERS. Parliamentary inquiry. Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct, 30 minutes equally divided.

Mr. BUMPERS. Mr. President, I ask further unanimous consent that no second-degree amendments——

Mr. STEVENS. Could we have order?

The PRESIDING OFFICER. The Senate will be in order.

There is a request from the Senator from Arkansas that no second-degree amendments be in order. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, this amendment is very simple.

While we have 30 minutes to debate it, I hope that we can yield back some of the time.

Let me start by explaining that Senator FEINGOLD has an amendment that deals with the Navy's plans to purchase the E and F models of the Navy's F-18 fighter, which is called the Super Hornet. Now, the existing C and D models of the F-18 Hornet are the Navy's premier carrier fighter interceptors. The General Accounting Office has just issued a report on the Navy's plans to purchase 640 of the advanced models which are now in development, namely the F-18E and F-18F. That report, which is the most powerful GAO report I have ever read, says that it is the height of foolishness to go forward with the purchase of that many F-18E/Fs.

The Navy originally wanted to buy 1,000 of them, 360 of which would go to the Marine Corps. And do you know what the Marine Corps said? "We don't want them."

"We don't want them." So that means the Navy is going to buy 640 at a cost of roughly $53 million each. And the GAO says the present C/D models that we are using and could continue to use through the year 2015 will do virtually everything the E/F will do. By buying C/D models, at a cost of $28 million, almost 50 percent less, the Navy would save $17 billion.

Now, I tell you those were prefacing remarks because my amendment does not try to eliminate the E/F purchases of the Hornet. I am not trying to eliminate the E/F because Senator FEINGOLD has an amendment he is working on trying to get accepted that would give the Pentagon the opportunity to reconsider its plans to spend $60 billion on the E/F models. It would fence the funds for the E/F until the Pentagon provides Congress with a better justification for its decision. I am a strong proponent of the Feingold amendment; I am a cosponsor. I would have liked to do something stronger, but I know that would not have a chance of winning a vote.

The Pentagon took the GAO study, which says you can save $17 billion by buying F-18C/Ds instead of E/Fs, and they tried to refute every single point the GAO said, and the GAO came back and refuted conclusively—conclusively—Mr. President, every single point the Pentagon made in favor of squandering $17 billion on the F-18E/F.

Here is my amendment. It is very simple. It cuts $234 million for six F-18C/D aircraft that were not requested by the Pentagon and that were not included in the Defense Authorization Bill.

There is, in this bill, one of the strangest things I have ever seen. There is an appropriation for 12 of the C/D models, which the Pentagon says they want to get rid of. What is even stranger is, of the 12, only 6 are authorized; the other 6 are not authorized. The Navy says they want this new, premier, advanced E/F model, not the C/D. So, No. 1, the Pentagon did not ask for them. No. 2, the Senate authorizing committee, chaired by the distinguished Senator from South Carolina, with the ranking member from Georgia, Mr. NUNN, did not authorize them. We just passed the authorizing bill, and there is no authorization for these six airplanes.

With the utmost respect to the chairman and ranking member of the Appropriations Committee on Defense, my dear friends, they just put six more airplanes in the bill. They cost only $234 million. If you say it real fast, it is just nothing.

So I say, if we are going to buy the E/F, why in the world are we going to keep buying C/Ds? And I know that we are going to buy the E/F despite the fact that between now and 2025 we will spend at least $500 million for fighter aircraft. I have been around here 22 years, and I can promise you I can get up on this floor and squeal like a pig under a gate every day and it will not change two votes.

You think about it. By the year 2030 we are going to spend $500 billion for the advanced model Hornet and for the Joint Strike Fighter, and for the F-22.

So, I wish I could stop the E/F. But I am certain in the knowledge, the certain knowledge, that I would not prevail if I sought to stop the Pentagon from going forward with the E/F. You know, the Senate has only killed one weapon system that I can remember, and I cannot think what that was. We only killed one weapons system since I have been in the Senate. The Pentagon occasionally kills one, and they say, "We do not want it anymore." But a lot of times when they say "we do not want it," we impose it on them anyway.

And here is the GAO, which we give hundreds of millions of dollars a year to tell us things, saying you are about to squander $17 billion for nothing, and here I am on the floor of the Senate saying, I know the Senate is going to ignore the advice of the GAO. So I am saying, if we are going to go ahead and buy 640 of these high-priced, $53-million-a-copy fighter planes, for God sakes let us not buy 6 more of the C/D models which are neither requested by the Pentagon nor authorized by the authorizing committee.

Mr. President, I hope Senator NUNN would come to the floor and say that he is going to support this amendment because it was not authorized. I have heard him talk a thousand times about how sick he gets of the Senate appropriating money for things that are not authorized. So here is a chance for the Senate to save a paltry $234 million.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. STEVENS. Does Senator FEINGOLD seek time on this amendment?

Mr. FEINGOLD. I do, Mr. President.

Mr. STEVENS. How much time is the Senator seeking?

Mr. FEINGOLD. Mr. President, 5 minutes.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes remaining; the Senator from Alaska, 14 minutes and 50 seconds.

Mr. STEVENS. I will not seek the floor if the Senator wishes to speak now.

Mr. BUMPERS. Mr. President, I would like not to use up all of my time at this point. I would like for the opponents of my amendment to use some time.

Mr. STEVENS. I will be happy to do that, but the Senator was on his feet. I will be glad to let him speak now if he wishes to speak.

Mr. FEINGOLD. I will be happy to defer to the Senator from Alaska.

Mr. STEVENS. Mr. President, it is true that the budget did not request any funds to buy more F-18C's for the Navy. The Armed Services bill included six F-18C's for the Navy. This is authorized. The committee, our subcommittee, added and the Appropriations Committee approved $234 million to buy six single-seat F-18C's for the Navy.

Before his untimely death, we asked Admiral Boorda to list the 10 highest priorities for the Navy this year, and Admiral Boorda listed as the sixth priority, as the CNO, buying six more F-18C's. These replace the less capable F-18A's that are still in the active inventory. The C model has substantial upgrades over the A model. It has better radar and carries more sophisticated weapons. It can fly at night and in adverse weather.

The Navy really needs at least 30 more F-18C's to upgrade its force and accomplish its war-fighting mission. The F-18C procurement was ended because of financial considerations in the past. We still have financial considerations, but these F-18C's we buy now in fiscal year 1997 will be in the inventory of the Navy through at least the year 2018.

I say to my friend from Arkansas, as a pilot, these C models give Navy pilots the ability to fly at night, in adverse weather, with more sophisticated weapons and the best radar in the world. I think it is a needed addition to our Navy.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes and 31 seconds; the Senator from Arkansas, 6 minutes.

Mr. BUMPERS. Mr. President, I yield the Senator from Wisconsin 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I would like to speak briefly in support of the efforts of the distinguished Senator from Arkansas, who is trying to focus attention on the cost implications of decisions that are being made regarding the purchase of tactical aircraft for our various services. As we all know, there is no Member of the Senate who has been a more consistent leader in this area than Senator BUMPERS, constantly pressing for the Senate to subject our military procurement decisionmaking to greater scrutiny.

I appreciate his support for my amendment. A modified version of it appears to have been accepted. Of course, the motivation for that was the GAO report that Senator BUMPERS mentioned. It is entitled "F/A-18E/F Will Provide Marginal Operational Improvement at High Cost," and as the Senator indicated, that marginal improvement is a $17-billion difference, potentially.

We are pleased that process will go forward. The Department of Defense will respond to the GAO report, and then the GAO will respond to that. I am very pleased and appreciative to the Senator from Alaska for being cooperative on this.

But on the issue of the amendment of Senator BUMPERS, in these times of fiscal constraint, every item in the Federal budget has to be subjected to intense review. The Senator from Arkansas and I and many others are deeply concerned that the Department of Defense is embarking on a range of military aircraft purchases that cannot be sustained in the outyears. The downpayments on these aircraft in the short term really represent only the tip of the iceberg, from the point of view of the cost.

A GAO report in 1996 notes the military services plan to spend more than $200 billion on aircraft and other interdiction weapons over the next 15 to 20 years to add to already extensive capabilities. GAO noted that the various services have overlapping programs, with each service proposing upgrades or new weapons that may offer little additional capability.

So, Mr. President, what the BUMPERS amendment is all about and our effort here is all about is the fact somewhere, somehow, there needs to be some overview of the range of these programs. In fact, the House defense authorization bill contains a requirement for a force structure analysis by the Institutes of Defense Analysis which examines the affordability, effectiveness, commonality, roles and missions and alternatives related to the wide range of aircraft. There are good arguments to be made that we should defer decisions on all these procurement plans pending such a review.

In the short term, the issues relating to the F/A-18 clearly need to be examined. On the one hand, the Navy is seeking to remove the C/D with the E/F. Yet this bill adds funding for 12 C/D's, planes which the Department of Defense has not requested. In fact, the DOD authorization bill just passed by the Senate only authorized six additional C/D's, and now the Appropriations Committee doubles that number.

Before we start adding these additional purchases, I think we ought to know where we are going. Is the Navy going to move toward the more expensive E/F or retain the C/D? My view is that we should rely upon the less expensive, but highly capable, C/D. But, Mr. President, one thing is clear, when it comes to the C/D versus the E/F, it is an either/or choice. We either buy the C/D's or the E/F's, one or the other. It is like going to buy a new washing machine. You find two slightly different and you decide, what the heck, we will buy both of them. We cannot afford to do that. We cannot afford dual purchases.

I support the amendment offered by the Senator from Arkansas which strikes the funding for the six additional C/D's. Whatever the ultimate decision is with regard to the future of the F-18, there is no justification for this increase in the C/D purchases in this appropriations bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield to the Senator from Hawaii such time as he may use.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, it is always difficult to speak against the GAO. After all, that organization is a child of the Congress. But in this case, I give great weight to the concerns and the professionalism of the United States Navy. I also note that in recent years, the United States Navy has suffered major aviation setbacks in the acquisition programs. For example, the Congress canceled the A-6F program, the Department of Defense canceled the A-12 program, the Navy canceled the Navy ATF and F-14D program and, as a result, what we have available for us is the F/A-18E and at the present time the C's.

If we are to maintain a production line for the F/A-18E at a reasonable rate, then it would make sense to continue the production even of six models of the C. It will come down to cost. The production line will continue.

Second, there are many who will argue that the millennium has arrived and, therefore, there is really no need for these fancy weapons systems. But I believe that we are being constantly reminded that this world is still very unstable, that there is a need for aircraft carriers, and if we are to have aircraft carriers, obviously there is a need to have planes flying off these carriers. These are carrier planes.

So, Mr. President, on this issue, I prefer to set my vote of confidence with the Navy. I think the Navy is correct in suggesting to us that if they are to carry out their mission, they need this aircraft.

Mr. BOND. Mr. President, the requirement for the additional procurement of F/A-18C/D aircraft does not come from the industrial community and is not a result of trying to string out a program which has come to the end of its viable life.

The requirement comes from the Department of the Navy and its own inventory requirements. According to the Director of Air Warfare for the Navy, a minimum of 436 F/A–18C/D aircraft are required to fill the 10 active carrier airwings. The Navy expects that without continued procurement, it will be 30 aircraft short of the CNO mandated and congressionally approved requirements. If we include the normal attrition factor into the equation, the gap grows even wider for even though the F/A–18 is the safest aircraft in tactical Naval aviation history, approximately eight aircraft per year are lost.

The night-strike capabilities of the C/D are critical to the fighting effectiveness of our carriers and allow for the use of the full range of the Navy's current weapons inventory. These aircraft improve pilot situational awareness and survivability over their A/B model counterparts. They are also fully compatible with shipboard maintenance and diagnostic equipment.

The F/A–18E/F aircraft is on schedule and cost and its performance exceeds expectations so far. So why do we need more C/D's? Because the procurement schedule of the E/F will not produce significant numbers of aircraft until 2009. As my colleagues know, I am a staunch supporter of the F/A–18 E/F, for it does bring so much more warfighting capabilities to the men and women defending us, but that does not relieve us of the responsibility to provide our fliers with these additional C/D's which will bridge the technological void until the E/F's hit the fleet.

Let me put it to my colleagues this way. Advances in aviation, military aviation in particular, are a little like those experienced in the computer world. The strategic mix of aircraft currently in our inventory and those projected to be in our inventory are representative steps in technological advances which will face threats from weapon systems that are advancing as well. Much like computer systems, we can project capabilities beyond our production abilities.

The F–18C/D represents the current cutting edge in tactical Naval aviation, the E/F the next, JAST hopefully the next. But, we cannot in good conscience ask our young men and women to put their lives on the line for us and not give them the best we know we have to offer in the hope of dramatic future improvements which are not yet developed. I urge my colleagues to support, and support fully, the strategic growth of Naval aviation, starting with the continued buy of the C/D's appropriated for in this bill.

Mr. BIDEN. Mr. President, I rise in support of the Bumpers amendment to the Defense appropriations bill. This amendment would save American taxpayers 234 million dollars by eliminating funding for six F/A–18C that the Pentagon has not requested.

Mr. President, the Defense appropriations bill allocates money for 12 more F–18's than the President requested. It appropriates funds for six more F–18C's than the Senate authorized. It commits us to spend 234 million dollars on six aircraft that the Navy does not want.

Mr. President, at a time when we need to cut Government spending, how can we justify throwing away 234 million dollars of the taxpayers' money on these soon-to-be outdated aircraft?

Within this bill is 1.8 billion dollars to purchase the first 12 new F–18E/F fighters for the Navy. The Navy has said that the F–18E/F will be the backbone of its carrier-based forces in the future. This aircraft is to replace the F–14 and older F–18's, so that by 2009, the F–18E/F will comprise a majority of the F–18's in the Navy's inventory. If we are worried about a future military threat, we should direct our procurement to systems of the future, not to aircraft like the F–18C/D that will be obsolete soon after they are manufactured.

Mr. President, we cannot continue to squander our Nation's resources on aircraft that are not needed to defend this country. We must look for areas where we can cut spending while not jeopardizing our national security. The Bumpers amendment represents such an opportunity. I urge my colleagues to support it.

Mr. STEVENS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 9 minutes 53 seconds remaining. The Senator from Arkansas has 2 minutes 2 seconds.

Mr. BUMPERS. Mr. President, I wonder if the Senator will object to adding 3 minutes to my time.

Mr. STEVENS. I add 3 minutes to the time of the Senator from Arkansas and yield back the remainder of our time.

Mr. BUMPERS. Mr. President, I thank the Senator very much.

I made this point a while ago, but charts are always much more graphic. Here is where we are headed. For the people around here who are fiscally responsible and really care about the deficit, this is what is going to happen between now and about the year 2025 or 2030. We are going to spend $70 billion on the F–22 fighter for the Air Force; $66.9 billion for the fighter plane that we have been talking about here, the model E/F of the F–18 Hornet, a very, very fine airplane, indeed. But so are the C/D models that we now use. The Joint Strike Fighter will cost about $219 billion. And then sometime around the year 2010 we are going to start buying the replacement interdiction aircraft whose cost we do not know. The cost in today's 1996 dollars for those three fighter planes is $355.7 billion, according to the Congressional Budget Office. With inflation at 2.2 percent, that will come to about $500 billion between now and the year 2030, $500 billion.

Look at this chart. Here are the military budgets of the United States and our potential enemies. The United States, $269 billion; add NATO to it, $510 billion; Russia, $98 billion; China, $29 billion; and the rogue nations, such as Libya, North Korea, a total of $17 billion. We spend twice as much as all of the rogue nations, Russia and China combined. When you add NATO to it, almost four times as much.

This chart shows that today, we have 3,800 fighter aircraft, and they are all so-called fourth generation, the best there is. Look at poor Russia, China, North Korea—not even in the game. Not even in the game. The rogues have only 104 modern fighters divided among them. And we are getting ready to spend $17 billion we should not spend, so says GAO.

Here is another chart. In the year 2005, we will have 3,200 fighter planes. Look, 3,200 fighter planes that all of them will either be fourth or fifth generation aircraft. And the rogues will be no better off than they are today.

I agree with the Senator from Alaska on this point. He says the C/D fighter plane, the Hornet C/D models are very fine night fighters, they are excellent aircraft. I could not agree with him more. If it were left up to me, that is what we would be buying. But, no, we are going to go spend twice as much, $53 million a copy, on the E/F models which the GAO says is an outrageous waste of the taxpayers' money.

Back to my amendment. I am saying you cannot have it both ways. You cannot buy the E/F because it is going to be the hottest thing going and spend $67 billion on it but say we want a few more C/D's at the same time. As a matter of fact, the committee wants 12.

Mr. President, the Pentagon did not ask for 12, even the Navy did not ask for 12, and the committee, chaired by the Senator from South Carolina who is sitting on the floor, the Armed Services Committee of the Senate chaired by Senator THURMOND, authorized six, not 12. And the Subcommittee on Defense appropriations, on which I sit, said, "No, we'll put another six in," even though they were not requested nor authorized. It is a paltry $234 million. It will be the only chance you will have of this entire bill to save one single dollar and do it sensibly.

Mr. President, I yield back the remainder of my time and ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, before the vote starts, I ask unanimous consent that the time on the Ford amendment be limited to 30 minutes equally divided. I have this agreement with the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Bumpers amendment No. 4891. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 44, nays 56, as follows:

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—44

Akaka
Baucus
Biden
Bingaman
Bradley
Brown
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Glenn
Graham
Grassley
Harkin
Hatfield
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Simon
Snowe
Wellstone
Wyden

NAYS—56

Abraham
Ashcroft
Bennett
Bond
Boxer
Breaux
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Inouye
Kempthorne
Kerry
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Pressler
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 4891) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are awaiting an agreement on the disposition of the final amendments of the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. While we are waiting for the final agreement on the amendments, I will offer an amendment on behalf of Senators FEINGOLD, KOHL, BUMPERS, and myself.

AMENDMENT NO. 4892

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. FEINGOLD, Mr. KOHL, Mr. BUMPERS, and Mr. INOUYE, proposes an amendment numbered 4892.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 8099. (a) Not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A-18E/F aircraft may be obligated or expended for the procurement of such aircraft until 30 days after the Secretary of Defense has submitted to the Congressional defense committees a report on the F/A-18E/F aircraft program which contains the following:

(1) A review of the F/A-18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of four annual production rates as follows:

(a) 18 aircraft.
(b) 24 aircraft
(c) 36 aircraft.
(d) 48 aircraft.

(3) A comparison of the costs and benefits of the F/A-18E/F program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(b) Not later than 30 days after the Secretary of Defense has submitted the report required by subsection (a), the Comptroller General of the United States shall submit to the Congressional defense committees an analysis of the report submitted by the Secretary.

Mr. STEVENS. Mr. President, this amendment restricts the obligation of 10 percent of the funds appropriated for the procurement of the Navy F/A-18E/F fighters until the Secretary of Defense submits a report on the F/A-18E/F program.

The amendment is similar to an amendment adopted in the defense authorization bill, and I believe that this is acting in concert with our colleagues on that Armed Services Committee.

This amendment is now acceptable to us. I believe I speak for my friend from Hawaii, also. Does the Senator want to be listed as a cosponsor?

Mr. INOUYE. Yes.

Mr. STEVENS. Mr. President, I ask the Senator from Wisconsin if he has any comment to make.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment relates to funds appropriated under this bill for production of the F/A-18 E/F, or the Super Hornet as it is commonly called, which I understand will be accepted by the managers. I appreciate their willingness to work with us on this matter.

Mr. President, this amendment is very similar to an amendment that I offered which was adopted on the Defense authorization bill, S. 1745, when it was considered by the Senate on June 28.

Basically, this amendment seeks to limit obligation of funds for the production of this new aircraft until Congress has an opportunity to review carefully the recommendations made by the General Accounting Office in a report issued last month. The GAO report, entitled "Navy Aviation: F/A-18E/F will Provide Marginal Operational Improvement at High Cost," outlines some very important questions that should be considered before we proceed further with procurement of this aircraft. The amendment directs the Department of Defense to submit a report responding to the GAO concerns, and provides an opportunity for GAO to comment on the DOD response. It fences 10 percent of the funds appropriated for procurement of the new aircraft until 30 days after this report is submitted.

At the time I offered a similar amendment to the DOD authorization bill, I discussed extensively the issues raised by GAO. Although I do not want to take the Senate's time today to repeat each of these arguments, I want to highlight some of GAO's concerns.

First, GAO noted that a projected total program cost of more than $89 billion, the Super Hornet Program is one of the most costly aviation programs in the Department of Defense.

Second, the Navy based the need for the development and procurement of the Super Hornet on the basis of existing or projected operational deficiencies of the current model of the F/A-18 in the following key areas: strike range, carrier recovery payload and survivability. In addition, the Navy noted limitations of the current C/D model of the F/A-18 with respect to avionics growth space and payload capacity.

In its report, however, GAO concluded that the operational deficiencies in the C/D that the Navy had cited in justifying the E/F either have not materialized as projected or such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades which would further improve its capabilities.

Mr. President, let me stress here that the GAO did not conclude that the F/A-18 E/F is a bad plane. During the debate on this issue on the DOD authorization, several of the proponents of this aircraft spoke about this plane being a highly capable carrier-based tactical aircraft, as it was intended to be. I want to stress, again, that the issue here is whether the additional capabilities of this aircraft justify its additional cost, or whether the current C/D version of the F/A-18 can perform the mission at substantial cost-savings to the Federal taxpayer.

GAO found that the C/D's are performing at higher levels than originally contemplated. For example, the F/A-18C's operating in support of the current Bosnia operations are now routinely returning to carriers with operational loads of 7,166 pounds, which is substantially greater than the Navy projected for this aircraft. In fact, when initially procured in 1988, this aircraft had a total carrier recovery payload of 6,300 pounds. Today, it is significantly higher. In addition, GAO noted that while it is not necessary, upgrading F/A-18Cs with stronger landing gear could allow them to recover carrier payloads of more than 10,000 pounds—greater than that sought for the F/A-18E/F which would be 9,000 pounds.

GAO made similar findings with respect to the C/D's long-range mission capacity. GAO concluded that the Navy's F/A-18 strike range requirements can be met by either the Super Hornet or the C/D, using the 480-gallon external fuel tanks that are planned to be used on the E/F.

Mr. President, I will not detail any further today the areas where GAO noted that the differences in the capabilities of the two aircraft were either not as significant as anticipated or could be minimized by modifications of the C/Ds.

I do, however, want to stress the difference in the cost of these two planes. As I mentioned at the outset, the total program cost of the Super Hornet is projected to be over $89 billion assuming a procurement of 1,000 aircraft—660 by the Navy and 340 by the Marine Corps—at an annual production rate of 72 aircraft per year. However, as GAO noted, these figures are not accurate. The Marine Corps has made it clear that they do not intend to purchase any Super Hornets. Furthermore, an annual production rate of 72 aircraft is not feasible. The Navy has already been directed to calculate costs based upon a more realistic production rate, at 18, 36 and 54 aircraft per year.

Using the overstated assumptions, the Navy calculated the unit recurring flyaway cost of the Super Hornet at $44 million. However, using GAO's more realistic assumptions of the procurement of 660 aircraft, at a production rate of 36 aircraft per year, the cost of the E/F balloons to $53 million.

In comparison, the C/D's cost $28 million each at a production rate of 36 planes per year.

GAO concluded that the cost difference in unit recurring flyaway would result in a savings of almost $17 billion if the Navy were to procure 660 F/A-18 C/Ds rather than 660 F/A-18 E/Fs.

At a time of fiscal constraints on all aspects of the Federal budget, we need to look carefully at whether it is necessary to spend this additional $17 billion on an aircraft that may produce only marginal improvements over the current model.

Mr. President, this question is also important because there is also a far less costly program already being developed which may yield more significant returns in operational capability. This program is the joint advanced strike technology or JAST program which is currently developing technology for a family of affordable next generation joint strike fighter [JSF] aircraft for the Air Force, Marine Corps and the Navy.

The JSF is expected to be a stealthy strike aircraft built on a single production line with a high degree of parts and cost commonality. The Navy plans to procure 300 JSF's with a projected initial operational capability around 2007. The JSF will be designed to have superior or comparable capabilities in all Navy tactical aircraft mission areas, especially range and survivability, at far less cost than the Super Hornet.

The estimated unit recurring flyaway cost of the Navy's JSF is estimated in the range from $32 to 40 million, as compared to GAO's $53 million estimate for the Super Hornet.

Mr. President, given the high cost and marginal improvement in operational capabilities the Super Hornet would provide, it seems that its justification is no longer clear. Operational deficiencies in the C/D aircraft either have not materialized or can be corrected with nonstructural changes to the plane. As a result, proceeding with the E/F program may not be the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. A strong argument can be made that the Navy can continue to procure the C/D aircraft while upgrading it to improve further its operational capabilities. For the long term, the Navy can look toward the next generation strike fighter, the JSF, which will provide more operational capability at far less cost than the E/F.

As I have indicated previously, the Navy does need to procure aircraft that will bridge between the current force and the JSF which will be operational around 2007. The question is whether the F/A-18C/D can serve that function, or whether we should proceed with an expensive new plane for what appears to be a marginal level of improvement. The $17 billion difference in projected costs does not appear to provide a significant return on our investment.

For these reasons, I think it would be prudent to adopt a go-slow approach to the F/A-18 E/F program and allow Congress sufficient time to review GAO's findings, the Defense Department's response, and GAO's evaluation of that response.

Mr. President, there is one issue I want to specifically address regarding the obligation of funds under this appropriations bill for the F/A-18 E/F program. At the time the GAO report was submitted to Congress, the Navy responded that the GAO concerns were premature because the final procurement decision had not been made by DOD. DOD indicated that the final decision could not be made until the Defense Acquisition Board had made its low rate initial production [LRIP] milestone decision in the first quarter of calendar year 1997. At that time, DOD contended the Board would convene for a thorough program review. It is my understanding that although there may be some procurement funds obligated prior to the DAB decision, the bulk of the funds would not be committed until this milestone decision is made next year. DOD would, under this amendment, also be preparing its report in response to this amendment during the same period of time, and hopefully, answers to some of the questions raised by GAO would be thoroughly examined during this process prior to the final decisions for fiscal year 1997 funding. Congress will also have an opportunity to review this information and halt or slow down procurement if deemed appropriate.

Over the long term, it is important that we carefully consider all of the issues surrounding the planned procurement of some 1000 F/A-18 E/F's. I believe that this amendment will assist in getting the relevant information, and I appreciate the cooperation of the managers in moving us in that direction.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4892) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALUMINUM METAL MATRIX COMPOSITES

Mr. D'AMATO. Mr. President, I am concerned with a project under the Defense Production Act which is currently caught up in the Department of Defense. On October 5, 1995, the President notified Congress that DOD intended to utilize title III of the Defense Production Act (DPA) to address industrial resource shortfalls for the production of Aluminum Metal Matrix Composites (AL MMC). Funding in the amount of $15,000,000 was to be made available for this effort. It is my understanding that staff in the Under Secretary of Defense (Acquisition & Technology) office are attempting to divert these funds to other title III programs.

According to Assistant Secretary of the Army (Research, Development and Acquisition) Gilbert F. Decker, "the Army has valid requirements for components manufactured with Al MMC to support its armored combat vehicle fleet." In fact, Mr. Decker wrote to

Under Secretary Kaminski asking that he continue to reserve the funding for its original purpose, adding that "use of Al MMC material will result in both a significant weight reduction and increase in the durability of manufactured parts. It also promises a significant weight reduction and increase in the durability of manufactured parts. It also promises a significant cost savings over current materials."

Under Secretary of Defense Kaminski approved the project as well stating that "Aluminum Metal Matrix Composites (Al MMC) is an enabling technology that will increase combat performance and reduce life cycle costs for a variety of defense systems, e.g., missiles, where reduced weight will reduce time to kill and/or increase range."

The funds necessary for this project are already appropriated monies and need no further authorization or appropriation to be spent. Based upon my understanding, it is the desire of the Army to proceed expeditiously on the procurement of Aluminum Metal Matrix Composites with title III funds. Unfortunately, DOD personnel on the staff level have decided to step in the way of this project, Mr. Chairman, that is unacceptable.

Mr. STEVENS. I thank the distinguished Senator from New York for bringing this problem to the attention of the Committee. I can assure the Senator that we will look into this matter and further discuss it with our colleagues in the House when we go to Conference.

DOD NATURAL RESOURCES ASSESSMENT

Mr. WARNER. Mr. President, as you and Senator STEVENS know, the Defense authorization bill is currently in conference and I am a conferee on that legislation. Section 248 of that bill as passed by the House contains a provision which authorizes a natural resources assessment and training delivery system improvement program to enhance the Department of Defense's capabilities for complying with its own requirements to protect and conserve the natural ecosystems on military installations. This provision was sponsored by Representative HANSEN of Utah. I am hopeful that the Senate conferees will accept the Hansen amendment in conference.

The purpose of this colloquy is to urge the prospective Senate conferees on the Defense Appropriations bill to give consideration to providing a means of funding the Hansen amendment. Specifically, it is my understanding that $3,400,000 would be required to allow a consortium of environmental experts, including institutions of higher education in my State of Virginia and others, to assist the Department of Defense to monitor natural resources in training and weapons testing areas, to address the highest priority DOD environmental conservation requirements as identified by the Pentagon last year. It is my understanding that this program will help save funds in carrying out these important military requirements.

I ask that Senator STEVENS and the Senate conferees on the Defense appropriations bill do whatever is possible to identify funding to carry out this important military environmental initiative in fiscal year 1997. Can the distinguished Chairman address this matter?

Mr. STEVENS. I want to thank the distinguished Senator from Virginia for bringing this important matter to my personal attention. I am somewhat familiar with the proposal contained in the House-passed Defense authorization bill and it sounds reasonable. I will assure the Senator from Virginia that I will work between now and the conclusion of conference on this appropriations bill to find a way to provide funding for the natural resources assessment and training delivery system improvement program that has been identified by my colleague. One possible avenue that will be explored is the Defense Legacy Program.

Mr. WARNER. I thank my friend and colleague for his consideration of this project.

DOD TRANSIT PROGRAM

Mr. WARNER. Mr. President, I would like to bring to your attention the fact that none of the Department of Defense organizations currently participates in a transit benefit program available to all Federal civilian and military personnel. This is particularly significant given the Metro facilities at the Pentagon. The program, offered by the Washington Metropolitan Area Transit Authority (WMATA), and authorized under the Federal Employees Clean Air Incentives Act, Public Law 103–172, enacted in 1993, allows Federal agencies to provide a tax free benefit of up to $65 per month in employer-provided transit passes to help defray the costs of daily commutes by public transportation. The Federal Government is also permitted to provide up to $165 per month for parking costs, similarly excluded from an employee's taxable income. These benefits are identical to those enjoyed by private sector employees under the Energy Policy Act of 1992.

This incentive program for Federal employees has been an unqualified success. The 100 Federal agencies in this area, including the United States Senate, that participate in the WMATA Program, called Metrochek, have reduced parking costs, decreased employee absenteeism rates and improved employee morale and productivity. The program also results in significant energy conservation and environmental benefits and serves to reduce traffic congestion, by encouraging Federal employees to take public transit, rather than driving alone in their automobiles.

Mr. STEVENS. This certainly appears to be a worthwhile program. I would like to join the distinguished gentleman in encouraging Department of Defense organizations to participate. In your opinion, what would be the most efficient method for gaining their participation?

Mr. WARNER. First, Mr. President, the Department of Defense should instruct its organizations to survey the area's Department of Defense employees to accurately estimate how many employees might benefit from this program. Additionally, I request the Chairman's support in directing some of DOD's largest organizations to conduct a demonstration program to test the effectiveness of this program. For example, there are over 40,000 civilian and military Army employees in the Washington area. WMATA estimates that approximately 6,400 employees could utilize the Metrochek Program. Similarly, the Navy and Marines have 58,000 employees in this area, of which 8,700 may be able to utilize the program; and the Air Force has over 21,000 employees, of which 3,300 could benefit.

Mr. STEVENS. I would be pleased to join the distinguished Senator in strongly encouraging these DOD organizations to establish demonstration programs in order to more closely examine the potential of this program.

Mr. WARNER. I want to thank the Chairman. It seems to me that given the substantial Federal investment made in Metrorail, we have an obligation to utilize this extraordinary asset. More than half of the Metro stations serve Federal installations. The Metrorail System was built with the full partnership of the Federal Government, dating back to the Eisenhower Administration. I appreciate the Chairman's willingness to promote this important program which benefits Federal employees, while reducing congestion and improving air quality in this region.

ADVANCED MATERIALS INTELLIGENT PROCESSING CENTER

Ms. MOSELEY-BRAUN. Mr. President, I would like to express my appreciation to my colleagues, the senior Senator from Alaska, TED STEVENS, and the Senior Senator from Hawaii, DAN INOUYE, for the funding provided for the Advanced Materials Intelligent Processing Center in the fiscal year 1997 Defense Appropriations legislation. I believe the Center will provide returns to the American taxpayers by enhancing the affordability of military hardware and defense readiness.

At present, the affordability of military hardware is determined in part by the cost of fabricating components and the stockpiling of weapons for future use. Advanced materials, which are increasingly used in military hardware because they provide important performance benefits, can be difficult and expensive to process. Weapons are presently manufactured and stockpiled at great cost in part because technologies are not yet in place that would allow a mothballed plant to be reactivated quickly, or a commercial manufacturing plant to be converted rapidly to military production.

The Advanced Materials Intelligent Processing Center can address both of these cost factors by providing an integrated approach for the fabrication of military hardware containing advanced materials. The Center will develop processing techniques that can help to lower the cost of fabricating military components from advanced materials, and help to lower the cost and the need for stockpiling.

Numerous studies have shown that inadequate processing technology can contribute to the high cost of advanced materials. In addition, the Federal Government spends far more on product development—95 percent of Federal research and development—than on process development, in contrast to Japan where the breakdown of research and development funding is exactly opposite, and where affordable advanced materials are being developed far more rapidly than in the United States.

The Center is the culmination of more than two years of discussion and planning with organizations such as the Army Materials Laboratory polymer composites group, the Air Force Material Laboratory controls group and ceramic-matrix composites group, Argonne National Laboratory, the NIST polymer composites group and the Office of Intelligent Processing of Materials, the IHPTET Fiber Development Consortium, and the Navy's Center of Excellence in Composites Manufacturing Technology.

Northwestern University is uniquely qualified to establish and operate the Center because of its international reputation in materials science, its nationally recognized effectiveness in interdisciplinary R&D, industrial collaboration, technology transfer, and its experience in operating R&D consortia related to the production of advanced military hardware. Northwestern's Department of Materials Science and Engineering is consistently ranked among the top five such departments in the Nation, and Northwestern's Material Science Center was among the first of such laboratories funded by the Federal Government.

In addition, Northwestern's Institute of Learning Sciences is nationally recognized in using artificial intelligence for adaptive learning systems. Finally, Northwestern's industrial research laboratory, BIRL, has successfully worked with many commercial and military suppliers to develop and transfer new advanced materials and processing technologies.

With the end of the cold war, the Nation's industrial capacity to provide defense hardware has declined dramatically through the closure or conversion to commercial use of defense manufacturing facilities. Many U.S. defense firms may be unable to convert their operations rapidly to large-scale military production. The funding recommended in this year's legislation would allow for development of a center that can help address the defense readiness of our industrial base.

In closing, Mr. President, I would like to again commend my colleagues on the subcommittee for their efforts on behalf of this center.

Mr. STEVENS. I appreciate the kind words of the distinguished Senator From Illinois. I am aware that Northwestern University in Evanston, IL would be well qualified to operate the Advanced Materials Intelligent Processing Center and will give this program every consideration for funding during conference of this bill.

COMPUTER EMERGENCY RESPONSE SYSTEM

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging my good friend, the distinguished chairman of the Defense Appropriations Subcommittee, in a colloquy regarding support for the Computer Emergency Response Team Coordination Center [CERT/CC], located at Carnegie Mellon University's Software Engineering Institute in Pittsburgh, PA. CERT/CC has operated since 1988 under the sponsorship of the Defense Advanced Research Projects Agency [DARPA]. Its mission is to respond to computer security emergencies and intrusions on the Internet, to serve as a central point for identifying vulnerabilities, and to conduct research to improve the security of existing systems.

The number of computer emergencies handled by CERT/CC has grown from 132 in 1989 to nearly 2,500 in 1995. The severity of these incidents has also increased dramatically. Finance and banking, medicine and transportation rely heavily on computer networks. But as terrorists, ordinary criminals, and rogue states grow more technologically sophisticated, our vulnerability to attacks on our computer networks has grown. In light of these vulnerabilities, it is critical for the United States to develop networks capable of surviving attacks while protecting sensitive data. In my view, CERT/CC can play a critical role in ensuring the security of our computer systems.

The Defense Department had planned to reduce funding for this critically important activity. However, an amendment offered by Senators NUNN, SANTORUM and KYL, and included in the fiscal year 1997 Defense Authorization bill, authorizes $2 million to the Software Engineering Institute to continue this effort. This important provision will enable CERT's incident-handling activity to continue through fiscal year 1997. It is my hope that an appropriate long-term source of funding for CERT will be identified during the coming fiscal year.

Mr. STEVENS. Mr. President, I thank my colleague from Pennsylvania for his comments. I agree that the CERT provides a critical function for the Defense Department at a time when our computer systems and networks are being attacked by computer hackers. I will work to provide an appropriate level of funding for CERT activities.

Mr. GRAMM. Mr. President. I would like to discuss with the distinguished Chairman and ranking member of the Defense Subcommittee an important matter that I and a number of our colleagues have been working on. As I am sure they are aware, the Senate adopted an amendment I offered to the fiscal year 1997 Senate Defense Authorization bill that would require the Defense Department and the Department of Health and Human Services to jointly submit to the Congress no later than September 6, 1996 a detailed military retiree Medicare subvention demonstration program implementation plan. That amendment also authorized funds to pay for the demonstration program. Currently, however, the fiscal year 1997 Defense Appropriations bill does not include funding for this important effort. I would like to bring this matter to the attention of my colleagues, and to propose expediting a reprogramming request in fiscal year 1997 to fund the demonstration program should the Congress authorize it for fiscal year 1997.

Mr. STEVENS. Mr. President, I am aware of the efforts of my colleague, and understand that if the Congress authorizes the demonstration program in fiscal year 1997 some funds may need to be appropriated. Since we do not yet know how much funding could be required, it is impossible for the subcommittee to act at this time. I assure my colleague that the subcommittee supports Medicare subvention and we would be willing to work with my colleague from Texas and the administration to expedite the reprogramming of 1997 funds if the Congress authorizes a Medicare subvention demonstration program in fiscal year 1997.

Mr. INOUYE. Mr. President, I too am well aware of this issue. I am pleased to have been a cosponsor of the amendment to the fiscal year 1997 Defense authorization bill to which my colleague from Texas referred, as well as being an original cosponsor of his demonstration legislation, S. 1487. I strongly support the Senate's efforts to attempt to authorize a Medicare subvention demonstration program in fiscal year 1997 and look forward to reviewing the joint report when it is submitted on September 6. I assure my colleague from Texas that I will be pleased to work with him and the administration to try to expedite the reprogramming of fiscal year 1997 funds if the Congress is able to authorize the demonstration in fiscal year 1997.

Mr. GRASSLEY. Mr. President, I would like to thank the chairman of the committee, my friend from Alaska, Senator STEVENS, and my friend the ranking minority member, Senator INOUYE, for doing the good work again this year on the Defense Department's problem disbursements.

The bill includes a provision—section 8089—that makes the Department match disbursements with obligations before payments are made.

This measure helps to sustain the momentum we started back in 1994, continued in 1995, and re-energized this year.

Section 8089 ratchets down payment thresholds even more as recommended in audit reports just issued by the inspector general and General Accounting Office.

This piece of legislation and the accompanying report language send the right message to the Department.

We intend to keep the pressure on until this problem is fixed.

That's the message the bill sends.

I thank Senator STEVENS and Senator INOUYE for their willingness to follow through on this important issue.

Mr. DOMENICI. Mr. President, this Defense Appropriations bill, S. 1894, provides $244.8 billion in new discretionary budget authority and $243.2 in total discretionary outlays for the Department of Defense. There are some major elements to this bill that are important for Senators to know.

The bill, as reported, is within the Defense Subcommittee's Section 602(b) allocation and, thus, complies with the requirements of the Budget Act.

The bill fully funds certain important initiatives that were requested by the President, including a three percent pay raise for all military personnel and the end strengths for all of the active and reserve military services.

More importantly, the bill also funds needed increases in each of the major accounts of the defense budget. Each of these accounts was left with major underfunding problems by the administration's budget request. The administration would have us believe that these increases are uncalled for an excessive; following that advice would have the following consequences:

Programmed medical care for military beneficiaries would be underfunded by $475 million, and that care would be reduced.

The average age of military barracks that is now over 30 years would increase.

The average age of tactical aircraft would increase to over 20 years, and some Air Force fighters would be as old as 40 years.

Flight training for Air Force fighter pilots would decrease from 20 hours per month to an unacceptable 16 hours.

The size of Air National Guard squadrons would shrink to 12 aircraft each from a level that was 18 to 24 just a few years ago.

In short, while the administration would have people believe that the increases we are funding in this bill are excessive and unnecessary, the facts are that these increases will only help to slow—not prevent, let alone reverse—some serious deterioration in our Armed Forces.

In fact, in terms of constant—inflation adjusted—dollars, this bill is a real-dollar decrease from last year's appropriations, and, despite its apparent increases, it constitutes the twelfth straight year of decline in real-dollar defense spending.

The chairman of the Defense Subcommittee, Senator STEVENS, and the Subcommittee staff deserve the thanks of the Senate for their extremely skillful crafting of this bill. It makes the best possible use of the limited funds available; in many respects, it does more—with less—than other defense bills before Congress, and, most importantly, it helps to stem the aging and shrinking in our weapons inventory and the reduced training and readiness that the administration's anemic defense budget would impose on our Armed Forces.

Finally, Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill to the Defense Subcommittee's 602(b) allocation be printed in the RECORD.

I urge the adoption of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Defense Discretionary:		
Outlays from prior-year BA and other actions completed		80,733
S. 1894, as reported to the Senate	244,561	162,247
Scorekeeping adjustment		
Subtotal defense discretionary	244,561	242,980
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		12
S. 1894, as reported to the Senate		
Scorekeeping adjustment		
Subtotal nondefense discretionary		
Mandatory:		
Outlays from prior-year BA and other actions completed		
S. 1894, as reported to the Senate	184	184
Adjustment to conform mandatory programs with budget resolution assumptions	12	12
Subtotal mandatory	196	196
Adjusted bill total	244,757	243,188
Senate subcommittee 602(b) allocation:		
Defense discretionary	244,565	242,985
Nondefense discretionary		12
Violent crime reduction trust fund		
Mandatory	196	196
Total allocation	244,761	243,193
Adjusted bill total compared to Senate subcommittee 602(b) allocation:		
Defense discretionary	−4	−5
Nondefense discretionary		
Violent crime reduction trust fund	NA	NA
Mandatory		
Total allocation	−4	−5

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. STEVENS. Mr. President, I yield to the majority leader.

Mr. LOTT. Mr. President, again, I want to thank the managers of the bill for the good work they have done. They have done an incredible job in working through a long list of amendments and making sure that all the Senators' interests are protected.

It looks to me like they have reached a point here where we can bring the DOD appropriations bill to a conclusion, with votes in the morning. We are waiting for one final clearance. We hope to get that, and there are calls being made now.

I thank the Democratic leader publicly for his help in working through these amendments and on a number of other issues we are working on.

I will not ask unanimous consent right now, but I thought I might outline what the two managers have come up with, and that would be this: All remaining amendments to the Department of Defense bill be offered and all debate occur tonight, and that any rollcall votes ordered with respect to these amendments begin at 9:30 in the morning, with the first vote limited to the standard time, and all remaining stacked votes be reduced to 10 minutes in length, with 2 minutes equally divided on each before the votes so that there will be an explanation; following the disposition of all of those amendments and all other provisions of the bill, we would go to third reading, and Senator DORGAN would be recognized for 5 minutes for closing debate, and there would be 5 minutes equally divided between the two managers, and following that, final passage.

If sounds to me like all of this could probably be done within an hour or so, and then we would go right after that into the consideration of S. 1956, which is the reconciliation bill. If we can get a final clearance on that, then we would be able to officially announce that there would be no further votes tonight. We have not gotten that finally agreed to at this point. But I think it would be very good if we could get that completed and go to reconciliation. Of course, we would have to have it. The bill would have to be available, and we believe it will be available by 10:30 in the morning.

Let me do this while we are waiting. I thought maybe we could go the agreement at any moment now. Would the Senator from Iowa like to go ahead and proceed? Then would he be willing to yield to me to put this unanimous consent as soon as we get final clearance?

Mr. HARKIN. Any time.

Will the majority leader yield on the unanimous-consent request?

Mr. LOTT. Certainly.

Mr. HARKIN. Again, maybe my ears did not pick it up. Any time we have debate in the evening and we stack votes in the morning, this Senator feels that it is appropriate to give at least a couple of minutes in the morning before the votes.

Mr. LOTT. That would be included in the unanimous-consent request.

Mr. STEVENS. A minute on each side.

Mr. LOTT. I yield the floor, and hopefully we can get the final word momentarily.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 4492

(Purpose: Relating to payments by the Department of Defense of restructuring costs associated with business combinations)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. SIMON, proposes an amendment numbered 4492.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than February 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense and the Director of the Office of Management and Budget, submit to Congress a report which shall set forth recommendations regarding the revisions of statute or regulation necessary—

(A) to assure that the amount paid by the Department of Defense for restructuring costs associated with a business combination does not exceed the expected net financial benefit to the Federal Government of the business combination;

(B) to assure that such expected net financial benefit accrues to the Federal Government; and

(C) in the event that the amount paid exceeds the actual net financial benefit, to permit the Federal Government to recoup the difference between the amount paid and the actual net financial benefit.

(2) For purposes of determining the net financial benefit to the Federal Government of a business combination under this subsection, the Comptroller General shall utilize a 5-year time period and take into account all costs anticipated to be incurred by the Federal Government as a result of the business combination, including costs associated with the payment of unemployment compensation and costs associated with the retraining of workers.

(b) No funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to process or pay any claim for restructuring costs associated with a business combination under the following:

(1) Any contract, advance agreement, or novation agreement entered into on or after July 12, 1996.

(2) Any contract, advance agreement, or novation agreement entered into before that date unless the contract or agreement specifies that payment for costs associated with a business combination shall be made under the contract using funds appropriated or otherwise made available for the Department by this Act.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator SIMON's name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if the Senator will yield, I believe we have this agreement.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that all remaining amendments to the Department of Defense appropriations bill be offered, that all debate occur today, and that the rollcall votes ordered with respect to these amendments begin at 9:30 a.m., on Thursday, July 18, with the first vote limited to the standard time, and all remaining stacked votes reduced to 10 minutes in length with 2 minutes equally divided prior to each vote for explanation.

I further ask unanimous consent that, following disposition of the amendments, all other provisions of this consent agreement apply; and, following third reading of H.R. 3610, that Senator DORGAN be recognized to be followed by 5 minutes equally divided between the two managers; and, following the conclusion or yielding back of time, the Senate proceed to vote on final passage of H.R. 3610, as amended, without further action or debate; and following disposition and passage of H.R. 3610, the Senate turn to consideration of S. 1956, the reconciliation bill.

Mr. DASCHLE. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further votes this evening. However, Members who have amendments will have to remain to offer and debate their amendments. Those votes, including passage, will occur beginning at 9:30 a.m. Also, following passage of the DOD appropriations bill, the Senate will begin reconciliation.

Therefore, a number of votes will occur during Thursday's session of the Senate.

Again, I thank Senator DASCHLE, Senator STEVENS, and Senator INOUYE for the great work they have done here, and all Senators because it takes a lot of cooperation to get a unanimous-consent agreement.

We will continue to try to move bills that we get agreement on, and judges that we have agreement on, so that we can continue to work together and do the business of the Senate.

I thank Senator HARKIN for yielding this time.

AMENDMENT NO. 4492

The PRESIDING OFFICER. By previous agreement, the proponents of the Harkin amendment have 30 minutes under the control of the Senator from Iowa, and the opponents have 15 minutes.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this is a very simple amendment. Let me try to explain it by beginning this way. If you remember the $600 toilet seats, and the $500 hammers in the Department of Defense, well, what is going on right now is going to make those look like a real bargain. What has happened since 1993, due to a policy change that was never debated on the Senate floor, never published in the Federal Register, is that taxpayers are now paying for mergers and acquisition costs of defense contractors.

Yes. You heard me right. Any defense contractor that merges—acquires other companies—the taxpayers get to pick up the bill. I know it is hard to believe. But it is actually happening.

The cost estimated so far of doing this just since 1993 is over $300 million. There is somewhere in the neighborhood of about $2 billion in costs pending that the taxpayers will have to pick up unless we do something about it and stop this nonsense—this egregious attack on the taxpayer dollars.

In 1993 the DOD, at the request of defense contractors, changed its policy on reimbursing companies for corporate mergers without adequately notifying Congress. This change in the interpretation of the Federal acquisition rules is far reaching. Every department and agency of the Government is affected. Yet, the Senate has not had one hearing nor significant floor debate on this issue.

Mr. President, this amendment simply seeks to assure that what proponents of this form of corporate welfare claim—that it will lead to rational downsizing of the defense industry and result in net savings to the taxpayer—is actually realized. As of now both of those claims do not seem to be supported by the facts.

Let me read a couple of passages from a recent DOD inspector general report dated June 28, 1996, on page 9. "Contractors"—meaning defense contractors—"are submitting cost proposals for activities called concentration, transition, economic planning, and other terms that do not immediately suggest restructuring and make the cost issues difficult for the Government to review, administer, and resolve."

On page 10 of the same IG report,

> One contractor's restructuring proposal projected savings over 10 years. The contractor's projections are highly speculative since the volume of Government business is not guaranteed. The same contractor also proposed savings based on "synergies in the work force" [how about that one?] a term that is not defined in the existing procurement regulations, and is difficult at best to monetize and evaluate."
>
> Another contractor proposed keeping subcontract profits [listen to this one] in its prime contract price, although it now owned the subcontractor and would be receiving a profit on top of a profit.

Another example:

> A contractor voluntarily deleted costs to win a competitive program and subsequently identified those costs as restructuring.

And billed the taxpayers for it.

On page 16, the same IG report, which just came out about 3 weeks ago:

> Amortization based on the projection of extended savings can almost make a marginal acquisition appear attractive by spreading costs over a long period, and comparing them to the projected savings to determine savings. In all cases, amortization periods were selected for arbitrary reasons, such as the length of time needed to achieve restructuring savings, or to meet available funding otherwise not supported by generally accepted accounting principles.

There is more, but I will leave that for right now.

As I said earlier, Mr. President, proponents also say the policy is going to save taxpayers' money. How many times have we heard that old song? The record is spotty at best.

According to a GAO study of one business combination, "The net cost reduction certified by DOD represents less than 15 percent of the savings projected to the DOD 2 years earlier when they sought support for the proposed partnership."

Less than 15 percent of the projected savings were actually being achieved. That alone proves the need for my amendment.

Clearly, projected savings are not being realized. Yet, there is absolutely no mechanism for DOD to recoup actual losses to the Government. As a result, the American taxpayer is being asked to pick up the tab.

In addition, the current practice is to measure only cost to the Department of Defense when contractors merge and lay off thousands of hard-working Americans. The costs associated with Government-subsidized social services like worker retraining are not tallied. Neither are the costs associated with lost payroll tax revenue. My amendment would fix that by requiring the Comptroller to include all costs to the Government in his recommendations.

Although I believe this practice must stop, maybe this is too much to do right now, but that is why I am offering this very modest amendment. What this amendment does is it merely puts a 1-year moratorium on these payments so the Comptroller General can give us the tools we need to take a close look at the policy and to ensure that taxpayers recoup any payments in excess of realized benefits. It will also allow us to have hearings on this far-reaching policy change.

Mr. President, this amendment is very similar to one adopted in the House on June 13. On June 13—get this—the House of Representatives, by voice vote, adopted an amendment even more stringent than mine. It would be retroactive. It would go back even on the contracts that are held right now.

When I first proposed my amendment on the defense authorization bill, some of the Members came to me and said, "Oh, my gosh. This is going to open up the Government to all kind of lawsuits—breach of contract." Well, all right, I took that into account. This amendment that I offer is not like that amendment. This amendment is only prospective. It allows the Government to pay the costs for which it is currently obligated, but it prevents any further obligation.

Let me be very clear about this, especially to the managers of the bill. This amendment allows the Government to pay costs for which it is currently obligated but prevents any further obligation.

Let me just discuss this policy in more detail. Lawrence Korb, the Under Secretary of Defense under President Reagan, supports this amendment. According to an article by him in the summer 1996 issue of the Brookings Review, this wasteful practice was initiated by the Pentagon in July 1993. The Pentagon claims that this was not a change of policy but merely a clarification of existing policy. However, no one can come up with examples of such corporate welfare before the 1993 decision. And there are several examples of such requests being denied. So it was a policy change, a serious and costly one.

If this was not a policy change and merely a clarification of existing policy, then you better look out, because we have got mergers and acquisitions going back to the late 1970's, and they are all going to be marching up here and saying, well, it was existing policy.

I hope the managers of the bill and their staffs will think about this and respond to this. You cannot have it both ways. If this is a change in policy, then it was not published in the Federal Register. It did not follow the rules, Federal rules. There were no hearings held in the Senate. We never debated it. If, however, as the Pentagon claims, this was not a change in policy but only a clarification of existing policy, then the taxpayers of this country ought to have to pay for every merger and acquisition going all the way back, and so the ones that were denied in the past will now come back to haunt us because they will come back and say, by your own words, this was existing policy.

That is why even the $2 billion we are looking at that is pending now is going to mushroom to $3 billion, $4 billion, $5 billion. Who knows when it will all end?

Let me read a little bit from Mr. Korb's article. First of all, from his letter to me dated July 11.

> As I testified in July 1994 before the House Armed Services Committee, and as I have written in Foreign Affairs, the Brookings Review and the Baltimore Sun, I do not believe that such payments are necessary to promote the rational downsizing of defense industry. Moreover, by its policy of subsidizing defense mergers and acquisitions, the Clinton administration has already created mega-companies that will stifle competition and wield tremendous political power.
>
> The conditions that the amendment places on paying the subsidy will ensure that Federal money will not go towards mergers that would have occurred without the subsidy or before the policy change. In addition, your amendment—

Talking about my amendment—

> Will guarantee that there will be real savings to the taxpayer and that these savings are documented.

In the article that he had in the Brookings Review in the summer issue, Mr. Korb pointed out how this happened. He said:

> To date, the Pentagon has received 30 requests for reimbursement for restructuring. Lockheed Martin alone expects to receive at least $1 billion to complete its merger.
>
> How did it happen? In July 1993, John Deutch, then the undersecretary of defense for acquisition, responded to pressure on his boss, William Perry, from the chief executive officers of Martin Marietta, Lockheed, Loral and Hughes by deciding to allow defense companies to bill the Pentagon for the costs of mergers and acquisitions.
>
> According to Deutch . . . the move was not a policy change but a clarification of existing policy.
>
> Deutch is wrong . . . This is a major policy change. It is not necessary. And it will not save money.

Mr. Korb goes on in his article. He says:

> Indeed, during the Bush administration, the Defense Contract Management Agency rejected a request by the Hughes Aircraft Corporation to be reimbursed for $112 million in costs resulting from its acquisition of General Dynamics' missile division.
>
> But on July 21, 1993, Deutch wrote a memorandum stating that restructuring costs are indeed allowable and thus reimbursable under Federal procurement law.
>
> Deutch's position that he was merely clarifying rather than making policy is not supported by anyone, even those who favor the change. The procurement experts in his own department disagreed vehemently. On June 17, 1993, the career professionals at DCMA told him that the history of the FAR argues against making the nonrecurring organization costs associated with restructuring costs allowable and noted that they had disallowed these costs in the past.

The DCMA position was also supported by Don Yockey, the undersecretary of defense for acquisition in the Bush administration, the Aerospace Industries Association, the American Bar Association's Section on Public Contract Law, and the American Law Division of the Congressional Research Service. * * *

In Luckey's opinion, Deutch's position is based on semantics, not legality.

Mr. President, I ask unanimous consent the cover letter to this Senator and the article that appeared in the Brookings Review, summer 1996, be printed in the RECORD.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

THE BROOKINGS INSTITUTION,
CENTER FOR PUBLIC POLICY EDUCATION,
Washington, DC, July 11, 1996.
Hon. TOM HARKIN,
U.S. Senator,
Washington, DC.

DEAR SENATOR HARKIN: As you requested, I am writing to give you my opinion on your amendment to S. 1894, that would prohibit the secretary of defense from paying the restructuring costs resulting from a merger or acquisition in the defense industry after July 11, 1996, and permits the Federal government to recoup funds from those companies that merged prior to this date if the net federal benefit does not exceed the amount paid to the companies.

As I testified in July 1994 before the House Armed Services Committee, and as I have written in Foreign Affairs, the Brookings Review, and the Baltimore Sun, I do not believe that such payments are necessary to promote the rational downsizing of defense industry. Moreover, by its policy of subsidizing defense mergers and acquisitions, the Clinton administration has already created mega-companies that will stifle competition and wield tremendous political power.

The conditions that the amendment places on paying the subsidy will ensure that federal money will not go toward mergers that would have occurred without the subsidy or before the policy change. In addition, your amendment will guarantee that there will be real savings to the taxpayer and that these savings are documented.

I appreciate your asking for my opinion on this matter and would be happy to answer any questions you might have.

Sincerely,

LAWRENCE J. KORB,
Director.

[From the Brookings Review, Summer 1996]

MERGER MANIA

(By Lawrence J. Korb)

McDonnell Douglas, Martin Marietta, Ling-Temco-Vaught (LTV). As the telltale compound names signal, mergers and acquisitions have long been a staple of the U.S. defense industry. But since the Clinton administration took office in 1992, the number of mergers has increased dramatically.

In 1991, military mergers were valued at some $300 million. by 1993, the value had climbed to $14.2 billion. It will top $20 billion in 1996. In 1993 Martin Marietta purchased General Electric's defense division and General Dynamics' space division. At about the same time Lockheed purchased General Dynamics' aircraft division, while Loral purchased LTV, Ford Aerospace, and Unisys. Then in 1994 Lockheed merged with Martin to become Lockheed Martin, and a year later Lockheed Martin purchased Loral to produce a $30 billion giant known as Lockheed Martin Loral, which now controls 40 percent of the Pentagon's procurement budget.

During this same period. Northrop outbid Martin for the Grumman aircraft company, and the new company in turn bought the defense division of Westinghouse. On a somewhat smaller scale, Hughes bought General Dynamics' missile division and Raytheon purchased E-Systems. Among the true defense giants, only McDonnel Douglas has not yet made a major purchase.

Spokesmen for the defense industry cite two reasons for this sudden rush of mergers. First, merger mania is sweeping U.S. industry generally. Second, with the end of the Cold War, defense spending has fallen so dramatically that excess capacity in the defense industry can be eliminated only through consolidation. As Norman Augustine of Lockheed Martin has observed, for the defense industry this is 1929.

Superficially these reasons seem quite plausible. Merger mania has certainly hit many areas of American industry, such as banking and communications. In 1992 Chemical Bank merged with Manufacturers Hanover, and in 1995 they combined with Chase Manhattan to form a single company. In the past year, Time, which had merged with Warner Communications in 1990, purchased Turner Broadcasting; Capital Cities/ABC merged with Pacific Telesis; and Bell Atlantic merged with NYNEX.

And defense spending has indeed fallen since the end of the Cold War. In current dollars, projected defense spending for fiscal year 1997 is about 40 percent below that of a decade ago, and procurement spending is about one-third what it was at its peak in the 1980s.

But what industry spokesmen fail to note is that the decline in defense expenditures has been greatly exaggerated and that, unlike the private-sector restructuring, the government is subsidizing defense mergers.

Remember the $600 toilet seats and the $500 hammers that had taxpayers up in arms during the mid-1980s? Today's subsidized mergers are going to make them look like bargains. The outrageously priced toilet seats and hammers were the result of defense companies taking advantage of a loophole in acquisition regulations. This time, the taxpayers are being fleeced at the hands of the Pentagon's civilian leadership, whose secret reinterpretation of the regulations has rained hundreds of millions of dollars upon the defense industry. To date the Pentagon has received 30 requests for reimbursements for restructuring. Lockheed Martin along expects to receive at least $1 billion to complete its merger.

HOW DID IT HAPPEN?

In July 1993, John M. Deutch, then the undersecretary of defense for acquisition, responded to pressure on his boss, William Perry, from the chief executive officers of Martin Marietta, Lockheed, Loral, and Hughes by deciding to allow defense companies to bill the Pentagon for the costs of mergers and acquisitions. According to Deutch, who has since been promoted to deputy secretary of defense and then to director of Central Intelligence, the move was not a policy change but a clarification of existing policy. In Deutch's view, not only was the clarification necessary to promote the rational downsizing of the defense industry, it would also save taxpayers billions in the long run.

Deutch is wrong on all three counts. This is a major policy change. It is not necessary. And it will not save money.

A commonsense reading of the Federal Acquisition Regulations (FAR) would lead a reasonable person to conclude that organization costs are not allowable. The regulations state that since the government is not concerned with the form of the contractor's organization, such expenditures are not necessary for or allowable to government contracts. Indeed, during the Bush administration, the Defense Contract Management Agency (DCMA) rejected a request by the Hughes Aircraft Corporation to be reimbursed for $112 million in costs resulting from its acquisition of General Dynamics' missile division. As far back as the Nixon administration, during the post-Vietnam drawdown of defense spending, which was as severe as the current drawdown, the Defense Department rejected a similar request from General Dynamics.

But on July 21, 1993, Deutch wrote a memorandum stating that restructuring costs are indeed allowable and thus reimbursable under federal procurement law. Because Deutch regarded the memo as merely a clarification of existing policy, he saw no need for a public announcement. Indeed, he did not discuss his "clarification" with the military services or Congress or even inform them of it. Congress found out about it accidentally nine months after the memo was written when Martin Marietta tried to recoup from the Pentagon about $60 million of the $208 million it paid for General Dynamics' space division. A somewhat astonished Senator Sam Nunn (D-GA), then chairman of the Senate Armed Services Committee, remarked, "Why pay Martin Marietta [60] million?"

Deutch's position that he was merely clarifying rather than making policy is not supported by anyone, even those who favor the change. The procurement experts in his own department disagreed vehemently. On June 17, 1993, the career professionals at DCMA told him that the history of the FAR argues against making the nonrecurring organization costs associated with restructuring costs allowable and noted that they had disallowed these costs in the past.

The DCMA position was also supported by Don Yockey, the undersecretary of defense for acquisition in the Bush administration; the Aerospace Industries Association (AIA), the trade association for aerospace companies; the American Bar Association's Section on Public Contract Law; and the American Law Division of the Congressional Research Service.

Yockey, who was Deutch's immediate predecessor as procurement czar and who is both a retired military officer and former defense industry executive, argued in a July 13, 1994, letter to the professional staff of the House Armed Services Committee that by definition, structure means organization, and that the FAR does not allow the reimbursement of organization costs. Indeed, it was Yockey himself who told DCMA to reject Hughes' request for reimbursement for its purchase of General Dynamics' missile division.

In a September 28, 1993, letter to Eleanor Spector, the director of defense procurement, Leroy Haugh, vice president of procurement and finance of AIA, stated that the Deutch memo constituted a significant policy decision and an important policy change. Therefore, Haugh asked Spector to promptly publish notice of this policy change in the Federal Register and to consider amending the regulations. In a May 3, 1994, letter to Deutch, Donald J. Kinlin, the chair of the ABA Section on Public Contract Law, urged Deutch to modify the FAR since at that time it did not reflect the changes made in Deutch's July 1993 memorandum. What is significant about the AIA and ABA positions is that both groups support Deutch's change.

Finally in a June 8, 1994, memorandum John R. Luckey, legislative attorney for the Congressional Research Service, stated that while formal amendment of the FAR could make restructuring costs allowable, the argument that they are allowable under the current regulations appears to contradict their plain meaning. In Luckey's opinion, Deutch's position is based on semantics, not legality.

In short, the political leadership of the Clinton defense department made a significant policy change that as a minimum should have been published in the Federal Register and, as Secretary Perry later admitted, cleared in advance with Congress.

THE SUBSTANCE OF THE ISSUE

This end run around the administrative and legislative processes by the Pentagon is unprecedented, but even more important is whether the Defense Department and the Taxpayers should be giving the defense industry a windfall by allowing a write-off of substantial parts of restructuring costs. For four reasons, the answer to that question should be an emphatic "No."

First, like Mark Twain's death, the decline of the defense industry in this country has been greatly exaggerated. As Pentagon and industry officials endlessly point out, defense spending in general, and procurement spending in particular, have declined over the past decade. They note that between fiscal year 1985 and fiscal year 1995, the defense budget declined 30 percent in real terms and procurement spending fell 60 percent. But that comparison ignores the fact that between fiscal year 1980 and fiscal year 1985, the defense budget grew 55 percent and the procurement budget grew a whopping 116 percent. Defense spending in real terms is still at about its Cold War average, and the defense budget for fiscal year 1996 was higher than it was for fiscal year 1980. In inflation-adjusted dollars, Bill Clinton spent about $30 billion more on defense in 1995 than Richard Nixon did in 1975 to confront Soviet Communist expansionism. Using fiscal year 1985, the height of the Reagan buildup, as a base year distorts the picture. It would be like comparing spending in the Korean and Vietnam wars to the level of World War II and concluding we did not spend enough in Korea and Vietnam. Moreover, procurement spending will rise 40 percent over the next five years, and the pentagon is now soliciting bids for the $750 billion joint strike fighter program.

Similarly, while defense employment has fallen 25 percent over the past eight years, it grew 30 percent in the five years before that. More people work in the defense sector now than at any time in the decade of the 1970s. Moreover, much of the decline in the defense industry is attributable to the reengineering or slimming down that is sweeping all American industries, even those with an increasing customer base.

Finally, if one adds the $266 billion worth of U.S. arms sold around the world since 1990 (a scandal in itself) to the $300 billion in purchases by the Defense Department, American defense industry sales are still at historic highs. Defense is still a profitable business—which explains why defense stocks are still quite high despite the jeremiads of industry spokesmen. Over the past year Lockheed Martin stock has increased 48 percent in value. Northrop Grumman is up 50 percent and McDonnell Douglas a whopping 80 percent.

Second, taxpayer subsidization is no more necessary today to promote acquisitions and mergers than it has ever been. Just about every major defense company today is the product of a merger, some of them decades old. For example, General Dynamics acquired Chrysler's tank division in the early 1980s, and McDonnell acquired the Douglas Aircraft Company in the late 1960s. Even today in the supposed "bull market," plenty of bidders vie for the available companies. Three years ago, several companies engaged in a fierce bidding war for LTV. And Northrop outbid Martin Marietta for Grumman. It is hard to believe that if taxpayer subsidies were not available, companies would not buy available assets if it made good business sense. If they paid a little less for their acquisitions, the taxpayers rather than the stockholders would benefit. In the bidding war for Grumman, both Martin and Northrop offered significantly more than market value, thus giving Grumman's shareholders a financial bonanza of $22 a share (a bonus of nearly 40 percent). Raytheon paid a similar premium to acquire E-Systems in April 1995. Should the government allow Northrop's and Raytheon's stockholders to reap a similar bonanza by subsidizing those sales?

Over the past five years, William Anders, the former CEO of General Dynamics, made himself and his stockholders a fortune by selling parts of his company to Hughes, Martin, and Lockheed. Since 1991 General Dynamics' stock increased 550 percent and the company has stashed away $1 billion. Should we also help the stockholders and executives of the buying companies? Did defense companies offer the taxpayers a rebate during the boom years of the 1980s when their profits reached unprecedented levels?

Third, the Defense Department has no business encouraging or shaping the restructuring of defense industry, or as Deutch puts it, "promoting the rational downsizing of the defense industry." Who is to determine what is rational? A government bureaucrat or the market? While government shouldn't discourage restructuring, it should stay at arm's length. If the deal does not make good business sense, the company will not proceed, As Martin did not when the price for Grumman became too high. Moreover, might not these mergers create megacompanies that will reduce competition and may be very difficult for the political system to control? The Lockheed Martin Loral giants, for example, is larger than the Marine Corps. With facilities in nearly every state and 200,000 people on its payroll, its political clout is enormous. And it presents problems over and above its sheer size. For example, Loral sells high-tech components to McDonnell Douglas for its plane, which is competing with Lockheed Martin for the $750 billion joint strike fighter program. How can Loral be a partner in promoting the McDonnel Douglas plane against the Lockheed Martin entry?

Fourth, past history indicates that these mergers end up costing rather than saving the government money. Both the General Accounting Office and the Department of Defense Inspector General have found no evidence to support contentions by Deutch and defense industry officials that previous mergers had saved the government money. Indeed, on May 24, 1994, the Inspector General found that the claim of Hughes Aircraft that its 1992 purchase of General Dynamics' missile division saved the Pentagon $600 million was unverifiable. Moreover, under the Deutch clarification, contractors can be reimbursed now for savings that are only projected to occur in the distant future. And if these savings do not occur as projected, how will the Pentagon get its (our) money back?

BRING BACK THE MERGER WATCHDOGS

Mergers always have been and always will be a feature of the U.S. defense industry. And the government has a role in those mergers. But that role—as exemplified by the successful 1992 Bush administration challenge of Alliant Techsystem's proposed acquisition of Olin Corporation's ammunition division—is to ensure that they preserve sufficient competition to enable the Pentagon to get the best price for the taxpayer. It is definitely not to increase company profits and limit competition by subsidizing the merger. Not only should the Defense Department abolish the new merger subsidy, it should follow the lead of its predecessors and scrutinize the anticompetitive aspects of all future mergers.

Mr. HARKIN. So this practice is clearly an abuse of taxpayers' money. If these companies are compelled to merge for business reasons, why do they need a handout from the taxpayer? If the business deals are good, the mergers will happen anyway and the taxpayers will receive any savings without paying anything out. If the deals are bad, then we should not gamble taxpayer funds on them.

You would think we would have learned from the savings and loan debacle. You would think we would have learned from the $600 toilet seats and $500 hammers, too. I just do not think it is right to make taxpayers absorb the business costs of an industry capable of paying its own merger expenses.

Mr. Korb points out defense is still a profitable business. Over the past year, Lockheed Martin stock increased 48 percent in value, Northrop Grumman is up 50 percent, McDonnell Douglas, a whopping 80 percent.

Anyway, right now we have a situation where we give an up-front payment, hopefully for some savings that come down the line. But we do not know whether those savings are going to accrue. One analysis we have shows that only about 15 percent of the savings actually accrued. Here is what other groups have to say on the subject.

The Cato Institute: "The costs associated with mergers should not be absorbed by federal taxpayers. This is an egregious example of unwarranted corporate welfare in our budget."

Taxpayers for Common Sense: "It is time for the Pentagon to drop this ridiculous 'Money for nothing' policy."

The Project on Government Oversight: "The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars."

Mr. President, I ask unanimous consent these letters from Taxpayers for Common Sense and the Project on Government Oversight be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TAXPAYERS FOR COMMON $ENSE,
July 15, 1996.

Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: Taxpayers for Common $ense supports your amendments to the Defense Appropriations Bill that would place a moratorium on payments by the Department of Defense to defense contractors for restructuring costs associated with corporate mergers. Your amendment would also require proof for the taxpayers, in the form of a report to Congress, that there is a net savings when defense contractors merge. As you know, a similar amendment recently passed the House during consideration of the Defense Appropriations.

Under existing policy, the Pentagon can spend appropriated funds to reimburse defense contractors for expenses related to corporate mergers. Proponents will argue that in the end these mergers could save U.S. taxpayers money. However, the recent merger of the Lockheed company and Martin Marietta for form Lockheed-Martin provides disturbing evidence of the cost to the taxpayer. Lockheed-Martin may be eligible for up to $1.6 billion in reimbursements. Until there is proof that mergers by defense contractors save taxpayer money, we should no longer be blindly handing out "several billions of dollars" as estimated by GAO (GAO/T-NSIAD-94-247).

Taxpayers for Common $ense believes no tax dollars should be spent subsidizing a business cost of a mature industry. We support your amendment as a step in the right direction toward common sense spending by the Pentagon and urge all members of the Senate to support your amendment.

Sincerely,

JILL LANCELOT,
Legislative Director.

PROJECT ON GOVERNMENT OVERSIGHT,
Washington, DC, July 11, 1996.

Attn: Kevin Aylesworth.
Senator TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The Project on Government Oversight strongly endorses the Harkin Amendment to the Fiscal Year 1997 Defense Appropriations bill, S. 1894, to ban payments to defense corporations for post-merger "restructuring" costs, and to improve assurances that past agreements on mergers do in fact lead to actual savings for the public treasury.

The government should not be in the business of promoting and subsidizing defense mergers, which are already happening at a record pace. The defense industry is already dangerously concentrated—the newly-formed Lockheed Martin Loral accounts for an astounding 40% of the defense procurement budget. The subsidy payments thrust the government inappropriately into free market decision making, and will serve to further reduce the economic competition that is the ultimate basis for low-cost production.

The payments are also exacerbating two highly disturbing trends in U.S. industry—widespread layoffs in high-wage jobs, and the parallel explosion of outrageously high CEO salaries. By subsidizing the costs of restructuring, which usually means laying off tens of thousands of workers, and reimbursing corporations for lavish executive salaries, this unfortunate policy accelerates rather than restrains these trends.

The defense industry continues to be awash in profits, "pork" contracts, and federal subsidies. At a time when government resources are severely constrained, this wasteful corporate welfare program subsidizing mergers should be halted immediately.

We applaud your efforts to reverse the damage caused by the Defense Department's misguided policy on merger payments, and appreciate the leadership you have shown in exposing and correcting this waste, which will otherwise end up costing the government billions of dollars.

Sincerely,

DANIELLE BRIAN,
Director.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 12 minutes 15 seconds.

Mr. HARKIN. I would like to address some issues that may be bothering some of my colleagues. I know some representatives of defense contractors have visited with my colleagues. They have told them my amendment will hurt workers because the companies are relying on the taxpayer money to help them. This is completely and totally untrue.

According to the rules of this subsidy, DOD cannot reimburse companies for helping fired workers unless the companies were already obligated to do that. Understand, under the subsidy rules, Government money cannot go to a company to help fired workers unless the companies were already obligated to do that under existing contracts with the workers. In other words, the taxpayers' subsidies will never reach the laid-off workers.

Mr. President, if you do not believe me, let me read a letter from James Carroll, directing business representative of the International Association of Machinists, Lodge 709, Marietta, GA. He says:

> I am the Directing Business Representative and President of . . . Local Lodge 709, based in Marietta, Georgia. Our Local represents workers at Lockheed Martin's assembly plant. Over the past five years, many thousands of our members have been laid off because of these cutbacks in defense and cost cutting measures by Lockheed Martin. Contrary to the facts of an increasing stock value and skyrocketing executive compensation, our members did not receive any compensation or retraining assistance from the Lockheed Martin Corporation.

Mr. President, I want to make it very clear that, under the present subsidy arrangement, these workers will not get any Government money regardless of what representatives of the defense industry may have told my colleagues. "Our Members did not receive any compensation from Lockheed Martin Corporation."

If they did not under the company's agreement, they will not get any from the Government. They will only get the money from the Government if the company already helped them.

Mr. President, I ask unanimous consent the letter from James Carroll of the International Association of Machinists be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AERONAUTICAL MACHINISTS
LODGE NO. 709, IAMAW—AFL-CIO,
Marietta, GA, June 13, 1996.

Hon. BERNIE SANDERS,
House of Representatives,
Washington, DC.

DEAR MR. SANDERS: Following up on the letter sent by our International President George Kourpias on May 15, I would like to bring to your attention the urgent need of defense industry workers who have been and continue to be displaced during this time of reduced defense spending and cost cutting by America's private defense companies.

I am the Directing Business Representative and President of the International Association of Machinists and Aerospace Workers Local Lodge 709 based in Marietta, Georgia. Our Local represents workers at Lockheed Martin's assembly plant. Over the past five years, many thousands of our members have been laid off because of these cutbacks in defense and cost cutting measures by Lockheed Martin. Contrary to the facts of an increasing stock value and skyrocketing executive compensation, our members did not receive any compensation or retraining assistance from the Lockheed Martin Corporation. In fact, during this last round of negotiations which concluded only two months ago, we proposed several innovative ideas to Lockheed Martin which would provide for retraining assistance to displaced aerospace workers. However, we were unable to reach agreement on any of these innovative ideas.

We certainly hope that you are successful in your attempts to bring some fairness and equity to these workers and workers in the future who have dedicated years of service to building America's defense products.

With best regards,

JAMES M. CARROLL,
Directing Business Representative,
IAM Local Lodge 709.

Mr. HARKIN. Some colleagues have said the contractors are going to sue the Government for breach of contract. I do not know what they are talking about. If a company has a contract with the DOD that specifies that payment must be made from fiscal year 1997 funds, it will be paid under my amendment. If there is no such clause in the contracts, then they will not be paid from 1997 funds. There is no breach of contract here. What my amendment is, is simply a 1-year moratorium on payments we are not obligated to pay in 1997.

I know there was an amendment adopted earlier today of Mr. BRADLEY. It called for a study. That amendment makes the best case for my amendment. It is a clear recognition we do not know how to assure that any payments for merger claims are purely waste. What my amendment does is it says we are going to have a moratorium for 1 year. If you had in your contract you would be paid out of fiscal year 1997 funds, you will be paid. If there is no such existing agreement, then there is a 1-year moratorium until we can get the study done that I call for.

I might add, that is a study done by GAO in concert with OMB and the inspector general, not some internal study done by the Department of Defense. So we can get the study back early next year, we can take a look at it and we can address this a year from now.

But mind you, if we do not put in a 1-year moratorium, you mark my words, they are going to rush in and they are going to sign these things in the next few months and they are going to lock it in. Then the arguments will be true that if we attempt to stop it, they will sue for breach of contract. Now is the time to put the 1-year moratorium on. Now is the time to stop this nonsense.

I know, I remember when the $600 toilet seats and $500 hammers came up, people scoffed. The people of this country understood it. The taxpayers of this country understand this, too. They understand it is not right for them to pay compensation for executives, board members getting $200,000-and-some a year bonuses when they merge, and the workers being fired and not getting any retraining or compensation whatsoever. This money will not help the workers one bit.

It is egregious. I cannot think of anything in my 22 years here in the Congress that I have seen to be this egregious. All I can say is those in the defense industry—and not all of them —but those who have propounded this, those who came to Secretary Perry and Under Secretary Deutch and got this changed, all I can say is: Don't you have any shame at all? None whatsoever? It is time to end this practice.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Alaska is recognized. The Senator has 15 minutes. The Senator from Iowa has 6 minutes 45 seconds.

Mr. STEVENS. Mr. President, we have faced a dilemma. As we have reduced defense procurement by more than 60 percent in the last 10 years, that has led to significant overcapacity in the defense industry. But at the same time, we have had the difficulty of trying to ensure the preservation of an industrial base capable of maintaining the strongest military power in the world. Now, without restructuring this industry, that overcapacity would have led to higher overhead costs that would have increased the price of defense goods and services and continued the downward spiral, really, of the amount actually available for acquisition of systems that we need to assure our men and women of the armed services that they have the best in the world to be prepared to defend us with.

Restructuring of this defense industry, in my judgment, has reduced the unit prices. We have lower unit prices, and we now have long-term savings for the Department of Defense and the taxpayers as a result of the restructuring. Our committee has urged and fostered that restructuring.

A contractor must negotiate restructuring costs with the Department. Not all costs of restructuring are paid by the Department. The Department of Defense policy that has been laid down by the Congress and the Department is such that if the restructuring plan, and its allowable costs, do not save the taxpayers money, the Department of Defense will not agree to pay any of the restructuring costs.

In the past 3 years, the Department of Defense has reimbursed contractors $300 million in these restructuring costs, and we estimate that will save $1.4 billion in defense costs. That is a 450 percent return on the contribution of the Department of Defense to the restructuring plans.

I might add that if there are plans that are approved, restructuring costs that benefit employees would not be allowed if the amendment of the Senator from Iowa is adopted. It would not allow severance pay for employees. It would not allow early retirement incentive payments for employees. It would not allow employee retraining costs. It would not allow relocation expenses for retained employees, and many times they are moved to different locations. I know several significant examples of very long movements for those who have retained. Those clearly ought to be a cost to be repaid by the Department when it results in a lower cost to the Government.

The amendment of the Senator from Iowa would not allow the repayment of outplacement services for employees helping them find new jobs. Above all, it would not allow continued medical, dental, life insurance coverage for terminated employees for the period of time involved.

We believe the amendment of the Senator from Iowa goes in the wrong direction. We have adopted now by consent the Bradley amendment, which the Senator from Iowa mentioned. It does require the comptroller general to give us a study by early next year—I believe it is by April 1—on the analysis of these restructuring costs.

Under current procedure, the costs that are not allowed are incorporation fees of the new entity, the merged entity; attorney, accountant, broker, promoter, organizer, management consultant, investment banker, or investment counselor fees cannot be paid, and those are the substantial costs of restructuring; interests or other costs of borrowing to finance an acquisition or merger are not recoverable from the Department of Defense; any payment to employees of special compensation in excess of the contractor's normal severance pay practice are not recoverable; any payment to employees of special compensation which is contingent upon the employee remaining with the contractor for a specified period of time following a change in management control are not payable by the Department of Defense; and any cost deemed unreasonable or excessive by the Department are not repayable.

Mr. President, as I said, in my judgment, we face a very difficult task. We look forward to the report that we will get from the Bradley amendment. But in other areas, we are actually paying money to maintain industrial base. We had the President, contrary to my judgment, decided to buy the *Seawolf*. Why? Because we had to maintain the industrial base to build submarines. We have had other instances where we actually paid industries to keep going in order to maintain the industrial base for the future.

The restructuring process brings together and merges industrial parts so that the successor entity is capable of producing for the Government at a lower cost under the circumstances that we are buying smaller amounts and we are buying different types of equipment.

I really do believe restructuring is in the best interest of the taxpayers of this country. I look forward to the study, but I oppose the Senator's amendment. This is not a question of a hammer or toilet seat or coffee pot. This is a question of maintaining the industrial base of the United States so that we can continue to be the leader of the world.

We are exporting, as we said this morning, some 14 billion dollars' worth of industrial products that are made by these industries. They are sold overseas. The fact that they are constructed by these industries and produced by these industries and sold overseas yields us a lower unit price for the taxpayers of this country to allow us to continue to replace, I do not care what it is, tanks or ships or aircraft. We need to maintain those to maintain the defense of this island Nation.

I say to the Senator from Iowa, with all good will to him and what he is trying to do, it is wrong to put this concept of restructuring costs in the same category as those fees which we all condemned which were wasteful. These are not wasteful costs, Mr. President. They are the costs of downsizing the production units that we built up during the cold war in order to maintain our freedom. Now we are downsizing those units so that we can continue to be able to defend our freedom in the future.

I spent a lot of my personal time going over some of these plans to try to assure that they are, in fact, in the public interest. We have had conversations with the Department of Justice on them and with other entities, industry and Government, to make sure it is on the right course, because of the fact that we know there are going to be increased costs down the line in the future because we are, in fact, going to acquire fewer units for our own use. Our policy should be to assure the survival of an industrial base that is capable of meeting demands throughout the world in order that we, too, may continue to have the advantage of prices based upon substantial production and not the limited production to meet our own needs.

Does the Senator from Hawaii have any comments? I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, it is always very difficult to speak in opposition to my friend, Senator HARKIN, but I am certain all of us will agree that corporate restructuring and corporate mergers are part of the daily business world. It is not the exception, it is the rule.

These mergers are carried out for a very simple reason, and that is to reduce the cost of operations. In recognition of this, the Department of Defense has adopted a policy that not only allows but encourages defense contractors to enter into restructuring or corporate mergers in order to save money for our Department and, in turn, save money for our taxpayers.

These costs, Mr. President, have to be certified by auditors of the Department of Defense.

And these auditors will have to determine that the cost to be offset must be lower than the savings accrued to the Government through efficiencies.

As a result, having encouraged industry to consolidate and to have lower costs, obviously industry responded. Based upon that anticipation, many companies have entered into restructuring. This amendment, though it may appear to be meritorious, would not allow defense contractors to charge the restructuring costs as legitimate overhead costs on DOD contracts.

I believe logic will lead us to conclude that if industry cannot consolidate, if industry cannot merge, if it cannot restructure, it will not become more efficient and thereby lower overall costs. This will simply mean that the taxpayers of the United States will have to pay additional sums to support an inefficient industrial base.

So, Mr. President, I concur with the current policy of the Department of Defense that encourages contractors to restructure and merge, and that this amendment would be contrary to that policy. So I join my chairman in opposing the Harkin amendment. I yield back the balance of my time.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized. The Senator has 6 minutes, 43 seconds. The Senator from Alaska has 2 minutes, 22 seconds.

Mr. HARKIN. Mr. President, I listened to my two good friends—and they are just that—responding to my remarks. I am wondering if they are talking about my amendment. My friend from Hawaii says that this amendment would not allow them to restructure and reorganize. There is nothing in my amendment that says that, not one thing in my amendment, I say to my friend from Hawaii.

My amendment simply says, No. 1, we get a report by next spring, the inspector general and OMB and GAO to submit a report to set out just what is happening here and what kind of savings.

It says then that no funds appropriated in this bill can be used this year. This is this year's bill, fiscal year 1997. No funds in this bill can be used to pay for a merger acquisition unless it has already been contracted to do so. So if there is an existing contract right now, that specifies that we are to pay merger and acquisition costs out of this bill. That is OK.

What we say in this amendment is that we are going to put a 1-year moratorium on signing any new ones, just signing any new ones. As I said, Mr. President, mark my word, if we do not adopt this amendment, in the next few months you will have a rush by these companies to sign them, lock themselves in, and then they will raise the specter of, uh-oh, it is a breach of a Government contract if you do not ante up and pay it. That is why we need the 1-year moratorium. That is all it is.

I say to my friend from Alaska, my amendment does not say that we cannot pay all of these attendant costs that he mentioned. He mentioned housing costs. He mentioned all these kinds of things, severance pay, retraining, relocation.

He said my amendment would not allow for that. My amendment does not mention that. My amendment says a 1-year moratorium. That is all, a 1-year moratorium. But if they have gotten contracts that say they should be paid this year, they will be paid.

Further, I again reply to my friend from Alaska with the letter from the head of the Machinists Union at Martin Marietta, who said that over the last 5 years members have been laid off because of cutbacks. "* * * our members did not receive any compensation or retraining assistance from the Lockheed Martin Corporation."

The way the subsidy is now structured, I say to my friends, under the Department of Defense, they still will not get anything. They will only get it if, in fact, there was an agreement by those companies to provide it in the first place. So, again, I hope that they would look at my amendment and read it for what it is.

Let me just say one other thing. We talked about two other things. The industrial base—we have heard about, well, we are going to erode the industrial base. I say to my friend from Alaska, profits are at an all-time high in the defense industry. I do not think we have to worry about eroding the industrial base of this country.

Again, I refer to the article by Lawrence Korb that appeared in the Brookings review where he pointed out that they are making record profits, that Grumman shareholders got a bonanza of $22 a share, a bonus of 40 percent when they merged. Since 1991, General Dynamics' stock increased 550 percent, and the company has stashed away $1 billion. We are not eroding the industrial base of this country. If it is good business practice, they are going to merge.

That brings me to my final point, I say to my two good friends. We asked representatives of the defense industry, I say to my friend from Hawaii, we asked them—you know, these industries do not just deal with the Government. They have private industries that they deal with and that they contract with. We asked them, in any of your contracts with the private sector, do you have a clause like this in your contract that they will help pay? Not a one. Not a one. Just for the Government. So I say to my friends, this is not an overburdensome amendment.

I know the first amendment I offered—maybe the managers of the bill think this is the first amendment I offered back under the authorization bill. It is not. I recognized that there might be a problem with breach of contract. That is why we put a clause in there that said if they have an existing contract, that they are to be paid those out of this bill—we are only talking about fiscal year 1997—they must be paid. I am only talking about those who did not have that kind of an agreement. Then there is a 1-year moratorium. We get the report back. We find out what we are talking about. That gives us some time.

I say to my friends from Alaska and Hawaii, please do not put us in a position where, over the next several months, companies will come in, lock in their contracts, and there is not a darn thing we will be able to do about it because then it will be a breach of a Government contract. Let us stop it right now, put a moratorium for 1 year, get the report, and then figure out what we want to do. Let us figure out—maybe the defense authorizing committee or the Appropriations Committee might want to spell out in more detail what it is that will be reimbursable, what is the period of time that we will take into account, and should we have a recoupment clause.

Mr. President, what if they project all these savings, the taxpayers rush in, give them hundreds of millions of dollars for mergers and acquisitions, and then the savings are not realized? What do we do? Nothing. Perhaps we need a policy of recoupment that if, in fact, those savings are not realized over, say, 5 years, that we should have a policy of recoupment so that we can recoup back to the taxpayers the money that was spent out if, indeed, the savings do not accrue.

So I think it is a logical and a reasonable amendment with just a 1-year moratorium. I think the facts are on our side. I think the people are on our side on this issue, too. This does not go as far as the House bill. The House bill was retroactive, and there may be some—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Is there objection for an additional 2 minutes? Without objection, it is so ordered.

Mr. HARKIN. I think there may be some problems with that House bill in terms of breach of contract, so that is why we took it out of here.

I hope the managers will take another look at this amendment and how it is written and hopefully be able to support and include it in this bill, because I think it will go a long way towards, again, letting companies restructure, if in the marketplace—if in the marketplace—that is the best thing for them to do. Let it happen. But the Government should not be an active player in it one way or the other. That is all this amendment seeks to do.

Mr. President, I ask unanimous consent that a document by the Congressional Research Service, the Library of Congress, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 8, 1994.

From: American Law Division.

Subject: The allowability of restructuring costs in Federal procurement.

This memorandum is furnished in response to your request of June 2, 1994, for a legal analysis of the position of the Department of Defense (DOD) stated in the memorandum of July 21, 1993[1]* and supported in subsequent DOD documents that restructuring costs are allowable costs and thus reimbursable under Federal procurement law. Specifically you have requested an opinion as to whether this represents a change in policy from that set out in the Federal Acquisition Regulations (FAR) so as to call for amendment of the FAR and the accompanying administrative procedures or is merely a clarification of existing practice.

The FAR does not use the term restructuring costs. Therefore, while it is quite correct to say, as DOD does, that there are no cases or regulations which make restructuring costs unallowable,[2] it is equally true that there are no cases or regulations which do allow their reimbursement. "Restructuring cost" is not a term which has been used in this area, and therefore, it is misleading to draw a conclusion from this lack of mention.

DOD would define restructuring costs as: "Restructuring costs result from changes to a contractor's organization in an effort to address a declining base or to enhance business efficiencies. Restructuring represents events driven by internal change such as downsizing or external changes such as acquisitions, mergers divestitures, etc. This implementing guidance addresses restructuring costs which result from nonroutine nonrecurring, or extraordinary events. Restructuring efforts are expected to result in a current or future economic benefit for the Government."[3] These costs would include such costs as "facilities consolidation, facilities shut down, severance pay, relocation, equipment write-off, and information system conversion."[4]

To find restructuring cost to be allowable, DOD has attempted to distinguish or exempt these costs from two types of costs which the FAR states are unallowable. First, the FAR does not allow reimbursement of organization costs. Part 31 of the FAR states:

"(a) Except as provided in paragraph (b) of this section,[5] expenditures in connection with (1) planning or executing the organization or reorganization of the corporate structure of a business, including mergers and acquisitions, (2) resisting or planning to resist the reorganization of the corporate structure of a business or a change in controlling interest in the ownership of a business, and (3) raising capital (net worth plus long-term liabilities), are unallowable. Such expenditures include but are not limited to incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants and investment counselors, whether or not employees of the contractor. Unallowable reorganization costs include the cost of any change in the contractor's financial structure, excluding administrative costs of short term borrowings for working capital, resulting in alterations in the rights and interests of security holders, whether or not additional capital is raised."[6]

The guiding principle behind this regulation appears to be that the Government is not concerned with the form of the contractor's organization and so therefore such expenditures are not necessary for (or allocable to) Government contracts.[7]

The history of this regulation as set out in the DCAA memo of June 17, 1993 seems to argue against, not for, the use of the non-recurring nature of these costs or the potential savings to the Government as reasons for allowing reimbursement. The memo states that "the intent of the subject cost principle was to make non-recurring organization costs unallowable" and quotes the subcommittee responsible for the section as stating: "The subcommittee does not believe that the allowability of organization and reorganization costs, including merger and acquisition costs, should depend on benefits. . . . the benefits to the government are normally too remote to form a valid basis for the allowability of costs."[8]

DOD has attempted to avoid the unallowability described in §31.205–27 in two ways. First, it has stated that restructuring costs are not organization costs even though by their own definition restructuring costs are costs resulting from changes in the contractor's organization such as acquisitions mergers and divestitures.[9] This appears to be less a legal argument than a semantic one, i.e. an unallowable cost is allowable because it is given a new name.

Second, DOD argues that these costs are not costs of the organization or reorganization event, but rather costs which arise subsequent to the organization or reorganization event, and while they would not have arisen "but for" the event, the costs, are not part of that event.[10] This argument might be persuasive especially for some of the restructuring costs more removed from the actual reorganization, merger, or acquisition, but it does appear to severely limit any purpose for the words "in connection with" or "executing the organization or reorganization" of §31.205–27.[11]

The second type of unallowable cost which DOD has tried to distinguish in order to find restructuring costs allowable are those which are unallowable under a novation agreement. A novation agreement is often required in the situation which would give rise to what DOD calls restructuring costs. The Government may, when it is in the best interests of the Government, agree to recognize a successor in interest to a contract (a novation agreement) but the agreement must include the following clause:

"The Transferor and the Transferee agree that the Government is not obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any related increases, directly or indirectly arising out of or resulting from the transfer of this agreement, other than those that the Government in absence of this transfer or Agreement would have been obligated to pay or reimburse under the terms of the contracts.[12]"

DOD appears to have accepted that reimbursement of restructuring costs would be prohibited by this provision of the novation agreement. The solution is provided by the memorandum in the form of an exception to the provision which states:

"The Government recognizes that restructuring by the Transferee incidental to the acquisition/merger may be in the best interests of the Government. Restructuring costs that are allowable under part 31 of the Federal Acquisition Regulation[13] may be reimbursed under flexibly-priced novated contracts, provided that the Transferee demonstrates that the restructuring will (1) reduce overall costs to DOD and/or NASA, or (2) preserve a critical capability that might otherwise be lost to DOD.[14]"

It can be argued that DOD has attempted to alter the policy embodied in these two FAR provisions without going through the administrative formalities and requirements, such as notice and comment periods and notification of Congress, necessary to amend these regulations. While formal amendment of the FAR could make these restructuring costs allowable, the argument that they are allowable under the current regulations appears to contradict their plain meaning.

JOHN R. LUCKEY,
Legislative Attorney.

FOOTNOTES

[1] This memorandum was issued by John M. Deutch, Under Secretary of Defense Acquisition.

[2] See, Defense Contract Audit Agency (DCAA), Memorandum for Director, Defense Procurement, Analysis Paper on the Allowability of Restructuring Costs Under FAR 31.205–27, Organization Costs, dated June 17, 1993.

[3] DCAA, Memorandum for District Commanders, Guidance Paper on Restructuring Costs, dated January 14, 1994.

[4] DCAA Memorandum of June 17, 1993.

[5] Paragraph (b) exempts the cost of certain activities primarily intended to provide compensation such as employee stack option plans. FAR §31.205–27(b).

[6] FAR §31–205–27(a).

[7] L.K. Anderson, Accounting for Government Contracts, §5.06[10] (1989).

[8] DCAA Memorandum of June 17, 1993, See, discussion of DAR Case 68–153. See also, Dyanalectron Corp., 77–2 B.C.A. ¶ 12,835 (Oct. 26, 1977).

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*Footnotes are at the end of the letter.

[9] DCAA Memorandum of January 14, 1994. See, sections entitled Definition of Restructuring Costs and Allowability of Restructuring Costs.

[10] Id. at 4.

[11] See, Dyanalectron Corp., 77-2 B.C.A. ¶ 12,835 (Oct. 26, 1977).

[12] FAR §42.1204(e), novation agreement paragraph (b)(7).

[13] Therefore, the cost may not be an organizational cost under FAR §31.205-27 for this new provision to be effective.

[14] DCAA Memorandum of Jan. 14, 1994, Novation Agreement Language.

Mr. HARKIN. Mr. President, I yield my time, and I thank the managers.

The PRESIDING OFFICER. The Senator yields back his time. The Senator from Alaska has 2 minutes, 22 seconds.

Mr. STEVENS. Mr. President, I regret the disagreement with the Senator from Iowa. It appears to me the process we are following is one that has been worked out by the authorization committees, by the Appropriations Committees, and by the administration. It is really a nonpartisan area we are dealing with of trying to assure the survival of the defense industrial base and maintain that at the lowest possible cost to the taxpayers.

I do believe they have had some profits and there are profits that are coming back, primarily because they are writing off a lot of losses. They are abandoning a lot of buildings, selling buildings at a lot less than they paid for them. I expect we will see a period of time where there is some recouping of losses through tax advantages. That is another subject. I do think that is one of the incentives toward the restructuring, to try and take the losses and take advantage of them while there is still income from existing contracts.

I can reassure the Senate when we are paying 60 percent less than we were 10 years ago for procurement, we are not expanding the industrial base. This restructuring is reducing it. It is downsizing it. I hope we will end up by maintaining what we need.

I move to table the amendment of the Senator from Iowa, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. A vote will take place at 9:30 tomorrow morning.

Under the previous agreement, further amendments to the bill were to be offered this evening. Are there additional amendments?

Mr. STEVENS. Mr. President, I believe there are still some amendments.

The PRESIDING OFFICER. The Chair will mention under the previous agreement, if Members do not appear to offer their amendments their right to offer additional amendments will be extinguished.

Mr. LEVIN. Mr. President, I will offer an amendment which is a fairly straightforward amendment to transfer funds for two F-16's which the Air Force did not request either in its original budget request or in the so-called wish list, and to transfer that to antiterrorism initiatives of the Defense Department and specifically to a fund which was added this morning by an amendment authored by Senator McCAIN and myself.

We have a pressing need in the antiterrorism area. The number of F-16's which were funded by the appropriations bill exceeds the request of the Air Force, again, both in its original budget request and in its supplemental request, the so-called wish list.

Here is the way this is actually working, Mr. President. The appropriations bill would add four F-16's to the Air Force's budget request of four. That is a total, then, of eight aircraft. Now, what happened during the Armed Services Committee consideration of the defense authorization bill was that each of the armed services was asked to provide a list of items that they would like to have funded by Congress if more money became available. These have been described in many ways and titled in many ways, but the service wish list is one of the ways they have been entitled it, and perhaps they are known best by that.

The Air Force, in its wish list, the list of items that it would like to have if it was given more money than was in the original budget request, asked for two extra F-16's. That is in the wish list above the budget request, but the bill before us provided four extra F-16's. So there is no urgent requirement for these two extra F-16's. The Air Force fighter force structure is fully protected. Even if we do not add any of the four extra F-16's, the Air Force needs roughly 1,250 F-16's to protect its fighter force structure.

We currently own more than 1,800 F-16 aircraft, including over 260 F-16's that are parked in long-term storage in the desert. Now, while these stored aircraft are not as modern as the brand new aircraft that we would buy in this year's budget, they would prevent the Air Force from needing to retire any squadrons in the near term because not enough aircraft would be available.

AMENDMENT NO. 4893

(Purpose: To strike out funding for new production of F-16 aircraft in excess of six aircraft, and to transfer the funding to increase funding for antiterrorism support)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4893.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

SEC. . The $48,000,000 reduction of funds for F-16 aircraft in excess of six new production aircraft shall be made available for funding for the emergency anti-terrorism program element established in Sec. 8099 of this Act.

Mr. LEVIN. Mr. President, the Air Force budget continues to buy F-16's because the service feels that they need to buy more F-16's to prevent a force structure reduction sometime around the turn of the century. But I do not see that anyone could really argue that having a couple more modern F-16's in a force structure of more than 1,200 aircraft is nearly as important as taking an immediate step to reduce our vulnerability to terrorist activities.

What this amendment would do would be to shift $48 million from aircraft that we do not need now, that was in neither the Air Force budget request nor in its wish list, and instead of spending that $48 million on the additional two F-16's not requested, would fund higher priority antiterrorist activities. We are familiar with a recent report of the Joint Chiefs that show that antiterrorism funding in this budget reflects a reduction over the past several fiscal years. We have heard that referred to today in an amendment that was offered by Senator McCAIN and myself.

These antiterrorist efforts have fallen short by some $56 million over this period. There were mitigating circumstances that may have led the Defense Department to make these reductions, such as changes in the number of bases, completion of construction projects, or other changes. But, surely, this recent attack in Saudi Arabia makes it abundantly clear that there is much more that we should be doing in our effort to address the terrorism problem. And those of us that were able to be at breakfast with Secretary Perry and General Shalikashvili this morning, I think, were given a very detailed list of the kind of efforts that we have to make if we are going to truly carry the war against terrorism to the terrorists. Spending $48 million more for antiterrorism instead of spending it on aircraft that we do not need right now surely makes good sense to me, and I hope it does to my colleagues, as well.

The amendment that I am offering tonight is an amendment that I said I would be offering during the authorization bill debate. At that time, I indicated an interest in trying to remove from the authorization bill these additional two F-16's above the original budget request in the supplemental wish list of the Air Force. I did not do it at that time. We were in a great hurry to address the issues in that bill at that time, and I did not do it.

But given the fact that this is now really the last chance that we will have to address this issue, and given the current need to put some resources into our antiterrorist activity, I thought that this would be an opportune moment to offer an amendment to transfer the money from the two F–16's not requested by the Air Force into the antiterrorism efforts that the Defense Department must engage in.

So I offer this amendment in that spirit and hope that it commands broad support in the Senate.

Mr. STEVENS. Mr. President, I must express some surprise at the Senator, in view of his position on the Armed Services Committee, and in view of the fact that today we have already, at the request of Senator McCAIN and Senator LEVIN, transferred, subject to authorization, $14 million to the Department of Defense for the purpose of antiterrorism activities. Now, that is subject to authorization.

The effect of Senator LEVIN's amendment now would be to transfer money that is authorized for F–16's to more money for the antiterrorism activities, and it is not authorized either. They have not received authorization for the first $14 million we put up for this antiterrorism program. That is not even defined yet. It is not defined by the authorization committee or by the Department.

Now, we did that in the spirit of bipartisanship and cooperation with the Armed Services Committee members. I find it very difficult to understand this amendment now, when the Chief of Staff of the Air Force came to see me, General Fogleman. He listed to me personally, as one of his highest priorities, getting these F–16's. The F–16's—all four of them, not just two—really are our weapons system for cooperation between the Air Force and the Army now, which is the close air support fighter that works in conjunction with ground troops in combat.

I say to my friend from Michigan that nowhere in the world can you see that so vividly as in the joint training exercises in my State of Alaska. We use the F–16's along with our Army forces there, and army forces from throughout the world come to participate in the training in my State in order to develop the ability to really use these new close air support fighter and ground troop accommodations. This is really one of the great things about our Defense Department now. This is a team. The Air Force and Army are now a team because of the F–16. I think this is the message General Fogleman brought to us.

These F–16's are needed. As a matter of fact, we have gone from the concept of trying to meet the Soviets anywhere in the world—a worldwide concept of defense to a concept of two major regional contingencies being what we will plan for. We plan for our ability to meet two major regional contingencies. If we carried out the plans that were previously approved by the authorization committee to do so, to meet two major regional contingencies, the Air Force would need 114 more F–16's. The Air Force is not fully supplied with aircraft to meet the plans to carry out their missions in the event of two major regional contingencies. Now, we are trying to move along in this way as best we can.

The Senate passed an authorization bill that included eight F–16's. Our committee has funded that request from the Armed Services Committee. We have not added funds for unauthorized F–16's. As a matter of fact, if you want to talk to the budget, we have $10 billion more money in this bill than was requested in the budget, and that is a battle we are going to have to face later with the administration to see whether they really want to maintain that figure.

Our bill, I point out once again, is $1.2 billion over last year's bill, but in terms of actual items covered, last year we did not fund the contingencies. This year we did fund the contingencies.

So, if you look at our bill fairly, we are below the level of 1996. This bill, despite the fact we have increased more than $10 billion over the budget, is less than we are spending now for defense. I think the recent events in Saudi Arabia, the fact that we have troops in Bosnia, and we have the crises that we are facing in the Pacific, God knows. I hope we are right. We believe we can get by with what we have in this bill. But I fear for the future of this country if we are wrong.

The Department budgets approximately $1 billion for military security forces. Antiterrorism is their primary mission. We have added $14 million to the $1 billion already budgeted, and the Senator wants to add more before there is even a plan to spend what we have budgeted now.

I say, with all good grace, to my friend that I am just surprised at this, after we have already agreed to the amendment that he and Senator McCAIN already delivered to us on the subject of antiterrorism. I can just state categorically that I oppose the amendment of the Senator from Michigan.

I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, Chairman STEVENS has most adequately articulated the position of the subcommittee, and I join my chairman in opposing the Levin amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will make two brief points.

First, to buy more F–16's now, we are going to be parking F–16's in desert storage. We already have more F–16's than the force structure needs. They need 1,250 F–16's to support the current fighter force structure. There are 1,370 currently available.

But the main point that I want to make here this evening is that the Air Force in its budget request asks for four more—for four F–16's this year.

Then the Armed Services Committee submitted to the Air Force, as well as to the other services, a request. "If you had more money, how would you spend it?" The Air Force came up with almost a $3 billion wish list. How many F–16's are on that wish list? Two. How many are on the appropriations bill extra? Four. At the same time that there has been criticism of a shortage of antiterrorism funds, and at the same time that we know we are going to have to invest more in antiterrorism, we are providing the Air Force in this appropriations bill with eight F–16's when the budget request of the Air Force is for four and the wish list would add two to that.

I think we have a greater priority than to be doing that. I hope that the Senate will support the transfer of this money from F–16's that have not been requested in either request of the Air Force, and to put it into an area where we know there is going to be a growing and critical need.

I, at this point, ask unanimous consent that a letter from Secretary Perry to Senator DASCHLE describing the money which is going into the antiterrorist effort be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, July 17, 1996.

Hon. TOM DASCHLE,
Minority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: As you know, last week the Department was sharply criticized for cutting its budget for anti-terrorism. Citing a report by the Joint Staff, critics claimed that we cut anti-terrorism funding by as much as 82% and implied that this contributed to the tragic bombing in Saudi Arabia. I think it is critical to correct this misperception, put this study in context, and explain the Department's funding for anti-terrorism.

The JCS report was commissioned by myself and CJCS Shalikashvili following the Riyadh bombing. Its purpose was to identify and assess all of the anti-terrorism programs, actions and preparedness of the DoD and possible areas for additional action. A portion of the report did describe some program funding reductions, specifically the cut in an Air Force program from $10.6 million in FY 1994 down to $1.9 million in FY 1996—the 82% cut seized upon by some as evidence on lack of attention to anti-terrorism. The report notes, however, that these cuts resulted from personnel reductions, domestic base closings, completed construction projects or program completions, and the programs themselves were just a minor portion of the overall DoD expenditures on anti-terrorism.

The reality is that the Department of Defense spends billions annually on anti-terrorism efforts. There are two categories normally associated with Defense activities to combat terrorism: anti-terrorism and counter-terrorism.

Anti-terrorism activities deal with traditional defensive measures such as barriers, fences, detection devices and Defense personnel who have as part of their mission protecting DoD personnel and facilities against the threat of terrorism. The Defense Department spends nearly $2 billion annually on such anti-terrorism activity overall. Traditionally we have not budgeted anti-terrorism activities in a single program because force protection is part of each individual commander's responsibility and is therefore budgeted by every installation in, for example, their operation and maintenance accounts.

In the area of counter-terrorism, DoD has many programs and activities which are more often associated with proactive activities undertaken to neutralize the terrorist threat or respond to terrorist acts. All combatant forces in Defense potentially have as part of their mission a counter-terrorism function; however, these activities are more commonly associated with special operations forces, which have annual budgets in excess of $3 billion. Further, that amount is in addition to the considerable sums spent from our intelligence portion of the budget to counter terrorism.

The JCS report did fault DoD procedures for funding unanticipated contingencies, and urged the establishment of a special annual contingency fund for anti-terrorism emergencies. Currently, when a crisis emerges, we have to put together a special team and borrow funds from other accounts. The JCS report argued that we needed a separate contingency account, controlled centrally by OSD. I accepted that recommendation and directed the Comptroller to proceed accordingly.

It is unfortunate that a minuscule portion of the JCS review is now being used to draw wider, and inappropriate, conclusions in light of the Dhahran bombing. I have concluded, however, that the Department does need more systematic insight and control over its widely-dispersed anti-terrorism and counter-terrorism efforts. That could very well mean a reassignment of priorities and additional funding to reflect that reassignment. To this end, the Defense appropriations floor amendment proposed by Senators McCain and Levin providing targeted anti-terrorism spending can help facilitate this effort. Further, I have specifically directed that Deputy Secretary John White head up a comprehensive effort for systematic programming and budgeting in this area. I will keep you and all members of Congress informed of our plans as they unfold.

Sincerely,

WILLIAM J. PERRY.

Mr. STEVENS. Mr. President, is there a time limit?

The PRESIDING OFFICER. There is a time limit on this amendment.

Mr. STEVENS. Mr. President, I am constrained to say that if the Senator's amendment were to be adopted, our bill would be subject to a point of order. I hope that will not happen. So I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will follow the Harkin amendment.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

COL. ROBERT L. SMOLEN, U.S. AIR FORCE

Mr. DASCHLE. Mr. President, as we debate the fiscal year 1997 Department of Defense Appropriations bill, I hope my colleagues will take a moment to reflect on the enormous assistance we receive from the legislative liaison offices for the various branches of the Armed Forces.

The men and women who serve in the Air Force, Army, Navy and Marine Corps legislative liaison offices are a valuable link between Members of Congress and the Pentagon. These offices give us with the Pentagon's views on defense bills and specific amendments being considered on the Senate and House floors. They also provide timely answers to our questions and help educate us on a variety of defense issues. Moreover, they are instrumental in notifying us about actions affecting military installations or activities in our States or districts.

South Dakota is the proud home to Ellsworth Air Force Base and the B–1B bomber. As I have worked to promote Ellsworth and the B–1 over the years, I have had the opportunity to get to know many of the fine men and women who serve in the Air Force's Legislative Liaison offices. I must say that Maj. Gen. Normand E. Lezy, the Director of the Air Force's Legislative Liaison Office and Brig. Gen. Lansford E. Trapp, Jr., the Deputy Director, and their staff at the Pentagon, have been understanding, responsive and fair.

The Air Force Legislative Liaison staff located in the Russell Building has also been very helpful to me on a number of matters that my staff and I have brought to their attention. They, too, perform a tremendous service for the Air Force and the U.S. Senate. Although we may at times take their assistance for granted, I know all my colleagues truly appreciate their hard work and dedication.

I have been particularly impressed by Col. Robert L. Smolen, the Chief of the Air Force's Senate Liaison Office. Colonel Smolen is an extraordinarily gifted and dedicated officer whose military experiences in the United States and the Republic of Korea have made him an enormous asset to the Air Force's Legislative Liaison Office. During the past year, I have had the opportunity to work with and get to know Colonel Smolen. He has been very helpful to me and to many of my colleagues in the Senate.

Earlier this year, for instance, he devoted a great deal of time to arranging a congressional delegation trip for me, Senator HATCH and Senator REID. General Trapp and Colonel Smolen graciously accompanied us on our trip to the former Yugoslavia. Despite difficult circumstances, it was a very successful and informative trip due in large part to their excellent preparation and assistance.

Unfortunately for all of us in the Senate, Colonel Smolen is departing Washington for Oklahoma where he will be the new Air Base Wing Commander at Tinker Air Force Base. I have a great deal of respect and admiration for Colonel Smolen. I know he is scheduled to leave this week, and before he does, I would like to review some of the highlights of his distinguished career in the U.S. Air Force.

Bob Smolen began his career in the Air Force in 1974 as a graduate of the Air Force Reserve Officers' Training Program at Allegheny College in Meadville, PA. In what I would argue may have been his best assignment, he served at Ellsworth Air Force Base as an Airborne Missile Operations Officer in the 4th Airborne Command Control Squadron's 28th Bomber Wing from January 1977 to March 1979.

Since then, Bob Smolen has served in a number of capacities for the Air Force in the United States and around the world. He served as an aide to the Commander in Chief of the North American Aerospace Defense Command in Colorado Springs, CO. He also served in Washington before as a Congressional Liaison Officer and Special Assistant to the Director of the Legislative Liaison Division in the Office of the Secretary in the early 1980's.

Bob Smolen has also been a squadron and deputy air base commander. He served as the Deputy Commander for the 12th Air Base Group in Randolph Air Force Base in Texas from October 1989 to August 1991. He also served as the Commander of the 750th Support Squadron at Onizuka Air Force Base in California. In addition, he was the commander of the 51st Support Group at Osan Air Base in the Republic of Korea from May 1993 to June 1995.

After returning to the United States, Colonel Smolen served as the Chief of the Inquiry Division of the Air Force Office of Legislative Liaison from July 1995 to September 1995. Since then, he has been the Chief of the Air Force's Senate Liaison Office.

Knowing of Colonel Smolen's previous assignments here and abroad, I am confident the Air Force made the right decision in selecting him to be the new 72nd Air Base Wing Commander at Tinker Air Force Base. I congratulate him on his new assignment and wish him, his wife Adriane, and their three children the very best.

S. 1936—THE NUCLEAR WASTE POLICY ACT

Mr. KYL. Mr. President, I appreciate the opportunity to discuss an issue of great importance to the State of Arizona and the Nation. As you may know, Arizona is home to the Palo Verde Nuclear Generating Station, the Nation's largest nuclear power plant. Palo Verde's three 1,270 megawatt pressurized water reactors serve more than 4 million customers in Arizona, California, New Mexico, and Texas. This facility is not only effective and efficient for customers in those States; it serves as an example for other plants across the country. In 1987, Palo Verde was selected to receive the Outstanding Engineering Achievement Award, the Nation's highest engineering honor from the National Society of Professional Engineers and in 1995, received an INPO 1 rating—the highest rating for excellence by the Institute of Nuclear Power Operations. I am also pleased to announce that just last week, the Nuclear Regulatory Commission issued its "Systematic Assessment of Licensee Performance," or SALP report, for Palo Verde. In three categories—operations, maintenance and engineering—Palo Verde received a Category 1 rating, reflecting superior safety performance. Let me quote the NRC in a July 5 letter to Arizona Public Service, Palo Verde's operator: "It is clear that Arizona Public Service has established the programs and processes necessary to achieve and sustain superior performance. Management attention is evident at all levels." I commend Palo Verde for its outstanding performance. These are achievements to be proud of.

Palo Verde also deserves awards for its low impact on the environment. Because it uses uranium as fuel, Palo Verde has saved the earth 51 million tons of coal; 12 million barrels of oil; and 272 billion cubic feet of natural gas. By avoiding fossil fuels, Palo Verde avoided disseminating 2 million tons of sulfur oxide, also known as acid rain, 40 million tons of carbon dioxide, and 700 thousand tons of nitrogen oxides. In addition, Palo Verde contributes to the local environment in Phoenix by recycling 40,000 gallons of municipal effluent per minute.

All of these benefits do not come without some cost, of course. Palo Verde, like nuclear plants all over the world, produces high-level radioactive waste, in the form of spent fuel rods, that must be disposed of in an environmentally sound manner. Currently, these rods are stored on-site, in cooling ponds. This storage, as is the case at so many other plants, was designed to be temporary. Palo Verde cannot accommodate all the spent fuel that it will produce in its lifetime. Palo Verde, and other nuclear plants across the country, relied on the commitment by the United States Government to begin taking spent fuel by 1998. By that year, 26 U.S. reactors will exhaust existing spent fuel storage capacity. Fuel managers at Palo Verde estimate that the three reactors will lose the ability to discharge the entirety of their cores in 2004.

For years, we have debated what to do with the spent fuel rods from commercial reactors as well as high-level defense waste. In 1982, Congress made a commitment to the American people to take the waste. The Nuclear Waste Policy Act laid the groundwork to develop storage and disposal facilities for commercial and defense waste. Under this legislation, the Department of Energy has an obligation to provide safe, centralized storage for the Nation's spent fuel. In return, electricity consumers would finance this program by paying a few additional cents on their monthly electric bills, the so-called 1 mill per kilowatt charge. Since 1982, electricity consumers have paid billions of dollars into the nuclear waste fund. Including interest, their contributions come to over $11 billion. Consumers in the southwestern states served by Palo Verde have paid in over $175 million.

Unfortunately, significant progress toward long-term storage has not been made. Although characterization and viability assessments are underway at Yucca Mountain, NV, the proposed site of the permanent repository, the Federal Government is not now ready to accept high level waste. And absent extraordinary actions by DOE, it will not be ready any time soon—certainly not by the 1998 deadline. DOE has already conceded that the permanent repository could not possibly be ready before 2010. Compounding the problem, DOE has not even begun the basic planning required for an interim facility.

Failing to meet the deadline in 1998 is deplorable but it seems it is unavoidable. The consequences for some utilities could be devastating. Some could be forced to shut down. If those 23 plants that run out of storage space in 3 years were to shut down, America would lose enough power for nearly 11 million people—power that doesn't result in air pollution.

Another option for plants would be for these utilities to build additional on-site storage. This would cost tens of millions of dollars—money that would come from the pocketbooks of electricity customers. Those same consumers who have already paid so many billions of dollars to the Government for spent fuel storage would be forced to pay twice for the same service. Officials at Palo Verde estimate that their initial capital costs and licensing for new on-site storage would be in the neighborhood of $20 million with annual monitoring expenditures of about $10 million.

To remedy this inequity, along with several other Senators, including Senators CRAIG and MURKOWSKI, I introduced S. 1271, the Nuclear Waste Policy Act of 1995. This bill proposes an interim storage facility at the Nevada Test Site near Yucca Mountain and would enable the Government to meet its obligation to begin accepting spent fuel and defense waste in 1998. This bill passed out of the Energy Committee in March of this year. Just last week, Senators CRAIG and MURKOWSKI introduced S. 1936, the Nuclear Waste Policy Act of 1996, in an attempt to address a number of concerns that had been expressed with respect to S. 1271. The new bill was also drafted to broaden the bipartisan support for this important legislation. I am pleased to co-sponsor this new legislation.

The bill has been successful in gaining bipartisan support, as evidenced by the cloture vote of 65 to 34 on July 16. I believe that the changes made are reasonable and will go a long way toward reaching agreement with the House bill. Just as important, Senator BENNETT JOHNSTON, the ranking member on the Energy Committee, has agreed to cosponsor S. 1936 and has sent a letter to the White House, urging the President to reconsider his previous veto statement. As Senator JOHNSTON points out in his July 11 letter to President Clinton:

> Nuclear waste has never been a partisan issue. While the current law was signed by a Republican president, it has its roots in the Carter administration. It was passed by a Democratic House and a Republican Senate and amended by a Democratic House and a Democratic Senate, with broad bipartisan support. It would be a terrible, terrible mistake to make it a partisan issue now.

Continuing in this bipartisan tradition is S. 1936, which amends the Nuclear Waste Policy Act of 1982. Introduced July 9 by Senators LARRY CRAIG and FRANK MURKOWSKI, it retains the fundamental principles of S. 1271, which passed Energy Committee in March. S. 1936 would develop an integrated management system for used nuclear fuel from commercial nuclear power plants and for high-level radioactive materials from defense activities, all of which is now stored in 41 States.

CENTRAL INTERIM STORAGE

Under S. 1936, construction of an interim facility could begin December 31, 1998. If the President determines by that date that Yucca Mountain is not a suitable site for a permanent repository, an alternate interim storage site may be chosen. An alternate storage site must be selected by the President by June 30, 2000, and Congress must approve construction at that alternate site by December 31, 2000. If those milestones are not met, an interim storage facility will be built at the Nevada Test Site. This provision is significant because it ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. This provision of S. 1936, in effect, de-links permanent and interim storage. This linkage was a criticism of S. 1271 which would have allowed construction of an interim storage facility on October 1, 1998. S. 1936 provides time to determine if Yucca Mountain is a viable site for a permanent repository before building an interim site in Nevada. If it is not, S. 1936, again, provides the option for finding an alternate interim storage site.

RATEPAYER FUNDING OF THE WASTE DISPOSAL PROGRAM

S. 1936 ensures that funds are available for the program when needed. The bill continues electricity customers' payments into the Waste Fund at the rate of 1 mill per kilowatt-hour, or about $600 million per year, until September 30, 2020. After that date, the program will be funded by a user fee, which will be capped at 1 mill. The bill also requires that all one-time fees owed by utilities for spent fuel generated before 1983 be paid by September 30, 2020 and imposes a penalty on utilities that fail to pay the one-time fee. In S. 1271, the 1 mill fee would have continued indefinitely. One-time fees would have been paid when DOE fulfilled its contractual obligation to begin taking waste in 1998.

S. 1936 ensures that electricity customers' deposits of about $12 billion to the Federal Nuclear Waste Fund are made available as needed for the nuclear waste management program, and that the monies are spent for their intended purpose.

Both bills assure continued funding for the nuclear waste management program. S. 1936 resolves budget issues relating to "PAY-GO" and assures that funds are made available to the program, and not used to offset the budget deficit.

INTERIM STORAGE CAPACITY

Both bills establish a two phase approach for acceptance of waste at the central facility to encourage timely completion of the permanent repository, without burdening nuclear power plants, many of which are rapidly running out of on-site storage capacity. Under S. 1936, spent fuel acceptance in Phase I would begin November 30, 1999, and the facility capacity would be capped at 15,000 metric tons. Phase I under S. 1271 would have begun on the same date, with a 20,000 MTU capacity. Under S. 1936, Phase II begins by December 2, 2002. The storage capacity would increase to 40,000 MTU. However, a provision in S. 1936 would increase the capacity cap to 60,000 MTU if DOE fails to complete the Yucca Mountain viability assessment by June 30, 1998, or if it fails to submit a repository license application by February 1, 2002, or it fails to begin repository operation by January 17, 2010. Phase II in S. 1271 would have also begun by December 31, 2002, but with a 100,000 MTU capacity. S. 1936 provides storage capacity through 2019 and maintains pressure to complete construction of a repository by 2010.

TRANSPORTATION

Like S. 1271, S. 1936 designated Caliente, NV, as an intermodal transfer point and provides for heavy haul truck transfer to the Nevada Test Site. S. 1936 clarifies that transporting spent nuclear fuel will be governed by all Federal, State, and local requirements to the same extent as anyone engaging in interstate transportation. S. 1936 also contains more stringent requirements for promulgating employee safety rules, provides greater detail in transportation requirements, and provides training for workers in all phases of the integrated waste management system and emergency response personnel.

NATIONAL ENVIRONMENTAL POLICY ACT AND PREEMPTION

S. 1936 requires that DOE conduct an environmental impact statement for licensing both the interim spent fuel storage facility and the permanent repository. Environmental reviews are also required for the intermodal transfer facility. S. 1936, far from overriding all State and local laws, actually expands jurisdiction of all applicable Federal, State, and local and tribal laws. The only time Federal law would override, or preempt, State or local law is when these are patently unreasonable as would be the case if a State passed a law declaring illegal the passage of nuclear waste through it. Such laws as this, which would be an insuperable obstacle to carrying our S. 1936, would be preempted. This is in contrast to S. 1271, which said the storage facility would be governed solely by the Nuclear Waste Policy Act, Atomic Energy Act, and the Hazardous Material Transportation Act, to the exclusion of all laws below the Federal level. S. 1936 takes into account an expanded universe of Federal, State, and local and tribal laws, while ensuring that the program is not obstructed.

LOCAL RELATIONS

S. 1936 restores financial assistance to Nevada's local governments and to tribes, and it provides land transfers to Nye and Lincoln Counties, and the city of Caliente. The bill's affected areas see the land transfer provision as attractive, since the vast majority of Nevada land is government owned. S. 1936 provides equitable treatment for Nevada's local governments and tribes.

TRANSPORTATION

The Federal Government must plan today to ensure its ability to transport spent nuclear fuel from commercial nuclear power plants to a central storage facility beginning in 1999. The Energy Department is responsible for transporting spent nuclear fuel to a central storage facility and repository. S. 1936 instructs DOE to use private contractors to the fullest extent possible in each aspect of the transportation network. Spent fuel must be transported from nuclear power plants to an interim storage facility in containers certified by the Nuclear Regulatory Commission. DOE selects transportation routes for spent fuel shipments to Nevada, and the agency must notify States along the transportation routes in advance of spent fuel shipments. As mentioned, the containers would be transferred at an intermodal facility at Caliente, NV and shipped by heavy haul truck over the final 120 miles to the central storage facility.

The bill also provides technical assistance to States, local governments and Indian tribes for training in procedures required for routine transportation and in emergency response. The transportation provisions in S. 1936 are consistent with preemption authority found in the Hazardous Materials Transportation Act.

AMOUNTS TO BE SHIPPED

Radioactive materials currently account for about 3 percent of the 100 million packages of hazardous materials shipped each year in the United States. Of those 3 million radioactive packages, fewer than 100 contain high-level radioactive waste. The number of spent fuel shipments will increase to about 300 to 500 per year by the turn of the century, when the DOE is expected to begin accepting high-level radioactive waste at a central storage facility. Even then, high-level radioactive waste will comprise a small percentage of all hazardous material shipments.

During the past 30 years, the commercial nuclear industry has built a solid safety record during more than 2,400 shipments of spent fuel over U.S. highways and railroads. During this time, no fatalities, injuries or environmental damage have been caused by the radioactive nature of the cargo. Spent nuclear fuel is placed in dry, rugged containers for shipment. These specially designed containers—certified by the NRC—use heavy steel-walled technology to safely confine radioactive materials.

Because of the strict controls by DOE, NRC and other State and Federal agencies, utilities and other U.S. companies have a long history of safe spent fuel transportation. Spent fuel has been shipped from temporary storage facilities at West Valley, NY and Morris, IL, back to utilities; from the Three Mile Island plant to the Idaho National Engineering Laboratory; and from the Hope Creek nuclear power plant in New Jersey to a General Electric facility in California.

DESIGNATION OF TRANSPORTATION ROUTES

Spent fuel can be shipped only along specified rail and highway routes. The routes will be selected by the DOE, but States participate in the designation process. Eleven States have registered preferred routes for transportation of high-level radioactive materials. S. 1936 requires DOE to adhere to NRC regulations requiring advance notification of State and local governments prior to transportation of spent fuel.

For those shipments that will be transported by truck, most of the designated routes travel along interstate highways and bypasses—not through major cities and towns. However, States may propose alternatives to the interstate highway system. Potentially affected States must be consulted in the designation of alternative routes. Shippers must file a written route plan with the NRC, including the origin-destination of the shipment, routes, planned stops, estimated arrival times at each stop, and emergency telephone numbers in each State the shipment will enter.

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING SHIPMENTS

Federal regulations for transporting radioactive material ensure that the public and the environment are protected from dangerous releases of radioactivity. Three Federal agencies each play a key role in the safe transfer of radioactive materials from nuclear power plants to a central storage facility. The DOE is responsible for accepting, transporting, storing and disposing of spent fuel from nuclear power plants. The DOT regulates highway routing, packaging, labeling, shipping papers, personnel training, loading and unloading, handling and storage, as well as transportation vehicle requirements. The NRC regulates container design and manufacturing to ensure that containers maintain their integrity under routine transportation conditions and during severe accidents. S. 1936 requires that containers for nuclear fuel transport be licensed by the NRC. The agency also examines shipping routes to ensure the security of spent fuel shipments.

According to NRC regulations, the radiation level of containers during shipment cannot exceed 10 millirem per hour at a distance of 6 feet from the truck. At this level, a person who spends 30 minutes standing 6 feet away from the vehicle carrying radioactive materials would receive 5 millirem of radiation. By comparison, the average person receives about 300 millirem each year from natural background radiation.

ACCIDENTS

Between 1971 and 1989, seven accidents occurred involving transportation of spent nuclear fuel. None caused any release of radioactivity. The most severe of these accidents occurred in 1971 in Tennessee. A tractor-trailer carrying a 25-ton spent fuel shipping container swerved to avoid a head-on collision, went out of control and overturned. The trailer, with the container still attached, broke free of the tractor and skidded into a rain-filled ditch. The container suffered minor damage, but did not release any radioactive material.

LOCAL RESPONSE-TRAINING

The Federal Government provides training and other assistance to the States so they may adequately respond in the event of an accident. Under existing law and S. 1936, DOE provides funding from the Federal Nuclear Waste Fund to train State and local officials and tribal emergency rescue workers and to develop emergency response and preparedness plans. S. 1936 also required the Secretary of Transportation to establish training standards applicable to workers directly involved in the removal, transportation, interim storage, and disposal of high-level radioactive waste.

The DOE operates a Radiological Assistance Program, with eight regional offices staffed with experts available for immediate assistance. If necessary, police will summon those experts to handle the transportation package and remove any radioactive material that may have been released.

TERRORISM

Terrorism has been given considerable attention in the planning, procedures and regulation of spent fuel transportation. It is highly unlikely that a terrorist would have the opportunity, the equipment, or the required expertise to sufficiently damage a spent nuclear fuel container to cause a radiation release.

Points of origin, schedule, route, and mode of transportation are known only by a core group of Federal and State government officials. Special devices on vehicles, sophisticated satellite tracking, and armed security through populated areas will be employed to deter terrorist threats.

Tests by Sandia National Laboratories evaluated the possibility of a terrorist attack. For security reasons, much of this information is classified; however, we do know that, for testing purposes, a container was subjected to a device 30 times more powerful than a typical anti-tank weapon. This test was conducted in a carefully controlled environment and resulted in a one-fourth of an inch in diameter hole through the primary containment wall. The NRC estimates that even a device this powerful would have caused a release of less than 10 grams of spent fuel.

THE 100 MILLIREM STANDARD

S. 1936 establishes a 100 millirem standard for release of radioactivity from the repository as a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain. This standard is consistent with current national and international standards designed to protect the public health and safety and the environment. S. 1936 also would allow the NRC to establish another standard if it finds that the 100 millirem level would pose an unreasonable risk to the health and safety of Nevadans.

CONCLUSION

In sum, I believe that S. 1936 is an effective short-term solution to our nuclear waste disposal, for both commercial and defense waste. A central interim storage facility is both environmentally and economically sound. To me, the choice seems clear. Why leave nuclear waste scattered throughout the country in various sites when it can be safely transferred and stored in one central site? A single storage site is clearly the pro-environmental option. Interim storage at a central Federal site enhances safety and efficiency in the management of spent fuel. In addition to the environmental benefits, central storage is significantly more cost-effective for electricity customers. Storing used fuel at a central interim storage facility would save consumers $4.3 billion if the facility is operating by 2000 and a repository begins accepting spent fuel in 2010.

America's 110 nuclear power plants are this Nation's second largest source of electricity, constituting about 20 percent of our electric power. Nuclear energy supplies over 40 percent of all the new electricity required by the American people since 1973. Our nuclear power plants will also make the largest contribution of any technology toward meeting the Administration's year 2000 goals for reducing greenhouse gas emissions.

Whether we build new nuclear power plants in the future or not, we must deal responsibly with the nuclear fuel produced by our currently operating plants. We must also deal with the defense waste that this Nation has produced. S. 1936 is good policy and represents a safe, responsible solution that enjoys strong bipartisan support.

TRIBUTE TO LTG ROBERT L. ORD III

Mr. INOUYE. Mr. President, today I wish to congratulate and pay tribute to a great American leader, statesman and soldier. Lt. Gen. Robert L. Ord, III, Commanding General of the U.S. Army, Pacific (USARPAC) will retire on July 31, 1996 after more than 34 years of dedicated service to our nation and our Army.

A native of Medford Lakes, NJ, Lieutenant General Ord graduated from the U.S. Military Academy at West Point in 1962 and was commissioned as a second lieutenant of Infantry. Over the course of the next three decades, he served our country honorably and faithfully in a variety of exceptionally challenging troop and staff assignments in the United States, Vietnam, and Korea.

A leader in both peace and war, he has commanded at every level from platoon to division and Army major command. Lieutenant General Ord commanded a rifle company in Vietnam and the 2d Battalion, 1st Infantry Training Brigade at Fort Benning, Ga. Following graduation from the Army War College in 1980, he served as the Operations Officer, Chief of Staff, and Commander of the 9th Infantry Regiment, 7th Infantry Division (Light) at Ford Ord, CA. He then served in the Pentagon as the Executive Officer to the Army's Deputy Chief of Staff for Personnel followed by promotion to brigadier general and assignment in Korea as Chief of Staff of the United States-Korea Combined Field Army. Subsequently, he returned to Fort Ord as Assistant Division Commander of the 7th Infantry Division (Light), where he participated in Operation Just Cause in Panama, followed by Command of the U.S. Total Army Personnel Command in Washington, DC.

From February 1992 until September 1993, Lieutenant General Ord served as the commanding general of the 25th Infantry Division (Light) and the United States Army, Hawaii where his relentless pursuit of excellence and focus on mission training placed the 25th Infantry Division (Light) on the cutting edge of combat readiness. Through his innovative, aggressive and creative leadership, the 25th Infantry Division (Light) and United States Army, Hawaii became fully integrated, modernized, manned and equipped forces capable of exceptional tactical mobility, lethality and versatility.

As Commanding General, United States Army, Pacific, Fort Shafter, HA, from November 1993 to June 1996, Lieutenant General Ord has been the consummate statesman and ambassador for the United States throughout the Pacific. He has utilized his vast diplomatic skills with senior leaders from over 37 countries of the Asia-Pacific region to win friends and influence foreign governments; thereby, broadening the prestige of the U.S. Army and deterring hostile action from potential adversaries. Through his insightful guidance and visionary leadership, he has redefined the future of the Army in the Pacific and made dramatic progress toward its "end-state" with alignment and restructuring of apportioned Army forces.

Throughout his career, Lieutenant General Ord has demonstrated a deep and personal concern for soldiers, Army civilians, retirees, and their families that has earned him a reputation as a commander who would spare no effort to ensure that their needs were met. His extraordinary leadership and brilliant statesmanship have significantly enhanced the vital national security interests of the United States and were the driving force behind preparing America's Army in the Pacific for the 21st Century. With resolute commitment and dedication, he has accomplished the Army's most challenging tasks of downsizing, reorganizing and streamlining while maintaining exceptional combat readiness and quality of life in his forces.

Lieutenant General Ord's career has been the epitome of selfless service to our nation and the quintessential example of all we could hope our military leaders to be. And through the decades of service and sacrifice, he has been supported by a loving family. The Nation shares Lieutenant General Ord with his wife Gail, their daughters Traci and Ginger, and grandchildren Mariah and Zachary. They too have served our country, supporting in countless ways the career of this dedicated soldier and statesman.

Lieutenant General Ord, a consummate professional, a loyal servant of the Constitution, a leader of demonstrated moral and physical vigor and courage—on behalf of the Congress of the United States and the people we represent, I offer our heartfelt appreciation and sincere thanks to you and your family for your selfless and dedicated service. Mahalo, aloha and best wishes for a bright and happy future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago in 1972 when the television networks reported that I had been elected as a U.S. Senator from North Carolina. I remember well the exact time that the announcement was made and how stunned I was.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. When I got over my astonishment, I thought about a lot of things. And I made some commitments to myself one of which was that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which back in February exceeded $5 trillion for the first time in history. Congress created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Tuesday, July 16, 1996, stood at $5,158,429,724,926.15. On a per capita basis, the existing Federal debt amounts to $19,442.95 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Monday, July 15, 1996—shows an increase of more than $2 billion—$2,116,065,511.60, to be exact. That 1-day increase alone is enough to match the total amount needed to pay the college tuitions for each of the 313,770 students for 4 years.

FOREIGN OIL CONSUMED BY THE UNITED STATES? HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 12, the United States imported 7,300,000 barrels of oil each day, 800,000 barrels less than the 8,100,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf War, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,300,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE PRESIDENT'S ADVISORY BOARD ON ARMS PROLIFERATION POLICY—MESSAGE FROM THE PRESIDENT—PM 160

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 1601(d) of Public Law 103–160 (the "Act"), I transmit herewith the report of the President's Advisory Board on Arms Proliferation Policy. The Board was established by Executive Order 12946 (January 20, 1995), pursuant to section 1601(c) of the Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 161

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. The report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 248. An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 966. An act for the relief of Nathan C. Vance, and for other purposes.

S. 1899. An act entitled the "Mollie Beattie Wilderness Area Act."

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

H.R. 2001. An act for the relief of Norton R. Girault.

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3643. An act to amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf War and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes.

H.R. 3673. An act to amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes.

H.R. 3674. An act to amend title 38, United States Code, to clarify the causal relationship required between a veteran's service-connected disability and employment handicap for purposes of determining eligibility for training and rehabilitation assistance entitlements from the Post-Vietnam Era Educational Assistance Program to the Montgomery GI Bill, and for other purposes.

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the terms of the Senate:

H.R. 361. An act to provide authority to control exports, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2001. An act for the relief of Norton R. Girault; to the Committee on the Judiciary.

H.R. 3458. An act to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans Affairs.

H.R. 3643. An act to amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf War and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes; to the Committee on Veterans Affairs.

H.R. 3673. An act to amend title 38, United States Code, to revise and improve certain veterans programs and benefits, to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintenance of war memorials for which the Commission assumes responsibility, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3674. An act to amend title 38, United States Code, to clarify the causal relationship required between a veteran's service-connected disability and employment handicap for purposes of determining eligibility for training and rehabilitation assistance entitlements from the Post-Vietnam Era Educational Assistance Program to the Montgomery GI Bill, and for other purposes; to the Committee on Veterans Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

S. 1954. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

H.R. 3396. An act to define and protect the institution of marriage.

The following measures were read the first and second times and placed on the calendar:

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3411. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans," received on July 11, 1996; to the Committee on Labor and Human Resources.

EC–3412. A communication from the Acting Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Reorganization, Renumbering, and Reinvention of Regulations," (RIN1212–AA75) received on July 9, 1996; to the Committee on Labor and Human Resources.

EC–3413. A communication from the General Counsel of the Navy, transmitting, a draft of proposed legislation to amend section 329 of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC–3414. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the rule entitled "Attestations by Employers Using Alien Crewmember for Longshore Work in U.S. Ports," (RIN1205–

AB03) received on July 8, 1996; to the Committee on the Judiciary.

EC–3415. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Sport Commission Conflict of Interest Amendment Act of 1996; to the Committee on Government Affairs.

EC–3416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Mutual Holding Company Act of 1996; to the Committee on Governmental Affairs.

EC–3417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Automobile Insurance Amendment Act of 1996; to the Commission on Governmental Affairs.

EC–3418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996; to the Committee on Governmental Affairs.

EC–3419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Interference with Medical Facilities and Health Professionals Amendment Act of 1996; to the Committee on Governmental Affairs.

EC–3420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Excepted Service Positions Designation Temporary Amendment Act of 1996; to the Committee on Governmental Affairs.

EC–3421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report relative to the Noise Control Amendment Act of 1996; to the Committee on Governmental Affairs.

EC–3422. A communication from the Acting Director, Office of Management and Budget, transmitting, pursuant to law, a report relative to the Statement of Federal Financial Accounting Standards; to the Committee on Governmental Affairs.

EC–3423. A communication from the Chairman, PCA Retirement Committee, First South Production Credit Association, transmitting, pursuant to law, a report relative to the annual pension plan; to the Committee on Governmental Affairs.

EC–3424. A communication from the Comptroller General, transmitting, pursuant to law, the under the Chief Financial Officers Act for fiscal years 1995 and 1994; to the Committee on Governmental Affairs.

EC–3425. A communication from the Secretary of Defense, transmitting, pursuant to law, the report under the Inspector General Act from the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–656. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Governmental Affairs.

"RESOLUTION

"Whereas, at the end of the Korean war in nineteen hundred and fifty-three over eight thousand American troops were unaccounted for; and

"Whereas, historically, the position of the United States Government has been that there were no longer any surviving prisoners of war from the Korean war in North Korea; and

"Whereas, a recent Department of Defense report acknowledges that between ten and fifteen prisoners of war from the Korean war have been sighted, still alive and being held in North Korea; and

"Whereas, many more of the eight thousand troops still unaccounted for may still be alive and held in North Korea; and

"Whereas, recent evidence indicates that these prisoners of the war wish to return to the United States; and

"Whereas, the Korean war has been over for more than forty years and the prisoners are now becoming elderly, making swift action imperative: Now therefore be it

"*Resolved*, That the Massachusetts senate respectfully urges the Congress of the United States to take immediate action to determine the presence of American prisoners of war in North Korea and to ensure the prompt return of any such prisoners to the United States; and be it further

"*Resolved*, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of Congress and to each Member thereof from the Commonwealth."

POM–657. A concurrent resolution adopted by the Legislature of the State of Delaware; to the Committee on Labor and Human Resources.

HOUSE CONCURRENT RESOLUTION NO. 38

"Whereas improving patient access to quality health care is a paramount national goal; and

"Whereas the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

"Whereas minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

"Whereas current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

"Whereas the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessary expensive: Now, therefore be it

Resolved by the house of representatives of the 138th General Assembly of the State of Delaware (the senate concurring therein), That the State Legislature respectfully urges the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness; and be it further.

"*Resolved*, That copies of this Resolution be transmitted forthwith by the Clerk of the House or Secretary of the Senate to the President of the United States, the Speaker of the United States House of Representatives, and President of the United States Senate, and to each member of the United States Senate and the United States House of Representative."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (for himself and Mr. MACK):

S. 1963. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. HOLLINGS):

S. 1964. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services of registered dietitians and nutrition professionals; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. SPECTER, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Mr. D'AMATO, Mr. KYL, Mr. REID, and Mr. ASHCROFT):

S. 1965. A bill to prevent the illegal manufacturing and use of methamphetamine; ordered held at the desk.

By Mr. CAMPBELL (for himself, Mr. CHAFEE, and Ms. MOSELEY-BRAUN):

S. 1966. A bill to extend the legislative authority for the Black Revolutionary War Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 1967. A bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1968. A bill to reorder United States budget priorities with respect to United States assistance to foreign countries and international organizations; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. KERREY, Mr. COHEN, Mr. BINGAMAN, Mr. CHAFEE, and Mr. WYDEN):

S. 1969. A bill to establish a Commission on Retirement Income Policy; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself and Mr. MACK):

S. 1963. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

THE MEDICARE CANCER CLINICAL TRIAL COVERAGE ACT OF 1996

Mr. ROCKEFELLER. Mr. President, today, I am introducing legislation to continue the effort to expand treatment options for older Americans who happen to have cancer. I am especially pleased my colleague from Florida, Senator MACK, is joining me as an original cosponsor. Senator MACK is a vigorous and persistent advocate for cancer research and improvements in patient care for those with cancer. He has been fighting this battle for a long time.

Our bipartisan sponsorship, which is just a nice thing to happen around here anyway, is intended to say to the American people, especially to the millions of Medicare beneficiaries with cancer, that we in the Congress are, in fact, very, very serious about trying to be helpful.

Over 1.3 million people will be diagnosed with cancer this year. Over 11,000 of those people, newly diagnosed with cancer, will be people I represent, that is West Virginians. Cancer is, in fact, the second leading cause of death in West Virginia, second only to heart disease. This legislation is aimed at improving Medicare coverage, since Medicare beneficiaries account for more than half of all cancer diagnoses, and 60 percent of all cancer deaths.

Our bill deals with the very specific problem faced by Medicare beneficiaries who are currently prevented from receiving care that may extend or save their lives. To put it very simply and very bluntly, Americans over the age of 65 who are struck with cancer believe they should get the best shot in fighting their disease. The Medicare Cancer Clinical Trial Coverage Act of 1996, which is the bill I am introducing, is a bill to do something very targeted to give older Americans their best shot at fighting cancer. With this bill we want to tackle the frustrating, often anguishing problem faced by older Americans who are unable to participate in cancer clinical trials. Let me explain.

Consider the story of a West Virginian who was treated with an experimental drug for lung cancer, under a research trial approved by the National Cancer Institute. Because Medicare would not cover the cost of hospitalization required to administer the anticancer treatment, he decided he could only pay for one more treatment out of the money from his own pocket. This West Virginian could not bring himself to bankrupt his family, yet getting the additional treatments might bring the gift of a longer life for him and, obviously, much more stability and happiness for his family. This is a terrible choice that should not have to be made by anybody in this country.

While we still have a long way to go in discovering a cure for cancer, there are constantly popping up reports of exciting new advances in the treatment of cancer. The bad news is that millions of people with cancer cannot take advantage of these path-breaking treatments because they are provided in a setup which is called clinical trials. To insurers, including the Medicare Program, that labels them experimental. In other words, clinical trials are labeled experimental and, therefore, the basis for turning down coverage with no ifs, ands, or buts.

Critics of coverage for clinical trials argue that care provided in trials is purely investigational and too costly. In fact, these trials can provide essential information about which treatments are effective and which ones are not. This is one of the best ways for the health care system to learn about the various advantages and disadvantages of treatment options, including what costs are involved before a certain course is expanded widely or prematurely.

The bill I am introducing today with Senator CONNIE MACK is very careful in pursuing a solution. We lay out a framework for a major demonstration project to come up with the information and the experience needed to then modify Medicare's policy toward clinical trials. With this demonstration we want the Medicare Program to find out more about the costs of covering high-quality clinical trials for its beneficiaries with cancer, and then compare them to the benefits and other results learned through the demonstration. There is truly an urgent need to get on with this study, and then where the findings should take us in changing Medicare's policy toward clinical trials. With new cancer therapies rapidly unfolding, dealing with a disease that its victims are desperately trying to battle, peer-reviewed clinical trials may be the best and only available care.

Cancer researchers themselves—and there is a long list of associations and organizations who support this legislation—are eager to have more older Americans involved in these trials. More needs to be learned about the biological responses to various treatments within different age groups, and this bill can help fill that particular gap.

In our bill we confine the demonstration to covering a select group of high-quality clinical trials. Our criteria say the trials covered under this demonstration have to be the result of top-notch peer review procedures.

This legislation does not write any new policies for Medicare into stone, but it does lay the foundation for a Medicare policy toward cancer treatments that factors in what clinical trials now have to offer. We give the program 5 years to conduct the demonstration, and then we call on the Secretary of HHS to tell Congress how Medicare should or perhaps should not be changed in its policy toward cancer and other kinds of clinical trials.

Many researchers, physicians, patients, and many of us in Congress have already been pushing for more coverage for clinical trials by Medicare and other insurers. In its 1994 report to Congress, a very long-named advisory group—something called the National Cancer Advisory Board's Subcommittee to Evaluate the National Cancer Program—emphasized the need for private insurance and Medicare coverage for approved clinical trials. And we use that report in our bill to create the criteria for what kinds of trials should be covered in the Medicare demonstration that Senator MACK and I are proposing.

I continue to believe that all Americans should be guaranteed access to quality health care. I would love to see Congress acting immediately to ensure that any American struck by cancer, whether age 21 or age 71, could get coverage for treatment in a clinical trial if that is judged the best option for them. Those are highly ambitious goals, and today Senator MACK and I offer this bill as one more incremental step in their direction.

I actually started some years ago with legislation to improve cancer care for Medicare patients. That legislation ended up being enacted in 1993. It was really sort of embarrassingly simple. My legislation required Medicare coverage of oral anticancer drugs if those drugs would otherwise have been covered by Medicare if administered intravenously in a doctor's office. Obviously, the result being cost savings and almost simple beyond belief. But, nevertheless, it was not allowed prior to my legislation.

We changed the law, and now it is allowed. A lot of money is being saved, and people are being helped because they can take an oral drug at home rather than having an injection in a doctor's office. As a result, many Medicare beneficiaries with cancer can take advantage of drugs that they were, in a sense, walled off from before.

The other part of my bill set an uniform standard for Medicare coverage of anticancer drugs. Prior to the enactment of my legislation, there was significant variation in Medicare coverage of anticancer drugs because individual Medicare carriers made their own decisions on coverage. A GAO report found that Medicare's unreliable and inconsistent coverage of accepted off-label uses of cancer drugs forced oncologists to alter their preferred treatment. Now there is clear and consistent Medicare policy regarding coverage of anticancer drugs.

In conclusion, I think it is time again for Congress to take another small, yet crucial, step in improving coverage for elderly cancer patients who deserve every chance they have to battle this horrible disease.

I hope to get the help of colleagues on both sides of the aisle—and I am sure Senator MACK shares this wish with me—to get more supporters to recognize that this urgent need has to be attended to as soon as possible.

Mr. President, I ask unanimous consent that a copy of our bill and a summary of the legislation, along with a list of its supporters, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cancer Clinical Trial Coverage Act of 1996".

SEC. 2. MEDICARE CANCER PATIENT DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—Not later than January 1, 1997, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall establish a demonstration project which provides for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of routine patient care costs—

(1) which are provided to an individual diagnosed with cancer and enrolled in the medicare program under such title as part of the individual's participation in an approved clinical trial program; and

(2) which are not otherwise eligible for payment under such title for individuals who are entitled to benefits under such title.

(b) APPLICATION.—The beneficiary cost sharing provisions under the medicare program, such as deductibles, coinsurance, and copayment amounts, shall apply to any individual participating in a demonstration project conducted under this Act.

(c) APPROVED CLINICAL TRIAL PROGRAM.—For purposes of this Act, the term "approved clinical trial program" means a clinical trial program which is approved by—

(1) the National Institutes of Health;

(2) a National Institutes of Health cooperative group or a National Institutes of Health center;

(3) the Food and Drug Administration (in the form of an investigational new drug or device exemption);

(4) the Department of Veterans Affairs;

(5) the Department of Defense; or

(6) a qualified nongovernmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

(d) ROUTINE PATIENT CARE COSTS.—

(1) IN GENERAL.—For purposes of this Act, "routine patient care costs" shall include the costs associated with the provision of items and services that—

(A) would otherwise be covered under the medicare program if such items and services were not provided in connection with an approved clinical trial program; and

(B) are furnished according to the design of an approved clinical trial program.

(2) EXCLUSION.—For purposes of this Act, "routine patient care costs" shall not include the costs associated with the provision of—

(A) an investigational drug or device, unless the Secretary has authorized the manufacturer of such drug or device to charge for such drug or device; or

(B) any item or service supplied without charge by the sponsor of the approved clinical trial program.

SEC. 3. STUDY, REPORT, AND TERMINATION.

(a) STUDY.—The Secretary shall study the impact on the medicare program under title XVIII of the Social Security Act of covering routine patient care costs for individuals with a diagnosis of cancer and other diagnoses, who are entitled to benefits under such title and who are enrolled in an approved clinical trial program.

(b) REPORT TO CONGRESS.—Not later than January 1, 2001, the Secretary shall submit a report to Congress that contains a statement regarding—

(1) any incremental cost to the medicare program under title XVIII of the Social Security Act resulting from the provisions of this Act; and

(2) a projection of expenditures under the medicare program if coverage of routine patient care costs in an approved clinical trial program were extended to individuals entitled to benefits under the medicare program who have a diagnosis other than cancer.

(c) TERMINATION.—The provisions of this Act shall not apply after June 30, 2001.

MEDICARE CANCER CLINICAL TRIAL COVERAGE ACT OF 1996

CURRENT LAW

Medicare generally does not pay for the costs of patient care if they are incurred in the course of a clinical trial. An exception adopted last year allows Medicare coverage of investigational medical devices used in clinical trials, and of the associated medical care, if the FDA determines that the investigational device is similar to a previously approved or cleared device.

PROPOSED CHANGE

The Secretary of HHS would be required to conduct a demonstration project, beginning no later than January 1, 1997, which would study the feasibility of covering patient costs for beneficiaries diagnosed with cancer and enrolled in certain approved clinical trials. Eligibility for coverage would be dependent on approval of the trial design by one of several high quality peer-review organizations, including the National Institutes of Health, the Food and Drug Administration, the Department of Defense, and the Department of Veterans Affairs. No later than January 1, 2001, the Secretary would be required to report to the Congress concerning any incremental costs of such coverage and the advisability of covering other diagnoses under the same circumstances. The demonstration project would sunset on June 30, 2001.

Supported by:

National Coalition for Cancer Survivorship; Candlelighters Childhood Cancer Foundation; Cancer Care, Inc.; National Alliance of Breast Cancer Organizations (NABCO); US TOO International Y-ME National Breast Cancer Organization; American Cancer Society; American Society of Clinical Oncology; American Society of Pediatric Hematology/Oncology; Association of American Cancer Institutes; Association of Community Cancer Centers; Cancer Research Foundation of America; North American Brain Tumor Coalition; Leukemia Society of America; National Breast Cancer Coalition; National Childhood Cancer Foundation; National Coalition for Cancer Research; Oncology Nursing Society; Prostate Cancer Support-group Network; and Society of Surgical Oncology.

By Mr. BINGAMAN (for himself and Mr. HOLLINGS):

S. 1964. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals; to the Committee on Finance.

THE MEDICAL NUTRITION THERAPY ACT OF 1996

• Mr. BINGAMAN. Mr. President, I introduce the Medical Nutrition Therapy Act of 1996 on behalf of myself and my friend and colleague from South Carolina, Senator HOLLINGS.

This legislation is similar to a bill, H.R. 2247, that was introduced last year in the House by Representative JOSÉ SERRANO. It provides for coverage under part B of the Medicare Program of medical nutrition therapy services which are furnished by or under the supervision of a registered dietitian or nutrition professional.

Mr. President, at a time when the Medicare system is under increasing scrutiny and the Congress and administration are debating how to ensure the long-term stability of the program, I believe that the legislation I am introducing should be an integral part of those debates.

Medical nutrition therapy is the assessment of patient nutritional status followed by therapy, ranging from diet modification to administration of specialized nutrition therapies such as intravenous or tube feedings. It has proven to be a medically necessary and cost-effective way of treating and controlling many diseases and medical conditions, including AIDS, cancer, kidney disease, diabetes, and severe burns. The treatment of all of these conditions and numerous others saves health care costs by speeding recovery and reducing the incidence of complications. This in turn results in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

An analysis of nearly 2,400 case studies submitted by members of American Dietetic Association members showed that on average more than $8,000 per patient can be saved with the intervention of medical nutrition therapy. The July 1995 issue of the American Journal of Medicine highlighted a study that found that the use of a diabetes team, led by an endocrinologist working with a nurse diabetes educator and dietitian, resulted in a 56-percent reduction in length of hospital stays among patients hospitalized with a primary diagnosis of diabetes compared with patients treated by an internist alone. Currently, hospital care of diabetic patients costs an estimated $65 billion a year. The potential 5-day reduction in hospitalization found by this study translates into billions of dollars per year in potential health care savings and that is only the savings related to diabetes treatment. The true saving resulting from the increased use of medical nutrition therapy in other illnesses is substantial and that is why I am here today to offer this legislation.

Mr. President, no consistent policy or approach exists for covering the costs for medical nutrition therapy. In inpatient settings, dietitians' services are often folded into hospital room and board charges and are not reimbursed while equipment and prescribed medical nutritional products are often, but not always, treated in the same manner. In outpatient settings, coverage is inconsistent for both dietitians' services and other nutrition therapies. Medicare and some Medicaid programs cover physician-prescribed medical nutrition therapies as part of a home care therapy benefit. However, professional dietitian services are not covered as a reimbursable expense.

I believe that we need to change this and the legislation I am offering today will achieve that. I also believe that as the relevant studies are developed it will be clearly shown that coverage of medical nutrition therapy of reducing health care expenditures and should be an integral part of any long-term solution to the solvency of the Medicare Program.•

By Mr. HATCH (for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. SPECTER, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Mr. D'AMATO, Mr. KYL, Mr. REID and Mr. ASHCROFT):

S. 1965. A bill to prevent the illegal manufacturing and use of methamphetamine; ordered held at the desk.

THE COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. HATCH. Mr. President, I rise today to introduce S. 1965, a bipartisan bill to combat the methamphetamine epidemic, a serious and growing public health problem which poses a special threat to our Nation's youth who are abusing the drug in record numbers.

According to the latest information from the Drug Enforcement Administration, 50 percent of the methamphetamine consumed in the United States is illegally imported. The other 50 percent is manufactured illegally in the United States in clandestine labs. Accordingly, any national strategy to combat methamphetamine must target both the source of import and these clandestine labs.

Methamphetamine presents a unique problem in the fight against illegal drugs. It is not grown, but is manufactured from other chemicals, virtually all of which are legally used for other purposes.

Clandestine methamphetamine laboratories manufacture methamphetamine from chemicals with legitimate medical uses. Two of the most common precursor drugs—ephedrine and pseudoephedrine—are common ingredients in cold and cough preparations. Other precursor chemicals include iodine, often used in iodized salt; red phosphorous, often used in the production of matches; and hydrochloric acid, used for a variety of chemical purposes.

In addition, methamphetamine distribution has become a major target of opportunity for sophisticated drug trafficking rings, including vicious, poly-drug organizations in Mexico who have beaten well-trodden paths into the United States. Willing European suppliers provide them with tons of ephedrine, the precursor drug used to manufacture the illegal meth.

These Mexican methamphetamine traffickers are organized—and they do not hesitate to use extreme violence. They showed their true colors when they murdered DEA special agent Richard Fass in Glendale, AZ, in June 1994—just 1 day before he was to be transferred to a new assignment.

Any legislative solution to the meth crisis must, by necessity, balance the need to stem this illegal tide of methamphetamine into the United States against the need to ensure access to precursor chemicals which have legitimate medical uses and upon which millions of Americans rely.

Mr. President, methamphetamine has wreaked havoc across America, especially on communities in the Southwest. And, unfortunately, it is spreading east. It has entered the intermountain west, especially Utah, and is beginning to be seen throughout the rest of the country as well.

An indication of the magnitude of this problem is the fact that methamphetamine emergency room cases are up 256 percent over the 1991 levels, according to the latest information from the Drug Abuse Warning Network.

In 1994, the last year that data were available, there were 17,400 methamphetamine-related emergency visits. In California, methamphetamine seizures are up 518 percent over the 1991 level.

In Utah, we had 56 lab seizures in 1995, up from 13 in 1994. From January through June of this year we have already had 37 lab seizures. Utah has ranked in the top three States in the number of methamphetamine lab seizures for the past 2 years, an alarming trend.

According to the Centers for Disease Control and Prevention, Utah has experienced the second greatest increase in methamphetamine-related admissions in the entire country—a 133-percent increase in admissions between 1992 and 1993.

But statistics don't tell the whole story. This crisis is more than numbers, it involves real people suffering real problems. Let me show you examples of the people behind those numbers.

One of these people is Russell Ray Thompson. After a long day of drinking alcohol and injecting methamphetamine, Thompson shot an unarmed female friend six times with a rifle, leaving her two orphaned children to live with their grandparents.

Another is Connie Richens, from Vernal, UT. As Ms. Richens was preparing to meet her husband at a bowling alley, two men forced themselves into her apartment and slashed her throat four times. Uinta County sheriff's deputies found powdered methamphetamine a few feet from her dead body.

Methamphetamine is a killer. It kills those who abuse it, as well as innocent bystanders. It is the latest outrage perpetrated on American society by those who deal in drugs. We must put a stop to this terrible problem.

At this point, I would like to summarize the major provisions in S. 1965.

The first title contains measures to stop the importation of methamphetamine and precursor chemicals into the United States. We have included a long-arm provision, which imposes a maximum 10-year penalty on the manufacture outside the United States of a list I chemical—which is a chemical that is used to manufacture a controlled substance—with intent to import it into this country.

The second title contains several provisions to control the manufacture of methamphetamine in clandestine labs. It includes an important provision to permit the seizure and forfeiture of list I chemicals that are involved in illegal trafficking. Another provision increases penalties for the manufacture and possession of equipment used to make controlled substances. These provisions will not only impact the manufacture of methamphetamine, but other drugs illegally manufactured as well.

After a great deal of work with the Department of Justice, Senator BIDEN, and the DEA, I have also included a provision that will allow the Attorney General to commence a civil action for appropriate relief to shut down the production and sale of listed chemicals by individuals or companies that knowingly sell precursor agents for the purpose of the illegal manufacture of a controlled substance.

I believe that these provisions are important, as they give law enforcement additional authority to stop the flow of these precursor substances that are diverted for the manufacture of illegal controlled substances and to shut down clandestine labs. This bill gives the law enforcement community the muscle it needs to fight trafficking in methamphetamine and its precursor drugs.

In addition to the provisions I have already outlined, the third title increases penalties for trafficking in methamphetamine and list I precursor chemicals, enhances penalties for the dangerous handling of controlled substances, allows the Government to seek restitution for the clean up of the clandestine laboratory sites from those who created the contamination, and allows for the seizure of the modes of transportation of illegal methamphetamine and list I chemicals.

In developing these provisions, we were cognizant of the fact that the

DEA and the administration have stated that one important way to stop meth abuse is to increase the penalties for illegal importation of precursor chemicals. This will reduce the number of domestic, clandestine methamphetamine labs which, in turn, will decrease the availability of this dangerous drug, improve the safety of our neighborhoods, and eliminate a source of environmental damage.

It is an unfortunate consequence of enhanced domestic penalties that some of the domestic labs may relocate to Central and South America. It is my hope that the provisions in this bill requiring additional coordination between the United States and these countries will allow for the development of an international strategy that will combat this problem too.

In particular, fighting this problem effectively is going to require improved cooperation from Mexico. I believe that Congress stands ready to support the administration in international efforts to stem the flow of drugs into the United States.

The fourth title cracks down hard on the ability of rogue companies to sell large amounts of precursor chemicals that are diverted to clandestine labs. Provisions in this title limit the package size that precursor drugs may be sold in at the retail level, and require the product to be packaged in blister packs when technically feasible.

Mr. President, this title contains carefully drafted provisions that balance the need to crack down on precursor chemicals against the need to maintain the availability of drugs such as pseudoephedrine for legitimate purposes. I recognize the need to take measures to decrease the availability of the precursor list I chemicals for diversion to clandestine methamphetamine laboratories. However, in so doing, we must not restrict the ability of law-abiding citizens to use common remedies for colds and allergies, or subject sales of such legal products to onerous recordkeeping at the retail level.

It is no secret that I have been critical of the DEA's proposed regulations in this area. The provisions included in S. 1965, I believe, will achieve our common goal without the negative side effects of the proposed regulations.

In fact, I believe that our provisions with regard to the sale of the precursor chemicals pseudoephedrine and phenylpropanolamine go much farther in preventing the diversion of these products while maintaining their access for legitimate uses. In this bill we lower the single transaction threshold for pseudoephedrine—containing products from 1,000 grams to 24 grams. Our bill also allows the Attorney General to lower this single—transaction limit further, as necessary to prevent the diversion of products to meth labs. That provision was inserted to meet the concerns of Senator FEINSTEIN and others who believe that retail sales are a significant source of precursor drugs for clandestine labs.

Some of my colleagues may have seen an article this morning in USA Today, which leaves one with the impression that retail cough and cold preparations are a significant source of precursor drugs. I have spent a great deal of time studying this issue, consulting extensively with the DEA and State and local law enforcement officials in Utah. I remain unconvinced that legitimate products purchased at the retail level are a significant source of precursor drugs for the manufacture of methamphetamine. Nevertheless, I have included several provisions in this title that will limit the potential diversion of legitimate products at the retail level to methamphetamine labs.

When this legislation is enacted, I will continue to monitor this situation very closely. If the data show that retail products containing pseudoephedrine and phenylpropanolamine are contributing to the methamphetamine problems, I pledge to revisit this issue next Congress.

In addition, we have strict reporting and recordkeeping provisions for those companies that sell ephedrine, pseudoephedrine and phenylpropanolamine by mail. These provisions - which go far beyond what DEA has proposed to date—will shut down loopholes in current law that allow these products to get to the meth labs.

This bill gets tough on those who divert legitimate products to clandestine methamphetamine labs. I would have it no other way.

In anticipation of questions regarding this provision, I want to underscore that the bill does not apply to dietary supplement products in any way.

Finally, an important title of our legislation improves and expands existing education and research activities related to methamphetamine and other drug abuse. This approach, I feel, is key to the success of a comprehensive drug control policy. Increased emphasis on research, prevention, and treatment go hand in hand with efforts to reduce supply.

Consequently, our bill creates a methamphetamine interagency working group to design, implement, and evaluate a comprehensive methamphetamine education and prevention program. It requires public health monitoring programs to monitor methamphetamine abuse in the United States.

In addition, the legislation calls for a methamphetamine national advisory panel to develop a program to educate distributors of precursor chemicals and supplies to decrease the likelihood of diversion of these products to clandestine laboratories, and creates a suspicious orders task force to improve the reporting of suspicious orders and sales of list I chemicals.

In closing, Mr. President, I want to make clear that the legislation we introduce today represents a consensus position based on literally hundreds of hours of consultations with representatives of Federal, State, and local law enforcement, as well as substance abuse prevention and treatment experts and representatives of manufacturers of legitimate products containing the precursor chemicals.

In particular, I want to recognize the input from the Drug Enforcement Agency and Department of Justice, who have been instrumental in the development of a bill that we all can support.

I want to thank Senator BIDEN for his leadership role in developing this bill and for his willingness to move forward in a bipartisan way so that we can take steps toward addressing this important public health problem this session.

In addition, I want to recognize the significant contributions of Senator WYDEN, who early on indicated his interest in working with me to develop a bipartisan bill, and Senators SPECTER, DEWINE, ASHCROFT, and HARKIN.

Finally, I must also recognize the efforts of Senators FEINSTEIN, GRASSLEY, and KYL. They have contributed significant time and energy to bringing this issue before Congress and are strong advocates for legislation to deal with this problem.

The bill that my colleagues and I rise to introduce today represents a bipartisan, comprehensive response to control the methamphetamine abuse problem in our country. We still have a few issues to work out as this bill moves forward, but I am confident that we can quickly address any remaining areas of concern, so that we can pass this bill this session.

Methamphetamine abuse is a growing threat to the public health of this country. I hope that the Senate can move quickly to pass this bill so we can enact a comprehensive program to stop this problem in its tracks.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Methamphetamine Control Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. Support for international efforts to control drugs.

Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.
Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.
Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.
Sec. 204. Addition of iodine and hydrochloric gas to list II.
Sec. 205. Civil penalties for firms that supply precursor chemicals.
Sec. 206. Injunctive relief.
Sec. 207. Restitution for cleanup of clandestine laboratory sites.
Sec. 208. Record retention.
Sec. 209. Technical amendments.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Trafficking in methamphetamine penalty increases.
Sec. 302. Penalty increases for trafficking in listed chemicals.
Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Diversion of certain precursor chemicals.
Sec. 402. Mail order restrictions.

TITLE V—EDUCATION AND RESEARCH

Sec. 501. Interagency methamphetamine task force.
Sec. 502. Public health monitoring.
Sec. 503. Public-private education program.
Sec. 504. Suspicious orders task force.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine is a very dangerous and harmful drug. It is highly addictive and is associated with permanent brain damage in long-term users.

(2) The abuse of methamphetamine has increased dramatically since 1990. This increased use has led to devastating effects on individuals and the community, including—

(A) a dramatic increase in deaths associated with methamphetamine ingestion;

(B) an increase in the number of violent crimes associated with methamphetamine ingestion; and

(C) an increase in criminal activity associated with the illegal importation of methamphetamine and precursor compounds to support the growing appetite for this drug in the United States.

(3) Illegal methamphetamine manufacture and abuse presents an imminent public health threat that warrants aggressive law enforcement action, increased research on methamphetamine and other substance abuse, increased coordinated efforts to prevent methamphetamine abuse, and increased monitoring of the public health threat methamphetamine presents to the communities of the United States.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting "or listed chemical" after "schedule I or II"; and

(2) in paragraphs (1) and (2), by inserting "or chemical" after "substance".

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting "or listed chemical" after "controlled substance".

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following:

"(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.".

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: "It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration."; and

(B) by striking "drug or narcotic" and inserting "drug, narcotic, or chemical" each place it appears; and

(2) in subsection (c), by striking "drug or narcotic" and inserting "drug, narcotic, or chemical".

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting "or listed chemical" after "controlled substance" each place it appears; and

(2) in paragraph (9), by—

(A) inserting "dispensed, acquired," after "distributed," both places it appears; and

(B) striking "a felony provision of".

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting "or listed chemical" after "controlled substance"; and

(2) by amending subsection (b) to read as follows:

"(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legitimate, legal purposes, and the impact any regulations may have on these legitimate purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legitimate, legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking "(d) Any person" and inserting "(d)(1) Except as provided in paragraph (2), any person"; and

(2) by adding at the end the following:

"(2) Any person who, with the intent to manufacture or facilitate to manufacture methamphetamine, violates paragraph (6) or (7) of subsection (a), shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of that person—

"(A) for a violation of paragraph (6) or (7) of subsection (a);

"(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

"(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $60,000, or both.".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is treated as a significant violation.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding the end the following:

"(I) Iodine.

"(J) Hydrochloric gas.".

(b) IMPORTATION REQUIREMENTS.—Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking "or" after the semicolon;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term 'laboratory supply' means a listed chemical or any chemical, substance, or item, on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if a firm distributes or continues to distribute a laboratory supply to a customer where the Attorney General has previously notified, at least two weeks before the transaction(s), the firm that a laboratory supply sold by the firm, or any other person or firm, has been used by that customer, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals."

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

"(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.".

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting "manufacture, exportation," after "distribution,"; and

(2) striking "regulated".

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting "manufacture, exportation," after "distribution,"; and

(B) striking "regulated"; and

(2) by adding at the end the following:

"(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

"(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

"(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

"(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.".

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

"(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

"(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

"(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

"(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.".

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after "transaction" and subparagraphs (A) and (B) and inserting "for two years after the date of the transaction.".

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

"(P) Iso safrole.

"(S) N-Methylephedrine.

"(U) Hydriodic acid."; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

"(G) 2-Butanone (or Methyl Ethyl Ketone).".

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. TRAFFICKING IN METHAMPHETAMINE PENALTY INCREASES.

(a) CONTROLLED SUBSTANCES ACT.—

(1) LARGE AMOUNTS.—Section 401(b)(1)(A)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(viii)) is amended by—

(A) striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine,"; and

(B) striking "1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(2) SMALLER AMOUNTS.—Section 401(b)(1)(B)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(viii)) is amended by—

(A) striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine,"; and

(B) striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(b) IMPORT AND EXPORT ACT.—

(1) LARGE AMOUNTS.—Section 1010(b)(1)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(H)) is amended by—

(A) striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine,"; and

(B) striking "1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(2) SMALLER AMOUNTS.—Section 1010(b)(2)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(H)) is amended by—

(A) striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine,"; and

(B) striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

SEC. 302. PENALTY INCREASES FOR TRAFFICKING IN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking the period and inserting the following: "or, with respect to a violation of paragraph (1) or (2) of this subsection involving a list I chemical, if the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals possessed or distributed, the penalty corresponding to the quantity of controlled substance that could have been produced under subsection (b).".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking the period and inserting the following: ", or, with respect to an importation violation of paragraph (1) or (3) of this subsection involving a list I chemical, if the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals imported, the penalty corresponding to the quantity of controlled substance that could have been produced under title II.".

(c) DETERMINATION OF QUANTITY.—

(1) IN GENERAL.—For the purposes of this section and the amendments made by this section, the quantity of controlled substance that could reasonably have been provided shall be determined by using a table of manufacturing conversion ratios for list I chemicals.

(2) TABLE.—The table shall be—

(1) established by the United States Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission deems appropriate; and

(2) dispositive of this issue.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States

Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish the offenses described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of such an offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of The Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), in cases in which in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the failure to notify as to the release of a reportable quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking "as" through the semicolon and inserting ", pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;"; and

(2) in subparagraph (A)(iv)(II), by inserting ", pseudoephedrine, phenylpropanolamine," after "ephedrine".

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by adding before the semicolon the following: ", except that any sale of ordinary over-the-counter pseudoephedrine or phenylpropanolamine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)";

(2) in paragraph (39)(A)(iv)(II), by adding before the semicolon the following: ", except that any sale of products containing pseudoephedrine or phenylpropanolamine, other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine products, by retail distributors shall not be a regulated transaction if the distributor's sales are limited to less than the threshold quantity of 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in each single transaction";

(3) by redesignating paragraph (43) relating to felony drug abuse as paragraph (44); and

(4) by adding at the end the following:

"(45) The term 'ordinary over-the-counter pseudoephedrine or phenylpropanolamine product' means any product containing pseudoephedrine or phenylpropanolamine that is—

"(A) regulated pursuant to this title; and

"(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

"(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

"(46)(A) The term 'retail distributor' means—

"(i) with respect to an entity that is a grocery store, general merchandise store, or drug store, a distributor whose activities relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales, both in number of sales and volume of sales, directly to walk-in customers; and

"(ii) with respect to any other entity, a distributor whose activities relating to ordinary over-the-counter pseudoephedrine or phenylpropanolamine products are limited primarily to sales directly to walk-in customers for personal use.

"(B) For purposes of this paragraph, sale for personal use means the sale of below-threshold quantities in a single transaction to an individual for legitimate medical use.

"(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

"(i) A grocery store is an entity within SIC code 5411.

"(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

"(iii) A drug store is an entity within SIC code 5912.".

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

"(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—The Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4).".

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall establish, following notice, comment, and an informal hearing that since the effective date of this section there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802 (45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall establish, following notice, comment, and an informal hearing, that since the effective date of this section there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(3) DEFINITION OF BUSINESS.—For purposes of this subsection, the term "business" means the entity that makes the direct sale

and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(4) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any over-the-counter pseudoephedrine or phenylpropanolamine product initially introduced into interstate commerce prior to 9 months after the date of enactment of this Act.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

"(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

"(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

"(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

"(B) The data required for such reports shall include—

"(i) the name of the purchaser;

"(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

"(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.".

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (referred to as the "interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a "Suspicious Orders Task Force" (the "Task Force") which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the "DEA") and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute prima facie suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and government, an other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds.

(f) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

Mr. BIDEN. Mr. President, the story of our failure to foresee—and prevent—the crack cocaine epidemic is one of the most significant public policy mistakes in modern history. Although warning signs of an outbreak flared over several years, few took action until it was too late.

We now face similar warning signs with another drug—methamphetamine. Without swift action now, history may repeat itself.

So today, Senator HATCH and I, along with Senators FEINSTEIN, SPECTER, HARKIN, WYDEN, D'AMATO, and DEWINE are introducing legislation to address this new emerging drug epidemic before it is too late.

Within the past few years the production and use of methamphetamine have risen dramatically. Newspaper and media reports over the past few months have highlighted these increases. I have been tracking this development and pushing legislation to increase Federal penalties and strengthen Federal laws against methamphetamine production, trafficking, and use since 1990.

And what I and others have found is alarming: From 1991 to 1994 methamphetamine-related emergency room episodes increased 256 percent—the increase from 1993 to 1994 alone was 75 percent—with more than 17,000 people overdosing and being brought to the emergency room because of methamphetamine. A survey of high school seniors, which only measures the use of "ice"—a fraction of the methamphetamine market—found that in 1995 86,000 12th graders had used "ice" in the past year, 39,000 had used it in the past month, and 3,600 reported using "ice" daily. This same survey found that only 54 percent of high school seniors perceived great risk in trying "ice"—down from 62 percent in 1990. And 27 percent of these children said it would be easy for them to get "ice" if they wanted it.

The cause for concern over a methamphetamine epidemic is further fueled by drug-related violence—again something we saw during the crack era—that we can expect to flourish with methamphetamine as well. Putting the problem in perspective, drug experts claim that "ice surpasses PCP in inducing violent behavior."

In addition to the violence—both random and irrational—associated with methamphetamine users, there is also the enormous problem of violence among methamphetamine traffickers and the environmental and life-threatening conditions endemic in the clandestine labs where methamphetamine is produced.

The bill we are now introducing addresses all of the dangers of methamphetamine and takes bold actions to stop this potential epidemic in its tracks. The Hatch-Biden methamphetamine enforcement bill will take six major steps toward cracking down on methamphetamine production, trafficking, and use, particularly use by the most vulnerable population threatened by this drug—our young people.

First and foremost, we increase penalties for possessing and trafficking in methamphetamine.

Second, we crack down on methamphetamine producers and traffickers by increasing the penalties for the illicit possession and trafficking of the precursor chemicals and equipment used to manufacture methamphetamine.

Third, we increase the reporting requirements and restrictions on the legitimate sales of products containing these precursor chemicals in order to prevent their diversion, and we impose even greater requirements on all firms which sell these products by mail. This includes the use of civil penalties and injunctions to stop legitimate firms from recklessly providing precursor chemicals to methamphetamine manufacturers.

Fourth, we address the international nature of methamphetamine manufacture and trafficking by coordinating international enforcement efforts and strengthening provisions against the illegal importation of methamphetamine and precursor chemicals.

Fifth, we ensure that methamphetamine manufacturers who endanger the life on any individual or endanger the environment while making methamphetamine will receive enhanced prison sentences.

Finally, we require Federal, State and local law enforcement and public health officials to stay ahead of any potential growth in the methamphetamine epidemic by creating national working groups on the protecting the public from the dangers of methamphetamine production, trafficking, and abuse.

The Hatch-Biden bill addresses all of the needs with a fair balance between the needs of manufacturers and consumers of legitimate products which contain methamphetamine precursor chemicals and the need to protect the public by instituting harsh penalties for any and all methamphetamine-related activities.

This legislation is the crucial, comprehensive tool we need to stay ahead of the methamphetamine epidemic and to avoid the mistakes made during the early stages of the crack-cocaine explosion.

I want to thank Senator HATCH and my other colleagues who share my desire to move now on the problem of methamphetamine. I also want to thank the Clinton administration, which also was determined to act now on this issue and worked with us in developing several of the provisions in this bill.

I urge all my colleagues to join us in protecting our children and our society from the devastations of methamphetamine by supporting this vital legislation.

Mr. WYDEN. Mr. President, I rise today to join my colleagues, Senator HATCH, Senator BIDEN, and others to introduce the Comprehensive Methamphetamine Control Act of 1996.

Methamphetamine is one of the most insidious drugs to hit the streets in decades. In a few short years in Oregon, methamphetamine has become the second most frequently detected drug in workplace drug testing and in motor vehicle driver drug checks. This drug has become not only a scourge on Oregon's streets, increasing crime and creating toxic environmental hazards in the labs where it is produced, but has repercussions throughout the social services system as well. Foster care caseloads have increased because of the meth epidemic, and drug treatment centers are struggling with rising numbers of people needing help to escape the effects of this highly addictive and damaging drug.

According to Sheriff Robert Kennedy, who serves the State in Jackson County in southwestern Oregon, methamphetamine arrests in his county have increased 1,100 percent in the past 5 years. This drug has become an urban and rural problem, and is being abused across the economic and social spectrum. Statewide, the Oregon Narcotics Enforcement Association and others have joined together to fight the public safety and health problems associated with methamphetamine.

From the problems associated with cleaning up labs, to stopping the influx of Mexican-manufactured methamphetamine from coming into Oregon, law enforcement officials across the State have told me that meth is quickly becoming a major problem demanding high priority.

That is why I am pleased today to join in the effort to help the country's law enforcement officers fight the methamphetamine epidemic. The Comprehensive Methamphetamine Control Act takes on the battle against the drug on a number of fronts.

To combat the precursor drugs manufactured across the border in Mexico, this legislation includes a long-arm provision that allows the United States to prosecute people who manufacture methamphetamine precursor chemicals, with an intent to import them into our country.

Here at home, the bill significantly increases penalties for illegal trafficking in methamphetamine. Penalties for methamphetamine trafficking have been too low for too long. This bill will make drug dealers think twice by making penalties for dealing methamphetamine comparable to those for crack cocaine.

The legislation also cracks down on trafficking in the precursor chemicals used to produce methamphetamine, increasing penalties and allowing law enforcement increased flexibility to obtain injunctions to stop the production and sale of precursor chemicals when an individual or company knowingly sells these chemicals to methamphetamine dealers.

Finally, the act addresses the problem that many methamphetamine producers use legal, over-the-counter drugs, containing precursor chemicals, to manufacture methamphetamine. The bill will confront this in a direct way by limiting bulk quantities of these drugs that can be sold over the counter and, at the same time, creating a safe harbor for retailers so smaller quantities of the drugs can be sold to consumers who need unimpeded access to these helpful and commonly used products.

According to the Drug Enforcement Agency, every 4 hours, an illicit lab can produce a quarter pound of methamphetamine that sells for $2,000. These labs can be set up anywhere—in cars, hotel rooms, and abandoned buildings. Their byproducts pollute the area of the lab with carcinogenic toxins and, often times, these dangerous chemicals are dumped by the side of the road, in waterways or in other public areas.

It is time for Congress to join in the fight against this drug that pollutes our communities, drives crime and violence, and floods our social services systems. I am pleased to join in this effort, and I commend my colleagues for their bipartisan efforts and hard work in crafting this important piece of legislation.

Mr. HARKIN. Mr. President, in February, Iowa was featured on the front page of the New York Times—but it wasn't the kind of publicity I want to see our State receive. The article highlighted a problem that is exploding around Iowa—the growing use of the drug methamphetamine, commonly known as meth or crank.

There's no doubt that meth has invaded our State with a fury. The statistics tell the tragic story. More than 35 percent of new incarcerations in

Iowa involve meth. Federal methamphetamine investigations have doubled and meth arrests have more than tripled over the past 2 years. The Division of Iowa Narcotics Enforcement has reported a nearly 400-percent increase in meth seizures in a 1-year period. And in our largest city of Des Moines, meth seizures increased more than 4,000 percent.

The number of labs producing meth has also increased dramatically. And many of the traffickers are illegal aliens from Mexico, presenting additional problems and burdens on law enforcement. This is especially challenging because Iowa currently has no Immigration and Naturalization Service office.

Meth is now termed Iowa's "drug of choice." And unfortunately, its spread has left no part of our State untouched.

In a word, meth is poison. It destroys lives, families, and communities. The experts describe methamphetamine as a synthetic central nervous system stimulant—the strongest and most intense of the amphetamine group. A leading Iowa doctor referred to meth as the most malignant, addictive drug known to mankind.

Meth is a killer. It causes brain, heart, liver, and kidney damage. It breaks down the immune system and often leads to paranoid psychosis, violent behavior, and death.

The narcotic is primarily used by young male adults. But experts have found that a growing number of women and teens are now turning to meth.

A majority of Iowa law enforcement officials responding to a recent Governor's Alliance on Substance Abuse Survey ranked meth as the No. 1 problematic drug in their area.

The legislation we are introducing today will help States like Iowa fight back. The Comprehensive Methamphetamine Enforcement Act of 1996 cracks down on the use and manufacture of methamphetamine by increasing the sentencing scheme to be comparable to crack cocaine. It also goes after the precursor chemicals and equipment used to manufacture methamphetamine as well as companies who intentionally sell chemicals for manufacture of meth. The bill also includes public health monitoring and a task force and advisory panel for public education.

This legislation will complement another initiative I have been working on. I have spent a lot of time with local, State, and Federal law enforcement officials in Iowa who tell me that they simply don't have the resources necessary to adequately tackle this skyrocketing new challenge. That's why I am working hard to increase the arsenal in Iowa's fight against meth and to help our law enforcement on the frontlines.

Several years ago, Congress created the High Intensity Drug Trafficking Area initiative to provide added resources to highly affected areas. The program has proven useful, but it has been limited to urban areas such as Miami and Philadelphia.

I believe that it's time to apply this model to help Iowa and surrounding Midwestern States to combat the large methamphetamine trafficking networks, curtail sale and distribution of the narcotic and reduce related violence. This would open the door for the hiring of additional field investigators, chemists, prosecutors and other law enforcement personnel specifically targeted to the methamphetamine problem.

I recently wrote to National Drug Control Policy Director, Gen. Barry McCaffrey, outlining just such a plan. Because of the urgent need I proposed a $7 million increase in resources to begin such an initiative. I will continue to work with Director McCaffrey and my colleagues on the appropriations committee to make this a reality.

People in Iowa have worked hard to cultivate a good quality of life. They have worked hard to make their communities a place to raise a family, a safe place, a decent place, but drug dealers are planting the seeds of destruction and are wreaking havoc on small towns and rural communities all over America.

We must win back our communities and we must fight back. It's a question of priorities and the determination to defend our homes from a threat that is right down the street, not halfway around the world.

Mr. D'AMATO. Mr. President, I rise today to join my colleagues in introducing a bill that will combat a plague on our citizens and communities: methamphetamine.

Methamphetamine is an addictive synthetic drug, used by an increasing number of students and young professionals. Methamphetamine abuse is now the fourth cause of emergency room visits in this country. Clearly, an epidemic has arisen in the United States.

In the early 1990's, emergency room episodes caused by methamphetamine use rose 350 percent, while deaths nearly tripled, according to the DEA.

While methamphetamine use has increased dramatically in the Southwest and Midwest regions of this country, officials have recognized a trend showing that the methamphetamine trade is moving eastward. The whole country is at risk.

The growing methamphetamine trade demands immediate and tough action, especially against the traffickers that are selling this poison to our children. This bill is a sound response to the emerging epidemic.

As methamphetamine abuse has experienced a massive growth, the purity of the drug has increased to the highest potency in 12 years. And not only has the methamphetamine itself changed in the past few years, but so has the traffickers. Mexico-based criminal organizations have mostly replaced the outlaw motorcycle gangs who had monopolized the methamphetamine production and distribution.

These Mexican drug traffickers are self-sufficient in all aspects of the methamphetamine production and trade. They are able to purchase the precursor drugs internationally, produce the drug, and transport the methamphetamine across the border into the U.S. It differs from the cocaine trade in that the Mexican criminal groups can operate this trade without sharing profits with the Colombian cartels.

According to a Justice report, the seizure of methamphetamine from Mexico to the U.S. rose dramatically from 6.5 kilograms in 1992 to 306 kilograms in 1993 to a whopping 653 kilograms in 1995. That is an increase of 1,000 percent in just 3 years.

In response to the sudden and dramatic increase in the trafficking of methamphetamine across the southern border, this bill will impose penalties of up to 10 years for the manufacturing of precursor drugs with the intent of importing it into this country.

The salient points of this bill include: One, enhanced penalties for the manufacture and possession of the equipment used to make the controlled substances; two, seizure and forfeiture of trafficking in precursor chemicals; and three, provides the Attorney General with the authority to shut down the production and sale of the precursor chemicals if the individual or company knowingly sell the precursor in order to produce methamphetamine.

Most importantly, the penalties associated with trafficking methamphetamine will be raised to make it comparable with crack cocaine. A 5-year mandatory minimum will be imposed for every 5 grams trafficked and 10 years to life for a conviction involving the trafficking of 50 grams.

The statistics do not reveal the effects the drug has on the addicts who use it. The effects are appalling. The methamphetamine user will experience an irritable and paranoid effect and then begin the downward spiral of a crippling depression. As with any drug addict, the family suffers tremendously through the entire occurrence.

But it is not only those close to the methamphetamine user who bears the burden. An article in the magazine Police Chief last March describes the perspective of law enforcement that encounters the altered behavior of the addict. "Simply put, when methamphetamine production and abuse become prevalent in any geographic area, the ancillary criminal behavior in that area will grow as well."

It is clear that this epidemic must be addressed here and now. I urge my colleagues to support this bill and urge its immediate passage.

Mr. KYL. Mr. President, methamphetamine is, if not the most dangerous drug in America today, one of the fastest spreading. In Western States, meth is already the crack epidemic of the 1990's.

Meth is cheap, easy to manufacture, and readily available. The drug is a synthetic compound that stimulates the central nervous system and causes psychosis, paranoid delusions, and acts of violence.

The drug is most prevalent in four Western cities—Phoenix, Los Angeles, San Diego, and San Francisco. The damage the drug has caused in Arizona is startling. Phoenix police attribute meth use as a factor in the 40 percent jump in homicides in 1994. Meth-related deaths in Phoenix have soared from 11 in 1991 to 122 in 1994. According to the Arizona Criminal Justice Commission, 1 in 17 Arizona high school students reported using meth in the last 30 days. The drug is also behind the headlines of several horrific crimes that have occurred in the State.

Arizona has taken action, and a methamphetamine bill offered by State Representative Paul Mortenson, passed the legislature in Phoenix and was signed into law by Governor Symington this April. The bill increases the penalties for those who produce and sell the drug, and criminalizes the possession of equipment or chemicals used in the manufacture of dangerous drugs.

Appropriately, the U.S. Senate, in a bipartisan fashion, is addressing the methamphetamine explosion. I would particularly like to point out the fine work of Senator FEINSTEIN on this issue. Senator FEINSTEIN introduced the predecessor to this bill, and last month successfully amended a defense bill to stop the Federal Government from inadvertently selling to illicit manufacturers the chemicals used to make meth.

The Methamphetamine Control Act accomplishes much. The bill:

Increases the penalties for the trafficking and manufacture of methamphetamine and its precursor chemicals. The new penalties put the penalties for meth on the same level with crack;

Increases the penalties for the illegal manufacture and possession of equipment used to manufacture meth;

Requires those convicted of offenses relating to methamphetamine to provide restitution to the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine;

Regulates the sale of over-the-counter drugs that contain the precursor chemicals for methamphetamine if the sale exceeds a substantial threshold quantity; and

Establishes a Methamphetamine Interagency Task Force to develop strategies to fight the use of this drug.

The devastating effects of meth are seen every day in our jails, our emergency rooms, and our morgues. We must do everything we can to withstand this tide of poison. America can't afford another epidemic like crack, which destroyed countless individuals, families, and communities.

By Mr. CAMPBELL (for himself, Mr. CHAFEE and Ms. MOSELEY-BRAUN):

S. 1966. A bill to extend the legislative authority for the Black Revolutionary War Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

THE BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL ACT OF 1996

Mr. CAMPBELL. Mr. President, on behalf of myself and my distinguished colleagues, Senator CHAFEE and Senator MOSELEY-BRAUN, today I introduce legislation that seeks to extend the legislative authority for the construction of the Black Revolutionary War Patriots Memorial and for the Foundation raising funds to construct the memorial.

Mr. President, in 1986, the Congress enacted and President Reagan signed into law legislation establishing a Black Revolutionary War Patriots Memorial, a memorial to honor the more than 5,000 African-Americans who fought for this country during the Revolutionary War. In order to appropriately recognize the bravery and sacrifice of these honorable and distinguished patriots, Public Law 99–558 sought to establish a suitable memorial, a monument which will be located on the Mall here in Washington, DC. When complete, the memorial will be the first monument on the Mall to be dedicated solely to the accomplishments of African-Americans.

The centerpiece of P.L. 99–558 was the establishment of the Black Revolutionary War Patriots Foundation, as a not-for-profit organization whose sole charter is to raise the necessary funding for the costs associated with constructing the memorial.

When enacted, the foundation was authorized to operate for a period of 10 years, no more. While the foundation has raised a substantial amount of funding, it remains short of its $9.5 million goal. This legislation would provide for a 2-year extension of the legislative authority for the establishment of the memorial, providing the foundation with valuable time to complete its fundraising.

I have a couple of reasons for wishing to see this extension approved by Congress. First, this memorial serves a noble purpose, honoring the service and patriotism of individuals long deserving of this praise. Second, the sculptor who has been commissioned to design this memorial is a Coloradan named Ed Dwight. Mr. Dwight, the first African-American astronaut, is an accomplished artist residing in Denver. His work is known across the world, and I would like to see his design for the Black Revolutionary War Patriots Memorial become a reality and be situated near several of this country's most distinguished monuments.

Mr. President, I believe Congress has demonstrated its commitment to the establishment of the Black Revolutionary War Patriots Memorial by authorizing its construction almost 10 years ago. In addition, my distinguished colleagues, Senator JOHN CHAFEE and Representative NANCY JOHNSON, have also introduced legislation which will raise funds for construction costs through the minting and issuing of a commemorative coin honoring these patriots. To date, 376 Members have signed on as cosponsors to these measures, myself included.

It is my hope this legislation will receive the full, expeditious support of the Senate.

By Mr. FAIRCLOTH:

S. 1968. A bill to reorder United States budget priorities with respect to United States assistance to foreign countries and international organizations; to the Committee on Foreign Relations.

THE FOREIGN AID REFORM ACT OF 1996

Mr. FAIRCLOTH. Mr. President, I rise to introduce the Foreign Aid Reform Act of 1996. I would like to offer just a few brief remarks about this legislation and its three component parts.

First, it bars foreign aid to countries that vote against the United States more often than not in recorded votes at the United Nations.

Second, this legislation creates a point of order to require the Congress to enact domestic appropriations bills before it considers foreign aid bills.

Third, this bill prohibits foreign aid to be distributed by agencies that are essentially domestic, and it defines domestic agencies as those not primarily responsible for foreign affairs or national security.

Mr. President, 64 percent of American foreign aid recipients voted against the United States more often than not in the 1995 session of the United Nations. India, for example, received $157 million of American taxpayers' money last year—it is the fifth largest recipient of American aid—and, yet, it voted against the United States in 83 percent of their U.N. votes. India ties Cuba and exceeds Iran in its record of opposition to American diplomatic goals.

In fact, the nations that voted against us a majority of the time at the United Nations received a total of $3.1 billion in foreign aid in 1996. I find it incredible that we gave $3 billion to nations that refused to offer some consistent support to our diplomatic initiatives.

The United States sent troops to Haiti to restore President Aristide and sent $123 million in financial aid. The aid continues, but, Mr. President, Haiti voted against the United States 60 percent of the time.

President Clinton engineered a $40 billion bailout for Mexico, and, yet, Mexico voted against us 58 percent of the time in the United Nations.

United Nations votes are based on a range of considerations. However, foreign aid is sold to the American people as a program to defend American interests, to promote our interests, and to assist our friends, but it is clear that support for our diplomatic efforts is not a popular response to our generous distribution of aid.

The second provision of this bill, Mr. President, subjects the foreign operations appropriations bill to a point of order that requires the Congress to complete domestic appropriations prior to consideration of the foreign assistance budget.

The foreign operations bill for fiscal year 1996 became law on February 12 of this year, but four domestic spending bills remained unfinished for another 10 weeks. In fact, foreign operations is probably going to be among the first three appropriations bills that we consider during the current budget process.

The American people will have every right to be upset if part of the Government shuts down, and benefit and payroll checks are not delivered, but the foreign aid checks flow freely. The constitutional charge of the Congress is to attend to the Federal business of the American people. The American people worked to earn this money, and we should attend to their business first, not to foreign aid.

This bill also takes domestic agencies out of the foreign aid business. I will illustrate the need for this provision with some rather remarkable examples of waste in just one Agency, the Environmental Protection Agency, although I am confident that it exists at numerous others.

The EPA was one of the few domestic agencies to receive a real increase in its 1996 budget. After receiving an increase in its budget, however, it awarded 106 grants worth a total of $28 million to foreign countries between 1993 and 1995.

The foreign assistance budget sent $600,000 to Communist China, but, Mr. President, the EPA sent $1,200,000 to Communist China. The EPA, in effect, tripled their infusion of American aid. This aid went to a country that voted against us 79 percent of the time in the United Nations and with which we recorded a $34 billion trade deficit.

The EPA awarded a $20,000 grant to the Chinese Ministry of Public Security. Of course, the Ministry of Public Security is not an environmental agency, but a national police force that issued shoot to kill orders during the pro-democracy rallies of 1989. The grant was designed for "halon management and maintenance training," which, Mr. President, turns out to be upkeep of fire extinguishers. The taxpayers are responsible for this program, Mr. President, because the Clean Air Act obligates the American people to assist developing nations. In my opinion, however, a nation that builds and maintains nuclear weapons should be able to maintain their fire extinguisher without the hard-earned American taxpayers' money.

The EPA sent $175,000 to China to build a clearinghouse in Peking for information about Chinese coal mining issues. The American taxpayer will be delighted to know that they bought the Chinese a $25,000 computer and spent $4,500 to air condition the clearinghouse office.

These are not isolated incidents. It goes on: $350,000 for a refrigeration project, $160,000 for an energy efficiency center, and $125,000 to assist in the construction of an environmental industrial park. This is to a country that boasts a $34 billion trade surplus.

China is not the only foreign nation to receive EPA grants. Nigeria, which voted against us 69 percent of the time at the United Nations, earns billions of dollars each year in oil exports, but the EPA sent them $410,000 to study gas emissions.

Oman, one of the wealthiest countries in the world, received a $100,000 grant. Oman, indeed, voted against us 65 percent of the time in the United Nations. I find it impossible to imagine that this Persian Gulf monarchy could not afford $100,000 for an environmental study of its own environmental issues.

The list continues. The Swedish National Board for Industrial and Technical Development received $50,000 to study efficient lighting. It appalls me that our money—American taxpayers' money—is going to Sweden, one of the most technically advanced countries in the world, to study efficient lights.

The EPA sent $50,000 to a university in Austria to help host a conference in an Israeli beach resort town on indoor air quality. The EPA also sent $50,000 to the Clean Air Society of Australia and New Zealand, two of the nations with the cleanest air in the world, and $140,000 to a university in Denmark.

Mr. President, these are not Third World nations, and I certainly do not believe the American people need to fund conferences and research in countries that can easily afford these efforts.

The grants that I describe were all funded with Environmental Protection Agency discretionary money. As you know, the EPA is very vocal about its budget. The EPA claims the environment will suffer if its budget is scrutinized, but, clearly, millions of dollars are squandered.

I think that these grants reflect a profound lack of appreciation for the hard work that the American people perform to pay their taxes. If the Federal Government can find no better use of the taxpayers' money than these wasteful grants, then Washington should return it to the American people.

The American people do not carry their lunch buckets to work in order to send their dollars to the security forces that order soldiers to shoot students in China. The American people do not labor in order to send Austrian professors to beach resorts. The American people do not labor to help the Sultan of Oman develop a list of emissions from his bountiful oil wells. Unfortunately, however, that is the case. It is an outrageous waste of American tax dollars. I hope my colleagues will join me in cosponsoring the Foreign Aid Reform Act of 1996.

By Mr. JEFFORDS (for himself, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. KERREY, Mr. COHEN, Mr. BINGAMAN, Mr. CHAFEE and Mr. WYDEN):

S. 1969. A bill to establish a Commission on Retirement Income Policy; to the Committee on Labor and Human Resources.

THE COMMISSION ON RETIREMENT INCOME POLICY ACT OF 1996

Mr. JEFFORDS. Mr. President, I introduce the "Commission on Retirement Income Policy Act of 1996" with my colleagues BILL BRADLEY, BILL COHEN, BOB KERREY, NANCY KASSEBAUM, JEFF BINGAMAN, JOHN CHAFEE, and RON WYDEN. As you can see, this is a bi-partisan effort by many of the members of the Senate/House Ad Hoc Steering Committee on Retirement Income Security. This bill is a companion to a bill introduced in the House on March 13, 1996, by Nancy Johnson and Earl Pomeroy HR 3077.

The objective of the Steering Committee, which is co-chaired by Senator BRADLEY, Representative NANCY JOHNSON and EARL POMEROY, in its first year of operation has been to engage Members of Congress and experts in the private sector in a national dialog concerning this country's retirement income policies. Over the past 9 months, the Steering Committee has hosted a series of luncheons for members and staff to discuss retirement savings issues. During that time, we heard from a variety of experts who represent a cross-section of views and interest in the retirement policy field.

Although, generally I am not a great fan of Commissions, I believe after this past year of informal meetings with Members and private sector experts that it is imperative that we as a Nation go back to basics regarding all of the components that make up retirement income. I am referring to the three-legged-stool approach which was so nicely illustrated at our first luncheon on November 9, 1995, by Deborah Briceland-Betts, Executive Director, Older Women's League. The three-legged-stool which represents our national retirement savings is collapsing. The problem is that not only is one leg shaky instead all three legs, employer pension benefit plans, Social Security and individual savings, are wobbly.

The private pension system simply does not cover a majority of workers. Those employees fortunate enough to have coverage will find their pension plans will not provide them with sufficient retirement income to meet their expected needs. The Social Security program which is now over 60 years old, is heading for a collapse under the weight of the baby boom generation. Personal savings have been in a downward spiral for years, Americans have become used to personal deficit spending.

Financial planners, actuaries, pension consultants, and economists have begun to warn the public and policy makers that, if current trends continue, the retirement income of future retirees will fall far short of their anticipated needs. Yet, more pressing issues, such as health care costs and coverage, cuts in government spending, and other domestic concerns, have made if difficult for the message to get through to the American public. By the time individuals start to plan for retirement income needs they often become overwhelmed. Faced with falling wages and competing savings demands for college for the kids or providing for long-term health care needs for aging parents, many baby boomer sense they are in a deep financial hole from the start.

If we continue to ignore this looming retirement crisis and wait until the baby boomers begin to retire, it will be too late. Future retirees must save throughout their earnings lifetimes and we as a society must find the way to shore up the Social Security and private pension systems by determining how the two systems can work as a team to meet this Nation's goal of adequate retirement income for all Americans.

I would like to take a few minutes to outline the bill. First, the Commission will review trends in retirement savings in the United States, and will evaluate existing federal incentives and programs designed to encourage and protect such savings. In developing recommendations, the bill requires the Commission to consider the amounts of retirement income that future retirees will need (including amounts needed to pay for medical and long-term care), the various sources of retirement income which are available to individuals, the needs of retirement plan sponsors for simplicity and reasonable cost, and the recent shift away from defined benefit plans toward defined contribution plans. The Commission will gather information through a series of public hearings and through receipt of testimony and evidence from a wide variety of witnesses.

This Commission must report to Congress and the President within 1 year after being established. It will recommend concrete steps to ensure that future retirees have adequate retirement income. While the Commission will consider savings generally, it will focus on private savings vehicles and will not make recommendations regarding an overhaul of the Social Security Program, rather it will look to ways the private and public programs can work together. The Commission's recommendations will address the role that traditional pension plan coverage should play in reaching retirement income goals, as well as the role to be played by other retirement savings tools such as 401(k)s and Individual Retirement Accounts (IRAs). The bill requires that any recommendations for new federal incentives or programs to encourage retirement savings also identify the funds necessary to finance these initiatives.

Finally, the only change that we have made from the House bill is the compliment of the Commission. Our Senate version has put greater emphasis on having private sector representation. The Commission will have 16 members, four appointed by the President, of which at least two must be from private life. Three members each, appointed by both the Majority and Minority Leaders of the Senate, of which at least two must be from private life. Three members each, appointed by both the Speaker of the House of Representatives and the Minority Leader the House of Representatives, of which at least two must be from private life.

Mr. President in closing, I along with Senator BRADLEY, would also like to acknowledge with special gratitude, the American Society of Pension Actuaries for their letter of endorsement, which we would like inserted in the RECORD, for this bill we are introducing today in the Senate.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF PENSION ACTUARIES, ACTUARIES, CONSULTANTS, ADMINISTRATORS AND OTHER BENEFITS PROFESSIONALS,
Arlington, VA, July 11, 1996.

Hon. JIM JEFFORDS,
513 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR JEFFORDS: The purpose of the American Society of Pension Actuaries is to educate pension actuaries, consultants, and administrators and other benefits professionals and to preserve and enhance the private pension system as part of the development of a cohesive and coherent national retirement income policy.

ASPA supports the establishment of a commission on retirement income policy. We are very excited that you and Senator Bradley plan to introduce legislation in the Senate as a companion bill to HR 3077. When Representatives Nancy Johnson and Earl Pomeroy introduced HR 3077, a bipartisan call for the creation of a special commission to examine the scope of our nation's growing retirement savings crisis and recommend policies to help improve the economic security of retired workers, ASPA applauded the initiative shown by this session of Congress to safeguard our nation's economic future.

Because of the looming retirement income crisis that will occur with the convergence of the Social Security trust fund's potential exhaustion and the World War II "baby boomers" reaching retirement age, ASPA created a National Retirement Income Policy Committee to study these alarming issues and suggest potential solutions. Without a thriving private pension system, ASPA's NRIP Committee believes there will be insufficient resources to provide adequate retirement income for future generations.

ASPA's NRIP Committee devoted two years to preparing six in-depth research papers on this topic. The National Retirement Income Policy Research Papers, published in 1994, present an integrated plan for avoiding a retirement income crisis and develop constructive solutions to: (a) stimulate interest and debate over retirement income policy issues; (2) make specific policy recommendations on what "retirement savings" for Americans should encompass; and (3) call for the creation of a commission on retirement income policy as described in HR 3077.

Enclosed are the ASPA NRIP papers Executive Summary and Research Papers which are: Income Replacement in Retirement, Social Security, Working Beyond Retirement Age, Personal Savings, Targets for Personal Savings, and Private Plans.

We believe you will find these papers to be highly creative, quite stimulating and helpful in understanding the urgent need for legislation such as HR 3077 and the creation of a retirement income commission.

Sincerely,

CHESTER J. SALKIND,
Executive Director.

Mr. BRADLEY. Mr. President, today, Senator JIM JEFFORDS and I are introducing a bill to create a special national commission to study retirement issues and recommend specific policies to improve the economic security of retired Americans. Millions of Americans are not saving nearly enough through pension plans or in their own personal savings accounts to provide for their retirements, and they cannot rely upon the Social Security system to provide a comfortable life for them. A crisis is brewing—and we will only be able to prevent it if we focus on solving our retirement savings problems now. That is what this commission is for, to start that process comprehensively and in earnest.

The aging of our population is a principal contributor to the impending retirement crisis. Baby boomers are turning 50 this year, 1 every 7 seconds. The economic implications of this demographic shift are tremendous. By 2030, 20 percent of our population will be retired, compared to 12 percent today. There will also be a lot fewer workers in our economy to support a lot more retirees. In the 1940's, there were 42 workers for every retiree. Today, there are 4.8 workers supporting each retiree. In 2030, there will be only 2.8.

Not only can we expect a lot more retirees, we can expect that they will be retired for a lot longer, with increasingly high expenses. Persons working today can expect to live about 25 percent of their adult lives in retirement, compared to 7 percent in 1940, because life spans are lengthening considerably. Enjoying a longer life is a miracle of science and good health management, but it is also very expensive. We will need to support ourselves for more years of retirement, and we will face dramatically rising health care costs, which disproportionately consume the incomes of retired persons, particularly as individuals live longer.

Meanwhile, the Social Security system is expected to completely exhaust its resources by 2029. Yet 60 percent of all retirees (over the age of 65) rely on Social Security for at least 70 percent of their total retirement income.

Unless we are hoping to support ourselves on the backs of our children or are willing to accept impoverishment and destitution in our retirements, we as individuals and as a nation need to be sure we are saving enough now to support ourselves in the future. But the fact is we are not. Despite the initiation of savings incentives such as favorable tax treatment for Individual Retirement Accounts and frequent warnings about the need to save, the U.S. savings rate remains among the lowest in the developed world. We should be saving more in our own personal accounts than our parents did since we are anticipating longer and more expensive retirements—but we are putting aside less.

Moreover, far too many Americans will be unable to rely on an adequate pension income to supplement their meager savings. Nearly half of all full-time workers are not currently covered by an employer-based retirement plan. Although two-thirds of middle-aged employees are expected to receive some type of employer pension benefit upon retirement, the amount of these benefits may not be adequate to offer them security. The one-third who are not expected to receive pension benefits will be even less secure, forced to continue to work into their last years or become a burden on their families or whatever social safety net remains.

Concerns about inadequate pension incomes are heightened by recent trends such as the movement away from traditional pension plans toward plans which give employees more responsibility for starting, maintaining, and investing their own retirement savings accounts. Our national public policy needs to understand the implications of this evolution and develop effective methods to educate and encourage Americans to make responsible investments for their retirements. We need to figure out how to encourage more employers to offer good pension plans. We need to know what prevents or deters Americans from participating in those plans. And we need to assess what government policy can do to encourage people to save more.

The changing nature of our economic world and the workplace complicate these tasks. Old solutions may not be effective in today's environment of downsizing, outsourcing, and international competition. The availability, size, and security of pensions tighten as various industries are squeezed by global competition. Compounding the problem is the fact that workers anticipate changing jobs much more often in the past, so that many will leave each workplace before they have had a chance to accumulate a decent pension. Women may feel the pain of this problem even more acutely, because more women work part-time or in industries with poorer pension benefits, and because women more often enter and leave the workforce in order to care for children or elderly parents. We need a new approach to retirement policy that surmounts the insecurity implicit in our changing economic environment and delivers increased availability, security, and portability of decent pensions.

We also need to recognize how other social changes play a role in reducing the opportunity for saving. For instance, the tendency of parents to have children later in life means a shorter period of time between when the parents become empty-nesters and when they retire. As a result, baby boomers and other generations will have less time in which to save for their retirement. This problem is further exacerbated by dramatic increases in college education expenses.

While we are making some positive steps toward improving retirement security through our efforts to save the social security and health care systems, simplify pension laws, and provide increased savings incentives, our efforts are piecemeal. Unfortunately, the magnitude of the retirement crisis that is descending upon us is too awesome to be approached piecemeal. We need to understand how the elements of retirement income—private savings, employer-provided pensions, and social security—fit together to provide security, as well as how they do not. Then, in a comprehensive fashion, we need to consider what public policies might strengthen these various elements and provide true retirement security for all Americans.

The Retirement Income Policy Commission which Senator JEFFORDS and I propose will be charged with this critical assignment. Sixteen experts from both the public and private sectors—chosen in a bi-partisan fashion by the House, Senate, and President—will sit on the panel voluntarily, without pay. Together, they will begin to explore the dimensions of our savings problem, understand its causes, and recommend better government policies to promote retirement security. Within one year of beginning their investigations, they will report their findings to the President and Congress, and the Commission will be dissolved.

It would be easy to look the other way as the retirement crisis quietly descends upon us, but our responsibilities to our parents, our children, and ourselves demand that we do not. Taken alone, the aging of the baby boom generation gives urgency to this matter; when these demographics are coupled with our low savings rates, inadequate pensions, potentially debilitated social security system, and current economic and social trends, they harken a disaster. I urge my colleagues to support this modest first step toward averting that disaster.

I am pleased that distinguished Senators from both sides of the aisle—NANCY KASSEBAUM, BOB KERREY, JOHN CHAFEE, JEFF BINGAMAN, BILL COHEN, and RON WYDEN—are original co-sponsors of the legislation which Senator JEFFORDS and I are introducing today. I am also pleased that endorsements of this bill or the very similar House companion bill have been made by the American Society of Pension Actuaries, the American Council of Life Insurance, the American Association of Engineering Societies, the National Defined Contribution Council, the Society for Human Resource Management, the American Institute of Chemical Engineers, and AT&T. I ask unanimous consent that their letters of endorsement be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL OF LIFE INSURANCE,
Washington, DC, May 10, 1996.

Hon. EARL POMEROY,
U.S. House of Representatives, Washington, DC.

DEAR EARL: On behalf of the member companies of the American Council of Life Insurance (ACLI), I want to applaud you for introducing H.R. 3077, the "Commission on Retirement Income Policy Act of 1996". Our members strongly support this legislation, which will establish a commission to review and study trends in retirement savings and Federal incentives that encourage and protect such savings.

As you may know, the life insurance industry manages more than one-third of the assets held in private pension plans today which represents $750 billion in pension assets. With such a large commitment to the retirement security of millions of Americans, our industry is vitally concerned with issues affecting the continued viability and expansion of our retirement system.

Demographic, economic, social and political factors will continue to play a significant role in the financial security of future retirees. The "coming of age" of the baby boom generation, the shift in business to smaller service companies, the increasing prevalence of two income families and the financial uncertainties underlying the current structure of Social Security will necessitate a reassessment of our current approaches to retirement income savings. A rational national retirement income policy must be developed, communicated and supported so that resources can be allocated most efficiently, ensuring that each American can have a financially secure retirement.

It is imperative to promote a framework in which Americans can enjoy a dignified and financially secure retirement. We believe your legislation can help develop that framework. Accordingly, we applaud the leadership role you have undertaken on this important issue and we would encourage your colleagues to co-sponsor the bill. Please do not hesitate to call on the ACLI for support to help enact the legislation.

Sincerely,

CARROLL A. CAMPBELL, JR.

AMERICAN ASSOCIATION OF
ENGINEERING SOCIETIES,
Washington DC, April 26, 1996.

Hon. NEIL ABERCROMBIE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ABERCROMBIE: I am writing on behalf of the American Association of Engineering Societies (AAES) to request that your consider co-sponsoring H.R. 3077, which provides for the establishment of the Commission on Retirement Income Policy. The bill was introduced by Representative Earl Pomeroy and Representative Nancy Johnson. A summary of the bill's provisions is attached.

AAES is a multidisciplinary organization of 28 engineering and scientific societies whose more than 800,000 members are dedicated to advancing the knowledge, understanding, and practice of engineering in the public interest. The AAES December 1994 Statement on Retirement Income Policy called for a commission on retirement income policy.

AAES is committed to improving opportunities for engineers and other workers to earn retirement income that will enable them to remain economically secure at the conclusion of their working lives. As the 21st century approaches, demographic and economic changes are imposing severe strains on the nation's retirement income delivery system. For most workers, including engineers, career-long employment with one company is a thing of the past. Members of the U.S. work force now experience periodic unemployment, frequent job changes, and increasing reliance on part-time, temporary, or contract employment, which affect their current livelihood, and their future retirement income security.

AAES believes that the Commission on Retirement Income Policy would give national focus to this crucial issue and would contribute to a fiscally responsible effort to resolve retirement security problems.

We hope you will co-sponsor and work for active consideration of H.R. 3077. Thank you very much for your attention and interest.

Sincerely,

E.L. CUSSLER,
1996 AAES Chairman.

NATIONAL DEFINED
CONTRIBUTION COUNCIL,
Denver, CO, May 13, 1996.

Hon. EARL POMEROY,
U.S. Congress, Washington, DC.

DEAR CONGRESSMAN POMEROY: On behalf of the National Defined Contribution Council ("NDCC"), I am writing to applaud your leadership on retirement savings issues and support your efforts to establish a commission on retirement income policy.

The NDCC fully supports H.R. 3077, "The Commission on Retirement Income Policy Act of 1996" and looks forward to working with you and other members of Congress on its passage.

The NDCC is a national organization dedicated to the promotion and protection of the defined contribution industry. It has been organized specifically for plan service providers and focuses on public policy analysis, legislative advocacy and educating the public on the need for retirement savings.

The NDCC commends you on your recent proposal to create a commission charged with studying policies to help improve Americans' economic security during retirement. Please feel free to call on us in this effort.

Sincerely,

MARY RUDIE BARNEBY,
President.

SOCIETY FOR HUMAN
RESOURCES MANAGEMENT,
July 3, 1996.

Hon. NANCY JOHNSON,
Hon. EARL POMEROY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES JOHNSON AND POMEROY: On behalf of the Society for Human Resource Management, SHRM, I am writing to enthusiastically endorse H.R. 3077, The Commission on Retirement Income Policy Act of 1996. SHRM is the leading voice of the human resource profession, representing the interests of more than 70,000 professional and student members from around the world.

Today most individuals are able to retire comfortably. On average, workers retire earlier and live longer than in the past. However, a number of trends in the economy and workplace suggest that it will become increasingly difficult for American workers to meet their needs for adequate retirement income. The U.S. population is aging rapidly and the elderly live longer. The retirement of the baby boom generation will impose severe pressure on Social Security, Medicare and Medicaid. It is clear that a coordinated strategy is needed.

That is why H.R. 3077 is so critical. The establishment of the Commission on Retirement Income Policy would give Congress access to the research and recommendations of experts so that America can meet the challenges ahead. This bipartisan legislation should be cosponsored and actively supported by all members of Congress.

Thank you for introducing this key legislation. SHRM looks forward to working with you to see H.R. 3077 considered and passed in 1996.

Sincerely,

MICHAEL R. LOSEY, SPHR,
President & CEO.

AT&T,
Washington, DC, July 17, 1996.

Hon. EARL POMEROY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN POMEROY: As you are aware, AT&T has a strong interest in its employees and the manner in which they are, or will be, provided for in retirement. Because of our interest in these matters, we were extremely pleased to see the legislation which you and Congresswoman Nancy Johnson have introduced in the House (H.R. 3077). It is our understanding that the legislation, if passed, would establish a commission for the purpose of studying how to best deal with the future retirement needs of this country. The commission, in turn, would issue its findings and recommendations to both the President and Congress by the end of 1997.

AT&T believes that proper planning for the financial needs of retirement and the safeguarding of the retirement savings of U.S. workers is extremely important, and strongly supports your and Rep. Johnson's efforts in introducing and moving H.R. 3077 forward. We urge your House colleagues to co-sponsor this important legislation and to work with us to achieve its swift passage.

Sincerely,

THOMAS R. BERKELMAN,
Director,
Federal Government Affairs.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1251

At the request of Mr. HATFIELD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1251, a bill to establish a National Fund for Health Research to expand medical research programs through increased funding provided to the National Institutes of Health, and for other purposes.

S. 1632

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1645

At the request of Mr. KERRY, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1645, a bill to regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

S. 1729

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1731

At the request of Mr. CRAIG, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1862

At the request of Mr. PRESSLER, the name of the Senator from Wyoming

[Mr. THOMAS] was added as a cosponsor of S. 1862, a bill to permit the interstate distribution of State-inspected meat under appropriate circumstances.

S. 1936

At the request of Mr. CRAIG, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1962

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1962, a bill to amend the Indian Child Welfare Act of 1978, and for other purposes.

AMENDMENT NO. 4440

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 4440 proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4441

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of amendment No. 4441 proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4444

At the request of Mr. MCCAIN, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], the Senator from Indiana [Mr. COATS], the Senator from Oklahoma [Mr. INHOFE], the Senator from Nebraska [Mr. KERREY], the Senator from Indiana [Mr. LUGAR], the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. HELMS], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of amendment No. 4444 proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4492

At the request of Mr. SIMON, his name was added as a cosponsor of amendment No. 4492 proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4575

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of amendment No. 4575 proposed to S. 1894, an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

SENATE RESOLUTION 279—TO COMMEND DR. LEROY T. WALKER

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas, Dr. LeRoy T. Walker, as President of the U.S. Olympic Committee from 1992 to 1996, and through a life long commitment to amateur athletics, has significantly improved amateur athletic opportunities in the United States;

Whereas Dr. Walker has contributed in numerous capacities with the U.S. Olympic Committee since 1977;

Whereas, Dr. Walker is the first African-American to serve as President of the U.S. Olympic Committee in its one hundred year history;

Whereas Dr. Walker has furthered amateur athletics in the United States through service in numerous other amateur athletic organizations, including the Atlanta Committee for the Olympic Games, the North Carolina Sports Development Commission, the Pan American Sports Organization, the Special Olympics, USA Track and Field, the Athletics Congress, the Amateur Athletic Union, the Army Specialized Training Program, the American Alliance of Health, Physical Education, Recreation and Dance, the National Association of Intercollegiate Athletics, North Carolina Central University, Duke University, Prairie View State College, Bishop College, Benedict College, and many others;

Whereas, Dr. Walker was an accomplished athlete himself in collegiate football, basketball and track at Benedict College, and an All-American in football in 1940;

Whereas, as a track and field coach, Dr. Walker helped 77 All-Americans, 40 national champions, eight Olympians, and hundreds of others, reach their potential amateur sports;

Whereas, Dr. Walker epitomizes the spirit of the Amateur Sports Act of 1978, the nation's law governing amateur sports;

Whereas, Dr. Walker was inducted into the U.S. Olympic Hall of Fame in 1987;

Whereas Dr. Walker is recognized as a worldwide leader in the furtherance of amateur athletics;

Whereas Dr. Walker will be leaving his post as the 23rd President of the U.S. Olympic Committee in 1966: Now, therefore, be it

Resolved, That the Senate commends and thanks Dr. LeRoy T. Walker for his service with the U.S. Olympic Committee, his lifelong dedication to the improvement of amateur athletics, and for the enrichment he has brought to so many Americans through these activities.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

INOUYE AMENDMENT NO. 4589

Mr. STEVENS (for Mr. INOUYE) proposed an amendment to amendment No. 4439 proposed by Mr. STEVENS to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

In lieu of the matter to be inserted by amendment number 4439, at an appropriate place in the bill insert:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number of Military Personnel, Navy shall be $16,948,481,000, the number for Military Personnel, Air Force shall be $17,026,210,000, the number for Operation and Maintenance, Army shall be $17,696,659,000 the number for Operation and Maintenance, Air Force shall be $17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be $9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be $1,140,157,000, the number for Defense Health Program shall be $10,251,208,000, and the number for Defense Health Program Operation and maintenance shall be $9,931,738,000.

(b) Of the funds appropriated under the heading Aircraft Procurement, Air Force, $11,500,000 shall be made available only for modification to B–52 bomber aircraft.

(c) Of the funds appropriated in title VI of this Act, under the heading Chemical Agents and Munitions Destruction, Defense for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System.

(d) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Defense-Wide, $56,200,000 shall be available for the Corps Surface-to-Air Missile (CORPS SAM) program and $515,743,000 shall be available for the Other Theater Missile Defense/Follow-On TMD Activities program.

(e) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house government costs.

(f) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Navy, $2,000,000 is available for titanium processing technology.

(g) Advance billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated under the heading Operation and Maintenance, Navy, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities.

(h) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

(i) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Defense-Wide, $3,000,000 shall be available for a defense technology transfer pilot program.

(j) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Navy, $4,000,000 is available for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United

States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.

(k)(1) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lackland Air Force, Base, Texas.

(2) Subject to subsection (3), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (1).

(3)(a) The Secretary may not make a grant of funds under subsection (2) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(b)(1) The term of the lease under paragraph (1) may not be less than 25 years.

(2) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(c) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

GORTON AMENDMENT NO. 4590

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds appropriated in this paragraph, $7,500,000 shall be available for 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program.".

SIMON (AND OTHERS) AMENDMENT NO. 4591

Mr. SIMON (for himself, Mr. SPECTER, and Mr. HARKIN) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contract for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under his Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purpose of the contract award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) report to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302(3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after 60 days after the date of the enactment of this Act.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

REID AMENDMENTS NOS. 4592–4630

(Ordered to lie on the table.)

Mr. REID submitted 39 amendments intended to be proposed by him to the bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982; as follows:

AMENDMENT NO. 4592

On page 22, between lines 6 and 7, insert the following:

"(c) TRANSPORTATION INCIDENT MANAGEMENT PLANNING.—The Secretary shall develop a program plan in accordance with section 203(f) that ensures that there will be a timely and effective response by a trained and equipped force to deal with any disruptive incident involving the transportation of spent nuclear fuel or high-level radioactive waste. On page 26, between lines 21 and 22, insert the following:

"(h) TRANSPORTATION INCIDENT MANAGEMENT.—

"(1) DEFINITION.—In this subsection, the term 'disruptive incident' includes an accident, an act of terrorism, vandalism, a civil disobedience, or civil protest, and any other disruption of a shipment of spent nuclear fuel or high-level radioactive waste.

"(2) CERTIFICATION.—The individual or contractor directly responsible to the Secretary for effecting a shipment of spent nuclear fuel or high-level radioactive waste shall certify the availability and timely effectiveness of a trained and equipped incident response team to respond to any disruptive incident that may occur during the shipment.

"(3) REQUIREMENTS.—For the purposes of paragraph (1)—

"(A) a response time shall be considered to be timely if the incident response time is capable of commencing active intercession at the site of a disruptive incident not more than 30 minutes after initiation of the incident;

"(B) the incident response team shall be organically prepared to interrupt and terminate acts of terrorism, vandalism, and civil disobedience; and

"(C) the incident response team shall be trained and equipped to mitigate the health or safety consequences of incidents that threaten the integrity or violate the integrity of waste shipment containers.

"(4) CIVIL LIABILITY.—A person that suffers any form of personal injury or pecuniary loss as a result of an accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste may recover damages in a civil action in United States District from any person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of the accident or disruptive incident.

"(5) CRIMINAL LIABILITY.—

"(A) FALSE CERTIFICATION.—A person that makes a certification under paragraph (2) that is false shall be imprisoned not less than 5 nor more than 15 years, fined under title 18, United States Code, or both.

"(B) CAUSATION OF ACCIDENT OR DUSRUPTIVE INCIDENT.—A person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste shall be imprisoned not less than 15 nor more than 25 years, fined under title 18, United States Code, or both".

AMENDMENT NO. 4593

On page 26, between lines 21 and 22, insert the following:

"(h) TRANSPORTATION INCIDENT MANAGEMENT.—

"(1) DEFINITION.—In this subsection, the term 'disruptive incident' includes an accident, an act of terrorism, vandalism, a civil disobedience, or civil protest, and any other disruption of a shipment of spent nuclear fuel or high-level radioactive waste.

"(2) CERTIFICATION.—The individual or contractor directly responsible to the Secretary for effecting a shipment of spent nuclear fuel or high-level radioactive waste shall certify the availability and timely effectiveness of a trained and equipped incident response team to respond to any disruptive incident that may occur during the shipment.

"(3) REQUIREMENTS.—For the purposes of paragraph (1)—

"(A) a response time shall be considered to be timely if the incident response time is capable of commencing active intercession at the site of a disruptive incident not more than 30 minutes after initiation of the incident;

"(B) the incident response team shall be organically prepared to interrupt and terminate acts of terrorism, vandalism, and civil disobedience; and

"(C) the incident response team shall be trained and equipped to mitigate the health or safety consequences of incidents that threaten the integrity or violate the integrity of waste shipment containers.

"(4) CIVIL LIABILITY.—A person that suffers any form of personal injury or pecuniary loss as a result of an accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste may recover damages in a civil action in United States District from any person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of the accident or disruptive incident.

"(5) CRIMINAL LIABILITY.—

"(A) FALSE CERTIFICATION.—A person that makes a certification under paragraph (2) that is false shall be imprisoned not less than 5 nor more than 15 years, fined under title 18, United States Code, or both.

"(B) CAUSATION OF ACCIDENT OR DISRUPTIVE INCIDENT.—A person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste shall be imprisoned not less than 15 nor more than 25 years, fined under title 18, United States Code, or both."

AMENDMENT NO. 4594

On page 21, between lines 2 and 3, insert the following:

"(k) SAFETY ASSESSMENT.—The Secretary shall conduct a comprehensive operational safety assessment of all transportation modes and operations that—

"(1) considers all possible accident scenarios and quantifies resulting possible environments; and

"(2) addresses—

"(A) transportation vehicle design requirements that minimize adverse environments experienced by loaded containers;

"(B) transportation container design requirements that ensure survivability in possible accident scenarios and environments;

"(C) full-scale performance testing for transportation container designs;

"(D) acceptance testing requirements for empty containers;

"(E) acceptance testing requirements for filled containers; and

"(F) transportation operational concepts that minimize accident risks."

AMENDMENT NO. 4595

On page 32, between lines 18 and 19, insert the following:

"(e) INTERIM STORAGE FACILITY LICENSING STANDARDS.—

"(1) NO EPA STANDARDS.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not issue, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the interim storage facility, and any such standards that are in effect on the date of enactment of this Act shall not be incorporated in licensing regulations.

"(2) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall establish a standard for protection of the public from release of radioactive material or radioactivity from the interim storage facility that prohibits any release that would expose a member of the general population to an annual dose of more than 25 millirems.

"(3) BASIS FOR LICENSING DETERMINATION.—The interim storage facility licensing determination made by the Commission for the protection of the public shall be based solely on a finding whether the repository is capable of being operated in conformance with the overall system performance standard established under paragraph (2)."

AMENDMENT NO. 4596

On page 44, lines 15 through 18, strike "that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems" and insert "that would expose a member of the general population to an annual dose of more than 25 millirems.".

AMENDMENT NO. 4597

Beginning on page 73, strike line 17 and all that follows through page 74, line 3, and insert the following:

"All actions authorized by this Act shall be subject to and governed by the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), chapter 51 of title 49, United States Code, and the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) (including regulations issued under those Acts)."

AMENDMENT NO. 4598

On page 33, strike lines 10 through 20 and insert the following:

"(2) EMPLACEMENT OF FUEL AND WASTE.—"

AMENDMENT NO. 4599

On page 34, strike line 21 and all that follows through page 38, line 24, and insert the following:

"(1) MAJOR FEDERAL ACTION.—Construction and operation of the interim storage facility shall be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy act of 1969 (42 U.S.C. 4321 et seq.).

"(2) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall—

"(A) at the same time as the Secretary submits to the Commission an application for a license for the interim storage facility, submit to the Commission an environmental impact statement on the construction and operation of the interim storage facility; and

1"(B) supplement the environmental impact statement as appropriate.

"(3) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section, the Secretary shall not consider in the environmental impact statement the need for, or alternative sites or designs for, the interim storage facility."

AMENDMENT NO. 4600

On page 42, line 4, strike "reasonably".

AMENDMENT NO. 4601

On page 42, lines 11 and 12, strike "reasonable".

AMENDMENT NO. 4602

Beginning on page 45, strike lines 15 and all that follows through page 46, line 1, and insert the following: "repository performance; and

"(B) the Commission shall ensure that".

AMENDMENT NO. 4603

Beginning on page 73, strike line 17 and all that follows through page 74, line 3, and insert the following:

"All actions authorized by this Act shall be subject to and governed by the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 432 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), chapter 51 of title 49, United States Code, and the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 ct seq.) (including regulations issued under those Acts)."

AMENDMENT NO. 4604

On page 11, strike lines 9 through 12.

AMENDMENT NO. 4605

On page 11, lines 23 and 24, strike "not later than November 30, 1999" and insert "on a date that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4606

Beginning on page 13, strike line 22 and all that follows through page 21, line 3, and insert the following:

"SEC. 201. TRANSPORTATION PLANNING."

AMENDMENT NO. 4607

On page 21, line 9, strike "not later than November 30, 1999" and insert "on a date that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4608

On page 21, line 24, strike "no later than November 30, 1999" and insert "on a date that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4609

On page 27, line 8, strike "by January 31, 1999" and insert "by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4610

Beginning on page 27, strike line 12 and all that follows through page 29, line 20, and insert the following: "radioactive waste by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated.

"(2) Immediately on designation of an interim storage facility site by the President under paragraph (1), the Secretary shall proceed".

AMENDMENT NO. 4611

On page 30, line 6, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4612

On page 31, lines 4 and 5, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4613

On page 31, lines 6 through 8, strike "No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4614

On page 31, lines 23 through 25, strike "No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than 36 months after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4615

On page 32, line 15, strike "The license" and all that follows through the period on line 18.

AMENDMENT NO. 4616

On page 32, lines 23 and 24, strike "date of enactment of the Nuclear Waste Policy Act of 1996" and insert "date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4617

On page 33, strike lines 10 through 20 and insert the following:

"(2) EMPLACEMENT OF FUEL AND WASTE.—".

AMENDMENT NO. 4618

On page 39, line 20, strike "No later than February 1,2002," and insert "By February 1, 2002, or such later date as is consistent with confident identification and designation of Yucca Mountain as a permanent repository site,".

AMENDMENT NO. 4619

On page 39, line 26, strike "geologic repository" and insert "permanent repository site".

AMENDMENT NO. 4620

On page 48, lines 18 and 20, strike "the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are" and insert "the Yucca Mountain site as described in subsection (b), is".

AMENDMENT NO. 4621

On page 48, line 25, strike "the interim storage facility site and".

AMENDMENT NO. 4622

Beginning on page 49, strike line 4 and all that follows through page 51, line 3, and insert the following:

"(3) RESERVATION.—Until any such date as the Yucca Mountain Site may be determined to be unsuitable for use as a repository, the Yucca Mountain site is reserved for the use of the Secretary for the construction and operation of a repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTIONS.—

"(1) INTERIM STORAGE FACILITY.—Not later than 180 days after the date on which a site for the permanent disposition of spend nuclear fuel and high-level radioactive waste has been identified and designated, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) establish boundaries of an interim storage facility site proximate to the repository site, depict those boundaries on a map entitled 'Interim Storage Facility Site Withdrawal Map', and file copies of the map and the legal description of the interim storage facility site with Congress, the Secretary of the Interior, the Governor of the State in which the interim storage facility site is situated, and the Archivist of the United States.

"(2) PERMANENT REPOSITORY.—

"(A) IN GENERAL.—The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated March 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(B) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct a repository at the Yucca Mountain site, the Secretary shall—

"(i) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(ii) file copies of the map described in subparagraph (A), and the legal description of the Yucca Mountain site with Congress, the Secretary of the Interior, the Governor of the State of Nevada, and the Archivist of the United States.

"(3) CONSTRUCTION.—The maps and legal description of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites."

AMENDMENT NO. 4623

On page 84, strike lines 15 through 20 and insert the following:

"(2) The Secretary shall ensure that all reasonable effort is made to meet spent fuel emplacement rates of—

"(A) 1,200 MTU in each of the first and second years of operation;

"(B) 2,000 MTU in each of the third and fourth years of operation;

"(C) 2,700 MTU in the fifth year of operation; and

"(D) 3,000 MTU in each year after the fifth year of operation."

AMENDMENT NO. 4624

On page 84, line 22, strike "January 31, 1999" and insert "the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4625

On page 85, line 7, strike "in fiscal year 2000," and insert "within 2 years after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT NO. 4626

On page 61, between line 5 and 6, insert the following:

"SEC. 306. COMPENSATION FOR LOSS OF PROPERTY VALUES.

"An owner of property may bring a civil action in United States district court to recover from the Secretary the amount by which the property is diminished in value as a result of the construction or operation of the interim storage facility or the transportation of spent nuclear fuel or high-level radioactive waste under this Act."

AMENDMENT NO. 4627

On page 22, strike lines 12 through 16 and insert the following:

"(b) ADVANCE NOTIFICATION.—

"(1) IN GENERAL.—Not more than 45 nor less than 30 days before the date on which spent nuclear fuel or high-level radioactive waste is to be transported in a State, the Secretary shall provide to the State, to each local government within the jurisdiction of which the spent nuclear fuel or high-level radioactive waste is to be transported, and to each owner of property, resident of property, and operator of a business on property within 50 miles of each point along the route on which the spent nuclear fuel or high-level radioactive waste is to be transported, a notice containing the information described in paragraph (2).

"(2) INFORMATION TO BE PROVIDED.—A notice under paragraph (1) shall describe the precise route on which spent nuclear fuel or high-level radioactive waste is to be transported and describe the date and approximate (within 60 minutes) time of day that the spent nuclear fuel or high-level radioactive waste will pass each tenth mile along the route."

AMENDMENT NO. 4628

On page 100, line 24, strike "annul" and insert "annual".

AMENDMENT NO. 4629

On page 8, lines 10 and 11, strike "specific site within area 25 of the Nevada test".

AMENDMENT NO. 4630

On page 37, strike lines 12 through 24.

GLENN AMENDMENTS NOS. 4631–4633

(Ordered to lie on the table.)

Mr. GLENN submitted three amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

AMENDMENT NO. 4631

Beginning on page 95, strike line 8 and all that follows through page 97, line 20.

AMENDMENT NO. 4632

Beginning on page 73, strike line 16 and all that follows through page 74, line 3.

AMENDMENT NO. 4633

Beginning on page 43, strike line 19 and all that follows through page 46, line 15, and insert the following:

"(d) ANALYSIS OF SYSTEM PERFORMANCE.—The Commission

BRYAN AMENDMENTS NOS. 4634–4665

(Ordered to lie on the table.)

Mr. BRYAN submitted 32 amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

AMENDMENT NO. 4634

On page 31, line 5, strike "1999" and insert "2012".

AMENDMENT NO. 4635

On page 27, line 17, strike "1998" and insert "2023".

AMENDMENT NO. 4636

On page 31, line 18, strike "15,000" and insert "850".

AMENDMENT NO. 4637

On page 31, line 18, strike "15,000" and insert "50".

AMENDMENT NO. 4638

On page 13, after line 13, insert "(3) the protection offered States being considered by the Department of Energy for a permanent repository under section 145 (g) or section 141 (g) of the Nuclear Waste Policy Act of 1982".

AMENDMENT NO. 4639

On page 13, after line 13, insert "(3) rights reserved for the State of Nevada under the tenth amendment of the United States Constitution."

AMENDMENT NO. 4640

On page 13, after line 13, insert "(3) commitments made to the citizens of Nevada under the Nuclear Waste Policy Act of 1982."

AMENDMENT NO. 4641

On page 11, line 24, strike "1999" and insert "2030".

AMENDMENT NO. 4642

On page 11, line 24, strike "1999" and insert "2020".

AMENDMENT NO. 4643

On page 11, line 24, strike "1999" and insert "2015".

AMENDMENT NO. 4644

On page 13, strike line 4 through line 13.

AMENDMENT NO. 4645

On page 11, strike line 19 through line 24.

AMENDMENT NO. 4646

On page 31, line 18, strike "15,000" and insert "455".

AMENDMENT NO. 4647

On page 31, line 5, strike "1999" and insert "2010".

AMENDMENT NO. 4648

On page 31, line 18, strike "15,000" and insert "700".

AMENDMENT NO. 4649

At the end of Title 1, add "(h) Limitation.—Nothing in this Act shall be construed to subject the United States to financial liability for transportation, storage, or disposal of any waste generated by commercial nuclear utilities."

AMENDMENT NO. 4650

On page 85, strike line 13 through line 15.

AMENDMENT NO. 4651

Strike section 508.

AMENDMENT NO. 4652

On page 84, strike line 21 through page 85, line 11.

AMENDMENT NO. 4653

On page 79, strike line 20 through page 80 line 8.

AMENDMENT NO. 4654

On page 64, line 6, strike "1.0" and insert "2.5".

AMENDMENT NO. 4655

On page 95, line 12, strike all after "Business." through line 16.

AMENDMENT NO. 4656

On page 90, strike section 603.

AMENDMENT NO. 4657

On page 75, strike line 10 through line 20.

AMENDMENT NO. 4658

At the appropriate place, add

SEC. . INDEPENDENT REVIEW.

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the science advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(A) Environmental groups;
(B) Consumer groups;
(C) Taxpayer groups;
(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;
(E) State and local governments;
(F) Indian tribes;
(G) Transportation experts;
(H) Management experts;
(I) Federal, State, and local regulatory agencies;
(J) Utilities; and
(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) LIMITATION.

Notwithstanding any other provision of this Act, the Secretary shall take no actions related to interim storage of spent nuclear fuel or high-level radioactive waste until the Commission report has been filed with Congress.

(e) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(f) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

AMENDMENT NO. 4659

On page 27, line 8, strike "1999" and insert "2010".

AMENDMENT NO. 4660

At the appropriate place, add:

"SEC. 13. PRIVATE PROPERTY RIGHTS PROTECTION.

(a) FINDINGS.—

The Congress finds that—

(1) the private ownership of property is essential to a free society and is an integral part of the American tradition of liberty and limited government;

(2) the framers of the United States Constitution, in order to protect private property and liberty, devised a framework of Government designed to diffuse power and limit Government;

(3) to further ensure the protection of private property, the fifth amendment to the United States Constitution was ratified to prevent the taking of private property by the Federal Government, except for public use and with just compensation;

(4) the purpose of the takings clause of the fifth amendment of the United States Constitution, as the Supreme Court stated in Armstrong v. United States, 364 U.S. 40, 49 (1960), is "to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole";

(5) the Federal Government has singled out property holders to shoulder the cost that

should be borne by the public, in violation of the just compensation requirement of the takings clause of the fifth amendment of the United States Constitution;

(6) there is a need both to restrain the Federal Government in its overzealous regulation of the private sector and to protect private property, which is a fundamental right of the American people; and

(7) the incremental, fact-specific approach that courts now are required to employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment of the United States Constitution has been ineffective and costly and there is a need for Congress to clarify the law and provide an effective remedy.

(b) DEFINITIONS.—

(1) "just compensation"—

(A) means compensation equal to the full extent of a property owner's loss, including the fair market value of the private property taken and business losses arising from a taking, whether the taking is by physical occupation or through regulation, exaction, other means; and

(B) shall include compounded interest calculated from the date of the taking until the date the United States tenders payment;

(2) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(3) "private property" or "property" means all property protected under the fifth amendment to the Constitution of the United States, any applicable Federal or State law, or this Act, and includes—

(A) real property, whether vested or unvested, including—

(i) estates in fee, life estates, estates for years, or otherwise;

(ii) inchoate interests in real property such as remainders and future interests;

(iii) personalty that is affixed to or appurtenant to real property;

(iv) easements;

(v) leaseholds;

(vi) recorded liens; and

(vii) contracts or other security interests in, or related to, real property;

(B) the right to use water or the right to receive water, including any recorded lines on such water right;

(C) rents, issues, and profits of land, including minerals, timber, fodder, crops, oil and gas, coal, or geothermal energy;

(D) property rights provided by, or memorialized in, a contract, except that such rights shall not be construed under this title to prevent the United States from prohibiting the formation of contracts deemed to harm the public welfare or to prevent the execution of contracts for—

(i) national security reasons; or

(ii) exigencies that present immediate or reasonably foreseeable threats or injuries to life or property;

(E) any interest defined as property under State law; or

(F) any interest understood to be property based on custom, usage, common law, or mutually reinforcing understandings sufficiently well-grounded in law to back a claim of interest;

(4) "taking of private property", "taking", or "take"—

(A) means any action whereby private property is directly taken as to require compensation under the fifth amendment to the United States Constitution or under this Act, including by physical invasion, regulation, exaction, condition, or other means.

(c) LIMITATION.—

(1) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the transportation of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property likely to be subject to a taking as a result of such transportation, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund.

(2) Notwithstanding any other provision of this Act, the Secretary shall take no actions related to the interim storage of spent nuclear fuel or high-level radioactive waste until publishing in the Federal Register a determination that the owners of all property likely to be subject to a taking as a result of such storage, as defined by this Act, have received just compensation for such taking out of the Nuclear Waste Fund."

AMENDMENT NO. 4661

On page 27, line 8, strike "1999" and insert "2011".

AMENDMENT NO. 4662

At the appropriate place, add:

"SEC. . INDEPENDENT REVIEW.

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the Science Advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(A) Environmental groups;

(B) Consumer groups;

(C) Taxpayer groups;

(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;

(E) State and local governments;

(F) Indian tribes;

(G) Transportation experts;

(H) Management experts;

(I) Federal, state, and local regulatory agencies;

(J) Utilities; and

(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(e) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

AMENDMENT NO. 4663

On page 39, strike line 3 through line 8.

AMENDMENT NO. 4664

On page 37, strike line 13 through line 24.

AMENDMENT NO. 4665

On page 37, strike line 5 through line 12.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

COCHRAN (AND LOTT) AMENDMENT NO. 4666

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1894, supra; as follows:

At the end of the bill, insert:

SEC. . LEASE TO FACILITATE CONSTRUCTION OF RESERVE CENTER, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) LEASE OF PROPERTY FOR CONSTRUCTION OF RESERVE CENTER.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the "State"), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi, only for use by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) LEASEBACK OF RESERVE CENTER.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed $200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and

maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) EFFECT OF TERMINATION OF LEASES.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

BRYAN AMENDMENTS NOS. 4667–4824

(Ordered to lie on the table.)

Mr. BRYAN submitted 158 amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

AMENDMENT NO. 4667

On page 36, strike line 24 through page 37, line 4.

AMENDMENT NO. 4668

On page 36, strike lines 14 through 26.

AMENDMENT NO. 4669

On page 36, strike lines 9 through 11.

AMENDMENT NO. 4670

On page 36, line 8, strike "not".

AMENDMENT NO. 4671

At the appropriate place, add the following:

"Notwithstanding any other provision of this Act, federal interim storage of commercial spent nuclear fuel shall only be available as follows:

Interim Storage Program

Findings and Purposes

Sec. 131. (a) Findings.—The Congress finds that—

(1) the persons owning and operating civilian nuclear power reactors have the primary responsibility for providing interim storage of spent nuclear fuel from such reactors, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear power reactor, and by adding new onsite storage capacity in a timely manner where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear power reactor; and

(3) the Federal Government has the responsibility to provide, in accordance with the provisions of this subtitle, not more than 1,900 metric tons of capacity for interim storage of spent nuclear fuel for civilian nuclear power reactors that cannot reasonably provide adequate storage capacity at the sites of such reactors when needed to assure the continued, orderly operation of such reactors.

(b) Purposes.—The purposes of this subtitle are—

(1) to provide for the utilization of available spent nuclear fuel pools at the site of each civilian nuclear power reactor to the extent practical and the addition of new spent nuclear fuel storage capacity where practical at the site of such reactor; and

(2) to provide, in accordance with the provisions of this subtitle, for the establishment of a federally owned and operated system for the interim storage of spent nuclear fuel at one or more facilities owned by the Federal Government with not more than 1,900 metric tons of capacity to prevent disruptions in the orderly operation of any civilian nuclear power reactor that cannot reasonably provide adequate spent nuclear fuel storage capacity at the site of such reactor when needed.

Sec. 132

Available Capacity for Interim Storage of Spent Nuclear Fuel

Sec. 132. The Secretary, the Commission, and other authorized Federal officials shall each take such actions as such official considers necessary to encourage and expedite the effective use of available storage, and necessary additional storage, at the site of each civilian nuclear power reactor consistent with—

(1) the protection of the public health and safety, and the environment;

(2) economic considerations;

(3) continued operation of such reactor;

(4) any applicable provisions of law; and

(5) the views of the population surrounding such reactor.

SEC. 133

INTERIM AT REACTOR STORAGE

Sec. 133. The Commission shall, by rule, established procedures for the licensing of any technology approved by the Commission under section 219(a)1 for use at the site of any civilian nuclear power reactor. The establishment of such procedures shall not preclude the licensing, under any applicable procedures or rules of the Commission in effect prior to such establishment, of any technology for the storage of civilian spent nuclear fuel at the site of any civilian nuclear power reactor.

LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS

Sec. 134. (a) Oral Argument.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 on an application for a license, or for an amendment to an existing license, filed after the date of the enactment of this Act, to expand the spent nuclear fuel storage capacity at the site of a Civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) Adjudicatory Hearing.—(1) At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

(3) The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 before December 31, 2005.

(4) The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear powerplant by the Commission.

(c) Judicial Review.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

STORAGE OF SPENT NUCLEAR FUEL

Sec. 135. (a) Storage Capacity.—(1) Subject to section 8, the Secretary shall provide, in accordance with paragraph (5), not more than 1,900 metric tons of capacity for the storage of spent nuclear fuel from civilian nuclear power reactors. Such storage capacity shall be provided through any one or more of the following methods, used in any combination determined by the Secretary to be appropriate:

(A) use of available capacity at one or more facilities owned by the Federal Government on the date of the enactment of this Act, including the modification and expansion of any such facilities, if the Commission determines that such use will adequately protect the public health and safety, except that such use shall not—

(i) render such facilities subject to licensing under the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974; or

(ii) except as provided in subsection (c) require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969, such facility is already being used, or has previously been used, for such storage or for any similar purpose.

(B) acquisition of any modular or mobile spent nuclear fuel storage equipment, including spent nuclear fuel storage casks, and provision of such equipment, to any person generating or holding title to spent nuclear fuel, at the site of any civilian nuclear power reactor operated by such person or at any site owned by the Federal Government on the date of enactment of this Act;

(C) construction of storage capacity at any site of a civilian nuclear power reactor.

(2) Storage capacity authorized by paragraph (1) shall not be provided at any Federal or non-Federal site within which there is a candidate site for a repository. The restriction in the preceding sentence shall only apply until such time as the Secretary decides that such candidate site is no longer a candidate site under consideration for development as a repository.

(3) In selecting methods of providing storage capacity under paragraph (1), the Secretary shall consider the timeliness of the availability of each such method and shall seek to minimize the transportation of spent nuclear fuel, the public health and safety impacts, and the costs of providing such storage capacity.

(4) In providing storage capacity through any method described in paragraph (1), the Secretary shall comply with any applicable requirements for licensing or authorization of such method, except as provided in paragraph (1)(A)(i).

(5) The Secretary shall ensure that storage capacity is made available under paragraph (1) when needed, as determined on the basis of the storage needs specified in contracts entered into under section 136(a), and shall accept upon request any spent nuclear fuel as covered under such contracts.

(6) For purposes of paragraph (1)(A), the term "facility" means any building or structure.

(b) Contracts.—(1) Subject to the capacity limitation established in subsections (a) (1)3 and (d)4 the Secretary shall offer to enter into, and may enter into, contracts under section 136(a) with any person generating or owning spent nuclear fuel for purposes of providing storage capacity for such spent fuel under this section only if the Commission determines that—

(A) adequate storage capacity to ensure the continued orderly operation of the civilian nuclear power reactor at which such spent nuclear fuel is generated cannot reasonably be provided by the person owning and operating such reactor at such site, or at the site of any other civilian nuclear power reactor operated by such person, and such capacity cannot be made available in a timely manner through any method described in subparagraph (B); and

(B) such person is diligently pursuing licensed alternatives to the use of Federal storage capacity for the storage of spent nuclear fuel expected to be generated by such person in the future, including—

(i) expansion of storage facilities at the site of any civilian nuclear power reactor operated by such person;

(ii) construction of new or additional storage facilities at the site of any civilian nuclear power reactor operated by such person;

(iii) acquisition of modular or mobile spent nuclear fuel storage equipment, including spent nuclear fuel storage casks, for use at the site of any civilian nuclear power reactor operated by such person; and

(iv) transshipment to another civilian nuclear power reactor owned by such person.

(2) In making the determination described in paragraph (1)(A), the Commission shall ensure maintenance of a full core reserve storage capacity at the site of the civilian nuclear power reactor involved unless the Commission determines that maintenance of such capability is not necessary for the continued orderly operation of such reactor.

(3) The Commission shall complete the determination required in paragraph (1) with respect to any request for storage capacity not later than 6 months after receipt of such request by the Commission.

(c) Environmental Review.—(1) The provision of 300 or more metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) shall be considered to be a major Federal action requiring preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969.

(2)(A) The Secretary shall prepare, and make available to the public, an environmental assessment of the probable impacts of any provision of less than 300 metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) that requires the modification or expansion of any facility at the site, and a discussion of alternative activities that may be undertaken to avoid such impacts. Such environmental assessment shall include—

(i) an estimate of the amount of storage capacity to be made available at such site;

(ii) an evaluation as to whether the facilities to be used at such site are suitable for the provision of such storage capacity;

(iii) a description of activities planned by the Secretary with respect to the modification or expansion of the facilities to be used at such site;

(iv) an evaluation of the effects of the provision of such storage capacity at such site on the public health and safety, and the environment;

(v) a reasonable comparative evaluation of current information with respect to such site and facilities and other sites and facilities available for the provision of such storage capacity;

(vi) a description of any other sites and facilities that have been considered by the Secretary for the provision of such storage capacity; and

(vii) an assessment of the regional and local impacts of providing such storage capacity at such site, including the impacts on transportation.

(B) The issuance of any environmental assessment under this paragraph shall be considered to be a final agency action subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code. Such judicial review shall be limited to the sufficiency of such assessment with respect to the items described in clauses (i) through (vii) of subparagraph (A).

(3) Judicial review of any environmental impact statement or environmental assessment prepared pursuant to this subsection shall be conducted in accordance with the provisions of section 119.

(d) Review of Sites and State Participation.—(1) In carrying out the provisions of this subtitle with regard to any interim storage of spent fuel from civilian nuclear power reactors which the Secretary is authorized by section 135 to provide, the Secretary shall, as soon as practicable, notify, in writing, the Governor and the State legislature of any State and the Tribal Council of any affected Indian tribe in such State in which is located a potentially acceptable site or facility for such interim storage of spent fuel of his intention to investigate that site or facility.

(2) During the course of investigation of such site or facility, the Secretary shall keep the Governor, State legislature, and affected Tribal Council currently informed of the progress of the work, and results of the investigations. At the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, the Secretary shall promptly notify the Governor, the legislature, and any affected Tribal Council in writing of such selection, and subject to the provisions of paragraph (6) of this subsection, shall promptly enter into negotiations with such State and affected Tribal Council to establish a cooperative agreement under which such State and Council shall have the right to participate in a process of consultation and cooperation, based on public health and safety and environmental concerns, in all stages of the planning, development, modification, expansion, operation, and closure of storage capacity at a site or facility within such State for the interim storage of spent fuel from civilian nuclear power reactors. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the affected Tribal Council. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with such guidelines shall not be a basis for judicial review.

(3) The cooperative agreement shall include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. The cooperative agreement also shall include a detailed plan or schedule of milestones, decision points and opportunities for State or eligible Tribal Council review and objection. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State and affected Tribal Council in any stage of planning, development, modification, expansion, operation, or closure of storage capacity at a site or facility within such State. The terms of any cooperative agreement shall not affect the authority of the Nuclear Regulatory Commission under existing law.

(4) For the purpose of this subsection, "process of consultation and cooperation" means a methodology by which the Secretary (A) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety and environment; (B) solicits, receives, and evaluates concerns and objections of such State and Council with regard to such aspects of the project on an ongoing basis; and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections. The process of consultation and cooperation shall not include the grant of a right, to any State or Tribal Council to exercise an absolute veto of any aspect of the planning, development, modification, expansion, or operation of the project.

(5) The Secretary and the State and affected Tribal Council shall seek to conclude the agreement required by paragraph (2) as soon as practicable, but not later than 180 days following the date of notification of the selection under paragraph (2). The Secretary shall periodically report to the Congress thereafter on the status of the agreements approved under paragraph (3). Any report to the Congress on the status of negotiations of such agreement by the Secretary shall be accompanied by comments solicited by the Secretary from the State and eligible Tribal Council.

(6)(A) Upon deciding to provide an aggregate of 300 or more metric tons of storage capacity under subsection (a)(1) at any one site, the Secretary shall notify the Governor and legislature of the State where such site is located, or the governing body of the Indian tribe in whose reservation such site is located, as the case may be, of such decision. During the 60-day period following receipt of notification by the Secretary of this decision to provide an aggregate of 300 or more metric tons of storage capacity at any one site, the Governor or legislature of the State in which such site is located, or the governing body of the affected Indian where such site is located, as the case may be, may disapprove the provision of 300 or more metric tons of storage capacity at the site involved and submit to the Congress a notice of such disapproval. A notice of disapproval shall be considered to be submitted to the Congress on the date of the transmittal of such notice of disapproval to the Speaker of the House and the President pro tempore of the Senate. Such notice of disapproval shall be accompanied by a statement of reasons explaining why the provision of such storage capacity at such site was disapproved by such Governor or legislature or the governing body of such Indian tribe.

(B) Unless otherwise provided by State law, the Governor or legislature of each State shall have authority to submit a notice of disapproval to the Congress under subparagraph (A). In any case in which State law provides for submissions of any such notice of disapproval by any other person or entity, any reference in this subtitle to the Governor or legislature of such State shall be considered to refer instead of such other person or entity.

(C) The authority of the Governor and legislature of each State under this paragraph shall not be applicable with respect to any site located on a reservation.

(D) If any notice of disapproval is submitted to the Congress under subparagraph (A), the proposed provision of 300 or more metric tons of storage capacity at the site involved shall be disapproved unless, during the first period of 90 calendar days of continuous session of the Congress following the date of the receipt by the Congress of such notice of disapproval, the Congress passes a resolution approving such proposed provision of storage capacity in accordance with the procedures established in this paragraph and subsections (d) through (f) of section 115 and such resolution thereafter becomes law. For purposes of this paragraph, the term "resolution" means a joint resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That there hereby is approved the provision of 300 or more metric tons of spent nuclear fuel storage capacity a the site located at _____, with respect to which a notice of disapproval was submitted by _____ on _____.". The first blank space in such resolution shall be filled with the geographic location of the site involved; the second blank space in such resolution shall be filled with the designation of the State Governor and, legislature or affected Indian tribe governing body submitting the notice of disapproval involved; and the last blank space in such resolution shall be filled with the date of submission of such notice of disapproval.

(E) For purposes of such consideration of any resolution described in subparagraph (D), each reference in subsections (d) and (e) of section 115 to a resolution of repository siting approval shall be considered to refer to the resolution described in such subparagraph.

(7) As used in this section, the term "affected Tribal Council" means the governing body of any Indian tribe within whose reservation boundaries there is located a potentially acceptable site for interim storage capacity of spent nuclear fuel from civilian nuclear power reactors, or within whose boundaries a site of such capacity is selected by the Secretary, or whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties, as determined by the Secretary of the Interior pursuant to a petition filed with him by the appropriate governmental officials of such tribe, may be substantially and adversely affected by the establishment of any such storage capacity.

(e) LIMITATIONS.—Any spent nuclear fuel stored under this section shall be removed from the storage site or facility involved as soon as practicable, but in any event not later than 3 years following the date on which a repository or monitored retrievable storage facility developed under this Act is available for disposal of such spent nuclear fuel.

(f) REPORT.—The Secretary shall annually prepare and submit to the Congress a report on any plans of the Secretary for providing storage capacity under this section. Such report shall include a description of the specific manner of providing such storage selected by the Secretary, if any. The Secretary shall prepare and submit the first such report not later than 1 year after the date of the enactment of this Act.

(g) CRITERIA FOR DETERMINING ADEQUACY OF AVAILABLE STORAGE CAPACITY.—Not later than 90 days after the date of the enactment of this Act, the Commission pursuant to section 553 of the Administrative Procedures Act, shall propose, by rule, procedures and criteria for making the determination required by subsection (b) that a person owning and operating a civilian nuclear power reactor cannot reasonably provide adequate spent nuclear fuel storage capacity at the civilian nuclear power reactor site when needed to ensure the continued orderly operations of such reactor. Such criteria shall ensure the maintenance of a full core reserve storage capability at the site of such reactor unless the Commission determines that maintenance of such capacity is not necessary for the continued orderly operation of such reactor. Such criteria shall identify the feasibility of reasonably providing such adequate spent nuclear fuel storage capacity, taking into account economic, technical, regulatory, and public health and safety factors, through the use of high-density fuel storage racks, fuel rod compaction, transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, construction of addition spent nuclear fuel poor capacity, or such other technologies as may be approved by the Commission.

(h) APPLICATION.—Notwithstanding any other provision of law, nothing in this Act shall be construed to encourage, authorize, or require the private or Federal use, purchase, lease, or other acquisition of any storage facility located away from the site of any civilian nuclear power reactor and not owned by the Federal Government on the date of the enactment of this Act.

(i) COORDINATION WITH RESEARCH AND DEVELOPMENT PROGRAM.—To the extent available, and consistent with the provisions of this section, the Secretary shall provide spent nuclear fuel for the research and development program authorized in section 2172 from spent nuclear fuel received by the Secretary for storage under this section. Such spent nuclear fuel shall not be subject to the provisions of subsection (e).

INTERIM STORAGE FUND

SEC. 136. CONTRACTS.—(1) During the period following the date of the enactment of this Act, but not later than January 1, 2010, the Secretary is authorized to enter into contracts with persons who generate or own spent nuclear fuel resulting from civilian nuclear activities for the storage of such spent nuclear fuel in any storage capacity provided under this subtitle: *Provided, however*, That the Secretary shall not enter into contracts for spent nuclear fuel in amounts in excess of the available storage capacity specified in section 135(a). Those contracts shall provide that the Federal Government will (1) take title at the civilian nuclear power reactor site, to such amounts of spent nuclear fuel from the civilian nuclear power reactor as the Commission determines cannot be stored onsite, (2) transport the spent nuclear fuel to a federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage, or disposal. Each such contract shall (A) provide for payment to the Secretary of fees determined in accordance with the provisions of this section; and (B) specify the amount of storage capacity to be provided for the person involved.

(2) The Secretary shall undertake a study and, not later then 180 days after the date of the enactment of this Act, submit to the Congress a report, establishing payment charges that shall be calculated on an annual basis, commencing on or before January 1, 1996. Such payment charges and the calculation thereof shall be published in the Federal Register, and shall become effective not less than 30 days after publication. Each payment charge published in the Federal Register under this paragraph shall remain effective for a period of 12 months from the effective date as the charge for the cost of the interim storage of any spent nuclear

fuel. The report of the Secretary shall specify the method and manner of collection (including the rates and manner of payment) and any legislative recommendations determined by the Secretary to be appropriate.

(3) Fees for storage under this subtitle shall be established on a nondiscriminatory basis. The fees to be paid by each person entering into a contract with the Secretary under this subsection shall be based upon an estimate of the pro rata costs of storage and related activities under this subtitle with respect to such person, including the acquisition, construction, operation, and maintenance of any facilities under this subtitle.

(4) The Secretary shall establish in writing criteria setting forth the terms and conditions under which such storage services shall be made available.

(5) Except as provided in section 137, nothing in this or any other Act requires the Secretary, in carrying out the responsibilities of this section, to obtain a license or permit to possess or own spent nuclear fuel.

(b) LIMITATION.—No spent nuclear fuel generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be stored by the Secretary in any storage capacity provided under this subtitle unless such department transfers to the Secretary, for deposit in the Interim Storage Fund, amounts equivalent to the fees that would be paid to the Secretary under the contracts referred to in this section if such spent nuclear fuel were generated by any other person.

(c) ESTABLISHMENT OF INTERIM STORAGE FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Interim Storage Fund. The Storage Fund shall consist of—

(1) All receipts, proceeds, and recoveries realized by the Secretary under subsections (a), (b), and (e), 1 which shall be deposited in the Storage Fund immediately upon their realization;

(2) any appropriations made by the Congress to the Storage Fund; and

(3) any unexpended balances available on the date of the enactment of this Act for functions or activities necessary or incident to the interim storage of civilian spent nuclear fuel, which shall automatically be transferred to the Storage Fund on such date.

(d) USE OF STORAGE FUND.—The Secretary may make expenditures from the Storage Fund, subject to subsection (e),2 for any purpose necessary or appropriate to the conduct of the functions and activities of the Secretary, or the provision or anticipated provision of services, under this subtitle, including—

(1) the identification, development, licensing, construction, operation, decommissioning, and post-decommissioning maintenance and monitoring of any interim storage facility provided under this subtitle;

(2) the administrative cost of the interim storage program;

(3) the costs associated with acquisition, design, modification, replacement, operation, and construction of facilities at an interim storage site, consistent with the restrictions in section 135;

(4) the cost of transportation of spent nuclear fuel; and

(5) impact assistance as described in subsection (e).

(e) IMPACT ASSISTANCE.—(1) Beginning the first fiscal year which commences after the date of the enactment of this Act, the Secretary shall make annual impact assistance payments to a State or appropriate unit of local government, or both, in order to mitigate social or economic impacts occasioned by the establishment and subsequent operation of any interim storage capacity within the jurisdictional boundaries of such government or governments and authorized under this subtitle: Provided, however, That such impact assistance payments shall not exceed (A) ten per centum of the costs incurred in paragraphs (1) and (2), or (B) $15 per kilogram of spent fuel, whichever is less;

(2) Payments made available to States and units of local government pursuant to this section shall be—

(A) allocated in a fair and equitable manner with a priority to those States or units of local government suffering the most severe impacts; and

(B) utilized by States or units of local governments only for (i) planning, (ii) construction and maintenance of public services, (iii) provision of public services related to the providing of such interim storage authorized under this title, and (iv) compensation for loss of taxable property equivalent to that if the storage had been provided under private ownership.

(3) Such payments shall be subject to such terms and conditions as the Secretary determines necessary to ensure that the purposes of this subsection shall be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this subsection.

(4) Payments under this subsection shall be made available solely from the fees determined under subsection (a).

(5) The Secretary is authorized to consult with States and appropriate units of local government in advance of commencement of establishment of storage capacity authorized under this subtitle in an effort to determine the level of the payment such government would be eligible to receive pursuant to this subsection.

(6) As used in this subsection, the term "unit of local government" means a county, parish, township, municipality, and shall include a borough existing in the State of Alaska on the date of the enactment of this subsection, and any other unit of government below the State level which is a unit of general government as determined by the Secretary.

(f) ADMINISTRATION OF STORAGE FUND.—(1) The Secretary of the Treasury shall hold the Storage Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Storage Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Storage Fund to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget of the Storage Fund shall consist of estimates made by the Secretary of expenditures from the Storage Fund and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the Budget of the United States Government. The Secretary may make expenditures from the Storage Fund, subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization.

(3) If the Secretary determines that the Storage Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Storage Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Storage Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

(5) If at any time the moneys available in the Storage Fund are insufficient to enable the Secretary to discharge his responsibilities under this subtitle, the Secretary shall issue to the Secretary of the Treasury obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be agreed to by the Secretary and the Secretary of the Treasury. The total of such obligations shall not exceed amounts provided in appropriation Acts. Redemption of such obligations shall be made by the Secretary from moneys available in the Storage Fund. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations under this paragraph. The Secretary of the Treasury shall purchase any issued obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such Act are extended to include any purchase of such obligations. The Secretary of the Treasury may at any time sell any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this paragraph shall be treated as public debt transactions of the United States.

(6) Any appropriations made available to the Storage Fund for any purpose described in subsection (d) shall be repaid into the general fund of the Treasury, together with interest from the date of availability of the appropriations until the date of repayment. Such interest shall be paid on the cumulative amount of appropriations available to the Storage Fund, less the average undisbursed cash balance in the Storage Fund account during the fiscal year involved. The rate of such interest shall be determined by the Secretary of the Treasury taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable obligations of the United States of comparable maturity. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest.

SECTION 137

Sec. 137.2 (a) Transportation.—(1) Transportation of spent nuclear fuel under section

136(a) shall be subject to licensing and regulation by the Commission and by the Secretary of Transportation as provided for transportation of commercial spent nuclear fuel under existing law.

(2) The Secretary, in providing for the transportation of spent nuclear fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost."

AMENDMENT NO. 4672

On page 96, line 7, strike all after "Service." through the end of line 12.

AMENDMENT NO. 4673

Strike all after the enacting clause, and insert:

"TITLE I. INDEPENDENT REVIEW

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Independent Review Act".

SEC. 2. FINDINGS.

Congress find that—

(1) despite the enactment of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), ratepayer contributions to the Nuclear Waste Fund established by section 302 of the Act (42 U.S.C. 10222) of over $6,000,000,000, and expenditures of over $4,000,000,000, the high-level radioactive waste program is behind schedule and is the subject of numerous fundamental controversies, including the very concept of deep geologic storage;

(2) the Federal Government's only proposed transuranic waste disposal facility, the Waste Isolation Pilot Plant (WIPP), is beset with unresolved engineering, geologic, and certification problems and suffers from cost overruns;

(3) Federal and State efforts to site low-level radioactive waste disposal sites have failed in many instances because of technical problems and public opposition; and

(4) there has never been a comprehensive independent review of Federal nuclear waste policies.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a commission to conduct a full independent review of United States nuclear waste policy.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President, in consultation with the Science Advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(b) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view toward providing representation from—

(1) Environmental groups;
(2) Consumer groups;
(3) Taxpayer groups;
(4) The scientific community, including nuclear-oriented and other fields such as biology and medicine;
(5) State and local governments;
(6) Indian tribes;
(7) Transportation experts;
(8) Management experts;
(9) Federal, State, and local regulatory agencies;
(10) Utilities; and
(11) Other affected industries.

(c) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(d) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

SEC. 5. ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

SEC. 6. REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

SEC. 7. MORATORIUM ON ISSUANCE OF LICENSES.

No Federal agency may issue a license for a facility for the storage or disposal of radioactive waste (except a license for temporary on-site storage) until the date on which the Commission submits its report under section 6.

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE II. RATEPAYER EQUITY.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Spend Nuclear Fuel Storage Act of 1995".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.
Sec. 5. Amendments to the Nuclear Waste Policy Act of 1982.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the Nuclear Regulatory Commission; and

(2) the term "Secretary" means the Secretary of the Department of Energy.

SEC. 4. FINDINGS.

The Congress finds that—

(1) By 1998, approximately 45,000 tons of spend nuclear fuel will be stored at commercial nuclear reactors across the nation;

(2) the deep geologic high level radioactive waste and spent nuclear fuel repository envisioned by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et. seq.) will not be constructed in time to permit the Secretary to receive and accept high level radioactive waste or spent nuclear fuel as contemplated by sections 123 and 302 of that Act (42 U.S.C. 10143, 10222), with the result that the Secretary will be unable to perform contracts executed pursuant to section 302(a) of that Act with persons who generate or hold title to high level radioactive waste or spend nuclear fuel;

(3) there have been no orders for the development or construction of civilian nuclear power generating facilities since the enactment of the Nuclear Waste Policy Act of 1982; several such facilities that were anticipated when the Act was enacted are not operating now;

(4) it does not now appear that a deep geologic high level radioactive waste and spend nuclear fuel repository will be available before the year 2010 or later;

(5) by the time a deep geologic repository is available many currently operating commercial nuclear reactors will need spend fuel storage capacity beyond the maximum now available in at-reactor spent fuel storage pools; nuclear utilities have spent and will spend major sums to construct facilities, including dry cask spend fuel storage facilities, for use in the interim before a deep geologic repository is available;

(6) the sums spent for the purposes described in paragraph (5) are the same funds that commercial nuclear utilities intended to contribute to the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222 (c));

(7) the technology for long term storage of spent nuclear fuel, including the technology of dry cask storage, has improved dramatically since the enactment of the Nuclear Waste Policy Act of 1982;

(8) the existing statutory jurisdiction of the Commission, under the Atomic Energy Act of 1954 (42 U.S.C. 2001 et. seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et. seq.), Executive Order 11834 (42 U.S.C. 5801 note), the Nuclear Regulatory Commission Reorganization Plan No. 1 of 1980, and the Commission's various authorization Acts includes the jurisdiction to review and evaluate the spent fuel storage capability of commercial nuclear utilities that hold or seek licenses to receive and possess nuclear materials from the Commission;

(9) commercial nuclear utilities that hold licenses to receive and possess nuclear materials are generally well suited to maintain the institutional capability necessary to become stewards of spent nuclear fuel during a period of interim storage;

(10) the increased radioactive decay that will occur in spent nuclear fuel that has been stored for interim period prior to the delivery to the Secretary pursuant to section 123 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10143) will ease and facilitate its subsequent handling, transportation, and final disposal.

SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT OF 1982.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by inserting at the end thereof the following new subsection:

"(f)(1) After January 31, 1998, if the Secretary does not have a facility available to accept spent fuel from persons holding contracts under this section, those persons may, through credits on fee payments under subsection (a)(2), offset the expense of providing storage of spent fuel generated after that date (including expenses reasonably incurred before that date in anticipation of the necessity of providing such storage) and until the date of the Secretary's first acceptance of that person's spent fuel at a storage or disposal facility authorized by this Act.

"(2) The credits described in paragraph (1)—

"(A) shall be deducted from each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in an amount determined by the Secretary to reflect the cost of storage qualifying under subsection (f)(1)."

AMENDMENT NO. 4674

Strike all after the enacting clause, and insert

"SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Spent Nuclear Fuel Storage Act of 1995".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.
Sec. 5. Amendments to the Nuclear Waste Policy Act of 1982.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the Nuclear Regulatory Commission; and

(2) the term "Secretary" means the Secretary of the Department of Energy.

SEC. 4. FINDINGS.

The Congress finds that—

(1) By 1998, approximately 45,000 tons of spent nuclear fuel will be stored at commercial nuclear reactors across the nation;

(2) the deep geologic high level radioactive waste and spent nuclear fuel repository envisioned by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et. seq.) will not be constructed in time to permit the Secretary to receive and accept high level radioactive waste or spent nuclear fuel as contemplated by sections 123 and 302 of that Act (42 U.S.C. 10143, 10222), with the result that the Secretary will be unable to perform contracts executed pursuant to section 302(a) of that Act with persons who generate or hold title to high level radioactive waste or spent nuclear fuel;

(3) there have been no orders for the development or construction of civilian nuclear power generating facilities since the enactment of the Nuclear Waste Policy Act of 1982; several such facilities that were anticipated when the Act was enacted are not operating now;

(4) it does not now appear that a deep geologic high level radioactive waste and spent nuclear fuel repository will be available before the year 2010 or later;

(5) by the time a deep geologic repository is available many currently operating commercial nuclear reactors will need spent fuel storage capacity beyond the maximum now available in at-reactor spent fuel storage pools; nuclear utilities have spent and will spend major sums to construct facilities, including dry cask spent fuel storage facilities, for use in the interim before a deep geologic repository is available;

(6) the sums spent for the purposes described in paragraph (5) are the same funds that commercial nuclear utilities intended to contribute to the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222 (c));

(7) the technology for long term storage of spent nuclear fuel, including the technology of dry cask storage, has improved dramatically since the enactment of the Nuclear Waste Policy Act of 1982;

(8) the existing statutory jurisdiction of the Commission, under the Atomic Energy Act of 1954 (42 U.S.C. 2001 et. seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et. seq.), Executive Order 11834 (42 U.S.C. 5801 note), the Nuclear Regulatory Commission Reorganization Plan No. 1 of 1980, and the Commission's various authorization Acts includes the jurisdiction to review and evaluate the spent fuel storage capability of commercial nuclear utilities that hold or seek licenses to receive and possess nuclear materials from the Commission;

(9) commercial nuclear utilities that hold licenses to receive and possess nuclear materials are generally well suited to maintain the institutional capability necessary to become stewards of spent nuclear fuel during a period of interim storage;

(10) the increased radioactive decay that will occur in spent nuclear fuel that has been stored for interim periods prior to delivery to the Secretary pursuant to section 123 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10143) will ease and facilitate its subsequent handling, transportation, and final disposal.

SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT OF 1982.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222 (a)) is amended by inserting at the end thereof the following new subsection:

"(f)(1) After January 31, 1998, if the Secretary does not have a facility available to accept spent fuel from persons holding contracts under this section, those persons may, through credits on fee payments under subsection (a)(2), offset the expense of providing storage of spent fuel generated after that that (including expenses reasonably incurred before that date in anticipation of the necessary of providing such storage) and until the date of the Secretary's first acceptance of that person's spent fuel at a storage or disposal facility authorized by this Act.

"(2) The credits described in paragraph (1)—

"(A) shall be deducted from each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in an amount determined by the Secretary to reflect the cost of storage qualifying under subsection (f)(1)."

AMENDMENT NO. 4675

On page 73, strike line 1 though line 13.

AMENDMENT NO. 4676

On page 40, strike line 9 through line 13.

AMENDMENT NO. 4677

On page 72, strike line 18 through line 25.

AMENDMENT NO. 4678

On page 41, line 6, strike "unreasonable".

AMENDMENT NO. 4679

On page 51, strike line 5 through page 54 line 15, and insert

"(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the science advisor to the President and the council on environmental quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view toward providing representation from—

(A) Environmental groups;
(B) Consumer groups;
(C) Taxpayer groups;
(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;
(E) State and local governments;
(F) Indian tribes;
(G) Transportation experts;
(H) Management experts;
(I) Federal, State, and local regulatory agencies;
(J) Utilities; and
(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c) REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) MORATORIUM ON ISSUANCE OF LICENSES.

No Federal agency may issue a license for a facility for the storage or disposal or radioactive waste (except a license for temporary on-site storage) until the date on which the Commission submits its report under section 6.

(e) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(f) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

AMENDMENT NO. 4680

On page 51, strike line 5 through page 54 line 15, and insert

"(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the science advisor to the

President and the Council on Environmental quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this Act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The Membership and structure of the Commission shall be determined by the President with a view toward providing representation from—

(A) Environmental Groups,

(B) Consumer groups;

(C) Taxpayer groups;

(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;

(E) State and local governments;

(F) Indian tribes;

(G) Transportation experts;

(H) Management experts;

(I) Federal, State, and local regulatory agencies;

(J) Utilities; and

(K) Other affected industries.

(3) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(4) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

(b) ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, traumatic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experience of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

(c). REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

(d) TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

(e) AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act."

AMENDMENT NO. 4681

On page 45, line 2, strike "1,000" and insert "20,000".

AMENDMENT NO. 4682

On page 45, line 2, strike "1,000" and insert "15,000".

AMENDMENT NO. 4683

On page 44, line 15, strike all after "releases" through the end of line 23.

AMENDMENT NO. 4684

On page 44, line 19, strike "unreasonable".

AMENDMENT NO. 4685

On page 44, line 1, strike "not".

AMENDMENT NO. 4686

On page 43, line 21, strike "not".

AMENDMENT NO. 4687

At the appropriate place, insert:

SEC. . TENTH AMENDMENT PROTECTION.

(a) FINDINGS.—The Congress finds that—

(1) in most areas of governmental concern, State governments possess both the Constitutional authority and the competence to discern the needs and the desires of the People and to govern accordingly;

(2) Federal laws and agency regulations, which have interfered with State powers in areas of State jurisdiction, should be restricted to powers delegated to the Federal Government by the Constitution;

(3) the framers of the Constitution intended to bestow upon the Federal Government only limited authority over the States and the People;

(4) under the Tenth Amendment to the Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and

(5) the courts, which have in general construed the Tenth Amendment not to restrain the Federal Government's power to act in areas of State jurisdiction, should be directed to strictly construe Federal laws and regulations which interfere with State powers with a presumption in favor of State authority and against Federal preemption.

(b) LIMITATION.—No preemption of State law under this Act shall be effective until the Secretary has published in the Federal Register a determination demonstrating the Constitutional basis for the preemption. Such determination shall be subject to challenge through the federal court system.

AMENDMENT NO. 4688

On page 71, strike line 12 through line 21.

AMENDMENT NO. 4689

At the appropriate place, add:

SEC. . SAFE TRANSPORTATION ASSURANCE.

Notwithstanding any other provision of this Act, no transportation of spent nuclear fuel and high-level nuclear waste shall take place under this Act unless the Secretary has determined through rulemaking that all States, units of local governments, and Indian tribes through whose jurisdiction the Secretary plans to transport spent fuel or high-level radioactive waste have developed and implemented plans to ensure the public safety. Such plans shall include emergency response training, evacuation plans, and any other requirements the Secretary deems necessary. The Secretary shall include in such determination an analysis of the sources of funding for such plans.

AMENDMENT NO. 4690

Strike section 501.

AMENDMENT NO. 4691

On page 27, line 17, strike "1998" and insert "2019".

AMENDMENT NO. 4692

On page 27, line 17, strike "1998" and insert "2018".

AMENDMENT NO. 4693

On page 27, line 17, strike "1998" and insert "2017".

AMENDMENT NO. 4694

On page 27, line 17, strike "1998" and insert "2016".

AMENDMENT NO. 4695

On page 27, line 17, strike "1998" and insert "2015".

AMENDMENT NO. 4696

On page 27, line 17, strike "1998" and insert "2014".

AMENDMENT NO. 4697

On page 27, line 17, strike "1998" and insert "2013".

AMENDMENT NO. 4698

On page 27, line 17, strike "1998" and insert "2012".

AMENDMENT NO. 4699

On page 27, line 17, strike "1998" and insert "2011".

AMENDMENT NO. 4700

On page 27, line 17, strike "1998" and insert "2010".

AMENDMENT NO. 4701

Strike all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Independent Review Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) despite the enactment of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), ratepayer contributions to the Nuclear Waste Fund established by section 302 of the Act (42 U.S.C. 10222) of over $6,000,000,000, and expenditures of over $4,000,000,000, the high-level radioactive waste program is behind scheduled and is the subject of numerous fundamental controversies, including the very concept of deep geologic storage;

(2) the Federal Government's only proposed transuranic waste disposal facility, the Waste Isolation Pilot Plant (WIPP), is beset with unresolved engineering, geologic, and certification problems and suffers from cost overruns;

(3) Federal and State efforts to site low-level radioactive waste disposal sites have failed in many instances because of technical problems and public opposition; and

(4) there has never been a comprehensive independent review of Federal nuclear waste policies.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a commission to conduct a full independent review of United States nuclear waste policy.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President, in consultation with the science advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (referred to in this act as the "Commission").

(b) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(1) environmental groups;

(2) consumer groups;

(3) taxpayer groups;

(4) the scientific community, including nuclear-oriented and other fields such as biology and medicine;

(5) State and local governments;

(6) Indian tribes;

(7) transportation experts;

(8) management experts;

(9) Federal, State, and local regulatory agencies;

(10) utilities; and

(11) other affected industries.

(c) INDEPENDENT STATUS.—The Commission shall be independent of the Department of Energy and other Federal agencies.

(d) PARTICIPATION BY THE PUBLIC.—The Commission shall hold public meetings and provide full opportunities for participation by all interested parties.

SEC. 5. ISSUES TO BE CONSIDERED.

The Commission shall consider all issues related to United States policy concerning high-level, transuranic, low-level waste, and other radioactive wastes including—

(1) various options for high-level radioactive waste storage and disposal, including deep geologic disposal, on-site dry storage, monitored retrievable storage, centralized interim storage, or any other options;

(2) evaluation of the experiences of other countries in storing and disposing of radioactive waste;

(3) an analysis of funding through the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), including fee sufficiency and strategies for providing equity for ratepayer contributions to the Nuclear Waste Fund;

(4) the siting and characterization process for nuclear waste programs currently in effect and alternatives to those programs;

(5) technical, managerial, economic, and policy analyses of the nuclear waste inventory of the United States; and

(6) an examination of the classification system for nuclear waste currently in effect, and options for reclassification.

SEC. 6. REPORT.

Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress a report on its review under this Act, including recommendations for legislative or other action.

SEC. 7 MORATORIUM ON ISSUANCE OF LICENSES.

No Federal agency may issue a license for a facility for the storage or disposal of radioactive waste (except a license for temporary on-site storage) until the date on which the Commission submits its report under section 6.

SEC. 8. TERMINATION OF COMMISSION.

The commission shall terminate 30 days after the date on which the Commission submits its report under section 6.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENT NO. 4702

At the appropriate place, insert:

SEC. . FISCAL RESPONSIBILITY LIMITATION.

Nothwithstanding any other provision of this Act, no funds authorized under this Act shall be expended in any fiscal year during which the Secretary does not publish in the Federal Register a fee sufficiency report which demonstrates that contract holders will pay the full cost of the storage and disposal of all spent nuclear fuel and high-level radioactive waste produced in relation to civilian nuclear power reactors. Such report shall include the estimated total life cycle cost of all expenditures authorized by this Act, the estimated total payments of contract holders to the Nuclear Waste Fund, the estimated proportionate share of the total life cycle cost attributable to disposal, storage, and transportation of spent nuclear fuel and high-level radioactive waste produced by contract holders, and the surplus or shortfall of contract holders' payments versus proportionate share of the costs.

AMENDMENT NO. 4703

SEC. . LIMITATION.

Notwithstanding any other provisions of this Act, no facility for the interim storage of spent nuclear fuel or high-level radioactive waste shall be sited in a State under consideration as a site for a permanent repository.

AMENDMENT NO. 4704

Strike section 502.

AMENDMENT NO. 4705

On page 74, strike line 1 through line 3.

AMENDMENT NO. 4706

On page 73, line 21, strike all after "system." through page 74, line 3.

AMENDMENT NO. 4707

On page 73, strike line 17 through the word "system." on line 21.

AMENDMENT NO. 4708

On page 72, strike section 404.

AMENDMENT NO. 4709

On page 27, line 8, strike "1999" and insert "2025".

AMENDMENT NO. 4710

On page 27, line 8, strike "1999" and insert "2024".

AMENDMENT NO. 4711

On page 27, line 8, strike "1999" and insert "2023".

AMENDMENT NO. 4712

On page 27, line 8, strike "1999" and insert "2022".

AMENDMENT NO. 4713

On page 27, line 8, strike "1999" and insert "2021".

AMENDMENT NO. 4714

On page 27, line 8, strike "1999" and insert "2020".

AMENDMENT NO. 4715

On page 27, line 8, strike "1999" and insert "2019".

AMENDMENT NO. 4716

On page 27, line 8, strike "1999" and insert "2018".

AMENDMENT NO. 4717

On page 27, line 8, strike "1999" and insert "2017".

AMENDMENT NO. 4718

On page 27, line 8, strike "1999" and insert "2016".

AMENDMENT NO. 4719

On page 31, line 5, strike "1999" and insert "2021".

AMENDMENT NO. 4720

On page 45, line 21, strike "the average for".

AMENDMENT NO. 4721

On page 45, line 22, strike all after "site." through the end of line 25.

AMENDMENT NO. 4722

On page 34, strike from line 21 through page 35, line 12.

AMENDMENT NO. 4723

On page 45, line 1, strike "reasonable".

AMENDMENT NO. 4724

On page 45, line 10, strike "not".

AMENDMENT NO. 4725

On page 27, line 17, strike "1998" and insert "2022".

AMENDMENT NO. 4726

On page 31, line 5, strike "1999" and insert "2017".

AMENDMENT NO. 4727

On page 26, line 25, strike "of spent nuclear fuel and".

AMENDMENT NO. 4728

On page 27, line 7, strike all after "Act." through page 32, line 18.

AMENDMENT NO. 4729

On page 34, strike line 15 through line 18.

AMENDMENT NO. 4730

On page 33, strike line 10 through line 19.

AMENDMENT NO. 4731

On page 31, line 5, strike "1999" and insert "2025".

AMENDMENT NO. 4732

On page 46, strike from line 1 through line 14.

AMENDMENT NO. 4733

On page 31, line 5, strike "1999" and insert "2016".

AMENDMENT NO. 4734

On page 27, line 17, strike "1998" and insert "2020".

AMENDMENT NO. 4735

On page 47, line 23, strike all after "(b)(3)." through page 48, line 10.

AMENDMENT NO. 4736

On page 47, line 12, strike "not."

AMENDMENT NO. 4737

On page 45, strike line 10 through 15.

AMENDMENT NO. 4738

On page 56, line 1, strike "local".

AMENDMENT NO. 4739

On page 55, line 23, strike "local".

AMENDMENT NO. 4740

On page 31, line 18, strike "15,000" and insert "400".

AMENDMENT NO. 4741

On page 63, strike line 7 through line 25.

AMENDMENT NO. 4742

On page 62, line 15, strike all after "shall be" through the word "exceed" on page 63, line 5.

AMENDMENT NO. 4743

On page 62, line 8, strike "and sold between January 7, 1983, and September 30, 2002,".

AMENDMENT NO. 4744

On page 60, line 9, strike "the County of Nye,".

AMENDMENT NO. 4745

On page 59, line 15, strike "the County of Nye".

AMENDMENT NO. 4746

On page 31, line 5, strike "1999" and insert "2019".

AMENDMENT NO. 4747

On page 27, line 17, strike "1998" and insert "2021".

AMENDMENT NO. 4748

On page 31, line 18, strike "15,000" and insert "900".

AMENDMENT NO. 4749

On page 57, line 19, strike "local".

AMENDMENT NO. 4750

On page 31, line 5, strike "1999" and insert "2018".

AMENDMENT NO. 4751

On page 31, line 18, strike "15,000" and insert "750".

AMENDMENT NO. 4752

On page 58, line 22, strike "None of the".

AMENDMENT NO. 4753

On page 58, strike line 1 through line 20.

AMENDMENT NO. 4754

On page 55, line 16, strike "local".

AMENDMENT NO. 4755

On page 56, line 22, strike "local".

AMENDMENT NO. 4756

On page 56, line 19, strike "local".

AMENDMENT NO. 4757

On page 56, line 14, strike "local".

AMENDMENT NO. 4758

On page 56, line 4, strike "local".

AMENDMENT NO. 4759

On page 31, line 5, strike "1999" and insert "2020".

AMENDMENT NO. 4760

On page 31, line 5, strike "1999" and insert "2022".

AMENDMENT NO. 4761

On page 31, line 18, strike "15,000" and insert "320".

AMENDMENT NO. 4762

On page 31, line 18, strike "15,000" and insert "200".

AMENDMENT NO. 4763

On page 31, line 18, strike "15,000" and insert "100".

AMENDMENT NO. 4764

On page 31, line 5, strike "1999" and insert "2024".

AMENDMENT NO. 4765

On page 31, line 5, strike "1999" and insert "2023".

AMENDMENT NO. 4766

On page 31, line 18, strike "15,000" and insert "300".

AMENDMENT NO. 4767

On page 65, line 1, strike "long-term storage and".

AMENDMENT NO. 4768

Strike from page 62, line 6 through page 63, page 22.

AMENDMENT NO. 4769

On page 63, strike line 7 through line 22.

AMENDMENT NO. 4770

On page 63, line 5, strike "1.0" and insert "5.0".

AMENDMENT NO. 4771

On page 64, line 21, strike "2002" and insert "1996".

AMENDMENT NO. 4772

On page 31, line 18, strike "15,000" and insert "830".

AMENDMENT NO. 4773

On page 31, line 18, strike "15,000" and insert "240".

AMENDMENT NO. 4774

On page 31, line 18, strike "15,000" and insert "500".

AMENDMENT NO. 4775

On page 27, line 8, strike "1999" and insert "2015".

AMENDMENT NO. 4776

On page 27, line 8, strike "1999" and insert "2014".

AMENDMENT NO. 4777

On page 27, line 8, strike "1999" and insert "2013".

AMENDMENT NO. 4778

On page 27, line 8, strike "1999" and insert "2012".

AMENDMENT NO. 4779

At the appropriate place, add

"SEC. . RATEPAYER EQUITY.

(a) After January 31, 1998, if the Secretary does not have a facility available to accept spent fuel from persons holding contracts under this section, those persons may, through credits on fee payments under subsection (b), offset the expenses of providing storage of spent fuel generated after that date (including expenses reasonably incurred before that date in anticipation of the necessity of providing such storage) and until the date of the Secretary's first acceptance of that person's spent fuel at a storage or disposal facility authorized by this Act.

(b) The credits described in paragraph (1)—

"(A) shall be deducted from each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in an amount determined by the Secretary to reflect the cost of storage qualifying under subsection (a)."

AMENDMENT NO. 4780

At the appropriate place, add

"SEC. . INDEPENDENT REVIEW.

(a) ESTABLISHMENT OF COMMISSION.

(1) IN GENERAL.—The President, in consultation with the Science Advisor to the President and the Council on Environmental Quality, shall establish a commission to be known as the "Nuclear Waste Policy Review Commission" (Referred to in this act as the "Commission").

(2) REPRESENTATION OF INTEREST GROUPS.—The membership and structure of the Commission shall be determined by the President with a view towards providing representation from—

(A) Environmental groups;
(B) Consumer groups;
(C) Taxpayer groups;
(D) The scientific community, including nuclear-oriented and other fields such as biology and medicine;
(E) State and local governments;
(F) Indian tribes;
(G) Transportation experts;
(H) Management experts;
(I) Federal, state, and local regulatory agencies;
(J) Utilities; and

AMENDMENT NO. 4781

On page 31, line 5, strike "1999" and insert "2015".

AMENDMENT NO. 4782

On page 31, line 5, strike "1999" and insert "2014".

AMENDMENT NO. 4783

On page 31, line 5, strike "1999" and insert "2013".

AMENDMENT NO. 4784

On page 27, line 17, strike "1998" and insert "2024".

AMENDMENT NO. 4785

On page 31, line 18, strike all after "MTU." through line 22.

AMENDMENT NO. 4786

On page 32, line 15, strike after "2002." though the end of line 18.

AMENDMENT NO. 4787

On page 23, line 13, strike all after "(g)." though the end of line 15.

AMENDMENT NO. 4788

On page 44, line 17, strike "100" and insert "15".

AMENDMENT NO. 4789

On page 44, line 17, strike "100" and insert "25".

AMENDMENT NO. 4790

On page 44, strike line 11 through line 23, and insert "(1) Notwithstanding any other provision of this Act, the Environmental Protection Agency, though its normal rule making process, shall develop standards for protection of the public from release of radioactive material or radioactivity from the repository or any other federal high-level waste facility, including the transportation of high-level waste, which protect, with a high level of confidence, the health and safety of all individuals potentially exposed to such radiation or radioactive materials. The Nuclear Regulatory Commission shall require compliance with such standard as a condition of approving any license for a high-level nuclear waste facility."

AMENDMENT No. 4791

On page 13, strike from line 22 through page 21, line 2.

AMENDMENT No. 4792

Strike section 204.

AMENDMENT No. 4793

On page 48, strike line 11 through line 14.

AMENDMENT No. 4794

On page 48, strike section 206.

AMENDMENT No. 4795

On page 31, line 18, strike "15,000" and insert "800".

AMENDMENT No. 4796

On page 27, line 17, strike "1998" and insert "2025".

AMENDMENT No. 4797

At the appropriate place, add the following: "Notwithstanding any other provision of this Act, the Secretary shall not provide storage or disposal of spent fuel or high-level radioactive waste resulting from operation of civilian nuclear power reactors to any contract holder unless the provisions of this Act provide for full cost recovery to the Treasury of such storage or disposal."

AMENDMENT No. 4798

On page 65, at the end of line 4, add "No provisions of Title II of this Act shall take effect until all such one-time fees have been paid to the Treasury."

AMENDMENT No. 4799

At the appropriate place, add "No provision of Title II of this Act shall take effect until all fees under Title IV of this Act have been paid to the Treasury."

AMENDMENT No. 4800

On page 64, line 23, strike all after the "paid." through page 65, line 4.

AMENDMENT No. 4801

On page 65, strike line 21 through page 66, line 20.

AMENDMENT No. 4802

On page 64, line 6, strike "average".

AMENDMENT No. 4803

On page 11, line 16, strike "storage and".

AMENDMENT No. 4804

On page 45, line 2, strike "1,000" and insert "35,000".

AMENDMENT No. 4805

On page 45, line 2, strike "1,000" and insert "50,000".

AMENDMENT No. 4806

On page 45, line 2, strike "1,000" and insert "100,000".

AMENDMENT No. 4807

On page 45, line 2, strike "1,000" and insert "15,000".

AMENDMENT No. 4808

On page 45, line 2, strike "1,000" and insert "1,000,000".

AMENDMENT No. 4809

On page 41, line 10, strike "substantial".

AMENDMENT No. 4810

On page 41, line 21, strike "unreasonable".

AMENDMENT No. 4811

On page 42, line 18, strike "unreasonable".

AMENDMENT No. 4812

On page 43, line 2, strike "unreasonable".

AMENDMENT No. 4813

At the appropriate place, insert the following: "No provision of this Act shall take effect until the Secretary has determined that contract holders will pay the full cost of the storage and disposal of spent fuel and high-level radioactive waste derived from spent nuclear fuel used to generate electricity in civilian power reactors."

AMENDMENT No. 4814

On page 45, line 2, strike "1,000" and insert "10,000".

AMENDMENT No. 4815

On page 65, line 16, strike "shall propose an adjustment to" and insert "shall adjust".

AMENDMENT No. 4816

On page 31, line 5, strike "1999" and insert "2011".

AMENDMENT No. 4817

On page 31, line 18, strike "15,000" and insert "600".

AMENDMENT No. 4818

On page 49, line 10, strike line 4 through line 9.

AMENDMENT No. 4819

On page 50, strike line 21 through page 51, line 3.

AMENDMENT No. 4820

Strike section 207.

AMENDMENT No. 4821

On page 54, line 19, strike "local".

AMENDMENT No. 4822

On page 54, line 21, strike "local".

AMENDMENT No. 4823

On page 45, line 2, strike "1,000" and insert "25,000".

AMENDMENT No. 4824

On page 45, line 2, strike "1,000" and insert "30,000".

WELLSTONE AMENDMENTS NOS. 4825–4828

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT No. 4825

On page 68, line 5 of the amendment, strike "years." and insert the following: "years.

"SEC. 800.—REQUIREMENT OF DISPOSAL FACILITY.

"(a)(1) Notwithstanding any other provision of law, no new civilian nuclear power reactor shall be built until such time as—

"(A) there is a facility licensed by the Federal Government for the permanent emplacement of spent nuclear fuel and high-level radioactive waste from the civilian nuclear power reactor; and

"(B) there is adequate volume of capacity within the emplacement facility to accept all of the spent nuclear fuel and high-level radioactive waste that will be generated by the civilian nuclear power reactor during the reasonably foreseeable operational lifetime of the civilian nuclear power reactor.

"(2) At no time shall the volume of spent fuel and high-level radioactive waste generated, or reasonably expected to be generated, by all civilian nuclear power reactors on which construction was begun after the date of enactment of this Act, exceed the volume of capacity available in facilities licensed by the Federal Government for the permanent emplacement of spent nuclear fuel and high-level radioactive waste.

"(b) Any affected citizen may enforce the provision in (a) by filing a claim in federal district court in the district in which they reside or in the U.S. District Court for the District of Columbia."

AMENDMENT No. 4826

On page 44 of the amendment, at the end of line 24, insert the following: "The adjusted fee proposed by the Secretary shall be effective after a period of 90 days of continuous session have elapsed following the receipt of such transmittal unless during such 90-day period a law is enacted disapproving the Secretary's proposed adjustment."

AMENDMENT No. 4827

On page 57 of the amendment, strike lines 16 and 17 and insert in lieu thereof the following: "Notwithstanding any other provision of this Act or other law or agreement, the Secretary shall not accept title to spent nuclear fuel or high-level nuclear waste generated by a commercial nuclear power reactor unless the Secretary determines that accepting title to the fuel or waste is necessary to enable the Secretary to protect adequately the public health or safety, or the environment. To the extent that the federal government is responsible for personal or property damages arising from such fuel or waste while in the federal government's possession, such liability shall be born by the federal government."

AMENDMENT No. 4828

On page 57 of the amendment, strike lines 16 and 17 and insert in lieu thereof the following: "Notwithstanding any other provision of this Act (except subsection (b) of this section) or other law or agreement, the Secretary shall not accept title to spent nuclear fuel or high-level nuclear waste generated by a commercial nuclear power reactor unless the Secretary determines that accepting title to the fuel or waste is necessary to enable the Secretary to protect adequately the public health or safety, or the environment. To the extent that the federal government is responsible for personal or property damages arising from such fuel or waste while in the federal government's possession, such liability shall be born by the federal government."

MOSELEY-BRAUN AMENDMENTS NOS. 4829–4830

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted two amendments intended to be proposed by her to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4829

On page 21, beginning on line 6, strike "transport" and all that follows through the period on line 9 and insert "transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent, transportation of spent nuclear fuel and high-level radioactive waste through populated areas or sensitive environmental areas, beginning not later than November 30, 1999, and, by that date, shall, in consultation with the Secretary of Transportation, develop and implement a comprehensive management plan that ensures the safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.".

AMENDMENT NO. 4830

On page 21, line 6, after "transport" insert "safely".

CHAFEE AMENDMENTS NOS. 4831–4835

(Ordered to lie on the table.)

Mr. CHAFEE submitted five amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4831

On page 35, lines 4 and 5, strike "and facility use pursuant to paragraph (d)(2) of this section."

AMENDMENT NO. 4832

Beginning on page 43, lines 19 and 20, strike "Notwithstanding" all that follows through the period on page 44, line 2.

AMENDMENT NO. 4833

On page 44, line 4, strike "solely".

AMENDMENT NO. 4834

Beginning on page 73, strike line 16 and all that follows through page 74, line 3, and insert the following:

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

AMENDMENT NO. 4835

On page 35, line 3, strike "the construction and operation of any facility,".

MURKOWSKI AMENDMENTS NOS. 4836–4845

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted 10 amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4836

On page 24, beginning on line 8, strike "(f) EMPLOYEE PROTECTION—" and all that follows through "and 232." on line 19, and insert:

"(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this act shall be subject to and comply fully with employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105; and qualified persons shall be designated to perform the inspection and testing of trains under the provisions of 49 CFR 215 and 232 and shall be trained pursuant to the standard required by section 203(g).".

AMENDMENT NO. 4837

On page 3, lines 15–16, strike "such a facility" and insert "an interim storage facility or a repository".

AMENDMENT NO. 4838

On page 5, line 21, strike "permit" and insert "permits".

AMENDMENT NO. 4839

On page 11, line 12, strike "respository" and insert "repository".

AMENDMENT NO. 4840

On page 11, line 21, strike "for storage".

AMENDMENT NO. 4841

At page 68, beginning on line 2, strike "subsection (d)" and insert "subsections (d) and (e)".

AMENDMENT NO. 4842

On page 14, line 12, after "Secretary," insert "or along such other route designate by the Secretary,".

AMENDMENT NO. 4843

On page 12, line 24, strike "Spent Nuclear Fuel".

AMENDMENT NO. 4844

On page 14, line 12, after "Secretary," insert "or along such other route designated by the Secretary,".

AMENDMENT NO. 4845

Strike all after the enacting clause and insert in lieu thereof the following:

That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201. Intermodal transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent repository.
"Sec. 206. Land withdrawal.
"Sec. 207. Permanent disposal alternatives.

"TITLE III—LOCAL RELATIONS

"Sec. 301. Financial assistance.
"Sec. 302. On-site representative.
"Sec. 303. Acceptance of benefits.
"Sec. 304. Restrictions on use of funds.
"Sec. 305. Land conveyances.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Federal contribution.
"Sec. 404. Budget priorities.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Judicial review of agency actions.
"Sec. 503. Licensing of facility expansions and transshipments.
"Sec. 504. Siting a second repository.
"Sec. 505. Financial arrangements for low-level radioactive waste site closure.
"Sec. 506. Nuclear Regulatory Commission training authority.
"Sec. 507. Emplacement schedule.
"Sec. 508. Transfer of title.
"Sec. 509. Decommissioning pilot program.
"Sec. 510. Water rights.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.

"SECTION 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

"(A) whose reservation is surrounded by or borders an affected unit of local government, or

"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

"(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

"(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

"(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' means man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

"(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

"(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

"(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within area 25 of the Nevada test site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(21) METRIC TONS URANIUM.—The term 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(22) NUCLEAR WASTE FUND.—The term 'Nuclear Waste Fund' and 'waste fund' means the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302 (c) of the Nuclear Waste Policy Act of 1982.

"(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

"(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(30) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

"(31) YUCCA MOUNTAIN SITE.—The term 'Yucca Mountain site' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

"(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders for storage at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practies.

"(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Spent Nuclear Fuel Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

"(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

"(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

"(2) obligations imposed upon the Federal Government by the United States District

Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL).

"(g) LIABILITY.—Subject to any valid existing right under subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

"(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way along the 'Chalk Mountain Heavy Haul Route' depicted on the map dated March 13, 1996, and on file with the Secretary, necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

"(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"(h) BENEFITS AGREEMENT.—

"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with Lincoln County, Nevada, concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Lincoln County, Nevada.

"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

"(5) LIMITATION.—Only one agreement may be in effect at any one time.

"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT.—

"(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

"BENEFITS SCHEDULE

"(Amounts in millions)

"Event	Payment
"(A) Annual payments prior to first receipt of spent fuel	$2.5
"(B) Annual payments beginning upon first spent fuel receipt	5
"(C) Payment upon closure of the intermodal transfer facility	5

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

"(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

"(j) INITIAL LAND CONVEYANCES.—

"(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10; Lincoln County, parcel M, industrial park site.

Map 11; Lincoln County, parcel F, mixed use industrial site.

Map 13; Lincoln County, parcel J, mixed use, Alamo Community Expansion Area.

Map 14; Lincoln County, parcel E, mixed use, Pioche Community Expansion Area.

Map 15; Lincoln County, parcel B, landfill expansion site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities beginning not later than November 30, 1999. As soon as is practicable following enactment of this Act, the Secretary shall analyze each specific reactor facility designated by contract holders in the order of priority established in the emplacement schedule, and develop a logistical plan to assure the Secretary's ability to transport spent nuclear fuel and high-level radioactive waste.

"(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

"(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the federal, state and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

"(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105. Carmen shall be designated to perform the inspection and testing of trains under the provisions of 49 CFR 215 and 232 at all initial terminals and intermediate inspection points. Members of an operating crew shall be trained to perform the cursory inspection and testing required on cars picked up at outlying points under the provisions of 49 CFR 215 appendix D and 232.

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard, through certification or other means, be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

"(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal, transportation, interim storage, and permanent disposal of spent nuclear fuel and high-level radioactive waste.

"(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

"(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

"(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

"(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

"(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

"(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

"(i) the preliminary design concept for the critical elements of the repository and waste package,

"(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the respository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act.

"(iii) a plan and cost estimate for the remaining work required to complete a license application, and

"(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

"(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

"(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

"(c) DESIGN.—

"(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

"(d) LICENSING.—

"(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commerce operations no later than November 30, 1999.

"(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

"(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not complete the viability assessment of the Yucca Mountain site by June 30, 1998, or submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

"(e) ADDITIONAL AUTHORITY.—

"(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

"(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated Mar. 1995 (DOE/RW-0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

"(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

"(B) spent nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

"(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

"(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

"(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations and designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction and operation of any facility, and facility use pursuant to paragraph (d)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—

"(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

"(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

"(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

"(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

"(i) the need for the interim storage facility, including any individual component thereof;

"(ii) the time of the initial availability of the interim storage facility;

"(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

"(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

"(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

"(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

"(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

"(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

"(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3) (A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

"(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

"SEC. 205. PERMANENT REPOSITORY.

"(a) REPOSITORY CHARACTERIZATION.—

"(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

"(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

"(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996. No later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

"(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

"(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

"(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

"(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

"(A) breaching the repository's engineered or geologic barriers; or

"(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

"(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

"(d) REPOSITORY LICENSING STANDARDS.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the repository and any such standards existing on the date of enactment of the Nuclear Waste Policy Act of 1996 shall not be incorporated in the Commission's licensing regulations. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2). The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

"(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

"(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

"(3) FACTORS.—For purposes of making the finding in paragraph (2)—

"(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

"(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

"(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site; in accordance with subsection (b)(4), shall be sufficient to—

"(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

"(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

"(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

"(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

"(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

"(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled 'Interim Storage Facility Site Withdrawal Map,' dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"SEC. 207. PERMANENT DISPOSAL ALTERNATIVES.

"(a) STUDY.—Within 270 days after the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall report to Congress on alternatives for the permanent disposal of spent nuclear fuel and high-level radioactive waste. The report under this section shall include—

"(1) an assessment of the current state of knowledge of alternative technologies for the treatment and disposal of spent nuclear fuel and high-level radioactive waste;

"(2) an estimate of the costs of research and development of alternative technologies;

"(3) an analysis of institutional factors associated with alternative technologies, including international aspects of a decision of the United States to proceed with the development of alternative technologies (including nuclear proliferation concerns) as an option for nuclear waste management and disposal;

"(4) a full discussion of environmental and public health and safety aspects of alternative technologies;

"(5) recommendations on alternative ways to structure an effort in research, development, and demonstration with respect to alternative technologies; and

"(6) the recommendations of the Secretary with respect to research, development, and demonstration of the most promising alternative technologies for the treatment and disposal of spent nuclear fuel and high-level radioactive waste.

"(b) OFFICE OF NUCLEAR WASTE DISPOSAL RESEARCH.—(1) There is hereby established an Office of Nuclear Waste Disposal Research within the Office of Energy Research of the Department of Energy. The Office shall be headed by the Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Energy Research, and compensated at a rate determined by applicable law.

"(2) The Director of the Office of Nuclear Waste Research shall be responsible for carrying out research, development, and demonstration activities on alternative technologies for the treatment and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Director of the Office of Energy Research, and the first such Director shall be appointed within 30 days of the date of enactment of the Nuclear Waste Policy Act of 1996.

"(3) In carrying out his responsibilities under this Section, the Secretary may make grants to, or enter into contracts with, the Nuclear Waste Research Consortium described in paragraph (4) of this section and other persons.

"(4)(A) Within 60 days of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall establish a university-based Nuclear Waste Disposal Consortium involving leading universities and institutions, national laboratories, the commercial nuclear industry, and other organizations to investigate technical and institutional feasibility of alternative technologies for the treatment and disposal of spent nuclear fuel and high-level radioactive waste.

"(B) The Nuclear Waste Disposal Consortium shall develop a research plan and budget to achieve the following objectives by 2005:

"(i) identify promising alternative technologies for the treatment and disposal of spent nuclear fuel and high-level radioactive waste.

"(ii) conduct research and develop conceptual designs for promising alternative technologies, including estimated costs and institutional requirements for continued research and development; and

"(iii) identify and assess potential impacts of promising alternative technologies on the environment.

"(C) In 2000, and again in 2005, the Nuclear Waste Disposal Consortium shall report to Congress on the progress being made in achieving the objectives of paragraph (2).

"(5) The Director of the Office of Nuclear Waste Disposal Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office.

"TITLE III—LOCAL RELATIONS

"SEC. 301. FINANCIAL ASSISTANCE.

"(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

"(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

"(2) to develop a request for impact assistance under subsection (c);

"(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

"(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

"(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

"(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

"(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

"(d) OTHER ASSISTANCE.—

"(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

"The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

"(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any government unit of Nevada premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 305 LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under paragraph (1) to the County of Nye, Nevada:

Map 1; proposed Pahrump industrial park site.

Map 2; proposed Lathrop Wells (gate 510) industrial park site.

Map 3; Pahrump landfill sites.

Map 4; Amargosa Valley Regional Landfill site.

Map 5; Amargosa Valley Municipal Landfill site.

Map 6; Beatty Landfill/Transfer Station site.

Map 7; Round Mountain Landfill site.

Map 8; Tonopah Landfill site.

Map 9; Gabbs Landfill site.

"(c) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (1) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(d) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

"(2) ANNUAL FEES.—

"(A) for electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt-hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatthour generated and sold.

"(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403,

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

"(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatthour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

"(b) ADVANCE CONTRACTING REQUIREMENT.

"(1) IN GENERAL.—

"(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

"(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

"(c) NUCLEAR WASTE FUND.—

"(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

"(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

"(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsection (d) and (e), only for purposes of the integrated management system.

"(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

"(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) CONTINUATION OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.—The Office of Civilian Radioactive Waste Management established under section 304(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1996, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

"(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

"SEC. 403. FEDERAL CONTRIBUTION.

"(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1996, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

"(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

"(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

"(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under Section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).

SEC. 404. BUDGET PRIORITIES.

"(a) THE SECRETARY.—For purposes of preparing annual requests for appropriations for the integrated management system and allocating funds among competing requirements, the Secretary shall give funding for the licensing, construction, and operation of the interim storage facility under section 204 and development of the transportation capability under sections 201, 202, and 203 the highest priority.

"(b) THE COMMISSION.—For purposes of preparing annual requests for appropriations for the integrated management system and allocating annual appropriations among competing requirements, the Commission shall allocate funds in accordance with the following prioritization:

"(1) The issuance of regulations for and the licensing of an interim storage facility under section 204 and any associated storage and/or transport systems to be used in the integrated management system shall be accorded the highest priority; and

"(2) the licensing of the repository under section 205 shall be accorded the next highest priority.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

"(1) complying with such requirement and a requirement of this Act is impossible; or

"(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

"(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site; unless

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

"(a) FINANCIAL ARRANGEMENTS.—

"(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

"(b) TITLE AND CUSTODY.—

"(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

"(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

"(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

"(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

"(a) The emplacement schedule shall be implemented in accordance with the following:

"(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

"(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2,000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

"(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in paragraph (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

"(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had began emplacement in fiscal year 2000, and

"(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

"SEC. 508. TRANSFER OF TITLE.

"(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

"(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 501. WATER RIGHTS.

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

"(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

"For purposes of this title—

"(1) CHAIRMAN.—The term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board.

"(2) Board.—The term 'Board' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

"(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1996, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

"(b) MEMBERS.—

"(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

"(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

"(3) NATIONAL ACADEMY OF SCIENCES.—

"(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

"(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

"(C) NOMINEES.—

"(i) Each person nominated for appointment to the Board shall be—

"(I) eminent in a field of science or engineering, including environmental sciences; and

"(II) selected solely on the basis of established records of distinguished service.

"(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

"(iii) No person shall be nominated for appointment to the Board who is an employee of—

"(I) the Department of Energy;

"(II) a national laboratory under contract with the Department of Energy; or

"(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

"(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

"The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

"(1) site characterization activities; and

"(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS.

"(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

"(b) PRODUCTION OF DOCUMENTS.—

"(1) RESPONSE TO INQUIRES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such record, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

"(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) shall be limited to final work products of the secretary, but may include drafts of such products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) CLERICAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) PROFESSIONAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than two times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business. Notwithstanding any other provision of law, the civilian radioactive waste management program is not subject to laws or regulations concerning the civil service as described in this title.

"(b) OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT EMPLOYEES.—

"(1) COMPENSATION.—The Secretary shall, without regard to section 5301 of title 5, United States Code, fix the compensation of the Director and the Deputy Director of Office of Civilian Radioactive Waste Management. The Director shall, without regard to section 5301 of title 5, United States Code, fix the compensation for all other Federal employees assigned to the Office of Civilian Radioactive Waste Management, define their duties, and provide for a system of organization to fix responsibility and promote efficiency. The Deputy Director may be removed at the Director's discretion without regard to any laws, rules, or regulations concerning personnel actions in the Civil Service System or Senior Executive Service. Any other Federal employee assigned to the Office of Civilian Radioactive Waste Management may be removed at the discretion of the Secretary or Director without regard to any laws, rules, or regulations concerning personnel actions in the Civil Service System or Senior Executive Service. The Secretary shall ensure that Federal employees assigned to the Office of Civilian Radioactive Waste Management are appointed, promoted, and assigned on the basis of merit and fitness. Other personnel actions shall be consistent with the principles of fairness and due process specified in title 5 of the United States Code, but without regard to those provisions of said title governing appointments and other personnel actions in the competitive service.

"(2) APPLICATION.—The provisions of paragraph (1) shall not apply to Federal employees who may be, from time to time, temporarily assigned to the Office of Civilian Radioactive Waste Management. The use of temporary assignment of Federal employees to the Office of Civilian Radioactive Waste Management shall not be used in any manner to circumvent the full application of the provisions in paragraph (1).

"(3) TRANSITION.—The Secretary shall transition the Federal employees assigned to the Office of Civilian Radioactive Waste Management to the provisions of this section in an orderly manner allowing for the development of the needed procedures. Under no circumstances shall this transition take longer than 6 months from the date of enactment of this Section.

"(4) RETENTION OF BENEFITS.—Federal employees assigned to the Office of Civilian Radioactive Waste Management and transitioned to the provisions of this section shall retain employment benefits in effect immediately prior to the transition date. Transitioned employees will continue in the Civil Service System's retirement system.

"(c) AUDITS.—

"(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporation engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1995.

"(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

"(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

"(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

"(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

"(g) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the emplacement schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligation under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

"(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annul reports shall be brief and shall notify the Congress of:

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.".

LEVIN AMENDMENTS NOS. 4846–4847

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4846

On page 19, at the end of line 19, add the following: "This subsection shall not apply to bar any action seeking declaratory or equitable relief or any other remedy or for a determination of financial liability limited to the total amount of the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, in addition to prospective fee collections and interest, that remain unexpended for storage and disposal activities under the Nuclear Waste Policy Act of 1982 and this Act, in the case of a material failure by the Secretary in meeting the deadlines established by this Act.".

AMENDMENT NO. 4847

On page 13, strike lines 14 through 19.

INHOFE AMENDMENTS NOS. 4848–4849

(Ordered to lie on the table.)

Mr. INHOFE submitted two amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4848

At the appropriate place in the bill insert the following new section:

SEC. . LIMITATION ON PARTICIPATION BY MEMBERS OF CONGRESS IN FEDERAL RETIREMENT SYSTEMS.

(a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) LIMITATION.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8410 the following:

"§ 8410a. Limitation relating to Members

"(a)(1) This section shall apply with respect to any Member serving as—

"(A) a Member of the House of Representatives after completing 12 years of service as a Member of the House of Representatives; or

"(B) a Senator after completing 12 years of service as a Senator.

"(2) For purposes of this subsection—

"(A) only service performed after the 104th Congress shall be taken into account; and

"(B) service performed while subject to subchapter III of chapter 83 (if any) shall be treated in the same way as if it had been performed while subject to this chapter.

"(b) A Member to whom this section applies remains subject to this chapter, except as follows:

"(1)(A) Deductions under section 8422 shall not be made from any pay for service performed as such a Member.

"(B) Government contributions under section 8423 shall not be made with respect to any such Member.

"(C) Service performed as such a Member shall not be taken into account for purposes of any computation under section 8415.

"(2) Government contributions under section 8432(c) shall not be made with respect to any period of service performed as such a Member.

"(c) Nothing in subsection (b) shall be considered to prevent any period of service from being taken into account for purposes of determining whether any age and service requirements for entitlement to an annuity have been met.

"(d) For purposes of this section, the term 'Member of the House of Representatives' includes a Delegate to the House of Representatives and the Resident Commissioner from Puerto Rico.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8410 the following:

"8410a. Limitation relating to Members.".

(b) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) LIMITATION.—Chapter 83 of title 5, United States Code, is amended by inserting after section 8333 the following:

"§ 8333a. Limitation relating to Members

"(a)(1) This section shall apply with respect to any Member serving as—

"(A) a Member of the House of Representatives after completing 12 years of service as a Member of the House of Representatives; or

"(B) a Senator after completing 12 years of service as a Senator.

"(2) For purposes of subsection (a), only service performed after the 104th Congress shall be taken into account.

"(b)(1) A Member to whom this section applies remains subject to this subchapter, except as follows:

"(A) Deductions under the first sentence of section 8334(a) shall not be made from any pay for service performed as such a Member.

"(B) Government contributions under the second sentence of section 8334(a) shall not be made with respect to any such Member.

"(C) Service performed as such a Member shall not be taken into account for purposes of any computation under section 8339, except in the case of a disability annuity.

"(2) Nothing in this subsection shall be considered to prevent any period of service from being taken into account for purposes of determining whether any age and service requirements for entitlement to an annuity have been met.

"(c) Nothing in subsection (b) or (c) of section 8333 shall apply with respect to a Member who, at the time of separation, is a Member to whom this section applies.

"(d) For purposes of this section, the term 'Member of the House of Representatives' includes a delegate to the House of Representatives and the Resident Commissioner from Puerto Rico.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8333 the following:

"8333a. Limitation relating to Members of the House of Representatives.".

AMENDMENT NO. 4849

At the appropriate plea, insert:

SEC. . FINDINGS.

The Congress finds that—

(1) over 10,000,000 people in the world are amputees, and each year more than 250,000 people become amputees;

(2) thousands of citizens of the United States depend on the availability of prosthetic devices in order to function fully in contemporary society;

(3) a sizable number of amputees are unable to afford adequate prosthetic care;

(4) used prosthetic devices could be recycled for reuse by amputees in the United States, but, because of the potential liability of providers of those prosthetic devices, the prosthetic devices are shipped to Third World countries;

(5) making recycled prosthetic devices available to economically disadvantaged amputees would enable those amputees to live more comfortably and function fully;

(6) nonprofit organizations would be uniquely suited to provided recycled prosthetic devices to amputees, if they could be enabled to do so in a cost-efficient manner;

(7) in order to enable nonprofit organizations to provide recycled prosthetic devices to amputees in a cost-efficient manner, immediate action is needed to—

(A) limit the liability of nonprofit organizations in serving as providers of recycled prosthetic devices; and

(B) minimize the cost of litigation against those providers by establishing expeditious procedures to dispose of unwarranted actions.

SEC. . DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf such action is brought, arising from harm allegedly caused directly or indirectly by a recycled prosthetic device.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action arising from harm caused directly or indirectly by a recycled prosthetic device brought on behalf of or through the estate of an individual, such term includes the decedent that is the subject of the action.

(2) HARM.—With respect to harm caused by a recycled prosthetic device, the term "harm" includes any physical injury, illness, disease, or death or damage to property caused by that prosthetic device.

(3) NONPROFIT PROVIDER.—The term "nonprofit provider" means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; and

(B) established for the purpose of providing prosthetic devices to economically disadvantaged individuals.

(4) PRACTITIONER.—The term "practitioner" means a health care professional associated with, employed by, under contract with, or representing a nonprofit provider who—

(A) is required to be licensed, registered or certified under an applicable Federal or State law (including any applicable regulation) to provide health care services; or

(B) is certified to provide health care pursuant to a program of education, training, and examination by an accredited institution, professional board, or professional organization.

(5) PROSTHETIC DEVICE.—The term "prosthetic device" means a mechanical or other apparatus used as an artificial limb for amputees.

(6) RECYCLED PROSTHETIC DEVICE.—The term "recycled prosthetic device" means a previously used prosthetic device that—

(A) has been reconditioned for use by a different amputee;

(B) other than as provided under subparagraph (C), has not been materially altered; and

(C) if altered, has been altered only with respect to the socket, frame, or any additional materials used to attach the prosthetic device to the amputee.

SEC. . APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—Notwithstanding any other provision of law, this Act applies to any civil action brought by a claimant in a Federal or State court against a nonprofit provider or practitioner for harm allegedly caused by a recycled prosthetic device.

(b) PREEMPTION.—

(1) IN GENERAL.—This Act supersedes any State law (including any rule of procedure) applicable to the recovery of damages in an action brought against a nonprofit provider or practitioner for harm caused by a recycled prosthetic device.

(2) OTHER ISSUES.—Any issue that is not covered by this Act shall be governed by applicable Federal or State law.

SEC. . LIMITATION OF LIABILITY OF NONPROFIT PROVIDERS AND PRACTITIONERS.

(a) IN GENERAL.—Except as provided in paragraph (2), a nonprofit provider shall not be liable for harm to a claimant caused by a recycled prosthetic device.

(b) EXCEPTION.—A court shall find a nonprofit provider or practitioner liable for harm caused by a recycled prosthetic device only if the claimant establishes that, the nonprofit provider or practitioner engaged in an intentional wrongdoing (as determined under applicable State law) that was the proximate cause of such harm.

SEC. . PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST NONPROFIT PROVIDERS.

In any action that is subject to this Act, a nonprofit provider or practitioner who is a defendant in such action, may, at any time during which a motion to dismiss may be filed under applicable Federal or State law, move to dismiss the action.

PRESSLER AMENDMENTS NOS. 4850–4851

(Ordered to lie on the table.)

Mr. PRESSLER submitted two amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT No. 4850

Beginning on page 24, strike line 8 and all that follows through page 25.

AMENDMENT No. 4851

Beginning on page 24, strike line 8 and all that follows through page 25, line 11, and insert the following:

"(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of sections 20109 and 31105 of title 49 United States Code. Qualified persons shall perform the inspection and testing of trains under the provisions of sections 215 and 232, Code of Federal Regulations, and shall be trained pursuant to the standard required by section 203(g).

"(g) TRAINING STANDARD.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require evidence of satisfaction of the applicable training standard before any individual may be employed in the removal or transportation of spent nuclear fuel and high-level radioactive waste.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

SIMON ANENDMENT NO. 4852

Mr. SIMON proposed an amendment to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;"; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship".

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

"(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

"(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.".

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting ", including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities" before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out "Make recommendations" and inserting in lieu thereof "After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations";

(B) in subparagraph (A), by inserting "and countries which are of importance to the national security interests of the United States" after "are studying"; and

(C) in subparagraph (B), by inserting "relating to the national security interests of the United States" after "of this title";

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

"(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.".

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

MURKOWSKI AMENDMENTS NOS. 4853–4882

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted 30 amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4853

On page 2, strike "TITLE II—INTEGRATED SPENT NUCLEAR FUEL MANAGEMENT SYSTEM" and insert "TITLE II—INTEGRATED MANAGEMENT SYSTEM"

AMENDMENT NO. 4854

On page 18, line 17, strike "plan" and insert "agreement".

AMENDMENT NO. 4855

On page 20, line 3, strike "date" and insert "dated".

AMENDMENT NO. 4856

On page 20, beginning on line 16, after "descriptions" insert "of".

AMENDMENT NO. 4857

On page 22, line 5, strike "nuclear waste;" and insert "high level radioactive waste,".

AMENDMENT NO. 4858

On page 22, line 22, after "waste for" insert "training for".

AMENDMENT NO. 4859

Beginning on page 24, line 20, strike "(g) TRAINING STANDARD.—" and all that follows through line 23 on page 25, and insert—

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. the regulation shall require that evidence of satisfaction of the applicable training standard, through certification or other means, be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.".

AMENDMENT NO. 4860

On page 38, line 12, strike "(d)(3)(A)" and insert "(e)(3)(A)".

AMENDMENT NO. 4861

On page 39, line 20, strike ". No" and insert ", no".

AMENDMENT NO. 4862

Beginning on page 24, line 20, strike "(g) TRAINING STANDARD.—" and all that follows through line 23 on page 25, and insert—

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard, through certification or other means, be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.".

AMENDMENT NO. 4863

At page 27, line 8, strike "by January 31, 1999" and insert "in accordance with subsection (b)".

AMENDMENT NO. 4864

On page 27, line 11, strike "accepting" and insert "storing".

AMENDMENT NO. 4865

On page 28, line 1, strike "size," and insert "size".

AMENDMENT NO. 4866

On page 29, line 21, strike "accepting" and insert "storing".

AMENDMENT NO. 4867

On page 32, line 21, strike "subsection (a)" and insert "this section".

AMENDMENT NO. 4868

On page 34, line 1, after "1996," insert "as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW–0457),".

AMENDMENT NO. 4869

On page 55, line after "system" insert "on".

AMENDMENT NO. 4780

On page 57, beginning on line 24, strike "representatives" and insert "representatives".

AMENDMENT NO. 4871

On page 58, line 5 strike "denied" and insert "implied".

AMENDMENT NO. 4872

On page 60, line 22, strike "special conveyances referred to in paragraph (2)" and insert "of special conveyances referred to in subsection (b)".

AMENDMENT NO. 4873

On page 72, beginning on line 1, strike "costs of the management" and all that follows through line 16, and insert the following—

"costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).".

AMENDMENT NO. 4874

On page 73, beginning on line 2, strike "from the Nuclear Waste Fund" and insert "for the integrated management system".

AMENDMENT NO. 4875

On page 73, beginning on line 9, strike "205 and" and all that follows through "priority." on line 13, and insert—

"204 and any associated storage and/or transport systems to be used in the integrated management system shall be accorded the highest priority, and

"(2) the licensing of the repository under section 205 shall be accorded the next highest priority.".

AMENDMENT No. 4876

On page 84, beginning on line 21, strike "(b) If the Secretary" and all that follows through "paragraph (a)," on line 25 and insert—

"(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a)".

AMENDMENT No. 4877

On page 86, line 3, strike "DOE" and all that follows through "site." on line 4, and insert "the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.".

AMENDMENT No. 4878

On page 86, line 4, strike the quotation mark following "site.".

AMENDMENT No. 4879

On page 88, line 22, strike "persons" and insert "person".

AMENDMENT No. 4880

On page 100, line 2, strike "Waste".

AMENDMENT No. 4881

Beginning on page 100, line 4, strike "(1) an analysis" and all that follows through line 19, and insert—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the emplacement schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.".

AMENDMENT No. 4882

On page 101, line 8, strike "ensuring" and insert "ensuing".

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

GORTON AMENDMENT NO. 4883

Mr. GORTON proposed an amendment to the bill, S. 1894, supra; as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds appropriated in this paragraph, $7,500,000 shall be available for 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program.".

FEINSTEIN AMENDMENT NO. 4884

Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this paragraph, $12,000,000 is available for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system.".

HEFLIN (AND SHELBY) AMENDMENT NO. 4885

Mr. INOUYE (for Mr. HEFLIN, for himself and Mr. SHELBY) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 31, line 6, strike out "1998." and insert in lieu thereof "1998: *Provided*, That of the funds appropriated in this paragraph, $3,000,000 is available for the Operational Field Assessment Program.".

SANTORUM AMENDMENT NO. 4886

Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 30, line 2, before the period at the end insert ": *Provided*, That of the funds appropriated in this heading, $3,000,000 shall be available for acceleration of a program to develop thermally stable jet fuels using chemicals derived from coal".

BENNETT AMENDMENT NO. 4887

Mr. STEVENS (for Mr. BENNETT) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 29, line 20, strike "Forces" and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this heading, $1,000,000 is available for evaluation of a non-developmental Doppler sonar velocity log".

BYRD AMENDMENT NO. 4888

Mr. INOUYE (for Mr. BYRD) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 33, line 2, before the period at the end insert ": *Provided, further*, That of the funds appropriated under this heading, $10,000,000 shall be available for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War".

THE GAMBLING IMPACT STUDY COMMISSION ACT

STEVENS AMENDMENT NO. 4889

Mr. LOTT (for Mr. STEVENS) proposed an amendment to the bill (S. 704) to establish the Gambling Impact Study Commission; as follows:

Beginning on page 16, line 25, strike "as the" and all the follows through "(b)(2)" on page 17, line 2.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

DODD AMENDMENT NO. 4890

Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 29 on line 20 strike the period and insert in lieu thereof: ": Provided further that up to $10 million of funds appropriated in this paragraph may be used to initiate engineering and manufacturing development for the winning airborne mine countermeasure system."

BUMPERS (AND OTHERS) AMENDMENT NO. 4891

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Mr. KOHL) proposed an amendment to the bill, S. 1894, supra; as follows:

On page 22, strike lines 3 through 4, and insert in lieu thereof the following : "$7,005,704,000, to remain available for obligation until September 30, 1999: Provided, that of the funds made available under this heading, no more than $225,000,000 shall be expended or obligated for F/A-18C/D aircraft."

FEINGOLD (AND OTHERS) AMENDMENT NO. 4892

Mr. STEVENS (for Mr. FEINGOLD, for himself, Mr. KOHL, Mr. BUMPERS, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill, S. 1894, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8099. (a) Not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A-18E/F aircraft may be obligated or expended for the procurement of such aircraft until 30 days after the Secretary of Defense has submitted to the Congressional defense committees a report on the F/A-18E/F aircraft program which contains the following:

(1) A review of the F/A-18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of four annual production rates as follows:

(a) 18 aircraft.

(b) 24 aircraft.

(c) 36 aircraft.

(d) 48 aircraft.

(3) A comparison of the costs and benefits of the F/A-18E/F program with the costs and benefits of the F/A-18C/D aircraft program talking into account the operational combat effectiveness of the aircraft.

(b) Not later than 30 days after the Secretary of Defense has submitted the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an analysis of the report submitted by the Secretary.

LEVIN AMENDMENT NO. 4893

Mr. LEVIN proposed an amendment to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "$6,630,370,000" and insert in lieu thereof "$6,582,370,000".

SEC. 8100. None of the funds appropriated under title III of this Act may be obligated or expended for more than six new production F-16 aircraft.

SEC. . The $48,000,000 reduction of funds for F-16 aircraft in excess of six new production aircraft shall be made available for funding for the emergency anti-terrorism program element established in Sec. 8099 of this Act.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Thursday, July 18, 1996, beginning at 9:30 a.m. to conduct a markup and hearing on the following: Committee markup of S. 1264, the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1995; S. 1834, the Indian Environmental General Assistance Program Act of 1992, Reauthorization; S. 1869, the Indian Health Care Improvement Technical Corrections Act of 1996; and the Indian Child Welfare Act Amendments of 1996, to be followed immediately by a hearing on H.R. 2464, Utah Schools and Land Improvement Act, Amendment, and S. 1893, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act. The markup/hearing will be held in Room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, July 24, 1996 at 9:30 a.m. in SR–328A to markup S. 1166, the Food Quality Protection Act.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, July 24, 1996, at 9:30 a.m. to hold a hearing on Public Access to Government Information in the 21st Century, Title 44/GPO.

For further information concerning this hearing, please contact Joy Wilson of the Rules Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 17, 1996, to conduct a hearing on S. 1009, the Financial Instruments Anti-Fraud Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 17, 1996, session of the Senate for the purpose of conducting a hearing on Federal Aviation Administration safety oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 17, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 17, at 3 p.m. for a hearing on the National Fine Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 17, 1996, at 10 a.m. to hold a hearing on the Development of State Criminal Identification Systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, July 17, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 17, 1996, at 9:30 a.m. to hold an open hearing on Intelligence Matters and at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Government Affairs, be permitted to meet during a session of the Senate, Wednesday, July 17, 1996, at 9:30, to hold a hearing on oversight of the implementation of the Information Technology Management Reform Act of 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN CHANCELLOR

• Mr. MOYNIHAN. Mr. President, as the Senate knows, John Chancellor died last Friday at age 68. He was so much a part of our lives for over 40 years as an NBC news commentator and anchor. We are diminished by his death, and yet, as Tom Brokaw suggested, enhanced by the realization of just how great a legacy he leaves. A legacy, Mr. Brokaw stated, that "will always be secure."

He was in some measure Irish; at least he once told me of a grandmother who had taught him to hate Oliver Cromwell. Which he must have done, and in so doing, evidently used up all the hate he had in him. For there was nothing else but love: for the life he lived, and the people he lived it with. Most especially, of course, his wife Barbara and their three children. Yeats once wrote of a man who was blessed and had the power to bless. Such a man was John Chancellor.

He was a friend of 30 years and more. From first to last, one sensed in him a deep confidence that American democracy would prove itself in whatever crisis it faced; just as he would do. He faced many; always with grace and afterward, grand "rollicking" recollections, as Tom Brokaw put it. David Broder captures that quality in his column this morning.

> Many of us in print journalism lost a great friend last week in John Chancellor. He hung out with the political reporters who had nowhere near his celebrity because he always thought of himself as a reporter and he wanted to be with people who were more interested in the stories they were covering than in stroking their own reputations. He was modest and funny and generous in his praise. No journalist of his era enjoyed greater trust and affection from his colleagues—or the people he covered. And none deserved it more.

The Senate honors his memory and salutes his legacy.•

KOREA VISA WAIVER PILOT PROGRAM

• Mr. D'AMATO. I am pleased to join as co-sponsor of the Korea Visa Waiver Pilot Program, S. 1616. This bill authorizes the United States to allow tourists from South Korea to enter the United States without a visa. This Korea visa waiver will create a new and easier system for Korean citizens that want to visit the United States. The usual delays that presently accompany a request for a U.S. visa from the U.S. Embassy in Seoul will now be avoided.

The Visa Waiver Pilot Program was first established in 1986 in order to encourage growth in the tourism industry. Since its inception, citizens from certain countries are able to enjoy travel to the United States for short visits without the hassles of waiting for a visa. This legislation will extend this treatment to the Republic of Korea, in addition to the three countries in the Asia-Pacific region.

The bill would allow certain travel agencies in Korea to issue temporary travel permits to tour groups, of stays no longer than 15 days. The visitor must possess a round-trip ticket and certain other requirements are imposed to insure that these visitors return home. These requirements should satisfy the critics who are fearful of the overstayers.

Overseas tourism must be encouraged, for our culture and for our economy. The boost by travelers to the United States will benefit everyone. South Korean travelers will have this positive impact on the travel industry in this country.

When Canada and New Zealand relaxed their visas for South Korean citizens, those nations saw a massive increase in tourism. According to 1994 estimates cited by the American Chamber of Commerce in Korea, Koreans ranked 10th out of all nations in terms of the number of visitors to the United States. This visa-free travel from South Korea will only serve this country's interest.

Korea is important to the United States: Korea has been the 6th largest United States trading partner and has the 11th largest economy in the world. The Chamber of Commerce in Korea expects that demand for travel to the United States by Koreans may increase. This should be encouraged, rather than discouraged, especially when other countries are offering Korean travelers visa-free travel.

I encourage my colleagues to look into the merits of this legislation and support its ultimate passage.•

COMMANDER JOHN J. JASKOT

Mr. JOHNSTON. Mr. President, I rise today on behalf of myself and Senator BREAUX to say thank you to a dedicated public servant whose career serves to remind us that it is honest hard work and devotion to duty that makes this Government work.

Comdr. John J. Jaskot, United States Coast Guard, has served on Capitol Hill since 1992, first as a Coast Guard Congressional Fellow to the Senate Appropriations Subcommittee on Transportation and most recently as the Coast Guard's Liaison Officer to the U.S. Senate. During his tenure on Capitol Hill, Commander Jaskot has proven his unquestionable integrity and steadfast loyalty while demonstrating the tireless commitment to putting forth the effort required to make a difference.

Mr. President, Senator BREAUX and I, and our staffs, have worked extensively with Commander Jaskot in achieving our shared objectives. In cases where those objectives were not mutually shared, it has been Commander Jaskot who has helped bridge the gap between the Senate and the Coast Guard. His untiring work ethic and creativity have helped find solutions to some challenging problems which would otherwise have tarnished the already embattled reputation of the Federal Government.

On issues specific to Louisiana, Commander Jaskot has ensured that a proper dialog has been maintained on tough issues such as the enforcement of the use of the contentious Turtle Excluder Devices [TEDs] by the Gulf Coast shrimping fleet, the placement of aides to navigation on the newly opened Red River Waterway, and the replacement of the dangerous Florida Avenue Bridge. He has made similar efforts on issues of national and international scope such as the implementation of the Oil Pollution Act of 1990, the Haitian and Cuban refuge crises, and maintaining funding to help keep our waterways operating safely.

More importantly, Mr. President, through his hard work, ingenuity, integrity, and genuine good nature, Commander Jaskot has proven that it is people who really make the difference between a government that works for its people and one that fails. We can all learn from his example, that on local, as well as national issues, an individual can make a difference. Commander Jaskot certainly has.

Commander Jaskot is retiring after 20 years of highly decorated public service in the United States Coast Guard. Senator BREAUX and I thank him for his dedication to our country and wish he and his family "fair winds and following seas" in their future endeavors.

SYCAMORES HAVE BEEN FELLED; WE WILL GROW CEDARS INSTEAD

• Mr. MOYNIHAN. Mr. President, the Members of the Senate are familiar with Rabbi Adin Steinsaltz's historic contribution both to the field of Jewish scholarship and to the resurgence of Jewish life in the former Soviet Union. In 1989, Rabbi Steinsaltz founded the Judaic Studies Center and synagogue in the Kunseva section of Moscow, the first such new school in the Soviet Union since the 1917 Bolshevik Revolution. I am privileged to serve on the center's board of advisors and to have hosted Rabbi Steinsaltz on his all-too-infrequent trips to Washington, DC.

It is my unpleasant duty to share with the Senate the disturbing news that a fire of undetermined nature broke out last Friday night, July 12, in Rabbi Steinsaltz's Judaic Studies Center. All 50 students and worshipers in the building at the time were safely evacuated. Except for the Torah scrolls which were saved from the raging flames, the entire building was destroyed, including thousands of books and other equipment.

The center had been a focal point of Russian Jewish life since its establishment. It was the key spiritual center for thousands and the first Jewish institution of learning officially permitted to function during the Glasnost period. During its years of operation, more than 1,000 Russian Jews were enrolled in intensive Judaic studies courses and many thousands more attended seminars and workshops. On Jewish holidays hundreds of Jews flocked there for communal celebrations.

When the fire broke out, the center was hosting a seminar for Jewish communal workers from cities and towns throughout the Commonwealth of Independent States (CIS). Cities such as Chellabinsk, Siberia, Berditchev, Ukraine, and Vitebsk, Belarus, had sent one representative each for an intensive 3-month course in Jewish and communal service studies. Graduates of this program are expected to return to their native cities—far from the major Jewish centers—and apply what they have learned.

Rabbi Steinsaltz, who is best known for his monumental modern commentary on the Talmud, was recently given the title of Duchovny Ravin—an historic title connoting the spiritual leader of Russian Jewry.

In Jerusalem, Rabbi Steinsaltz responded to the news by quoting Isaiah 9:9. "Bricks have fallen—we will rebuild with dressed stone. Sycamores have been felled—we will grow cedars instead."

I know I speak for the entire Senate and for all Americans who cherish religious freedom and scholarship when I add my words of consolation and encouragement to Rabbi Steinsaltz on this occasion.•

MEASURE HELD AT THE DESK—S. 1965

Mr. STEVENS. On behalf of the leader, I ask unanimous consent that S. 1965, introduced earlier today by Senator HATCH, be held at the desk and printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO RECOGNIZE AND HONOR FILIPINO WORLD WAR II VETERANS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be immediately discharged from further consideration of Senate Concurrent Resolution 64 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 64) to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the concurrent resolution appear in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 64) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 64

Whereas the Commonwealth of the Philippines was strategically located and thus vital to the defense of the United States during World War II;

Whereas the military forces of the Commonwealth of the Philippines were called into the United States Armed Forces during World War II by Executive order and were put under the command of General Douglas MacArthur;

Whereas the participation of the military forces of the Commonwealth of the Philippines in the battles of Bataan and Corregidor and in other smaller skirmishes delayed and disrupted the initial Japanese effort to conquer the Western Pacific;

Whereas that delay and disruption allowed the United States the vital time to prepare the forces which were needed to drive the Japanese from the Western Pacific and to defeat Japan;

Whereas after the recovery of the Philippine Islands from Japan, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to defeat Japan;

Whereas every American deserves to know the important contribution that the military forces of the Commonwealth of the Philippines made to the outcome of World War II; and

Whereas the Filipino World War II veterans deserve recognition and honor for their important contribution to the outcome of World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should issue a proclamation which recognizes and honors the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. INOUYE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 575 and all nominations placed on the Secretary's desk.

I ask further unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. STEVENS. Reserving the right to object, I might add this confirms the nomination of Charles Clevert, Jr, of Wisconsin, and the nominations placed on the Secretary's desk are in the Public Health Service area.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Charles N. Clevert, Jr., of Wisconsin, to be U.S. District Judge for the Eastern District of Wisconsin vice Terence T. Evans, elevated.

IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Michael M. Gottesman, and ending Willard E. Dause, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 1, 1996.

Public Health Service nominations beginning John M. Balintona, and ending Kimberly S. Stolz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 10, 1996.

NOMINATION OF CHARLES N. CLEVERT, JR., TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN

Mr. FEINGOLD. Mr. President, I rise today to lend my strong support to the nomination of Charles N. Clevert to be United States District Court Judge for the Eastern District of Wisconsin.

I am pleased that the full Senate has joined with me, Senator KOHL and my colleagues on Judiciary Committee in recognizing Charles Clevert's qualifications for the Federal bench. I attended Judge Clevert's confirmation hearing before the Judiciary Committee and the fact that he will be a worthy jurist was clearly evident at that time. His is a career of dedicated and unwavering service, not only to the legal community, but to the people of Wisconsin as well.

Throughout his legal career, Charles Clevert has worked on behalf of the people of Wisconsin in a number of important ways. He has served as a prosecutor both in the Milwaukee County District Attorney's office as well as in the United States Attorney's Office. His career has taken him to courtrooms in both Federal and State courts throughout Wisconsin and he has practiced in both the criminal and civil arenas. For the past nineteen years he has been a United States Bankruptcy Judge. In 1986, Judge Clevert became the Chief Bankruptcy Judge for Wisconsin's Eastern District. Clearly Mr. President, these experiences will serve him well on the Federal bench.

However Mr. President, these accomplishments do not fully recognize the contribution of Charles Clevert to his profession and his community. In addition to being active in various Wisconsin Bar Associations and lecturing at the University of Wisconsin Law School, Judge Clevert has been active in working with young people in my state of Wisconsin for over 20 years.

Judge Clevert takes the time to meet and talk with school children in and around Milwaukee about the importance of education and the role of the courts in our society. He stresses the need to emphasize education, not drugs and alcohol. His simple message of hard work and respect for the law is a positive and important one for the young people of Wisconsin. I was pleased to hear Judge Clevert indicate that it is his intention to continue his activities throughout Milwaukee and the State of Wisconsin following his confirmation to the federal bench.

Mr. President, Charles Clevert's nomination was recommended to President Clinton by a nominating committee that my colleague, Senator KOHL and I have established to help ensure that the citizens of our State receive quality judicial representation. I am pleased that the full Senate has joined with that advisory committee, the President and the Judiciary Committee in recognizing Charles Clevert's qualifications and confirming his nomination to be a United States District Judge for the Eastern District of Wisconsin. I want to wish Judge Clevert, and his family, well in this new and important phase of his career. Although the responsibility that awaits him is great, it is a responsibility that Charles Clevert will no doubt handle with the competence and professionalism that has to date marked his distinguished career.

Mr. KOHL. Mr. President, Charles Clevert has accomplished a number of "firsts" in his life. He was the first member of his family to go to college. He was the first African-American assistant U.S. Attorney in Wisconsin. When he was appointed in 1977, he was the youngest bankruptcy judge in the country.

Today, as he is confirmed by the Senate, he becomes the first African-American Federal district court judge in Wisconsin history. In my opinion, it is critical that our Federal judiciary try to reflect the diversity that is America. But while we are gratified that Judge Clevert will add diversity to our Federal bench, he was nominated for one simple reason: he was the most qualified.

Let me tell you why President Clinton could not have made a better choice to fill the vacancy created when Terry Evans—himself an outstanding judge—was elevated to the Seventh Circuit.

First, Charles Clevert is a jurist of extraordinary intelligence and unquestioned skill. Practicing lawyers consistently rank him among the finest judges in Wisconsin. Attorneys who appear before Judge Clevert repeatedly praise him for his integrity, fairness and demeanor. He received similar high marks from members of the nonpartisan nominating commission—which Senator FEINGOLD and I established with the State bar—who made Judge Clevert one of the finalists for the Eastern District vacancy. The ABA gave him a "well-qualified" rating, the highest grade possible for any nominee.

And don't take my word for it, ask the Milwaukee Journal-Sentinel: it called Judge Clevert's selection a "wise choice" and a "milestone."

Second, Judge Clevert is a person of extraordinary achievement and generosity. He grew up working class in Richmond, where he attended a segregated high school. He went to a small college in West Virginia, and then graduated from Georgetown Law School. He has spent more than 20 years in Wisconsin as a prosecutor and a bankruptcy judge—he is now the Chief Bankruptcy Judge of the Eastern District. Judge Clevert's reputation is exceptional even among his colleagues: several years ago they honored him by appointing him President of the National Conference of Bankruptcy Judges.

Let me also mention that Judge Clevert and his wife Leslie have two lovely children, Chip and Melanie, both of whom are in high school. What little free time Judge Clevert has away from his job and his family he spends working with his church and with charities. For example, he sits on the board of the Anvil Housing Corporation, which provides subsidized housing for senior and handicapped citizens. And he is involved with a group called Men of Tomorrow, an organization that mentors young men between the ages of 11 and 18.

Mr. President, no one can read the story of Judge Clevert's life and not be impressed. It is eloquent testimony to our country's ability to create opportunity for all from a social compact some claim was written for a few.

From any perspective—prosecutor or defense lawyer, corporate litigator or consumer advocate, debtor or creditor—Charles N. Clevert is already a terrific bankruptcy court judge. He is someone who will faithfully apply Supreme Court precedent. He is a pragmatist, not an ideologue. And his career demonstrates a proven record of fairness and toughness.

I congratulate the Senate on a wise decision today, and I am sure that Judge Clevert will be as distinguished on the district court as he has been on the bankruptcy bench.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, JULY 18, 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, July 18; that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of our defense appropriations as under the previous order.

PROGRAM

Mr. STEVENS. For the information of all Senators, there is a rollcall vote at 9:30 on or in relation to the Harkin amendment to the defense appropriations bill. There now will be three votes—two votes on amendments and one vote on final passage.

There will be 2 minutes before each vote on amendments.

Following those two votes, there will be 5 minutes for Senator DORGAN and 5 minutes equally divided between the Senator from Hawaii and myself.

We will then go to final passage under the previous unanimous consent agreement that all of the arrangements concerning the transfer to the House bill and the passage of that bill have already been agreed to.

Following the votes, the Senate will begin consideration of the reconciliation bill. Additional votes can be expected throughout the day and into the evening in order to make substantial progress on that bill. There is a statutory limit of 20 hours on the reconciliation bill. However, the leader expresses the hope that we may be able to yield back some of that time and complete action on that bill as early as possible.

Let me ask the Parliamentarian. Do I have to do anything further to assure that we follow the procedure outlined under the previous unanimous-consent agreement for the passage of the House bill?

The PRESIDING OFFICER. No further action is required according to our previous agreement.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on final passage of the bill itself tomorrow.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there are no further amendments, I ask that we stand in adjournment in accordance with the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Thursday, July 18, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1996:

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. GERALD A. RUDISILL, JR. [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION IN ACCORDANCE WITH SECTION 8067 OF TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

JEFFREY I. ROLLER [redacted]
MICHAEL L. ROSENBERG [redacted]
JAMES A. WASHINGTON [redacted]

To be lieutenant colonel

THOMAS F. BABSON [redacted]
GEORGE V. BLACKWOOD [redacted]
ROBERT D. BRADSHAW [redacted]
WILLIAM P. BUTLER [redacted]
GLENN C. COCKERHAM [redacted]
DAVID E. GEYER [redacted]
HARRY W. KUBERG [redacted]
BRUCE D. SMITH [redacted]
GREGORY J. TOUSSAINT [redacted]

DENTAL CORPS

To be lieutenant colonel

JESSE T. MCVAY [redacted]
WILLIAM F. PIERPONT [redacted]
MARIE Y.A. WILLIAMS [redacted]

MEDICAL CORPS

To be major

RICHARD H. NGUYEN [redacted]

DENTAL CORPS

To be major

RICHARD M. BEDINGHAUS [redacted]
MICHAEL H. BETO [redacted]
PAUL M. ROGERS [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, IN GRADES INDICATED, UNDER SECTIONS 8067 AND 12203 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

JOHN C. STONER [redacted]

To be lieutenant colonel

HARRY D. ELSHIRE [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, U.S. AIR FORCE ACADEMY, UNDER SECTION 9333(B) OF TITLE 10, UNITED STATES CODE.

LINE

To be colonel

DAVID B. PORTER [redacted]

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUAL FOR RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A), 3353, AND 3359:

MEDICAL CORPS

To be lieutenant colonel

DONALD G. HIGGINS [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE.

UNRESTRICTED LINE OFFICERS

To be commander

RUFUS S. ABERNETHY III [redacted]
JOSEPH C. ADAN [redacted]
JOHN D. ALEXANDER [redacted]
SCOTT D. ALTMAN [redacted]
PAUL F. ANDERSON [redacted]
ROBERT S. ANDERSON [redacted]
CHRISTOPHER P. ARENDT [redacted]
WAYNE D. ATWOOD [redacted]
DAVID T. BAILEY [redacted]
KELLY B. BARAGAR [redacted]
ANTHONY P. BARNES [redacted]
BRIAN E. BARRINGTON [redacted]
MICHAEL G. BARRINGTON [redacted]
JOHN P. BARRON [redacted]
ROLAND W. BATTEN, JR. [redacted]
WAYNE R. BAUERS, JR. [redacted]
SCOTT B. BAWDEN [redacted]
VERNON D. BEACH [redacted]
FRED T. BECKHAM, JR. [redacted]
MICHAEL J. BECKNELL [redacted]
JOHN R. BEGLEY [redacted]
ROBERT A. BELLITTO [redacted]
CHRISTOPHER R. BERGEY [redacted]
JONATHAN C. BESS [redacted]
GREGORY M. BILLY [redacted]
HAROLD F. BISHOP II [redacted]
MARTIN J. BODROG [redacted]
JON R. BOE [redacted]
DAVID P. BOETTCHER [redacted]
MCWILLIAM V. BOLLMAN [redacted]
EDMOND L. BOULLIANNE, [redacted]
RANDALL G. BOWDISH [redacted]
TODD A. BOYERS, [redacted]
JAMES D. BRADFORD [redacted]
KENT D. BRADSHAW, [redacted]
JOHN F. BRANDEAU, [redacted]
JOHN D. BRAZIL [redacted]
WILLIAM S. BRINKMAN [redacted]
JOHN B. BROOMFIELD [redacted]
ROBERT W. BROWN [redacted]
BARRY L. BRUNER [redacted]
JOHN E. BRUNS [redacted]
JOSEPH A. BULGER III [redacted]
DONALD J. BURGER, JR. [redacted]
JAMES R. BURKE [redacted]
WILLIE BURKE, JR. [redacted]
LAWRENCE D. BURT [redacted]
BRUCE K. BUTLER [redacted]
ALFRED D. BYRNE [redacted]
RORY J. CALHOUN [redacted]
WILLIAM H. CAMERON [redacted]
THOMAS A. CAMPION III [redacted]
JOEL M. CANTRELL [redacted]
MICHAEL J. CARLIN, [redacted]
THOMAS S. CARLSON [redacted]
THOMAS F. CARNEY, JR. [redacted]
TED W. CARTER [redacted]
DAVID A. CATE [redacted]
JOSEPH CEREOLA [redacted]
JOHN M. CHANDLER [redacted]
JAMES L. CHAPPELL [redacted]
HENRI L. CHASE [redacted]
MICHAEL B. CHASE [redacted]
EDWARD M. CHICOINE [redacted]
JAMES B. CLARK, [redacted]
JOSEPH M. CLARKSON [redacted]
JOHN E. CLAY [redacted]
TERENCE L. CLEVELAND [redacted]
WILLIAM R. CLOUGHLEY, [redacted]
RANDALL B. COHN [redacted]
GEORGE A. COLEMAN, [redacted]
WILLIAM L. CONE [redacted]
THOMAS H. COPEMAN III [redacted]
KEVEN L. CORCORAN [redacted]
BRIAN S. COVAL [redacted]
JAMES A. CRABBE [redacted]
SCOTT T. CRAIG [redacted]
CARL W. CRAMB [redacted]
RICHARD T. CREANGE [redacted]
MICHAEL E. CROSS [redacted]
PATRICK K. CROTZER [redacted]
WILLIAM P. CUILIK [redacted]
RICHARD W. DANIEL [redacted]
RAYMOND J. DEPTULA [redacted]
MICHAEL R. DESROSIERS [redacted]
JOHN Q. DICKMANN, JR. [redacted]
STEVEN J. DINOBILE [redacted]
MICHAEL F. DIONIAN [redacted]
DAVID B. DITTMER [redacted]
PHILIP K. DOUGHERTY [redacted]
JAMES P. DRISCOLL [redacted]
RANDY S. DUHRKOPF, [redacted]
STEVEN P. DUNKLE [redacted]
MICHAEL J. DUPREY, [redacted]
DANIEL C. DUQUETTE [redacted]
JOSEPH M. FARBO [redacted]
CHRISTOPHER P. FEDYSCHYN [redacted]
JOHN E. FIELD II [redacted]
ROBERT C. FIELD [redacted]
MICHAEL R. FIERRO [redacted]
SCOTT R. FINN [redacted]
DAVID K. FLESNER [redacted]
FREDERIC P. FLIGHT [redacted]
KENT V. FLOWERS [redacted]
JAMES G. FOGGO III, [redacted]
DONALD C. FORBES [redacted]
STUART T. FORSYTH [redacted]
MICHAEL T. FRANKEN [redacted]
PETER S. FRANO [redacted]
JAY S. GALLAMORE [redacted]
TIMOTHY J. GALPIN [redacted]
DAVID G. GAMBLE [redacted]
CHARLES M. GAOUETTE [redacted]
MATTHEW J. GARSIDE [redacted]
MICHAEL A. GARZA [redacted]
EDWARD W. GEHRKE, [redacted]
CHARLES A. GERRINGER, [redacted]
MICHAEL F. GIANCATARINO [redacted]
JOHN L. GIFFIN, JR. [redacted]
JAMES J. GILLCRIST [redacted]
SHAUN GILLILLAND [redacted]
MARK S. GINDA [redacted]
MICHAEL K. GLEASON [redacted]
RICHARD W. GOODWYN, [redacted]
BRIAN A. GOULDING [redacted]
JAUN M. GRADO [redacted]
SCOTT C. GRANT [redacted]
BENNY G. GREEN [redacted]
ROBERT E. GREEN [redacted]
THOMAS A. GREEN [redacted]
STEPHEN GREENE [redacted]
ROBERT J. GREGG, JR. [redacted]
NATHAN M. GRIMES, [redacted]
JOEL T. GRINER, JR. [redacted]
JEFFREY K. GRUETZMACHER [redacted]
THEODORE GUILLORY [redacted]
PETER A. GUMATAOTAO [redacted]
THOMAS C. GURNEY [redacted]
WILLIAM B. HAFLICH [redacted]
LAWRENCE C. HALE [redacted]
WILLIAM M. HALSEY [redacted]
MICHAEL D. HAMELE [redacted]
JAMES W. HAMILL [redacted]
WILLIAM C. HAMMILL, JR. [redacted]
EARL K. HAMPTON, JR. [redacted]
STEPHEN W. HAMPTON [redacted]
KEVIN J. HANEY [redacted]
JEFFREY HARBESON [redacted]
WILLIAM E. HARDY [redacted]
STEVEN R. HARPER [redacted]
JOHN H. HART [redacted]
JOHN R. HATTEN [redacted]
MICHAEL D. HAWLEY [redacted]
SAMUEL H. HAWLEY [redacted]
JAMES D. HEFFERNAN [redacted]
GERALD L. HEHE [redacted]
GEORGE B. HENDRICKSON [redacted]
THOMAS J. HENNING [redacted]
JEFFREY A. HESTERMAN [redacted]
JOSEPH M. HINSON, JR. [redacted]
KEVIN J. HOGAN [redacted]
NEIL W. T. HOGG [redacted]
DAVID P. HOLT [redacted]
HAROLD H. HOWARD III [redacted]
SCOTT J. HOWE [redacted]
JAMES A. HUBBARD [redacted]
GERARD P. HUEBER [redacted]
KEVIN C. HUTCHESON [redacted]
KERRY D. INGALLS [redacted]
KURT T. IRGENS [redacted]
RAYMOND C. IVIE [redacted]
WALTER B. JACKSON, [redacted]
JACK B. JAMES [redacted]
TIMOTHY A. JARA [redacted]
MARK D. JENKINS [redacted]
MICHAEL R. JOHNSON [redacted]
DOUGLAS W. JOHNSTON, JR. [redacted]
JEFFERY S. JONES [redacted]
MICHAEL L. JORDAN [redacted]
STEPHEN W. JORDON [redacted]
ERIC J. KASISKI [redacted]
JON W. KAUFMANN [redacted]
STEPHEN Z. KELETY [redacted]
DANIEL P. KELLER [redacted]
PATRICK D. KELLER [redacted]
DAVID J. KERN [redacted]
CHARLES P. KING [redacted]
RANDY H. KING [redacted]
THOMAS S. KING [redacted]
ROSS L. KIRKPATRICK [redacted]
MARGARET D. KLEIN, [redacted]
BRADFORD M. KLEMSTINE [redacted]
ROBERT L. KLOSTERMAN [redacted]
MATTHEW L. KLUNDER [redacted]
JOHN B. KRATOVIL [redacted]
RONALD A. KRATZKE [redacted]
KAREN M. KRAUSE [redacted]
JOSEPH A. KUPCHA [redacted]
ROBERT A. KURZAWA [redacted]
JOSEPH W. KUZMICK [redacted]
GREGORY F. LABUDA, [redacted]
LANNIE R. LAKE [redacted]
RICHARD B. LANDOLT [redacted]
ARTHUR L. LANGSTON [redacted]
RONALD A. LASALVIA [redacted]
BRIAN M. LEWIS, [redacted]
PORTER W. LEWIS [redacted]
KIRK S. LIPPOLD [redacted]
DALE E. LITTLE [redacted]
ROBERT L. LOEH [redacted]
DONALD F. LOGAR [redacted]
LEONARD A. LOLLAR [redacted]
PATRICK J. LORGE [redacted]
SPOTRIZANO D. LUGTU [redacted]
GREGORY N. LUTTRELL [redacted]
DANIEL G. LYNCH [redacted]
JOSEPH S. LYON, JR. [redacted]
GARRY R. MACE [redacted]
DAVID L. MACPHERSON [redacted]
THOMAS A. MAGNO, [redacted]
LAUREEN M. MAHONEY, [redacted]
THOMAS E. MANGOLD, JR. [redacted]
JANET K. MARNANE [redacted]
JEFFREY P. MARQUARDT [redacted]
WILLIAM J. MARR [redacted]
DONALD J. MARRIN, [redacted]
EDWARD J. MARTIN, JR. [redacted]
MICHAEL G. MARTIN [redacted]
RICHARD J. MARTIN [redacted]
PAUL R. MARTINEZ [redacted]
KEVIN J. MASON [redacted]
ERIC J.J. MASSA [redacted]
MICHAEL G. MAYER, [redacted]
JOHN MCCANDLISH, [redacted]
KEVIN D. MCCARTY, [redacted]
FRANCIS R. MCCULLOCH [redacted]
MARK A. MCDANIEL [redacted]
ROBERT I. MCGRATH, JR. [redacted]
PATRICK E. MCKENNA [redacted]
MICHAEL MCKINNON, [redacted]
MICHAEL E. MCLAUGHLIN [redacted]
ROBERT P. MCLAUGHLIN, JR. [redacted]
MARK P. MCMILLEN [redacted]
MICHAEL P. MCNELLIS [redacted]
PATRICK W. MENAH [redacted]
DONALD W. MENNECKE [redacted]
ROBERT A. MESLER [redacted]
DEE L. MEWBOURNE [redacted]
MARSHALL N. MILLARD [redacted]
JOHN S. MILLER [redacted]
KEVIN P. MILLER [redacted]
SPENCER L. MILLER [redacted]
STEWART A. MILLER, [redacted]
TERRY T. MILLER [redacted]
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ALEXANDER S. MISKIEWICZ [redacted]
MARK P. MOLIDOR [redacted]
PAUL O. MONGER [redacted]
NORMAN B. MOORE, [redacted]
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WILLIAM F. MORAN, [redacted]
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JEFFREY L. MORMAN [redacted]
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BRUCE W. NICHOLS, [redacted]
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STEVEN K. NOCE [redacted]
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KENNETH J. NORTON [redacted]
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O'CONNOR, SEAN E. [redacted]
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SVEND E. PEDERSEN [redacted]
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CURTIS A. RIDEOUT, [redacted]
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JAMES R. RIGHTER, JR. [redacted]
JOHN T. RIRIE [redacted]
DONALD P. ROANE, JR. [redacted]
JOHN E. ROBERTI [redacted]
DAVID C. ROBERTSON JR. [redacted]
SCOTT A. ROBINSON [redacted]
JOHN J. ROESNER [redacted]
CRAIG A. ROLL [redacted]
LARRY G. ROMIG, JR. [redacted]
STEPHEN C. RORKE [redacted]
KENNETH C. RYAN [redacted]

WARREN S. RYDER [redacted]
JOHN P. SACHLEBEN [redacted]
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RONALD A. SANDOVAL [redacted]
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KEVIN P. SCHAAFF [redacted]
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PATRICK F. DONOHUE [redacted]
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JOSEPH B. HOEING, JR. [redacted]
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MICHAEL R. MICHAELS [redacted]
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DANIEL W. PROCTOR [redacted]
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JUDY M. SLAGHT [redacted]
DANIEL J. SMITH [redacted]
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ELIZABETH L. TRAIN [redacted]
WILLIAM D. TREADWAY, [redacted]

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JEFFERY D. GRADECK [redacted]
FREDERIC A. HENNEY, JR. [redacted]
JOHN J. PAPP [redacted]
JOHN H. SINGLEY [redacted]
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ANGELA L. ABRAHAMSON [redacted]
MAUREEN ALEXANDER [redacted]
DAVID R. ARNOLD [redacted]
TERESA A. BARRETT [redacted]
SALLY A. BENSON [redacted]
DEBRA K. BISHOP [redacted]
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TRECI D. DIMAS [redacted]
CHRISTINE S. DOWNING [redacted]
DORICE S. FAVORITE [redacted]
SUSAN E. FICKLIN [redacted]
JANETTE S. FITZSIMMONS [redacted]
JUDITH L. FRAINIER [redacted]
JILL C. GARZONE [redacted]
DONNA B. GEREN [redacted]
MARGARET Y. HALL [redacted]
SUSAN L. HEON [redacted]
LEYDA J. HILERA [redacted]
MARGARET M. HODASWALSH [redacted]
AVA M.A. HOWARD, [redacted]
BETH E. JAMES [redacted]
RITA L. JOHNSTON [redacted]
YOUNG O. KIM [redacted]
SUZANNE L. KRUPPA [redacted]
JUDITH A.H. LEE [redacted]
MARGARET Q. LYLE [redacted]
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BERNADETTE M. MARINARO [redacted]
KATHLEEN C. MC CARTHY [redacted]
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CYNTHIA A. MURNAN, [redacted]
TRINORA E. PINTOSASSMAN [redacted]
LESLIE J. QUINN [redacted]
LILIA L. RAMIREZ, [redacted]
VALERIE C. REINERT [redacted]
SUSAN R. SABLAN [redacted]
CORINNE C. SEGURA [redacted]
ROBERTA STEIN [redacted]
BARBARA A. STRICKLAND [redacted]
JULIA A. THUR [redacted]
LEIGH M. TRISLER [redacted]
DIANE J. B. WATABAYASHI [redacted]
ROXANE E. WHALEN, [redacted]
JERALD M. WHITE [redacted]
LAURANNE L. WILLIAMS [redacted]

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

VICTOR G. ADDISON, JR. [redacted]
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MICHAEL E. DOTSON, [redacted]
LAWRENCE J. GORDON [redacted]
BRUCE M. HAGAMAN, [redacted]
RICHARD J. KREN [redacted]
ARTHUR R. PARSONS [redacted]
MICHAEL D. PASHKEVICH [redacted]
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ROBERT W. ARCHER, [redacted]
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RICHARD J. ELVROM [redacted]
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JIM O. ROMANO, [redacted]
MICHAEL J. SCHARF [redacted]
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WARREN E. TUTHILL, JR. [redacted]
ROBERT E. VANIDERSTINE [redacted]
IRVING, VELEZ [redacted]
JAMES A. WESELIS [redacted]

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 1996:

THE JUDICIARY

CHARLES N. CLEVERT, JR., OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING MICHAEL M. GOTTESMAN, AND ENDING WILLARD E. DAUSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 1, 1996.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING JOHN M. BALINTONA, AND ENDING KIMBERLY S. STOLZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 1996.

HOUSE OF REPRESENTATIVES—*Wednesday, July 17, 1996*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us to remember, O gracious God, that we communicate our messages through what we say or do or think and that how we say or do or think colors our perceptions and the attitude of those who hear us. Remind us of the words of the Book of Proverbs where it is written: "To get wisdom is better than gold; to get understanding is to be chosen rather than silver." May we use the gifts of communication that You have given us, O God, so that in the application of our ideas and thoughts we will gain wisdom and understanding and so speak and listen using the good gifts that are Your blessing to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KNOLLENBERG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KNOLLENBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 5, rule I, further proceedings on this vote will be taken later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania [Mr. HOLDEN] come forward and lead the House in the Pledge of Allegiance.

Mr. HOLDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compacters that meet appropriate American National Standards Institute design safety standards; and

H.R. 3107. An act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3107) "An Act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. MACK, and Mr. SARBANES; and from the Committee on Finance: Mr. ROTH and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minute speeches on each side.

OLYMPIC LACK OF LEADERSHIP EMANATING FROM WHITE HOUSE ON CUBA POLICY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in the week of the Olympic games it is fitting that the President rendered a decision filled with Olympic-size doublespeak essentially waiving the right of American citizens to sue foreign investors who traffic in their stolen property in Cuba. With the agility of a gymnast, President Clinton found a way to jump around the law to deny American citizens their day in court while scoring points with foreign investors who enrich themselves from stolen goods.

Once again we have a lack of leadership emanating from the White House in Cuba policy.

It is clear from yesterday's nondecision decision that a definite change in White House leadership and character is necessary if our foreign policy is to be based on principle and not on the next election.

Mr. Speaker, the President deserves a gold medal for his sorry performance in caving in to foreign interests, while lamentably he falls out of the medal count in standing up for freedom and democracy in Cuba and in defending American interests.

INTRODUCTION OF THE SOCIAL SECURITY BENEFITS FAIRNESS ACT OF 1996

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I rise today to ask my colleagues to cosponsor a bill I am introducing today, the Social Security Benefits Fairness Act of 1996.

Under current law, no Social Security benefits are paid for the month of a death. When a person dies, their family is not entitled to the benefits and must send back the Social Security check, even if they lived to the end of the month. This happened to a family in my district.

Phyllis Strunk's husband, Royden, died on May 31, 1996, at 7:04 p.m. almost living the entire month and incurring living expenses. His wife was told she would not receive her husband's benefits for May because he did not live 4 hours and 56 minutes longer.

This is unfair and absurd.

My bill will put fairness and security back into Social Security. Under my bill, if a person dies before the 15th day of a month, the family will receive ½ of the month's benefits. If a person dies after the 15th, the family would receive the entire amount of the benefits.

It is simple and fair. Please join me in this effort and cosponsor the Social Security Benefits Fairness Act of 1996.

CONGRATULATIONS TO RADIO STATION WBHF FOR 50 YEARS OF SERVICE

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, in 1946, World War II had ended. Thousands of young men were returning to their hometowns all across America, establishing families and seeking new opportunities. With their eyes on the future, they welcomed change and sought progress. On July 17, 1946, in Cartersville, GA, they first heard the voice that would champion the future of Bartow County: radio station WBHF went on the air, to begin its continuing commitment of service that has lasted for 50 years.

WBHF has become a valuable resource to its many listeners. As a news source, it has chronicled the years of change from the small southern town in 1946, to the thriving city Cartersville is today, recognized as one of the best communities in all of Georgia. In times of National disasters or local victories, the people of Cartersville can count on WBHF to be there, often as their only information source.

I am proud to extend congratulations today to radio station WBHF, and to Herschel Weisbram and Lee Burger who run this fine radio station, for 50 years of service to Cartersville and Bartow County, GA.

SWEATSHOP PRODUCT BAN ACT

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, today I plan on introducing the Sweatshop Product Ban Act, which I have dubbed the "No Sweatshops Where GI's Shop Act."

Through defense commissary and exchange stores, the Department of Defense exercises a purchasing power of well over $9 billion. However, there is nothing in law that prohibits one of the largest retailers in the Nation from purchasing goods manufactured under inhumane conditions. This bill would specifically prevent the commissary and exchange stores from inadvertently supporting child labor, prison labor, or goods produced under human rights violations. It would also come closer to insuring that our GI's around the world do not sport any products produced by children who work under deplorable conditions, 14 hours a day.

Congress can encourage private industry to police themselves by allowing companies to have access to these minimum labor standards. Corporations such as J.C. Penny and Levi Strauss have already agreed to monitor their contractors as publication of potential violations by these retailers pose a threat to sales. My bill would take it a step further: As consumers, the Defense commissary and exchange stores can take the lead and influence corporations to adopt better labor practices through the power of their purse.

I urge my colleagues to cosponsor the Sweatshop Product Ban Act.

DO WE REALLY NEED A SURGEON GENERAL?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, all of us fondly recall President Clinton's first Surgeon General, Jocelyn Elders. She is the one whose valuable contribution to medicine was to suggest, and let me put this delicately, that schoolchildren quit playing with each other and—well, never mind. Now, for that bold contribution, which many of my colleagues remember, and I am not going to allude to it any more than that, but she was run out of office. So now the new Surgeon General has come out with a study, but she is playing it safe, daringly sticking right in the middle of the road. She has come out with a study paid for by thousands of tax dollars that comes out with this revelation:

"Exercise is good for you."

Yes, I promise, that is her study: Exercise is good for us. Imaging the possibilities. Next thing we know, the private sector will be coming out with health spa chains.

Next the Surgeon General plans to study does the sun cause suntan? Does the rain get things wet? Does climbing stairs get you higher?

I ask my colleagues this:

Do we really need a Surgeon General? Is this the way we should be spending tax dollars instead of pursuing real goals?

□ 1015

THE CIA AND THE FBI: BILLIONS OF DOLLARS FOR INEPTNESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the CIA and the FBI never found out who killed those two CIA employees outside of CIA headquarters 3 years ago. They did not find out who was responsible for the bombing of Pan American 1034. They never found out who carried out the recent Saudi Arabia bombings. But lo and behold, the Washington Post has uncovered that the anonymous author of the book, "Primary Colors," is Newsweek writer Joe Klein.

Let us check this out. The CIA and the FBI get billions of dollars from Congress every year and they cannot seem to find the restroom around here. I say something is drastically wrong when a newspaper can solve a national mystery and a TV network has to notify America that there is a military invasion in Kuwait, but the CIA and the FBI cannot even tell us who hired Craig Livingstone. Beam me up, Mr. Speaker. I yield back all the deceit, coverup, and lies in this FBI Filegate matter.

SUPPORT THE BONILLA DISCHARGE PETITION AND REFORM THE ENDANGERED SPECIES ACT

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, the time is now for reform of the Endangered Species Act. Our people have waited long enough. Private property owners are sick and tired of the Federal Government taking their land because it cares more about bugs than people.

Today I am submitting a discharge petition to bring the Endangered Species Management and Conservation Act to a vote. The current ESA has failed the people and it has failed species.

This ESA reform bill works by providing incentives to encourage private property owners to conserve species. ESA reform establishes a cooperative framework for these landowners to work together with the Government to protect species.

The people of Texas want to conserve species and protect the environment. They also want to be able to live their lives and enjoy their property without the threat of Government seizure. Texans have been patient in waiting for ESA reform. The time for patience has passed and the time for action is now. Please join me and support the Bonilla discharge petition.

INTRODUCING THE HEALTHY FAMILIES ACT

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, today I am introducing the Healthy Families Act, a bill to help prevent child abuse. A 1994 survey of child welfare agencies reported more than 3 million cases of child abuse. Three children a day died.

My bill will make Justice Department funding available for local programs following the principles of the healthy families initiative, a pioneering child abuse prevention program. Communities adopting the healthy families model use their existing social service network to provide voluntary, culturally appropriate, intensive in-home visits to new mothers and their families by professional counselors to teach them how to avoid child abuse. The counseling which healthy families provides those families who want help with the training and discipline needed to prevent child abuse are important for our children.

Because of the success of this program in Hawaii, Mr. Speaker, the healthy families approach has been adopted by communities across the country. Earlier this year I visited a program site in the Washington State district, which I represent. The effort to prevent child abuse that I saw during my visit encouraged me to introduce this legislation.

A BRIGHTER FUTURE FOR WELFARE RECIPIENTS IN THE REPUBLICAN PLAN FOR WELFARE REFORM

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the Republican plan for welfare reform has five pillars: Welfare reform should not be a way of life; we should have work, not welfare; we should not pay welfare to noncitizens and felons; we should return power and money to the States; and we should restore personal responsibility.

Unfortunately, the President's plan has no time limit as far as how long you can get welfare, no real work requirement. It continues to pay noncitizens and felons, and it has maximum Federal control, not States' rights.

Mr. Speaker, what we need to do is be concerned about the welfare recipient. Pass a good welfare reform bill that restores respect, increases initiative, and provides a brighter future for welfare recipients.

THE REPUBLICAN PRESCRIPTION FOR CAMPAIGN FINANCE REFORM: MORE MONEY, MORE MONEY, MORE MONEY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, with its candidate for President on the ropes, the Republican majority is trying to find another divisive wedge issue. Last week it was same-sex marriage. This week it is welfare. Next week it will probably be abortion. There are rumors that the Republican majority is about to abandon a bipartisan welfare reform. Is this indicative of a new strategy to resurrect the Willy Horton issues?

Mr. Speaker, let us talk about the Republican prescription for campaign finance reform: more money, more money, and more money. They see the control that they have of the Congress in jeopardy, and want their special interest buddies to rescue them. I cannot wait to hear what is next.

ENOUGH DOUBLETALK FROM THE PRESIDENT—WELFARE REFORM IS NEEDED NOW

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, just this week, and in connection with what the previous speaker was talking about, where are we on this whole thing, where really is the President on all of this? He changed his mind about welfare again. He said in a speech to the Nation's Governors just 2 days ago that he is going to sign welfare reform. He also said he is committed to supporting Wisconsin's welfare reform plan. I can hear the White House spinmeisters now spinning their wheels and saying, "how do we explain this to the public?"

Who knows where the President is? Maybe he will sign the very same welfare reform he has vetoed twice. Perhaps he will okay Wisconsin's welfare waiver. Who knows?

My Democrat friends in the Congress have said if you do not like where the President stands, just wait a while. Enough of the doubletalk, I would say. Enough of the flips. It is time the President lived up to the 1992 promise to change welfare as we know it.

Our current welfare system has failed miserably over the last 30 years. It is time to get under the hood and fix the problem.

REPUBLICAN CAMPAIGN FINANCE BILL WILL BRING MASSIVE INFUSION OF MONEY TO FINANCE MEMBERS' CAMPAIGNS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I am outraged that tomorrow the Republican leadership is going to bring up a campaign finance bill that will essentially allow a massive infusion of money from wealthy individuals and special interests to finance our congressional campaigns.

Speaker GINGRICH has said over and over again that there should be more money in politics, not less. He is quoted as saying that one of the greatest myths of modern politics is that "Campaigns are too expensive. The political process in fact is underfunded. It is not overfunded. I would emphasize far more money in the political process."

That is where we are. Under the guise of campaign finance reform, we are going to get a bill that allows the wealthy and the special interests to contribute even more. The public interest groups unanimously have come out opposed to this campaign finance bill tomorrow. The New York Times today says it is obscene, essentially, in their editorial.

Even my fellow Republicans, rational in some cases, have come forward with a Dear Colleague letter they sent to their other Republican colleagues saying this is a travesty, and that this campaign finance bill should not pass.

I hope we listen to that on both sides of the aisle.

HYPOCRITICAL CRITICISM OF SPEAKER GINGRICH BY THE WHITE HOUSE AND DEMOCRATS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I want to read something. President Clinton and Vice President GORE said this in their book, "Putting People First": "We will scrap the Health Care Financing Administration and replace it with a health standard board made up of consumers, providers, business, labor, and government." No cry from the press about that.

But let us see what the Speaker is being criticized for when he talked about "wither on the vine." This is what he really said. The Democrats have taken it out of context. What did he say? "Okay, what do you think the Health Care Financing Administration is? It is a centralized bureaucracy. It's everything we are telling Boris Yeltsin to get rid of. Now, we don't want to get rid of it in round one * * * we want it to wither on the vine."

Speaker GINGRICH was not referring to the Medicare Program, but he was referring to the big government bureaucratic machine that processes it. That is the same thing President Clinton and AL GORE said in their book, "Putting People First."

So all this criticism on the Speaker, on his "withering on the vine," comment, is hypocritical. President Clinton said the same thing about the Health Care Financing Administration. In both cases, no one was talking about Medicare. Think about it.

SUPPORT THE CASTLE-TANNER WELFARE REFORM BILL

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, some in Congress have demonized the poor, that they have become the poster children for all that is wrong in America. They have convinced the American people that the welfare mothers and their children have caused a great debt that our Nation has acquired. They have now made the new Joan of Arc out of the teenaged mothers.

Just last week, what do they want to do when they say teenaged children are having children? The President asks for $30 million, and they did not give one cent. They would rather spend $6.4 billion after the child has a child. Yet, this week, what do we do for children? If you have a child, we are going to make sure we take your children off of welfare. We will teach the teenaged mother you must not do this, but when we have a chance to make a difference in their lives we do absolutely nothing.

H.R. 3734 is a mean way to reform. Yes, we need reform, and certainly the Castle-Tanner bill is a better way to reform, not the bill that is going to be introduced. This is antichildren, anti the poor. We should do better in this Nation, rather than to demonize the most vulnerable of our Nation.

PRESIDENT SUCCUMBS TO INTERNATIONAL PRESSURE

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, President Clinton yesterday once again succumbed to international pressure, this time by suspending part of the important sanctions on the Castro dictatorship that 80 percent of this Congress voted for just a few months ago after Castro killed four Americans over international waters. Incredibly, the President who vetoed tort reform, citing the rights of Americans to sue Americans, yesterday took away the right of Americans to sue foreigners who traffic in property stolen by those foreigners from Americans.

President Clinton showed once again what pressure can get you during this American presidency if you are an enemy of the United States. The North Koreans got billions of United States taxpayer dollars by saying that they would otherwise build nuclear powerplants. Iraq was allowed to sell billions of dollars of oil again. Iran was invited into Bosnia. Mr. Speaker, despite the collapse of the Soviet Union, a weak, indecisive White House such as the current one is hazardous to the safety of the Nation.

REPUBLICAN CAMPAIGN FINANCE REFORM MEASURE WILL WORSEN OUT-OF-CONTROL CAMPAIGN SPENDING

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, this week has been trumpeted as the great Republican reform week. But now, as we begin debate on these so-called reforms, what is the Republican leadership really thrusting on us this week?

The only bill the Republican leadership is offering is a so-called campaign finance bill—a measure designed to make out-of-control campaign spending even worse.

The Republican bill nearly triples the limits on both individual contributions and PAC contributions. And under the Republican plan, a wealthy family of four would now be able to contribute millions and millions of dollars during a 2-year election cycle.

Mr. Speaker, this is not reform. Instead of putting the brakes on this campaign spending train, the Republicans are finding new ways to add fuel to the fire.

The Republican leadership once again has ignored the pleas of the people and is focused on helping the fat cats and the special interests that own them.

The Republican leadership has once again gone too far. Extremism, not accomplishment, is the name of their game.

PRESIDENT MUST HONOR HIS COMMITMENT AND SIGN WELFARE REFORM MEASURE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEATRAND. Mr. Speaker, on May 18 during his weekly radio address, President Bill Clinton said the following: "There are bipartisan welfare reform plans sitting in the House and the Senate. They require welfare recipients to work, they limit the time people can stay on welfare, they toughen child support enforcement, and they protect our children. So I say to Congress, send me a bill that honors these fundamental principles. I will sign it right away."

Mr. Speaker, the time has come for President Clinton to keep the commitments he makes to this institution. He has repeatedly misled this body into believing he wants to reform welfare. The time has come to either put up or shut up. This week the House will consider the very same welfare reform measure President Clinton said he would sign. For the future of this country, for all the young men and women caught in the endless cycle of poverty and dependency, for all the children who need strong families and safe neighborhoods, I hope that the President honors his word.

URGING BIPARTISAN SUPPORT OF CASTLE-TANNER WELFARE REFORM BILL

(Ms. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCARTHY. Mr. Speaker, the Speaker has proclaimed this week reform week, and primary among those reforms for all of us will be welfare reform. I urge my colleagues this morning to join in a bipartisan effort, and support the Castle-Tanner bill.

This is legislation that will successfully put people to work, will protect our children, and in particular, provide health care for those low-income children who are essential to our future growth. This bill will provide State flexibility. It will require maintenance of effort, but it will encourage and reward States that achieve that. In times of economic downturn, it will allow flexibility for States to meet those needs. Most important, Castle-Tanner does not raise taxes on low-income working people.

Mr. Speaker, I urge us to continue to work together to produce a bill the President can sign. I am proud to have worked on the Castle-Tanner bill. It does achieve needed reforms, and I urge my colleagues, all of them, to support this effort.

□ 1030

REFORM WEEK

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, for months the Republican leadership has been heralding their upcoming reform week. Well—reform week is here but it's looking a lot more like weak reform. What was once a big buildup has become a quiet shutdown.

Not much talk about reform this week. Mostly because the Republican campaign finance reform legislation doesn't actually reform the system but makes it worse. But don't take my word for it—take the words of 10 of my Republican colleagues whose "Dear Colleague" letter reads—and I quote—"Instead of leveling the playing field in elections, this bill will result in greater incumbent protection. The bill actually increases the amounts that wealthy individuals can contribute in Federal elections."

That's right. Under current law an individual can give $25,000. Under the Republican campaign finance reform bill an individual will be able to give up to $3.1 million. As my Republican colleagues also said, "The average American will be left even further behind in the Washington money chase as they are frozen out of the political process." I urge my Republican colleagues to listen to their own caucus members and vote against this weak reform legislation.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Small Business, Committee on Transportation and Infrastructure, and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 475 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3756.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 16, 1996, amendment No. 3 printed in part 2 of House Report 104–671 offered by the gentleman from Minnesota [Mr. GUTKNECHT] had been disposed of.

Pursuant to the order of the House of that day, the bill is considered as read.

The text of the remainder of the bill is as follows:

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $85,080,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1997.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $40,193,000: *Provided*, That $420,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,280,000: *Provided*, That $150,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities: *Provided further*, That $8,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted for approval to the Committees on Appropriations of the House and Senate a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,439,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000: *Provided*, That $45,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000: *Provided*, That $3,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, $26,100,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That $340,700 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $55,573,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $34,838,000, of which $18,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $17,000,000 for the Counter-Drug Technology Assessment Center for counternarcotics research and development projects, and of which $1,268,000 shall be obligated for drug prevention public service announcements, and of which $1,000,000 shall be obligated for State conferences on model State drug laws: *Provided*, That the $17,000,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office: *Provided further*, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $113,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Lake County, Indiana; of which $2,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area for the Gulf Coast States of Louisiana, Alabama, and Mississippi; of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area dedicated to combating methamphetamine use, production and trafficking in a five State area including Iowa, Missouri, Nebraska, South Dakota, and Kansas; of which no less than $59,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $54,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

This title may be cited as the "Executive Office Appropriations Act, 1997".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,800,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $27,524,000, of which no less than $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,588,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $209,193,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,364,392,000, of which (1) not to exceed $540,000,000 shall remain available until expended for construction of additional projects at locations as follows: Fresno, California, Federal Building and U.S. Courthouse; Denver, Colorado, U.S. Courthouse; District of Columbia, U.S. Courthouse Annex; Miami, Florida, U.S. Courthouse; Orlando, Florida, U.S. Courthouse; Covington, Kentucky, U.S. Courthouse; London, Kentucky, U.S. Courthouse; Babb, Montana, Piegan Border Station; Sweetgrass, Montana, Border Station; Las Vegas, Nevada, U.S. Courthouse; Brooklyn, New York, U.S. Courthouse; Cleveland, Ohio, U.S. Courthouse; Youngstown, Ohio, U.S. Courthouse; Portland, Oregon, Consolidated Law Enforcement Federal Office Building; Erie, Pennsylvania, U.S. Courthouse; Philadelphia, Pennsylvania, Department of Veterans Affairs—Federal Complex, phase II; Columbia, South Carolina, U.S. Courthouse; Corpus Christi, Texas, U.S. Courthouse; Salt Lake City, Utah, Moss Courthouse Annex and Alteration; Blaine, Washington, U.S. Border Station; Oroville, Washington, U.S. Border Station; Seattle, Washington, U.S. Courthouse; and, Sumas, Washington, U.S. Border Station, (Claim): *Provided*, That the total cost of the immediately foregoing United States Courthouse or United States Courthouse annex construction projects shall be reduced by no less than 10 percent from the prospectus level estimate by improving design efficiencies, curtailing planned interior finishes requiring more efficient use of courtroom and library space, and by otherwise limiting space requirements: *Provided further*, That each of the immediately foregoing construction projects may not exceed the original authorized level for site acquisition, design, or construction, unless advanced approval is obtained from the House and Senate Committees on Appropriations: *Provided further*, That from funds available in the Federal Buildings Fund, $20,000,000 shall be available until expended for environmental clean up activities at the Southeast Federal Center in the District of Columbia: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $635,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services, as follows: District of Columbia, Ariel Rios Building; District of Columbia, Department of Justice Building (Main), phase, 1; District of Columbia, Layfayette Building; District of Columbia, State Department Building; Honolulu, Hawaii, Prince Jonah Kuhio Kalanianaole Federal Building and U.S. Courthouse; Chicago, Illinois, Everett M. Dirksen Federal Building; Chicago, Illinois, John C. Kluczynski, Jr. Federal Building (IRS); Andover, Massachusetts, IRS Regional Service Center; Concord, New Hampshire, J.C. Cleveland Federal Building; Camden, New Jersey, U.S. Post Office-Courthouse; Albany, New York, James T. Foley Post Office-Courthouse; Brookhaven, New York, IRS Service Center; New York, New York, Jacob K. Javits Federal Building; Scranton, Pennsylvania, Federal Building-U.S. Courthouse; Providence, Rhode Island, Federal Building-U.S. Courthouse; Fort Worth, Texas, Federal Center; Nationwide repairs and alterations: Security Upgrades; Chlorofluorocarbons Program; Elevator Program; and, Energy Program: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the originally authorized amount, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That such sums as may be necessary shall be made available for ongoing renovation and consolidation efforts at the National Veterinary Services Laboratory and a biocontainment facility at the National Animal Disease Center, as directed in Public Law 104-52: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: *Provided further*, That $5,700,000 of the funds provided under this heading in Public Law 103-329, for the IRS Service Center, Holtsville, New York, shall be available until September 30, 1998; (3) not to exceed $173,075,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $3,903,205,000, to remain available until expended, for building operations, leasing activities, and rental of space, of which up to $205,000,000 shall be available for security enhancements; and (5) not to exceed $4,800,000 for the development and acquisition of automatic data processing equipment, software, and services for the Public Buildings Service which shall remain available until September 30, 1999 for transfer to accounts and in amounts as necessary to satisfy the requiremens of the Public Buildings Service: *Provided further*, That funds available to the General Services Administration shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That the Administrator is authorized in fiscal year 1997 and thereafter, to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project and is hereby granted all the rights and authorities of the former Pennsylvania Avenue Development Corporation (PADC) with regards to property transferred from PADC to the General Services Administration in fiscal year 1996: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1997, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,364,392,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $109,091,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,274,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $2,180,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended (3 U.S.C. 102 note), $5,600,000.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1997 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. Section 10 of the General Services Administration General Provisions, Public Law 100-440, dated September 22, 1988, is hereby repealed.

SEC. 405. No funds made available by this Act shall be used to transmit a fiscal year 1998 request for United States Courthouse construction that does not meet the design guide standards for construction as established by the General Services Administration, the Judicial Conference of the United

States, and the Office of Management and Budget and does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the request must be accompanied by a standardized courtroom utilization study of each facility to be replaced or expanded.

SEC. 406. (a) Section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490) is amended by adding at the end the following new subsection:

"(l)(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as 'telecommuting centers') for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

"(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

"(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

"(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

"(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

"(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).

(b) Section 13 of the Public Building Act of 1959, as amended, (107 Stat. 438; 40 U.S.C. 612) is amended—

(1) by striking "(xi)" and inserting in lieu thereof "(xii)"; and

(2) by striking "and (x)" and inserting in lieu thereof "(x) telecommuting centers and (xi)".

SEC. 407. None of the funds provided in this Act may be used to implement a plan for the Ronald Reagan Building (International Trade Center, Washington, D.C.) which would permit the Woodrow Wilson Center to pay the General Services Administration less than the rate per square foot assessment for space and services which is paid by other Federal entities.

SEC. 408. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the requested rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 409. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse fascade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.

SEC. 410. Notwithstanding any other provision of this or any other Act, during the fiscal year ending September 30, 1997, and thereafter, the Administrator of General Services may sell or exchange real property, related assets or interests therein under the custody and control of the General Services Administration, whether or not such property or interests therein are excess to its needs, when the Administrator determines that such sale or exchange is consistent with economical management of the Federal real property portfolio, as such portfolio may be defined by the Administrator: *Provided*, That any proceeds from such sale or exchange remaining after reimbursing the Administrator for the costs of such sales or changes, including the costs of relocating Federal agencies occupying the property, shall be deposited in the Federal Buildings Fund and shall remain available until expended.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $23,297,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $195,109,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $4,500,000 are rescinded.

ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, $9,500,000 to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $4,000,000 to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $86,576,000; and in addition $93,486,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printing materials for annuitants, for the retirement and insurance programs, of which $2,250,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act

(42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1997, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

SEC. 421. The first sentence of section 1304(e)(1) of title 5, United States Code, is amended by inserting after "basis" the following ", including personnel management services performed at the request of individual agencies (which would otherwise be the responsibility of such agencies), or at the request of nonappropriated fund instrumentalities".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

REVOLVING FUND

For reducing any accumulated deficit in the accounts of the revolving fund established under 5 U.S.C. 1304(e), $4,755,000.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,840,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,269,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1997".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 504. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 505. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 506. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 507. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1).

SEC. 508. The Office of Personnel Management may, during the fiscal year ending September 30, 1997, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 509. The United States Secret Service may, during the fiscal year ending September 30, 1997, and hereafter, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 510. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 511. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 512. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 513. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 514. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 515. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1997 from appropriations made available for salaries and expenses for fiscal year 1997 in this Act, shall remain available through September 30, 1998, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 516. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

SEC. 517. Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 518. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 519. The provision of section 518 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 520. No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF-360; Re: Notice Nos. 782, 780, 91F009P.

SEC. 521. Notwithstanding title 5, United States Code, Personal Service Contractors (PSC) employed by the Department of the Treasury for assignment in a country other than the United States, shall be considered as Federal Government employees for purposes of making available Federal employee health and life insurance.

SEC. 522. Section 5131 of title 31, United States Code, is amended by striking subsection (c); and by redesignating subsection (d) as subsection (c).

SEC. 523. Section 5112(i)(4) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(C) The Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary in minting and issuing other bullion and proof gold coins under this subsection in accordance with such program procedures and coin specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That profits generated from the sale of gold to the United States Mint for this program shall be considered as a receipt to be deposited into the General Fund of the Treasury.

SEC. 524. Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may mint and issue bullion and proof platinum coins in accordance with such specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That the Secretary is authorized to use Government platinum reserves stockpiled at the United States Mint as working inventory and shall ensure that reserves utilized are replaced by the Mint.

SEC. 525. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, and the United States Customs Service;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 12 months, but does not include—

(A) any employee who, upon separation and application, would then be eligible for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(D) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(E) an employee who, upon completing an additional period of service is referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(F) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(G) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(H) any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowable under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of each agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before February 1, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

SEC. 526. That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Bureau of Engraving and Printing program and operation: *Provided*, That the authority contained in this provision shall expire on September 30, 1999.

SEC. 527. The United States Mint is hereby authorized to establish a demonstration project under the authorities of title V, U.S.C., chapter 47: *Provided*, That the Director of the United States Mint shall be appointed by the President, by and with the advice and consent of the Senate; the Director shall serve on the basis of a six-year contract, which may be renewed, so long as the Director's performance, as set forth in an annual performance agreement with the Secretary of the Treasury, is satisfactory; and the Director shall receive as basic compensation for a calendar year an amount equal to the annual rate of basic pay for level I of the Executive Schedule under section 5312 of title 5 and, in addition, may receive an annual bonus awarded by the Secretary, based upon the Secretary's evaluation of the Director's performance in accordance with the performance agreement.

SEC. 528. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $500,000 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(d) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifys for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. (a) IN GENERAL.—Section 1306 of title 31, United States Code, is amended to read as follows:

"§ 1306. Use of foreign credits

"(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

"(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.".

(b) APPLICABILITY.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1997, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1996, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1997, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1997, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1997 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1997 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1996 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1996, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1996, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1996.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. Notwithstanding section 1346 of title 31, United States Code, or section 613 of this Act, funds made available for fiscal year 1997 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 620. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 621. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 622. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this Act or any other Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 625. No funds appropriated in this or any other Act for fiscal year 1997 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be expended by any Federal Agency to procure any product or service subject to section 5124 of Public Law 104-106 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) that agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1997, subsection (a) shall apply only if the Administrator of General

Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 627. Subsection (f) of section 403 of Public Law 103-356 is amended by deleting "October 1, 1999" and inserting "October 1, 2001".

SEC. 628. (a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—

(1) with respect to a loan or extension of credit for more than 60 days, unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.

(b) WAIVER OF LIMITATIONS.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) EXPEDITED PROCEDURES IN THE SENATE FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within 30 calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of the Senate to which a joint resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) In the Senate a motion to discharge may be made only by an individual favoring the joint resolution, and is privileged; and debate thereon shall be limited to not more than 1 hour, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION.—(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order.

(4) If prior to the passage by the Senate of a resolution, the Senate receives a joint resolution with respect to the same matter from the House of Representatives, then—

(A) the procedure in the Seante shall be the same as if no resolution had been received from the House; but

(B) the vote on final passage shall be on the resolution of the House.

(5) For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 628(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, notice of which was submitted to the Congress on ____________.", with the blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1997.

SEC. 629. (a) TECHNICAL AMENDMENT.—Section 640 of Public Law 104-52 (109 Stat. 513) is amended by striking "Service performed" and inserting "Hereafter, service performed".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 104-52 on the date of its enactment.

SEC. 630. Notwithstanding any other provision of law, no part of any appropriation contained in this Act for any fiscal year shall be available for paying Sunday premium or differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay.

SEC. 631. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 632. (a) FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT.—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

"(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

"(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.".

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to—

"(1) chapter 71 of title 5;

"(2) section 1004 or chapter 12 of title 39;

"(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

"(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

"(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.".

(c) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 633. SURVIVOR ANNUITY RESUMPTION UPON TERMINATION OF MARRIAGE.—(a) AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

"(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if—

"(A) any lump sum paid is returned to the Fund; and

"(B) that individual is not otherwise ineligible for such annuity.".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8443(b) of such title is amended by adding at the end the following: "If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.".

(b) APPLICABILITY.—The amendments made by section 1 shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that any recomputation of benefits shall be payable only with respect to amounts accruing for periods beginning on or after the date of the enactment of this Act.

SEC. 634. AVAILABILITY OF ANNUAL LEAVE TO MEET MINIMUM AGE AND SERVICE REQUIREMENTS FOR TITLE TO AN IMMEDIATE ANNUITY.—(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section.

"(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

"(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

"(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

"(3) Nothing in this subsection shall be considered—

"(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

"(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

"(C) to make any days of annual leave creditable for purposes of section 8333, any determination of average pay, or any computation of annuity.

"(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

"(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

"(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section or section 8414.

"(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

"(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

"(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

"(3) Nothing in this subsection shall be considered—

"(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

"(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

"(C) to make any days of annual leave creditable for purposes of section 8410, any determination of average pay, or any computation of annuity.

"(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

"(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

"(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".

SEC. 635. Section 207(e)(6)(B) of title 18, United States Code, is amended by striking "level V of the Executive Schedule" and inserting "level 5 of the Senior Executive Service".

SEC. 636. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.—(a) AUTHORITY.—Notwithstanding any other provision of law, amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means an agency employee whose position is that of—

(1) a law enforcement officer; or

(2) a supervisor or management official.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5, and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used in connection with investigations of arson at religious institutions, $12,011,000, available upon enactment of this Act and to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading for Tax Systems Modernization in Public Law 104-52, $12,011,000 are rescinded.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1997".

The CHAIRMAN. Are there any points of order against provisions in the bill?

POINT OF ORDER

Mrs. SEASTRAND. Mr. Chairman, I make a point of order against section 406 beginning on page 53, line 15 through page 55, line 12, which authorizes the establishment of telecommuting centers, on the ground that it is legislation on an appropriation bill in violation of rule XXI, clause 2(b) of the rules of the House.

The CHAIRMAN. Are there any Members who wish to be heard on the point of order?

If not, for the reasons stated by the gentlewoman from California, the point of order is sustained. The section is stricken. Are there any other points of order?

POINT OF ORDER

Mrs. SEASTRAND. Mr. Chairman, I make a point of order against section 410 beginning on page 56, line 13 through page 57, line 3, which authorizes the administrator of GSA to sell or exchange real property whether or not it is excess to the needs of the United States, on the ground that it is legislation on an appropriation bill in violation of rule XXI, clause 2(b) of the rules of the House.

The CHAIRMAN. Are there any Members who wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, on the point of order, is it appropriate for me from a parliamentary standpoint to ask the chairman of the subcommittee for a clarification of the facts while I make my point of order?

The CHAIRMAN. The chairman of the subcommittee can also be heard on the point of order, and if the gentleman from Maryland wishes to defer to the gentleman from Iowa, he certainly may.

Mr. HOYER. Mr. Chairman, is it my understanding that the rule does not protect this provision but does protect all other provisions in the bill which would have been subject to a similar point of order, that that is why this is in order; is that correct?

Mr. LIGHTFOOT. Mr. Chairman, the gentleman is correct, with the exception of section 406 which she has already raised a point of order against.

Mr. HOYER. Mr. Chairman, in light of the fact that the Ways and Means Committee, as I understand it, did not contact the Rules Committee but that the committee which the gentlewoman from California is representing now did, my understanding is the Rules Committee did not protect it, I will not contest the point of order.

The CHAIRMAN. The point of order is sustained for the reasons stated by the gentlewoman from California. The section is stricken.

Pursuant to the order of the House of Tuesday, July 16, 1996, no further amendments shall be in order except the following amendments, not necessarily in any prescribed order, which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a member opposed: An amendment by the gentleman from Massachusetts [Mr. KENNEDY] regarding the Customs Service, for 10 minutes.

Mr. HOYER. Mr. Chairman, is unanimous consent in order so that I might have a colloquy prior to the consideration of the amendments with the chairman of the subcommittee?

The CHAIRMAN. The gentleman can, of course, move to strike the last word by unanimous consent. The Chair would like to proceed with outlining the agreement that was struck yesterday.

Mr. HOYER. Mr. Chairman, as a practical matter, we have some Members that are just getting word that we are going forward. We need to do this colloquy. I thought it might be helpful to do this colloquy first while Members are coming to the floor.

The CHAIRMAN. To encourage Members to come to the floor, the 3-page statement which the Chair is about to proceed with would help in the shared goal.

An amendment by the gentleman from Massachusetts [Mr. KENNEDY] regarding the Customs Service, for 10 minutes; an amendment by the gentleman from Illinois [Mr. DURBIN] regarding firearms disabilities, for 30 minutes; an amendment by the gentlewoman from Connecticut [Mrs. JOHNSON] regarding IRS funding, for 10 minutes; an amendment by the gentleman from Ohio [Mr. TRAFICANT], for 10 minutes; an amendment by the gentleman from Maryland [Mr. HOYER] or the gentlewoman from New York [Mrs. LOWEY] to strike sections 518 and 519, for 30 minutes; an amendment by the gentleman from Maryland [Mr. HOYER] regarding buyouts, for 10 minutes; an amendment by the gentleman from Virginia [Mr. WOLF] regarding buyouts, for 10 minutes; an amendment by the gentleman from Georgia [Mr. KINGSTON] regarding customs ports of entry, for 9 minutes; an amendment by the gentleman from Minnesota [Mr. GUTKNECHT] regarding an across-the-board cut, for 20 minutes; an amendment by the gentleman from Vermont [Mr. SANDERS] regarding health maintenance organizations, for 20 minutes; an amendment by the gentlewoman from Ohio [Mr. KAPTUR] regarding China tariffs, for 10 minutes; an amendment by the gentleman from New York [Mr. SOLOMON] regarding a limitation on the comptroller of the currency, for 10 minutes; an amendment by the gentleman from Arizona [Mr. SALMON] regarding the White House travel office, for 10 minutes; an amendment by the gentleman from Maryland [Mr. HOYER], for 10 minutes; and an amendment by the gentleman from Pennsylvania [Mr. GEKAS], for 10 minutes .

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offered an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 16, line 19, strike the second semicolon and insert the following: "(increased by $500,000) (reduced by $500,000);".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Massachusetts [Mr. KENNEDY] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment with the gentleman from New Jersey [Mr. SMITH], and I appreciate the willingness of the chairman of the committee to work with us in supporting this amendment as he indicated last evening.

I think the chairman of this committee ought to be commended for the initiatives that he has established in terms of trying to make certain that unfair labor practices that go on in countries that we regularly trade with, specifically China and other countries, have made it a course of their nation's national policy to utilize terribly, terribly, not only unfair but really despicable practices in terms of the kinds of labor use that takes place in these countries.

In China, we know of people who are forced into labor in terms of the kinds of actions that take place in the prison systems. In other countries, such as Pakistan and India, we are all too cruelly aware of the fact that there are millions of soccer balls, for instance, that come from Pakistan; 25 percent of the world's soccer balls come from Pakistan where child labor is utilized. Children are forced to work 8 or 10 hours a day at the ages of as young as 3 and 4 and 5 years old. They work for 15, 16, 17 cents an hour.

Mr. Chairman, we are about to establish the Olympics right down the street at RFK Stadium, and the soccer balls used by the Olympics this year in many cases will be balls that were made with child slave labor. Kids all over America are playing with soccer balls that are made with child labor. Kids that are forced into labor without any of their personal consent, working in dark, dingy conditions, 8 or 10 hours a day, no proper food or nutrition, no proper health care or any kind of reasonable hourly wage.

In Pakistan, we also know of kids, like Iqbal Masih, who are chained to rug looms and forced over and over each and every day to work 10, 12, 15 hours a day, and are sold by their families to individuals that then have whole factories of kids that are making products which we then import into the United States. It not only is unconscionable, and millions of American consumers that buy these goods on a regular basis have no idea that these kinds of conditions are actually taking place in terms of the work force that are making the goods.

Mr. Chairman, we sometimes wonder why we can buy goods these days at such cheap prices. I remember CHRIS SMITH telling me that his family ran a sporting goods store in New Jersey and that 15 years ago or so a soccer ball used to cost $35. Today it costs $15 or

$18. He says the reason why the price has dropped so significantly is because the cost of labor in terms of the child slave wages that are being paid has dropped so significantly.

What this amendment will do is take a few dollars out of the general fund that is appropriated and use those moneys specifically for the purposes of hiring an individual who will work for the Department of Commerce to inspect the goods that are made in both India and Pakistan, one employee per country, to make sure that child slave labor is not involved in the manufacture of those products that we import from those countries.

I just want to thank the gentleman from New Jersey [Mr. SMITH], and I want to thank in particular the gentleman from Iowa [Mr. LIGHTFOOT]. I know in talking with his staff that there have been difficulties in the past in terms of working out these arrangements with the Department of State, but I think we have put enough funds into this legislation to make certain that we have the necessary wherewithal to reimburse the State Department.

Mr. Chairman, I also want to thank the gentleman from Maryland [Mr. HOYER], my good friend, who has been a very outspoken critic of the kinds of unfair labor practices that take place in so many foreign countries and who has been a great supporter of this legislation.

Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent that it be considered as read. I appreciate the willingness of Chairman LIGHTFOOT and Mr. HOYER to accept this amendment, and I would like to thank Mr. SMITH for his strong support on behalf of this amendment.

I think the chairman of this committee should be commended for the initiatives that he has established trying to end unfair labor practices in all countries—especially countries which utilize forced labor and child labor, and I thank him again for his support of my amendment.

The purpose of my amendment is to fund two additional overseas positions for customs service investigators. The bill already funds three overseas positions—in Singapore, Hong Kong, and Beijing. My amendment will fund a criminal investigator in New Delhi, India, and in the Sialkot region of Pakistan.

These are two areas in the world where child labor is a particularly significant problem.

We know that there are factories where children, who were sold into slavery by their families, are making products which then are imported into the United States. This is unconscionable. Millions of American consumers who buy these goods on a regular basis have no idea that these goods are being produced using child labor.

These children are forced into labor, without their consent, working in dark, dingy conditions, without proper food or nutrition, without proper health care, without any kind of reasonable hourly wage.

In Pakistan and in India children are chained to rug looms for 10 to 12 hours at a time, being forced to tie tiny knots with their small fingers.

Children in Pakistan help produce 35m soccer balls annually—25 percent of these balls are stitched by children being paid only 5 cents an hour. Each child earns an average of $.70 per ball—and an average daily wage of $1.20. These children work 80 hours a week in near total darkness and total silence.

I have long fought to end the forced labor of children. I have heard the sad testimony of children like Iqbal Masih, enslaved in a rug making factory in Pakistan for 6 long years, only to be killed a year after he managed to escape and after he had started to fight for the rights of children in forced labor.

I have heard the stories of the children of Broadmeadow School in Quincy, MA, who raised over $100,000 to build a school in Iqbal's home town, because the children there didn't have access to a basic education.

And I have heard firsthand the stories of witnesses who have observed children as young as 3 and 4 struggling to stitch soccer balls to be exported around the world. In some instances the needles being used to stitch the balls are longer than the fingers of the children doing the stitching. One 3-year-old was able to manage the needle but couldn't handle the scissors, and had to have another small coworker help her.

Mr. Chairman, Washington DC, will soon be hosting Olympic soccer games just down the street from the U.S. Capitol, and the soccer balls being used by the Olympics this year in many cases will be balls stitched with child slave labor.

We sometimes wonder why we can buy goods these days at such cheap prices. I remember Chris Smith telling me that his family ran a sporting goods store in New Jersey and that 15 years ago a soccer ball used to cost $35. Today it costs $15 or $18. He says the reason why the price has dropped so significantly is because the cost of labor has dropped significantly. Why? Because child labor is being employed.

Adding these two overseas investigator positions will also be an important step in executing the FoulBall Campaign. The FoulBall Campaign is a coordinated international effort using both the power of legislation and consumer action to end the use of child labor in the soccer ball industry.

Lauched on June 28 by Representative KENNEDY, Labor Secretary Robert Reich, and others, the Campaign strives to increase awareness of the widespread use of child workers by soccer ball manufacturers and to encourage the public and soccer organizations in every city and town across America to reject balls stitched by child workers.

I hope we all see the day where child slavery no longer exists, and I applaud initiatives such as Rugmark, which seeks to educate consumers about the exploitation of children, and to mobilize consumers to support products not made with child labor.

Consumers have a right to know that the products they are purchasing were not made with child slave labor. They have a right to know that their children are not learning to walk on rugs knotted by young children, and that their sons and daughters are not playing with a soccer ball that was stitched by little hands.

By adding two inspectors positions overseas, we will be better able to identify the goods being manufactured with child labor, and keep those items from being shipped to the United States and from being placed on the shelves of stores across this country.

Mr. Chairman, I reserve the balance of my time.

☐ 1045

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to control the other 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am willing to accept the amendment of the gentleman from Massachusetts and would like to briefly address some concerns we have with it. I think it is something we can work on. We obviously need to very carefully target our overseas personnel, where we put them, why we put them there. The concern with the amendment is we are putting people in the locations where we have not passed any legislation yet here in the House that addresses that.

As the gentleman knows, the bill includes additional Customs people to go into China. That was not done in a vacuum. We did not include that provision without first talking with Commissioner Weise and the Secretary of State, Mr. Christopher, as well, to get sign-off on it.

If the gentleman is willing to work with me as we go to conference with the Senate on my concern as well as any that the administration may have to be sure that everyone is signed off on this, I really do not see why they should not be, I would be very happy, pleased, to accept the amendment because I think he is trying to do the right thing.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in strong support of this amendment and am very pleased that the chairman saw fit to accept it. I am one of those who believes that our policy, whether it deals with trade or any other facet of international relations, ought to reflect our commitment to human rights. Of course our commitment to human rights ought to be particularly keen when it comes to the most vulnerable people in our world, and that is our children.

America itself suffered and from time to time still suffers from the abuse of children. We talk about child abuse, this is child abuse. This is the utilization of children for economic gain, while substantially damaging their health and robbing them of their childhood and ruining their lives. America, among the nations, ought to stand tallest and most strongly raise the issue that we will not be complicit in this treatment or maltreatment of children.

I congratulate the gentleman from Massachusetts. No voice has been stronger in this Congress or in this country on behalf of the rights of those who have been disenfranchised and discriminated against and undermined in this health and in their quality of living than has the voice of the gentleman from Massachusetts, JOE KENNEDY, and I am pleased to be allied with him in this amendment and thank him for his leadership and offering of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman's cautions with regard to the State Department's willingness to work some of these issues out in terms of the local countries. I do believe that it is important, and I appreciate your willingness to accept this amendment because I think that it is important for the Congress of the United States to let the executive branch know and particularly the State Department know that we are very interested in human rights, as the gentleman from Maryland [Mr. HOYER] indicated, being a major portion of this country's foreign policy.

I do not think we should stand for having other countries export into the United States when they are being abusive of their own citizens, particularly of young children that they are forcing into these kinds of labor situations.

So I think that we ought to take the stand, and I appreciate the gentleman's willingness to fight for it when we get into conference. I would hope that the administration would be supportive. They have given us indications of their support, but I know that with the gentleman out there leading the fight, Mr. Chairman, that we will fare well.

Mr. LIGHTFOOT. Reclaiming my time, Mr. Chairman, let me quickly respond to my friend, the gentleman from Massachusetts [Mr. KENNEDY]. I appreciate the kind words and I think, as I said earlier, I think this is the right thing to do.

A lot of things we cannot settle around here legislatively, but this is one I think we can. It would be very important that we do get the sign-off, I think, from the administration and obviously the gentleman can help us a great deal in that measure. So I appreciate his bringing this amendment forward. I think it is timely and hopefully it will solve a problem we are all very concerned with.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 24, after line 3, insert the following new section:

SEC. 105. The Internal Revenue Service shall contract with an independent accounting firm to determine the revenue losses (if any) which would result from implementing H.R. 2450, as introduced in the 104th Congress.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is straightforward. It says that there shall be an outside objective study performed on H.R. 2450, which would in fact change the burden of proof in a civil tax case and require judicial consent before the Internal Revenue Service can lien on our property or take our assets.

To all the members of this committee, right now in a civil tax case proceeding, a taxpayer is deemed guilty in the eyes of the law and must prove themselves innocent. Now, the IRS keeps telling us that this is going to break the bank if we treat taxpayers like anybody else in our country, subject to the basic judicial tenet that you are innocent until proven guilty. I guess that works everywhere except for the taxpayer who pays the freight on this train coming down the track.

The Traficant amendment simply says let us get an outside group. It is not that I do not trust anybody. Contract with an outside group, tell us what the cost is going to be and, by God, let us get the facts on it and see if we can bring the taxpayer under the realm of protection the Constitution affords in the Bill of Rights for everybody.

Finally, Mr. Chairman, this business about cost in the first place. Could you see the Founders in Philadelphia debating the Bill of Rights, saying this is great, Mr. Chairman, but my God, what is it going to cost? I am asking for an affirmative vote.

Mr. Chairman, with that, I yield to the distinguished chairman of the committee.

Mr. LIGHTFOOT. I thank the gentleman for yielding.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, it may be too late to reserve a parliamentary objection.

Mr. TRAFICANT. Parliamentary procedure, Mr. Chairman.

Mr. HOYER. Mr. Chairman, it is my understanding the Ways and Means Committee, I am just informed, was going to raise a point of order.

Mr. TRAFICANT. Parliamentary procedure, Mr. Chairman.

The CHAIRMAN. The Chair will state that that opportunity was posed when the gentleman from Ohio offered the amendment and no Member chose to raise a point of order at that time.

Mr. HOYER. I thank the Chair for his advice.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] has yielded to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to say the gentleman from Ohio [Mr. TRAFICANT] has done a tremendous job in protecting U.S. taxpayers from overaggressive IRS auditors and inspectors. I think H.R. 2450, which was introduced by the gentleman from Ohio [Mr. TRAFICANT], changes the burden of proof from the taxpayer to the IRS, it is just that simple. In other words, it requires the IRS to prove that the taxpayer is wrong, rather than the taxpayer having to prove that they are right. I think with tax collection, it is the only thing in our country where we have upset the judicial system which has the idea that you are innocent until proven guilty. On taxpaying matters, you are considered guilty until you can prove yourself innocent. In essence, this just brings us into step with what everyone else does in the country.

As the gentleman from Ohio [Mr. TRAFICANT] has mentioned, the Committee on Ways and Means has said that it is going to reduce the amount of revenue generated by the IRS. However, there are no specific estimates of that total cost of lost revenue. Basically the amendment requires the IRS to contract with an independent accounting firm to determine the level of revenue loss that would result from his bill, H.R. 2450.

Therefore, I would be more than willing to work with the Committee on Ways and Means, work in conference to find whatever small amount of money it might take to do or pay for this particular study because, in essence as I understand it, the amendment calls for a study of this process. I think that it is a timely thing to do and support the gentleman's initiative and would do what I could to help him forward it.

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman with the little bit of time I have.

Mr. Chairman, I also want to say I want to commend my good friend, the gentleman from Iowa [Mr. LIGHTFOOT], on the distinguished career he has had here in the House. I want to wish him the very best in the future.

Let me also say in closing that I do not rule out as assessment, and objective review by the Joint Taxation Committee, but it does require an outside objective review, as well.

With that, I urge an "aye" vote and yield back the balance of my time.

The CHAIRMAN. Is there any Member who seeks time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 15, beginning on line 10, strike "for felons convicted of a violent crime, firearms violations, or drug-related crimes".

POINT OF ORDER

Mr. PARKER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order against the amendment.

Mr. PARKER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "No amendment to a general appropriation bill shall be in order if changing existing law."

The amendment gives affirmative direction in effect, modifies existing powers and duties, and does not apply solely to the appropriations under consideration.

Mr. DURBIN. Mr. Chairman, may I be heard?

The CHAIRMAN. Does the gentleman from Illinois wish to be heard in opposition to the point of order?

Mr. DURBIN. Yes, I do.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. DURBIN. Mr. Chairman, I oppose the position of the gentleman from Mississippi and I would like to make it clear to the Chair what is at issue here with this amendment.

Several years ago, this Congress adopted legislation which allows people who have been convicted of a felony, once released from prison, to apply to the Department of the Treasury, the Bureau of Alcohol, Tobacco and Firearms, for permission to be rearmed. People across America remember the bumper sticker which said: "firearms do not commit crimes, criminals commit crimes." But this provision in law currently existing allows convicted felons to be rearmed with firearms.

It is a provision pushed for and supported by the National Rifle Association. It defies logic and good sense. What I am attempting to do is to make it abundantly clear that once a person is convicted of a felony, that person is disqualified from owning a firearm in America.

We have ample evidence that convicted felons have applied to the Federal Government, have cost the taxpayers $10,000 per application to be rearmed with a firearm. If I might be allowed to continue.

The CHAIRMAN. The gentleman must address the point of order.

Mr. DURBIN. I am about to address it.

What this amendment addresses is a provision in the appropriations bill which says that no court can overcome what we have done by the appropriation language, which basically eliminates the right of the bureau to grant these new applications to give convicted felons firearms. With my motion to strike, we will in fact say to the courts, you can consider no applications from convicted felons. It is in fact lessening the responsibility of the courts that is presently in the bill. It does not broaden the scope or jurisdiction of the bill.

Now those on the other side, my friend, the gentleman from Mississippi, frankly believe that some convicted felons ought to have firearms. I do not think any should. My language will make it clear that a court cannot give a convicted felon a firearm. I think it is not only sensible, it is parliamentarily acceptable and I think the gentleman's point of order should be ruled down.

The CHAIRMAN. The Chair is prepared to rule. Are there other Members who wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I had not known that this point of order was going to be raised, and I think that it is on sound grounds for the gentleman to raise the point of order.

I would simply say that I do not think the point of order should be determined on the basis of a judgment that the Durbin amendment would in fact narrow the scope of what is happening here. In fact, the language in the committee bill would keep us closer to the court decision which was produced some time ago. It makes some exceptions for felons who are not convicted of a violent crime, who were not convicted of firearms violations or drug-related crimes.

□ 1100

And it seems to me, therefore, that the Durbin amendment would go further than the language in the bill in overturning existing law.

I would simply state that if any Member of this House feels that there are no people in this society who committed a nonviolent crime 20 years ago, who have lived an exemplary life since that time, that they are not entitled to have the slate eventually wiped clean, I think most people would happen to disagree with that. And I think that the grounds the gentleman has cited for the point of order are correct.

Mr. PARKER. Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. The Chair is prepared to rule based on the arguments propounded by the gentleman from Wisconsin and the gentleman from Mississippi.

The pending portion of the bill includes several provisions relating to applications for relief from firearms disabilities under the Federal criminal code. Among those provisions is the proviso that begins on page 15 at line 5. That proviso includes two features. The first is a limitation prohibiting the use of funds in the bill to investigate or act upon disabilities relief applications. The second is a legislative prescription that the inability of the Bureau of Alcohol, Tobacco and Firearms to process or act upon specified subsets of all disability-relief applications shall not be subject to judicial review.

The amendment offered by the gentleman from Illinois proposes to strike from the second feature of the proviso the language specifying subsets.

Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amendment effecting further legislation is not in order even in the form of a motion to strike.

The precedent of November 15, 1989, recorded on page 641 of the House Rules and Manual is pertinent. In that situation, a legislative provision applicable to Federal funds was permitted to remain in the general appropriation bill for the District of Columbia. An amendment striking the word Federal was held to broaden the provision to address District of Columbia funds as well.

The amendment offered by the gentleman from Illinois would expand the sweep of a legislative prescription in the bill from some disability-relief applications to all disability-relief applications. Rather than merely perfecting the legislation in the bill, the amendment effects further legislation.

The point of order is sustained.

Are there further amendments to the bill?

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, I would like a clarification on that, because under the existing language of the bill, the courts are only restricted in granting these applications for rearming felons for three specific categories. With my amendment we would eliminate all convicted felons in their right to be rearmed; their right to have another firearm.

I would say to the gentleman, from the Chair's ruling, that that gives to the courts a much clearer mandate to eliminate the Al Capone's and John Gotti's and those who did not commit those three specific crimes.

Mr. PARKER. Regular order, Mr. Chairman.

Mr. DURBIN. And I would say that the Chair's ruling suggesting that I am broadening——

Mr. PARKER. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman may be correct in his statement, but the Chair has ruled that the amendment of the gentleman does go further in broadening the legislative intent here, and so that is the ruling of the Chair.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER. Page 73, strike lines 1 through 9 (sections 518 and 519).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Maryland [Mr. HOYER] will be recognized for 15 minutes in support of the amendment, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, for some years we carried language which said that the Federal employee health benefit plan purchased by Federal employees with both their own funds and the part of the pay package which they received from the Federal Government would be restricted in terms of what coverage could be purchased. Mr. Chairman, this language was reincluded last year and in this year's bill. I rise to strike the restrictive language.

This issue has been a contentious one, and I understand there are strong feelings on all sides. It is my belief and contention, Mr. Chairman, that as is the case in the private sector, in the public sector, with respect to Federal employees, their compensation package is composed of three elements: their pay, which they are getting in their paycheck less deductions on a biweekly or monthly basis; their health benefits, reflected by a partial deduction from their paychecks and a contribution by the Federal Government which is 72 percent of the average cost of health insurance for Federal employees; and their retirement benefit. They also get a life insurance benefit as well.

Those four items compose their compensation package. It is my contention that that is their compensation. They own it. Just as this Congress would not deem it appropriate to pass an amendment which said that you may not spend your salary on X, Y, or Z, nobody in the House would contend that that was an appropriate action for the House of Representatives to take.

It is my belief and contention and suggestion to the House that we ought not to do that with respect to what kind of health insurance they deem it appropriate to purchase, not Big Brother telling them what to purchase but what they choose to purchase.

Now, with respect to the Federal employee health benefit plan, in this area there are some 25 to 35 plans available to Federal employees. They have a great choice. The Federal Government, as the employer, does not make a determination that we will spend X, if you buy this policy; or Y, if you buy this policy. They contribute 72 percent of the average premium cost to whatever purchase the employee decides to make.

In that context, therefore, it is inappropriate because it is not our money. It is the employee's money that they are applying. It is the employee's compensation, some in salary, some in benefit payments, but their compensation package. It has been historically my contention, and it is today, that we ought not to interject our judgment in place of our employees' judgment for what policies they themselves, individually, want to purchase.

That is what this amendment is all about. It is not whether we can condone abortion, whether we believe that it ought to be precluded altogether. The fact of the matter is the employees in the private sector and the public sector ought to be able to choose what policies they want to buy.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who rises in opposition to the amendment offered by the gentleman from Maryland [Mr. HOYER]?

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 15 minutes in opposition to the amendment and reserves the balance of his time.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY], the cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, as my colleague made it very clear, last year the anti-choice majority included a ban in this bill that prevents the FEHBP from offering insurance that covers abortion services.

The ban does not make any sense. What it does is relegate Federal employees to second class status. American women should not have their constitutional right taken away by Congress simply because they work for the Federal Government.

The issue before us today is very simple. Should women be allowed the freedom to choose a private health insurance plan that includes coverage of abortion, or should Congress dictate their choices to them? Federal employees, like other American workers, should be able to choose a health plan that covers the full range of reproductive health services, including abortion. Like other workers, Federal employees pay for their insurance with their own funds. It is simply not right that the Congress would bar women from purchasing the reproductive services they need with their own money.

Before this ban was put in place, Federal employees had many options. Of the 345 plans, just about half, 178, covered abortion. If women wanted to participate in the plan that covered abortions, they could. If they found abortion objectionable, they could belong to a plan that did not cover abortion. The choice was theirs, not mine, not this institution's.

When we passed the bill last year, we took health care choices away from Federal employees. There are 1.2 million women of reproductive age who rely on FEHBP for their medical care, 1.2 million American women who lost the right to choose when this bill was enacted.

The bill was wrong last year, it is still wrong, and I urge my colleagues to support this amendment. Let us return the choice to the people that deserve it, the women who work for this Government.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Iowa, Chairman LIGHTFOOT, for his humane and courageous leadership in ensuring in this legislation that taxpayers are not forced to subsidize the killing of unborn baby boys and girls by abortion.

Let me make it very clear that the taxpayers pay into this program approximately more than 70 percent of the total funding. The premium payers, all of us who are part of the Federal employees health benefits program, pick up the remaining 30 percent of the cost of our health insurance, but the taxpayers of the United States of America are paying for 70 percent of the cost associated with this program. So this is very much akin to the Hyde amendment because the taxpayers are indeed paying for abortion on demand if the Hoyer amendment is enacted into law.

Let me just say, Mr. Chairman, that I have always been struck by the considerable lengths some people will go to sanitize and to deny realities that are unflattering to their cause, inconvenient and messy to face. The plain fact of the matter is that abortion methods either dismember an unborn child's fragile body or burn her alive in a poison solution, while some babies are killed by the partial birth abortion method. Those victim babies are stabbed in the back of the neck with scissors and have their brains sucked out. Yet all of this cruelty is euphemistically referred to as choice and vigorously defended as an expression of freedom rather than the child abuse that it is.

Whole societies, Mr. Chairman, have at times bought into gross evils dressed up as legitimate and good. The abomination of slavery was vigorously defended by the best and the brightest of its day. Just read Roger Taney's Dred Scott decision—an apologetic that looks and sounds remarkably like Roe versus Wade.

□ 1115

The subjugation of whole nations, bride burning, female genital mutilation, and even human sacrifice have had their sincere and sophisticated apologists. Of course, they were and are dead wrong, but these human rights abuses have their apologists. In the past three decades, the abortion rights movement, a multimillion-dollar industry, takes the prize for intellectual dishonesty, the art of the skillful dodge, and the clever manipulation of euphemisms designed to conceal an utterly gruesome reality.

All of the arguments marched out to justify the slaughter of unborn babies used in today's debate and used in other debates that we have had on this floor were first conceived, tested, and marketed by public opinion specialists, pollsters, and focus groups. Those talking points that routinely find their way into our offices from NARAL and Planned Parenthood are the best that market research can buy.

Still, it is amazing to me that in 1996, with all of the breathtaking advances in fetology, the use of the ultrasound technology and microsurgery for the baby in the womb, that some can still stand here with straight faces and argue that the taxpayers and the premium payers should pay millions of dollars to dismember and to poison these precious little kids. The sanitizing of these child killings has so insulated some from the cruelty of abortion that they somehow believe that they are enlightened to take that point of view.

Way back in 1976, Mr. Chairman, I asked my predecessor, then Congressman Frank Thompson, who swore he was personally opposed to abortion, and I kept saying to him, why are you personally opposed? He just came back and said, well, I am personally opposed. Well, I asked him if he thought that a baby was involved in abortion. Was a baby killed? He said, and I quote, "You can't have an abortion unless there is a baby involved." Then he became a little bit red-faced, after he saw what he had just admitted. And a reporter who was on the scene at the time, and my wife, were frankly shocked, but pleased with his candor. He at least admitted that a human baby was killed as a result of abortion.

Recently I read in the Weekly Standard an article by Tucker Carlson entitled, "What Pro-choice Republicans Believe." I frankly was absolutely amazed by the answers given by some of my good friends and colleagues on our side of the aisle, and it was a kind of deja vu of the conversation that I had some 20 years ago with my predecessor, then Congressman Frank Thompson. One prominent lawmaker was asked why he was personally opposed to abortion. The article described it this way. Senator SPECTER stopped cold. Eighteen seconds of uncomfortable silence pass. The Senator has spent much of the past year talking incessantly about abortion, and yet he seems baffled by the question, as if it has never been asked before or even imagined that it could be asked.

When Senator SPECTER finally replies, his tone has changed. He speaks through clenched teeth: "Well, it is something I would not choose to do, and I would just leave it at that." And Senator SPECTER does leave it at that.

Asked to elaborate on his views, he angrily refuses. "I think it says all there is to say that I'm opposed to it. Now, do you have another question?"

Mr. Chairman, I would like to ask that question of the Members that are arguing for abortion funding today. I especially want to ask this of my colleague from Illinois [Mr. DURBIN]. And again let me remind you, 70 percent of the funding used for the Federal Employees Health Benefits Program is taxpayers' dollars. So Mr. LIGHTFOOT'S language is very much a parallel to the Hyde amendment. Yes, there is some money that you and I and others kick in. It is only 30 percent in terms of premium payers, and even many of those, like myself, a premium payer, do not want that money as well to be bundled and used to pay for abortions on demand. That is what the Hoyer amendment would do.

It is abortion on demand, abortion for birth control reasons. And if the Hoyer amendment is passed, if his amendment becomes law, the U.S. Government will subsidize the slaying of children. Back in 1983, before the pro-life rider was in effect, some 17,000 babies were killed each year, facilitated and subsidized by the Federal Employees Health Benefits Program and by the taxpayers.

I would like to ask my friend from Illinois, Mr. DURBIN, who is standing here waiting to speak, do you believe that an unborn child is a human being? Perhaps you would like to answer. On your time, I hope you will.

Mr. Chairman, I reserve the balance of my time. I do hope the gentleman will answer that when he takes the podium, whether or not there is a human life destroyed by abortion.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Hoyer-Morella amendment. Please do not be misled by the highly charged emotional rhetoric, because this amendment is not about that. This amendment is to avert discrimination against Federal employees.

Last year, Congress voted to deny Federal employees coverage for abortions that had been provided to most of the rest of this country's workforce through their health insurance plans. This decision was discriminatory and is just another example of Congress chipping away at the benefits of Federal employees and their opportunity to choose an insurance plan that best meets their own health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions are being subsidized by the Federal Government. Currently, the Government simply contributes to the premiums of Federal employees in order to allow them to purchase private health insurance. The many participating plans in the FEHBP may or may not choose to include coverage for abortion services—and, prior to last year's decision, about half of the participating plans provided this coverage. Thus, an employee who did not wish to choose a plan with abortion coverage could do just that.

Unfortunately, Congress denied Federal employees their access to abortion coverage, thereby discriminating against them and treating them differently than the vast majority of private sector employees. Currently, two-thirds of private fee-for-service plans and 70 percent of HMO's provide abortion coverage. It is insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Thousands of Federal employees struggle to make ends meet. Many Federal employees are single parents or the sole wage earners in their families. For these workers, the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. For these women, the lack of this health coverage could result in delayed abortions occurring later in the pregnancy, an outcome no one here wants to see.

Mr. Chairman, this amendment simply restores the rights of Federal employees to the same health care services covered by most private sector health plans. I urge my colleagues to support this amendment and to reverse last year's unwise decision.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hoyer amendment, which would allow, as brought out here before, abortion on demand under the Federal employee health insurance plan. The question I pose to my colleagues is, should the American taxpayers have an interest in the health care coverage of Federal employees? Of course, they should. Why not. They pay for it.

They are the employers of the Federal workers. OK, so if the people who pay for it have an interest, why do we not ask them?

Well, we have done that. The CBS news poll done this year, the end of March, 72 percent of the people who are polled say they do not want their tax dollars going toward abortion on demand. Another poll was done by the Journal of American Medical Association; 69 percent said the same thing. The American taxpayers do not want their tax dollars going for abortion on demand.

This amendment goes way beyond the bounds of the pro-life/pro-choice debate. This issue involves providing abortions for anyone enrolled in the Federal Employee Health Benefits Program, regardless of income level. The concept of the anyone subsidizing abortion is difficult enough, but asking the American taxpayers to pay for abortions for Federal employees under this plan is wrong, realizing that this is abortion on demands, even into the third trimester.

Supporters of this amendment claim that the Federal benefits health program should pay for all the medical procedures. However, in agreement with a 1980 Supreme Court decision, I say that an abortion cannot be considered as part of these procedures. It is, in fact, the termination of a life we are talking about here, Mr. Chairman, not a simple health care procedure. So when the Members on this side, perhaps some on this side of the aisle, would say this is a simple health care procedure, we just have to go to the 1980 Supreme Court decision. It clearly says this is not a simple health care procedure we are talking about. So do not be confused.

So I ask my colleagues to think about what the majority of American taxpayers, roughly 70 percent in two separate polls have said. They do not want to pay for abortion on demand for Federal employees. So, truly, let us defeat the Hoyer amendment, regardless of your stance on abortion on this debate. You must recognize what this amendment does. I ask all of my colleagues to defeat this amendment today.

Mr. HOYER. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, over a million women rely on the Federal Employee Health Benefit Program for their health insurance. These women work for the American people, for us. They are not children. They are perfectly capable of making decisions about their own health insurance.

By what right does this House make it more difficult and dangerous for these citizens to exercise their constitutional rights about abortion?

By what right does this House limit the medical procedures available in what are the most difficult and trying circumstances anyone woman can face?

Treat these public servants like other American workers. They should be allowed to choose health care insurance without the interference of the heavy ideological hands of Congress. Vote "yes" on the Hoyer amendment.

Mr. Chairman, I rise in support of the gentleman from Maryland's amendment and in opposition to the continuing efforts of many on the majority side to interfere with a woman's privacy rights and freedom of choice about abortion.

In this bill as written, the compensation of Federal employees is manipulated to serve the ideological purposes of those who disagree with the U.S. Supreme Court about a woman's right to choose. Simply because they happen to work for the Federal Government, Federal employees are prohibited from selecting a health insurance carrier through their employer health plan that provides coverage for abortion services in most cases.

Over a million American women rely on the Federal Employee Health Benefit Program for their health insurance. These women work for the American people; they work for you. Look around you, look around your offices. These women aren't children. They are adults capable of making their own health care decisions. By what right does this House make it more difficult and dangerous for these women to exercise their constitutional right to choose about abortion? By what right does this House limit the medical procedures available in what is one of the most difficult and trying circumstances a woman can encounter? The answer is simple. It suits some Members' political ideology—never mind the rights and needs of the women who work for the Government.

The U.S. Constitution guarantees women a right to privacy and choice about abortion. Without the Hoyer amendment, the bill before us diminishes that right for those who work for this country, for us.

Treat these public servants like other American workers. They should be allowed to choose health care insurance without interference from the heavy ideological hand of Congress.

Vote "yes" on the Hoyer amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. STEARNS) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in opposition to the Hoyer amendment. I want to say right up front that I appreciate, as always, the very gracious style of the gentleman who is offering the amendment and his attempts to keep this debate squarely on the merits and not let it get personal. I want to proceed in that vein as well. Let me speak from the heart about why I am opposing his amendment.

Mr. Chairman, when I look at abortion, I cannot get past looking first and foremost at what the status of an unborn child really is. The scientific facts, and these are scientific facts, is that we are dealing with a life, no question, an unborn child is alive. It is a member of the human species. Not anything else. Has a genetic code, is completely separate from its parents. It seems to me that makes the unborn child a person, a human being. To say otherwise is to make personhood turn on standards of development, how developed a person is, which is a dangerous principle going into the law.

I know the argument on the other side, an argument based on choice. It is a good argument when you are dealing with one person. But it just seems to me it is very circular, when you have to address the question how many people are involved in here. How many people's choices should be taken into account.

That is why I am opposed to abortion and why I believe that as time goes on and as we present these facts to the American people, we will persuade them, and that is what we have to do, we have to persuade them. We cannot now, the Supreme Court has said, we cannot now prohibit this procedure, but we can still try and persuade. One of the ways that we can persuade is say, look, we do not want taxpayers funding the programs to have anything to do with this procedure. Whatever people can or cannot do under the Supreme Court decision is for themselves. We do not want to participate in this with Federal taxpayer dollars. That is all that the bill says, and I do not want the Hoyer amendment to take that out.

You can argue fine questions about whose money this is. I would just say, Mr. Chairman, with the greatest respect to my friend, the gentleman from Maryland, when you get down to fine questions, let us err on the side of life. Let us err on the side of saying, we do not want to have anything to do with this procedure and continue persuading the American people.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman. I rise in strong support of the Hoyer amendment to strike the language that prohibits Federal employees from choosing health care plans that include abortion services.

Let's be perfectly clear: the issue here is not Federal funding for abortions. It's about this Congress forcing its social agenda on the American people, and in this case a specific group of individuals: Federal workers. What's at stake here is the right of Federal employees to use their own money, compensation they have earned, to purchase the health plan of their choice. Congress has no business obstructing private insurance companies from offering services that are necessary for women's health. At least two-thirds of private health insurance plans currently include coverage for abortions. Those private sector employees who object to abortion have the freedom to purchase plans that do not cover such procedures. Federal employees should have the same right to make these personal decisions, and until Congress imposed this policy last year, they did.

Mr. Chairman, this unreasonable restriction of the rights of Federal employees is just one more example of this Congress' fixation on divisive social issues. There are a host of real problems facing America today, from the threat of terrorism to the deteriorating quality of our public schools, which Congress can and should address immediately. Instead, we have met time and again to clash over the right of women to obtain legal abortions with their own funds.

Mr. Chairman, this mother of four urges strong support for the Hoyer amendment to restore the freedom of Federal workers to purchase the health care policy of their choice. Let's shift the focus away from divisive social issues and onto the real problems facing our Nation.

□ 1130

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 15 seconds just to respond briefly, just to say to my good friend and just to point out that this is indeed a Federal funding, U.S. taxpayer funding issue. I am dismayed at attempts to suggest otherwise.

In 1995, 73 percent of the money that was expended toward the purchase of health insurance for the Federal employees came directly from the U.S. taxpayers. The remainder was picked up by the premium payers.

Mr. HOYER. Mr. Chairman, what is the time remaining?

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 6¼ minutes remaining, and the gentleman from New Jersey has 3¾ minutes remaining.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I predict that historians will write books on this Congress. They will do that by writing about the majority's assault on reproductive choice. Twenty-one votes to compromise a woman's right to choose in just 1 year, that is why passage of this amendment is so important.

Women in the Federal Government work very hard every day for our constituents. Indeed, they are our constituents. But they have had their reproductive health care options taken away from them for political posturing. That is wrong, that is unfair, and it undermines the fundamental protections of Roe versus Wade.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in opposition to this amendment.

Aruments are routinely raised on this floor that the so-called right to choose is infringed any time the Government refuses to facilitate the practice of abortion on demand—even when, like today—we are only talking about the Government's refusing to: fund, pay for, provide, however you want to say it—the practice of abortion on demand.

At stake today is whether a Government-funded health care plan—that is health insurance for Government employees—must provide coverage for abortion when the life of the mother, rape, or incest are not at issue.

Roe versus Wade extra-constitutionally prohibits the complete prohibition of abortion. I contend, however, that neither Roe versus Wade, nor its erroneous progeny, require Americans to use taxpayer-provided funds for this terrible procedure.

This is not health care and it does not have to be funded I urge my colleagues to oppose this amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in strong support of the Hoyer-Lowey amendment. The right to choose is constitutionally protected and has been so protected for over 23 years.

Last year, Congress singled out one group of women, those who worked for the Federal Government, and denied them access to a health insurance plan that implements their constitutional right to choose. So what the majority is accomplishing in denying such health insurance coverage is to relegate a particular group of women, women who work for American, to a second-class status.

That is discrimination, pure and simple. I urge my colleague to support the amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, women serving the Federal Government deserve the same civil rights as all American women, but with this bill the extreme antichoice Members of Congress want to deny the more than 1 million women the right to comprehensive insurance coverage.

I urge the House: Reverse this sad and unfair decision. This is a decision in this bill which harms women. I urge the support of the Hoyer amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself just 10 seconds to respond.

Cheap shots like calling us extreme just do not have any place on this floor. If opposition to taxpayer funding of abortion is extreme then 72 percent of the American public, according to the CBS poll who are against Federal funding for abortion, our extremists. Virtually every poll where it is asked, people overwhelmingly say they do not want their tax dollars used to kill unborn babies.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, last winter I received a notice in the mail that my health insurance coverage, by law, would no longer cover abortion. It was one small notice in the mail but a giant step backwards for a woman's right to choose.

As a Member of the other side of the aisle has said repeatedly, "We intend to repeal choice procedure by procedure, little by little," and they are doing it. In this Congress they have passed 23 antichoice bills.

With the Hoyer amendment, we are attempting to correct one. Support the Hoyer amendment.

As a member of the new majority said, "We intend to outlaw choice procedure by procedure." And they are doing it—so far, they've passed 16 antichoice measures.

We are trying, with the Hoyer amendment, to correct one tonight.

Last winter, I received a notice in the mail that my health insurance coverage, by law, would no longer cover abortion. It was one small notice in the mail, but one giant step backward for a woman's right to choose.

Federal employees can no longer purchase, with their own money, insurance coverage for abortion services.

The Hoyer amendment, the Supreme Court, and the majority of the American people support choice—and they support Federal employees' right to choose—with their own money.

Defeat this assault on personal freedom, Support the Hoyer amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I think what is important is we clarify what is being talked about. We have had the issue of conscience on this floor before from civil rights to war protesting. Choices are not being challenged here. Every woman still has a choice.

But we take away the choice of the taxpayers when we make them pay for abortions. That is the issue: Should taxpayers subsidize abortions?

The Supreme Court has said that government can distinguish amongst health care procedures, especially abortion because it is different. Other procedures protect life. Abortion terminates life.

This bill does not challenge a woman's right to an abortion. It just says if she makes that choice, if I choose to terminate my child's life, that I have to pay for that and not those that do not agree with that choice pay for it.

Mr. SMITH of New Jersey. Mr. Chairman, we reserve the balance of our time. We only have one speaker remaining.

The CHAIRMAN. The Chair will inform the Committee that the gentleman from Maryland [Mr. HOYER] is entitled to close debate as the gentleman from the New Jersey is not on the committee.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in support of the Hoyer amendment striking provisions which restrict funding for abortion coverage for the Federal employee health benefit plan. This language in the bill makes second class citizens of our Federal employees.

I am going to submit my original statement for the record and address a couple of the points made by our colleagues in the course of the debate.

This debate is not about abortion on demand. I do not know one Member of this body who supports abortion on demand.

Second, when our colleagues on the other side say that this is about stopping a taxpayer subsidy of abortion because of the contribution that the Federal Government makes to the health care plan, I want to remind our colleagues that the Federal Government subsidizes every employer basic health care plan in America because it is a business expense for private employers.

What is next? Do we move next from preventing Federal employees from having a right to full reproductive freedoms in their health care plan to preventing every working woman in America from having access to reproductive freedom because the argument will be made that the Federal Government is subsidizing it by giving a tax deduction to her employer.

I urge my colleagues to support the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, Members on both sides have strongly held feelings about this issue, but consider this simple fact situation: A Federal employee who is a woman works late, goes to her car at night, is attacked and brutally raped. She goes home to her family and learns to her dismay several weeks later that she is pregnant. She, here doctor, her husband, and her family decide that terminating that pregnancy from that rape is the right thing to do.

Because she is a Federal employee, the gentleman from New Jersey [Mr. SMITH] would deny her hospitalization insurance coverage for that abortion service.

What the gentleman goes on to say is that virtually every other incident involved in abortion, rape, incest, he wants to make the decision. He wants to make the decision. He says this is about respect.

I say to the gentleman from New Jersey, I do not believe that he is respecting the rights of these families to make the right decisions for their families. This is a decision that should be made by Federal employees, by their families and their doctors, not by their government.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 10 seconds.

The gentleman from Illinois [Mr. DURBIN] has not obviously read the bill. On page 73, section 519, the text stipulates exceptions for the life of the mother, or the pregnancy is the result of an act of "rape or incest."

So the argument Mr. DURBIN is making isn't at issue and misses the mark by a mile. Please, next time read the bill.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I just want to follow up on the previous exchange.

Why should this women who is a Federal employee have to document that the pregnancy was a product of a rape?

This is an invasion of the privacy of women; it is an attempt to limit a woman's access to reproductive freedom. That is the issue that is before the House today. Anything else is just a diversion. Reducing a woman's right to choose is the reality: Cutting back on a woman's right to choose. A women should not have to document the cause of the pregnancy.

Mr. Chairman, our colleagues have never really caught on to that point as an invasion of privacy.

Mr. HOYER. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the remainder of our time to the gentleman from California [Mr. DORNAN].

The CHAIRMAN. The gentleman from California [Mr. DORNAN] is recognized for 1 minute and 20 seconds.

Mr. DORNAN. Mr. Chairman, my friend, the hero of freedom in China, the gentlewoman from California [Ms. PELOSI], has just contradicted herself inadvertently. She just described abortion on demand, and although we say there is no Member in this House that believes in abortion on demand, they all defend abortion on demand and want other people to pay for it.

I can be dispassionate today because the vote on this last year without rape, incest was 188 to 235. So we will win today. But what amazes me is a simple little quote from scripture: "What does it profit a man or a woman to gain the whole world or political power and suffer the loss of their soul?"

I am looking at a list of 17 Catholics, at least in their bios, who called the Pope and Mother Teresa extremists, who call Billy Graham, who got our Congressional Gold Medal, who said we are a nation on the brink of self-destruction, they will vote for sodomy marriage and infanticide abortion and still put the word "Catholic" in their bio. Seventeen. And on this issue, it expands to about 30. Thank God, no Republicans.

It is unbelievable the way we twist this issue on this debate. This Nation is opposed to most abortions, and they do not want Federal dollars to pay for something that although it has been constitutional on a phony decision based on a gang rape that never happened, most Americans see this as 32 million dead Americans in their mother's wombs.

□ 1145

Mr. HOYER. Mr. Chairman, I yield 15 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, since the gentleman from California accused me of contradicting myself, I want to make the point that he did not clarify. That point is, yes, abortion on demand is not something we support in this House. Abortion on demand is not what is before the body today. Abortion on demand is abortion up until the ninth month. We are not talking about or supporting that. The gentleman knows it.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 1¾ minutes.

Mr. HOYER. Mr. Chairman, clearly the issue that has been the focus of the debate is one of the most wrenching confronting America. Contrary to a representation made by the gentleman from California just now, the majority of Americans, as everybody on this floor knows, support the right to choose, even though they do not choose abortion themselves. The bottom line is they do not want the Government to interject itself in this issue between a woman and her doctor.

Furthermore, everybody knows that almost every State does in fact control abortion on demand, as the Supreme Court allowed, and says in the second trimester and third trimester there will be constraints to protect both the life of the mother and the prospective child who is born. I support that.

But the fact of the matter is, which the opponents of this amendment have not responded to and cannot respond to, that the salaries we pay to Federal employees are 100 percent Federal dollars, as is the 72 percent, which is 100 percent of our contribution to the Federal Employee Health Benefit Plan.

There is no difference between those dollars, except the opponents to my amendment try to make the point that somehow these are Federal dollars, while the salary dollars somehow are converted. I believe they are converted, but the next step clearly is to tell you you cannot spend your Federal salary, which, after all, comes 100 percent from the taxpayer, on the items that you choose. That is wrong. That is Big Brother. Support this amendment.

Ms. DELAURO. Mr. Chairman, I rise to urge all my colleagues to support the Hoyer Lowey Morella amendment to strike this bill's provision that bans abortion services under Federal Employee Health Plans.

Federal workers—like private sector employees—share the cost of health insurance coverage with their employer. It is an earned benefit—compensation for service delivered through hard work. By denying the full range of reproductive health care services, Federal workers and their dependents, are subjected to second-rate health care—inferior health care that could place the health of women in jeopardy.

The bill before us represents the continuation of the majority's outrageous attack on women in this country.

I say to opponents of this amendment, "women are not the enemy". I urge my colleagues to protect the health of the 1.2 million women who are covered under Federal health plans. Vote for the Hoyer-Lowey-Morella amendment.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would remove from this bill dangerous language that once again strikes out at women. The language we are seeking to remove today says that women who work for the Federal Government—women who have made a commitment to public service—should not have the same rights afforded to women working elsewhere.

Mr. Chairman, women in this Nation have a constitutionally protected right to choose whether to have an abortion. This is the law of the land.

But some members of this House realizing that the vast majority of the American people support a woman's constitutionally protected right to choose, are trying to do away with this fundamental right bit by bit, woman by woman.

We must not allow this to happen.

Because abortion is a legal medical procedure, most major health plans provide coverage for women who choose to have an abortion. Private insurance companies recognize that their female customers are perfectly capable of making this deeply personal choice without interference.

Do we think that our moral judgement is superior to that of the thousands of women serving our communities and our Nation? What do we know that major insurance companies, U.S. corporations, and the majority of our constituents don't know?

It's time to get off the high horse, to quit playing games with the rights of women and to respect the moral judgement of the women we represent. I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the provisions of House Resolution 475, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] will be postponed.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 119, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay, draw, or transfer amounts out of accounts numbered 20X8413, 20X6822.56, 20X6822.57, and 20X1099 at the Financial Management Service, or pay the salary or expenses of any officer or employee of the Department of the Treasury approving or processing any such payment, drawing, or transfer when it is made known to the Federal officer having authority to obligate or expend such fund that—

(1) the amounts are being paid, transferred, or otherwise disbursed, directly or indirectly, to or for the benefit of the Comptroller of the Currency or any officer or employee of the Office of the Comptroller of the Currency or to meet expenses of the Office of the Comptroller of the Currency; and

(2) revisions to part V of title 12 of the Code of Federal Regulations, pursuant to the notice of proposed rulemaking published by the Comptroller of the Currency in the Federal Register or November 29, 1994, have, directly or indirectly, taken affect or the Comptroller of the Currency is otherwise permitting national banks or operating subsidiaries of national banks to engage in activities in which national banks are not permitted to engage as of July 16, 1996.

Mr. HOYER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes in support of his amendment, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. That is a fiscally responsible amendment, Mr. Chairman, to limit the funds of the Department of the Treasury's Financial Management Service for the purposes of processing funds through certain accounts. The Financial Management Service is the U.S. financial manager, central disburser, and collection agent.

Many agencies process funds through accounts at the Treasury in this manner. The amount seeks to limit the ability of the controller of the currency to implement a rule for which there is no basis in current law. The amendment would limit funds in the bill from being used to draw further from the OCC's account at the Treasury if the OCC implements this proposed rule, which drastically exceeds its authority in the law. That is what this is all about.

The 104th Congress has taken several important steps to curb the abuses of Federal regulators in Washington. That is really what this 104th Congress has been all about. Our efforts have empowered the private sector and lessened the bureaucratic chokehold that unelected regulators have held over business for years.

The amendment is in keeping with our efforts to curb overzealous regulators from abusing their powers. It stands to reason that the financial services sector of our vast economy deserves relief from such regulators as well. The amendment I offered would halt a proposed rule which financial experts on a bipartisan basis agree could potentially be disastrous for the health and safety of the Nation's financial services sector. Members better keep that in mind.

Need I remind my colleagues on both sides of the aisle of the enormous costs associated with the S&L debacle, which we are still grappling with today? Do we want to get ourselves back in another situation like that and have it bailed out by the taxpayer? The answer is no, no, no.

No agency of the Government, through promulgating creative regulations, can eviscerate Congress' responsibility to act. The law in this area has, unfortunately, been written by the courts and by the regulators. This amendment represents a serious legislative solution to a complicated problem that the Congress has a responsibility to act on.

This amendment, Mr. Chairman, is supported by the NFIB, the National Federation of Independent Businesses, by the American Farm Bureau, by the National Homebuilders, and a whole slew of small businessmen across this country who do not want to be intimidated by banks, no matter how fair-minded they are. That is what this debate is all about. It is no cost to the taxpayer. I would urge my colleagues to support this amendment when it comes to a vote.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who seeks to control time in opposition?

Mr. HOYER. Mr. Chairman, I do.

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, I rise on a point of order that the amendment offered here is in violation of rule XXI, clause C of the rules, in that it is legislation on an appropriation bill. I would like to be heard on that.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. HOYER] to speak on his point of order.

Mr. HOYER. Mr. Chairman, this amendment I will substantively oppose as well, but on the rule itself, this is what is referred to as a "made known" amendment. I suggest to the Chair that an amendment that changes legislation requiring a public officer to take some action is in fact legislation on an appropriation bill.

There has been a ruling in 1809 on a similar amendment referencing "made known" that that was in order because it was a simple limitation; that is, that none of the funds could be expended. But that ruling is that once it is made known to the Secretary, the simplistic, frankly, determination, in my opinion, is that the Secretary or the Comptroller of the Currency or any other official to whom such a limitation is directed will then have to make no judgment.

The premise underlying the ruling is that irrespective of the truth or falsity of the fact being made known, which is, of course, the premise of the amendment, which says if something is the fact and is made known, that clearly is what this means, because to rule otherwise is to rule that no matter how specious the representation to the public official, that they will be therefore bound not to expend the funds because of having it made known, however irresponsible the source of the information might be.

Therefore, I suggest to the Chair that this amendment and other amendments like it which seek to overcome the rule which precludes the legislation on an appropriations bill by I believe the specious representation, not in this amendment alone, I tell my friend, the gentleman from New York, and I am talking here to the process, not the substance of the gentleman's amendment, the specious representation that any responsible public official will not have to take any action subsequent to that fact being made known to them, is to adopt a premise which is untrue, and if true, would not be supported by anybody in this House or the Senate, or by the taxpayers of America.

The reason I say the premise underlying the initial 1809 judgment is incorrect is that because of the 1809 judgment, any competitor could have called up the Secretary of the Treasury and lied flat out and said "I make it known to you that the facts included in this amendment are true."

Unless we are all crazy and want to simply devolve the responsibility to any citizen who may want to make known to somebody, the Director of FBI or the Attorney General or whoever, unless we want to adopt that premise, then this ruling should not be supported. I raise it on this issue simply because this is one of the famous "made known" amendments, not because of the substance.

Mr. Chairman, I would urge the chairman and those with whom he counsels to adopt the much more reasonable premise that if you make known something to an elected official, or an appointed official who has responsibility for policy and responsibility for the administration of the public's money, that that official has it incumbent upon them, underlying the premise of this amendment, to determine the veracity, the substance, of that which is made known to them.

As a result, it is an inevitable conclusion that that public official must take further action as a result of this amendment or they will act totally irresponsibility, which I suggest to the Members is a conclusion we ought not to draw.

Therefore, once having adopted the premise that they do have to take some action to determine whether or not there is veracity in the fact being made known to them, that this amendment and others like it would fail as legislation on an appropriation bill, contrary to rule XXI.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] wish to be heard in opposition to the point of order?

Mr. SOLOMON. Yes, indeed, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized on the point of order.

Mr. SOLOMON. Mr. Chairman, let me say to my very good friend, and he is a very good friend, he and I have stood on this floor and defended the Federal workers of this Nation time and time again, and so I admire and respect him for it, but let me just say to him the "made known" doctrine has been ruled in order in this Chamber for as long as I can remember, and I have been here for 18 years; as long as the gentleman from Michigan, JOHN DINGELL, has been here, which is 30-some odd years we have made in order the "made known" doctrine.

Mr. HOYER. Only STROM THURMOND has been here long enough to remember when this was ruled on.

Mr. SOLOMON. Let me just say to the Members and to the chairman of the committee and the Chair, we have the power in this body and we have the responsibility in this body to limit the expenditure of taxpayer dollars. That is our constitutional right in this House of Representatives.

This amendment does not require action, it prohibits action. Therefore, it is a limitation amendment which is allowed under this rule. The bill before the House contains funds for the Financial Management Service within the Department of the Treasury. The Financial Management Service is the U.S. Government's financial manager, central disburser, and collection agent, as well as its accountant and reporter of financial information.

The Financial Management Service processes checks through certain numbered accounts which are listed in the amendment for the Government regulatory office the amendment addresses. Therefore, the limitation amendment I offer directly restricts the expenditure of funds in the bill. That is what the amendment does.

Mr. Chairman, the amendment is drafted as a proper limitation amendment. It conforms with the rules and the procedures of this House. The amendment clearly states that no part of the appropriation under consideration here by the House shall be used for a certain designated purpose. The purpose is explicit in this amendment.

The amendment also does not impose additional duties on executive branch officials. That is where the gentleman is wrong. The amendment does not change existing law. The rules and precedents of the House indicate that as long as a limitation restricts the expenditure of Federal funds in the bill debated without changing existing law, the limitation, Mr. Chairman, is in order.

Therefore, Mr. Chairman, I would ask a favorable ruling on this point of order.

□ 1200

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, I understand what the gentleman has said. I also understand that the gentleman refers to previous rulings. The 1809 ruling I referred to myself in my comments. My point, I tell my friend from New York, and again I reiterate, I am not talking about the substance of this amendment. I am talking about the procedure, which I have always opposed—this is nothing new for the gentleman from Maryland [Mr. HOYER]— is that the gentleman proposes it is a simple limitation and that is in fact what the ruling has been. But it defies logic and good policy which is why I suggest that the ruling be reflected upon by those making the ruling.

The logic that it defies, I tell my friend from New York, is that the official to whom a fact is made know has no responsibility before effecting the limitation to determine the accuracy of the fact being represented. It is my suggestion that therein lies the error of the 1809 precedent and the judgments flowing from that precedent. As a result, Mr. Chairman, I would urge that the chairman find that this amendment is not consistent with rule XXI and that the previous precedents to the contrary should be specifically overruled.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] wish to be heard further on the point of order?

Mr. SOLOMON. Just briefly, Mr. Chairman, in rebuttal. Again the gentleman's argument is about the made know doctrine. This Chair has ruled for as long as JOHN DINGELL has been a Congressman in this body, as I said before, in favor of making in order the made known doctrine. I ask for the similar ruling that has been ruled on so many times on this floor and ask for a ruling.

The CHAIRMAN. It appears that the gentleman from Michigan is seeking to be recognized on the point of order but before he proceeds, the Chair wishes to inform the Committee that the precedent which has been mentioned was on March 21, 1908 and while a number of Members have pointed to the longevity of service of our colleagues, Members currently serving were not here in either 1809 or 1908.

With that, the Chair recognizes the gentleman from Michigan [Mr. DINGELL] to speak to the point of order.

Mr. DINGELL. Mr. Chairman, I would observe that neither I nor STROM THURMOND were in this work at the time that the precedent was established.

It is clear to me, however, this is a sound precedent by reason of the duration of its existence and the fact that it has been unchallenged during those periods of time.

So having established that we have a sound and long-lived precedent that has served this body well, I believe it would be useful for us to adhere to that precedent. I would observe that the requirement here is that we are discussing a limitation on expenditures. The limitation comes into play not because the individual who must function under the limitation is required to do anything but simply because he has had matters brought to his attention. It imposes no duty on him other than to behave in conformity with the limitation when certain matters have been brought to his attention. The only requirement is that when information is brought to the attention of the officers who would be responsible for implementing the expenditure of these public moneys that they cannot then spend the money, a very sensible limitation and one which makes an extraordinary amount of sense. If the Chair will permit, I intend to yield to my distinguished friend from Maryland for whom I have enormous respect and affection.

The CHAIRMAN. The gentleman from Michigan may not yield. If there are other Members seeking to address the point of order, it is at the discretion of the Chair to recognize them.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, when arguing a point of order, we cannot debate the amendment, and we have to debate the point of order; is that correct?

The CHAIRMAN. The Members who are speaking are addressing the point of order. The gentleman is correct.

Mr. SOLOMON. Let us make sure they stick to it. I thank the Chair.

Mr. LAFALCE. Mr. Chairman, on the point of order, I believe this will be a close call and it is a discretionary issue. I would hope that the manner in which the issue has been brought to the floor could have some weight in the Chair's determination.

It is my understanding that in order to bring this amendment to the floor, it was necessary for, I believe the gentleman from New York, perhaps someone else, to come to the floor of the House of Representatives last night to seek unanimous consent to bring this up and that unanimous consent was given.

First of all, is that understanding correct? Was unanimous consent given last night? I think it bears on the point of order.

Mr. SOLOMON. The gentleman is incorrect.

Mr. LAFALCE. No unanimous consent was given?

The CHAIRMAN. Points of order were not waived under the unanimous-consent request that was granted last evening.

Mr. LAFALCE. The issue is not whether points of order were waived under the unanimous-consent request. The issue that I am posing to the Chair is, is this amendment on the floor now only because unanimous consent was granted last night?

Mr. SOLOMON. No.

The CHAIRMAN. The amendment could have been offered under the rule at the appropriate time whether unanimous consent had been requested or not.

Mr. LAFALCE. I thank the Chair.

The CHAIRMAN. Are there any other Members seeking to be recognized on the point of order?

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I support the point of order that my colleague from Maryland raises. Under the precedents of the House, obviously the limitation on appropriation is a very substantial power and a responsibility of Congress in terms of the purse strings. But the fact is that this amendment goes well beyond simply limiting funds. It intends to try to go into directly or indirectly controlling the Comptroller of the Currency's office with regard to activities that are ongoing and in place. I think there are constitutional questions with regard to the powers of the executive agencies and departments and there are questions of whether or not in fact the ongoing responsibilities can be exercised. So this is more than just simply a limitation in terms of new activities as it is being portrayed. I think that the ruling needs to differentiate and define the differences that exist here between a simple limitation and the breadth of activities that are expected to go on on an ongoing basis in terms of the discharge of the responsibilities of this regulator and this Comptroller's responsibility. I think that this amendment certainly is very expansive in terms of its use of this particular limitation.

Mr. Chairman, I would join my colleague in asking the Chair to review this in light of the 1908 ruling.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Maryland [Mr. HOYER] makes a point of order against the amendment offered by the gentleman from New York on the ground that it constitutes legislation in a general appropriation bill in violation of clause 2 of rule XXI.

The amendment is in the form of a limitation. It imposes a negative restriction on funds in the pending bill. This restriction is operative when it is made known to the pertinent official that certain conditions exist.

The precedents recognize the distinction between language that puts an official in the role of a passive recipient of information, on one hand, and language that puts an official in the role of a gatherer, developer, or judge of information, on the other. Two precedents illuminate this distinction.

The first may be found in "Deschler's Precedents" at volume 8, chapter 26, section 53.5. It records that on June 17, 1977, the Chair ruled out as legislation an abortion-limitation amendment on the basis that it would require officials to make affirmative judgments about endangerment of a mother's life that were not required of them by law regardless of whether they might routinely make such judgments on their own initiative.

The second precedent—one more analogous to the passive approach in the amendment offered by the gentleman from New York—is noted on page 631 of the House Rules and Manual. This second precedent may be found in "Cannon's Precedents" at volume 7, section 1695. It records again as the Chair stated, that on March 21, 1908, an amendment denying the availability of funds in a general appropriation bill when it shall be made known that certain conditions exist was held in order as a proper limitation.

A third, more recent ruling also is instructive. On August 1, 1989, the House was considering a general appropriation bill providing funds for the Department of Commerce. A motion to recommit the bill proposed an amendment prohibiting the expenditure of funds in the bill for census data where it is made known to the Secretary that such data includes a count of illegal aliens. The motion to recommit was ruled out on the ground that it proposed a limitation not specifically contained in existing law. In light of the distinction illuminated by the precedents of 1908 and 1977, this 1989 ruling properly turned on the form of the amendment rather than on an assertion that it changed existing law. This was again illustrated in the ruling of June 22, 1995, on a proposed motion to recommit the legislative branch appropriations bill.

Indeed, this acceptance of the earlier precedents is evident in a Parliamentarian's note published in "Deschler's Precedents" at volume 8, chapter 26, section 59.19. That note records the events of December 9, 1982, when the Committee of the Whole was considering a general appropriation bill. After a limitation reported in the bill was stricken as legislation because it imposed on Federal officials an ongoing responsibility to ascertain certain information, the manager of the bill offered an amendment to achieve the same result by language that, on its face, operated on a merely passive condition. In light of the earlier precedents, the amendment went unchallenged by point of order.

Thus, under this recorded line of precedent, language restricting the availability of funds in a general appropriation bill may be a valid limitation if, rather than imposing new duties on an official or requiring new determinations of that official, the language simply and passively addresses the state of knowledge of the official.

In the opinion of the Chair, the limitation posed by the amendment offered by the gentleman from New York—"when it is made known" to the pertinent official that certain conditions exist—merely places the Federal official in the role of a passive recipient of information. Thus, to construe the amendment offered by the gentleman from New York as a proper limitation is consistent with both the precedent cited on page 631 of the manual and the ruling of June 17, 1977.

The limitation in the amendment offered by the gentleman from New York applies solely to the appropriations covered by the bill and merely restricts their availability. It does not impose additional duties on—or require new determinations of—officials of the Government. Rather, it only passively addresses the state of their knowledge.

The limitation therefore cannot be construed to change existing law.

Accordingly, the Chair overrules the point of order.

Who seeks time in opposition to the amendment?

PARLIAMENTAR INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, the parliamentary inquiry is this is a limitation on an appropriation. Under the rules, would the committee have to defeat the motion to rise in order to offer this particular amendment?

The CHAIRMAN. The bill has been considered read under the order of the House. Only the majority leader or his designee may move to rise and report, in order to foreclose a limitation amendment.

Mr. VENTO. Mr. Chairman, my parliamentary inquiry, persisting, is whether or not the motion in order to be offered on this particular subject matter, a limitation on appropriation, would require the committee to defeat the motion to rise to offer such limitation.

The CHAIRMAN. If the motion to rise and report is not offered by the majority leader or his designee, then the limitation amendment can be offered.

Who seeks time in opposition to the Solomon amendment?

Mr. LAFALCE. Mr. Chairman, I seek time in opposition, but I also rise for a unanimous-consent request.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes in opposition to the Solomon amendment.

□ 1215

Mr. LAFALCE. Mr. Chairman, on the unanimous consent request first.

The CHAIRMAN. The gentleman will state his unanimous consent.

Mr. LAFALCE. I wonder if we can extend the debate a bit. It was my understanding the unanimous consent agreed to last night was the unanimous consent with respect to three things: A, the specific amendments that could be offered; B, agreement that no amendments could be offered to those amendments; and C, time constraints.

The time constraints, as I understand it, are simply 10 minutes, 5 on each side. Given the fact that this issue did not come to my attention until about 11:00 this morning and because it is a momentous issue, I would seek unanimous consent to at least have 20 minutes of debate, 10 minutes on each side.

Mr. SOLOMON. Reserving the right to object, Mr. Chairman. On their reservation I would just say to the gentleman we are under tremendous time constraints on this legislation. We must move this bill. We must move the other appropriation bills. We have 85 singular pieces of legislation to come before this body by October 4. We will not even have time to deal with half of them and that is not doing the work of the body. We have discussed this and we took into consideration time limitations on all of the amendments, all of them, but others are limited to 10 minutes and I would have to object to the gentleman's request.

The CHAIRMAN. Does the gentleman from New York object to the request?

Mr. SOLOMON. I object to the unanimous consent request.

The CHAIRMAN. The gentleman from New York objects to the unanimous consent of the gentleman from New York.

Mr. LaFALCE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this limitation on the Comptroller is both a significant risk to the safety and soundness of our financial institutions and economic system in this country. For 15 months, it would dictate and hamstring the Comptroller of the Currency, someone that has primary responsibility of the regulation of national banks in this country, literally responsible for what is a dynamic and growing economic system in this country of extending credit and economic vitality.

The only thing that the Comptroller of the Currency has been guilty of in this process is doing his job and being successful in terms of advocating before the courts of this Nation for his regulatory authority in a number of definitive decisions which in fact have provided for the national banks to continue the business of serving the needs of our Nation is consumers and commerce.

As a matter of fact, Mr. Chairman, the duplicity of this particular type of amendment is that the dual banking system would permit States to continue, State-regulated institutions would continue to, in fact, offer the same kind of power to State financial institutions.

This amendment runs the risk of causing great harm to our economy for 15 months when the Comptroller would be frozen in place unable to respond to a dynamic market and financial marketplace that can with literally days, spin out of control. This is a deeply flawed amendment foisted upon this House inappropriately without consultation and deliberation.

I urge my colleagues to reject this measure.

Mr. SOLOMON. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE] has 4 minutes remaining.

PREFERENTIAL MOTION OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. WISE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DINGELL. The gentleman has been recognized for 5 minutes on the preferential motion. I believe that there will be 5 minutes made available to the other side for a rebuttal to whatever statements might be made?

The CHAIRMAN. The gentleman is correct. One Member who wishes to speak in opposition to the preferential motion will be recognized.

Mr. DINGELL. Mr. Chairman, I would like to indicate strong interest in that matter.

The CHAIRMAN. The Chair will determine who will be controlling that time after the gentleman from West Virginia [Mr. WISE] completes his 5 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this motion to strike the enacting clause is an important motion.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like for the gentleman from New York [Mr. SOLOMON], who is the sponsor of the amendment to the bill, to please pay attention because this basically is addressed to him. If the gentleman from New York, will pay attention.

Mr. WISE. This motion to strike the enacting clause is important because, as this bill is very important, there is a bill coming right after this welfare reform that is even more important. The concern that many of us have on this side of the aisle, and probably on both sides, is that an important area of welfare reform, the bipartisan alternative, the Castle-Tanner alternative may not be permitted to be offered as structured. Republicans and Democrats both recognize the importance of welfare reform and both sides want to get this bill to the floor today and tomorrow and to have it debated and voted on. The country demands it.

But it should be pointed out, that the Republican budget resolution says that there should be 53 billion dollars' worth of savings from welfare reform. The Castle-Tanner alternative has 53 billion dollars' worth of savings. It meets that target. However, it is our understanding or perhaps lack of understanding that it may not be permitted to be offered at the $53 billion figure, that $60 billion or more may be required. That is moving the target, Mr. Chairman.

So I have to take this motion to strike the enacting clause to alert members that many of us who are genuinely concerned may have to delay proceedings on this bill and other bills to make sure that the Castle-Tanner alternative has that opportunity to be offered. It should be pointed out this is not to delay welfare reform, and in fact if we could get a clear, unequivocal statement from the Republican leadership that Castle-Tanner and the $53 billion target will be permitted to be offered as an alternative, we do not need to do these kinds of motions. But this is so important because we are talking here about a bipartisan alternative, Republicans and Democrats alike that have worked it out.

Mr. Chairman, we are talking about offering an alternative that supports work over welfare. We are talking about wanting to offer an alternative that supports children much more than the leadership proposal. We are talking about moving welfare reform forward and, most significantly, we are talking about offering an alternative that meets the Republican budget conference report that passed this House that says $53 billion shall be achieved.

So yes, we are going to vote today on striking the enacting clause. Our hope is, to the leadership, to the chairman of the Committee on Rules and to the Speaker and to the majority leader and others, our hope is that Members will send that clear, give us that clear, unequivocal statement now that Castle-Tanner will be in order in its form present, that $53 billion will be that figure and that we do not have to seek to delay.

Let there be no mistake about it, this is not to delay the moving forward of welfare reform. Democrats, Republicans and the White House want that. It is about whether we are going to be permitted to offer an alternative that meets the Republican budget targets and yet at the same time has better work-to-welfare, work over welfare provisions, has better provisions for children, permits States to have more flexibility and permits States in case of recession to be able to deal with that.

So Members should be alerted this is a one-time motion we hope, but if we do not receive that message then we will have to seek that delay, not to delay welfare reform but to delay until we are guaranteed that there will be a true bipartisan alternative permitted to be offered that meets the budget targets.

Mr. VOLKMER. Mr. Chairman, I know the gentleman from California, who is a member of the Committee on Rules, is paying some attention. I am sorry the gentleman from New York [Mr. SOLOMON] is not, because what we are trying to advise, not only the gentlemen, but all members of this House, that if we are not given a substitute for the welfare bill, then I think they can see that things are going to slow down up here a little bit until we are able to offer our substitute for their welfare bill.

Mr. WISE. I think it should be pointed out, as the gentleman says, that the delay is only so that we can offer a substitute that meets the Republican budget targets and has complied with every one of the Republican budget rules and we feel is a bipartisan alternative that is superior to the leadership proposal.

Mr. VOLKMER. And we would not even have any more delay if the gentleman from New York [Mr. SOLOMON] will just stand up and say as chairman of the Committee on Rules he would give it to us.

Mr. WISE. We could probably skip this vote we are about to have on this basis alone.

My hope is when Members are voting we will have a chance to talk about it some so we can move this welfare reform bill quickly to the floor, understanding that everyone wants to be able to vote on welfare reform. But we want to offer the Castle-Tanner bipartisan alternative that is far preferential to the leadership one.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there a Member seeking time in opposition to the preferential motion?

Mr. DINGELL. I rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, normally I would be very supportive of motions to strike the enacting clause and things of that sort. At this particular time, however, I am compelled reluctantly to rise against it in sprite of the vast respect I have for the offerer, the distinguished gentleman from West Virginia.

I would like to devote my attention to the question of the motion to strike the enacting clause. One of the reasons that adopting the motion to strike the enacting clause would be very bad is simply that that would leave us in the awkward position of being unable to devote our attention to the Solomon amendment, and I would like to address now the reasons that the Solomon amendment is so important to the business in which we are now engaged.

I would like to address first what has been going on, Mr. Chairman. What Mr. Solomon seeks to do is to see to it that the status quo remains in place, because what is contemplated by the Office of the Comptroller of the Currency is an illegal act wherein the Comptroller of the Currency proposes to go beyond the authority which he has under law. And I would like to quote a letter written in 1995 by the present chairman of the Banking Committee to the OCC in which the chairman had this observation to make:

> There is not a shred of statutory support for the notion that a national bank is authorized to conduct activities in a subsidiary that are not permissible for the national bank itself.

Now, at the appropriate time I will insert the whole of this letter in the Record, and what I am saying is that the chairman of the Banking Committee warned the Comptroller of the Currency that his action is illegal, in excess of his authority and beyond the powers that he is vested in under law. It is an act of some arrogance then on the part of the Comptroller to move forward.

Now, what is the action of which my good friend from New York complains? That is that the Comptroller proposes to permit national bank operating subsidiaries to move forward into areas which are forbidden under the law, most specifically into stock underwriting and the sale of insurance. Now, I happen to think that banks and subsidiaries should have the authority to do certain other actions, including the sale of securities, including other activities which go beyond banking authority. But that should be defined by the statutory enactment of the Congress of the United States and not by the arrogance of the Comptroller of the United States.

The practical effect of what he seeks to do is simply to allow a situation to go forward where a bank would find a citizen coming in for a mortgage or something of that kind and the banker, not all of them but some of them, would put their arm around the applicant and say now that we have agreed that we are going to give you your loan, but before you sign the papers, go down to the end of the hall and see Mr. Jones who handles our securities sales, or insurance sales, and all of the other activities. because we are a full-financial service firm. And the individual then would either go down there and agree to turn the entirety of his financial affairs over to the bank, or he would not get the loan.

Mr. Chairman, this is an experience which the Congress has had before. It was in the 1920's, indeed in 1929, the crash, which was in good part brought about by the fact that banks were engaging in all kinds of financial activities without any sort of constraint.

The purpose that the gentleman seeks to do is to simply see that if we are going to take the action of permitting the Comptroller of the Currency to get into the business of doing other things other than regulating banks and banks to do other than doing banking business, that the Congress will have a chance to look at it to see to it that it conforms with law and that it conforms with good public policy and that it does not upset some of the long-established precedents which have precluded banks from doing these kinds of things, for the very good reason that we found that serious abuses occur.

I would tell my colleagues that banks are now moving into mutual funds and other things, and it has been found by inquiry after inquiry that banks are not telling the purchasers of these securities that these securities are not guaranteed by the Federal Government. Indeed, they are letting the purchasers of these securities walk out of the bank with the mutual fund operating under the assumption that in fact that mutual fund is guaranteed by Federal moneys.

House of Representatives, Committee on Banking and Financial Services,
Washington, DC, April 5, 1995.
Mr. Eugene A. Ludwig,
Comptroller of the Currency,
Washington, DC.

Dear Comptroller Ludwig: I am writing to express grave concerns concerning your recent proposal to allow bank subsidiaries to engage in activities legally impermissible for banks themselves. Such an approach is not only highly imprudent but contrary to existing law. There is not a shred of statutory support for the notion that a national bank is authorized to conduct activities in a subsidiary that are not permissible for the national bank itself. If fact, it appears that the OCC's new interpretation of the authority of subsidiaries to conduct impermissible activities does not comport with longstanding OCC practice and policy. (*See* 31 Fed. Reg. 11459 (Aug. 31, 1966), 48 Fed. Reg. 1732 (Jan. 14, 1983))

Allowing a national bank or its subsidiary to engage in risky non-banking activities would jeopardize the deposit insurance system. Indeed, the news of the past weeks—the failure of Barings, one of Britain's oldest financial institutions—demonstrates the problematic nature of conducting activities in a bank subsidiary and shows how quickly an operating subsidiary can bring down a parent. Likewise, from the perspective of recent American experience, the OCC proposal would appear analogous to the direct investment authority granted S&Ls in certain states in the 1980s, which had the effect of placing significant uncontemplated liabilities on the deposit insurance system.

In sum, I object to the OCC's judgement as well as its legal interpretation. The latter concern is particularly telling. No agency of government has the right through promulgation of regulations to obviate law.

Sincerely,

James A. Leach,
Chairman.

☐ 1230

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from West Virginia [Mr. Wise].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 233, not voting 18, as follows:

[Roll No. 319]

AYES—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton

Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—18

Bereuter
Berman
Browder
de la Garza
Ford
Gephardt
Goodling
Hall (OH)
Hayes
Lincoln
McDade
McDermott
Meehan
Miller (CA)
Slaughter
White
Wilson
Young (FL)

□ 1249

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Bereuter against.

Mr. PETRI and Mr. GORDON changed their vote from "aye" to "no."

Mrs. SCHROEDER changed her vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, this morning I was attending the funeral of a close friend. Regrettably, I missed the first rollcall vote of the day which was a procedural vote.

Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE], has 4 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, is it not true under the rule that the Chair has the right to roll votes and that there probably will not be a vote for another hour on the floor?

The CHAIRMAN pro tempore. The Chair would advise all Members that recorded votes can be asked for but then postponed to a subsequent time.

The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE] has 4 minutes remaining. The gentleman from New York [Mr. SOLOMON] has the right to close.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CREMEANS], a member of the Committee on Banking and Financial Services.

Mr. CREMEANS. Mr. Chairman, I rise in strong opposition to the Solomon amendment. I have spent the past year and a half on the Committee on Banking and Financial Services making tough decisions and working tirelessly to hammer out a compromise on this powers issue. Unfortunately, that effort failed. Much-needed reforms of 40-year-old laws that govern the financial services industry were stopped by turf battle between banks and insurance agents.

While I am disappointed, we were unable to reach a suitable compromise in this Congress; I accepted that fact. However, some do not accept that defeat and are trying to sneak legislation that limits the power of the office of the Comptroller of the Currency into this appropriations bill.

I urge my colleagues to defeat this amendment. There have been no hearings on this amendment. I did not hear about it until just a few hours ago as in the case with many other members of the Committee on Banking and Financial Services. The Committee on Banking and Financial Services as a committee of jurisdiction has met with all the parties interested in this legislation, including banks and insurance groups.

MODIFICATION OF AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to offer a modification.

The CHAIRMAN pro tempore. The Clerk will report the modification:

The Clerk read as follows:

Modification to amendment offered by Mr. SOLOMON's Modification

In the proposed paragraph (2) after "engage in" "insurance".

The CHAIRMAN pro tempore. Is there objection to request of the gentleman from New York?

Mr. LAFALCE. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. LAFALCE. Mr. Chairman, is the gentleman going to reserve the entire 2½ minutes for one person in his closing argument, or are there going to be 5 individuals speaking subsequent? It is my understanding that only one person could speak and close; is that correct? If so, who would that person be?

Mr. SOLOMON. Mr. Chairman, if the gentleman will yield, I will tell him that we have three speakers at this time.

Mr. LAFALCE. Mr. Chairman, then if there are three speakers, I do not believe that he can reserve all his time.

The CHAIRMAN pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. LAFALCE. Mr. Chairman, is it permissible for somebody to say, all your speakers go first and then all my speakers will go last, or should there not be some rotation? That is why I said, while he has the right to close, he has the right to close with one speaker, not to have three Members speaking in closing.

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. LAFALCE. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, there are many reasons to oppose this amendment, both procedurally and substantively. Procedurally, for the past year and a half and for the past several decades, an attempt has been made to work out the controversy that has existed among different financial services players. The chairman of our committee has spent most of the past year and a half attempting to do that.

This amendment, which did not come to my attention until about an hour and a half or so ago, just wipes away all those efforts to accommodate these competing concerns. It just sides with one special interest group without deliberation by the authorizing committee, without notice to the Members, without notice to the groups whatsoever. It is in the worst tradition of this Congress. It should be opposed, if for no other reason than for procedural grounds alone.

Mr. BAKER of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Louisiana.

Mr. BAKER of Louisiana. Mr. Chairman, my concern, beyond the procedural elements that have been referred to here just a moment ago, is the perceived effect of the amendment as I have read it.

Although I understand the author's intention is to only limit the appropriation of funds from a particular area by Treasury to the Comptroller with regard to prohibition of new activities in insurance, the construction of the amendment, as I view it today, is to prohibit any new product, regardless of insurance or other wise, if it were not otherwise permitted by July 16 of this year. That was the reason for the unanimous consent request to modify.

□ 1300

Mr. SOLOMON. I yield myself 15 seconds just to say that the unanimous-consent request would have added the world "insurance" would have brought it down to that specific issue, which should have satisfied the gentleman on the Committee on Banking and Financial Services. It does all of the Committee on Banking and Financial Services' members on this side of the aisle. And in conference we would move to do that if the gentleman continues to insist on his objection.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] very much for yielding this time to me.

As my colleagues know, the OCC takes the position that under the National Bank Act that it will trump all existing State laws in terms of what consumer protections are given to those who are dealing with banks that are now selling insurance. Meanwhile, the insurance agents at the State level will still be under State law. So we have no guarantee, in other words, that we will have that national body of law State by State which has been put on the books in order to protect consumers.

We must support the Solomon amendment to protect the consumers of this country.

Mr. LAFALCE. Mr. Chairman, I yield myself the balance of the time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York is recognized for 1½ minutes.

Mr. LAFALCE. Mr. Chairman, this is an anticonsumer amendment, this is an antisafety and soundness amendment, and that is why the administration opposes it so vigorous.

I read from a letter dated today, July 17, 1996, from the Secretary of the Treasury, Robert Rubin:

> I write to express in the strongest terms the Administration's opposition to this proposed amendment. Under this amendment the OCC would not be able to continue its essential function of overseeing the safety and soundness of nearly 3,000 federally insured national banks as well as administering antidiscrimination and fair lending laws applicable to these institutions. If you are concerned about safety and soundness, if you are concerned about our antidiscrimination laws, if you are concerned about our fair lending laws, you must oppose this amendment, as the Administration strongly opposes it also.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. Mr. Chairman, I yield the balance of the time to the gentleman from Minnesota.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] is recognized for 30 seconds.

Mr. VENTO. Mr. Chairman, this is brought before us as a contest between the insurance agents and the banks. The truth of the matter is, of course, even if we could define the word insurance, which is, of course, itself a monumental task today, we would not, in essence, limit. In fact, the States will continue to be able to bribe State institutions with that particular power. And so the issue here goes well beyond, in fact, in terms of limiting the very activities that the Comptroller has to be able to accomplish.

I understand the frustration, but this is the wrong answer. This amendment should be defeated.

MODIFICATION TO AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to offer a modification, which is at the desk, to solve the concerns of the previous speaker.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment offered by Mr. SOLOMON: In the proposed paragraph (2) after "engage in" insert "insurance".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LAFALCE. Reserving the right to object, Mr. Chairman, I earlier asked the gentleman from New York [Mr. SOLOMON] for a very simple request, the right to debate this important issue not for 10 minutes, but for 20 minutes. He objected to what I thought was a most reasonable request. There are a million and one imperfections with this amendment that have been offered, but I would like to offer amendments, too. The unanimous consent of yesterday would not have permitted any amendments, and now my colleague simply wants one that he thinks, as my colleagues know, would cosmetically improve it because of the fact he will only offer the one amendment, not countless others, because of the fact he objected to reasonable time for debate.

I must object to this now.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY], a very, very respected Member of this body from the other side of the aisle.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding this time to me.

This question has been posed to the body in the debate as an issue between banks and insurance. I see it quite differently, and I think there are two driving issues at stake, legislative versus executive branch, Federal Government versus State government. First, legislative versus executive.

We actually had a speaker on the other side of the aisle saying that in light of the inability of this body to resolve this question, what the heck, let a Federal bureaucrat do it, let the Office of Comptroller of the Currency singly decide what this body has been unable to resolve.

That is not the way for us to walk away from the critical policy issues before this country. This is a very consequential policy issue. It must be decided in the legislative branch.

Second, State versus Federal regulation.

If the OCC would decide it, it would do so in a fashion preemptive of State laws. I used to administer State law in this area as the insurance Commissioner from North Dakota and the president of the National Association of State Insurance Commissioners. They deserve better than to be singly wiped out and preempted by the unchecked action of the Office of Comptroller of the Currency. The Office of the Comptroller of the Currency has made it clear that his intention is to go in this area. That is why this amendment is so important.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am sorry we have taken up so much time on this issue. On behalf of the gentleman from Michigan [Mr. DINGELL] and myself, we would urge a "yes" vote on this amendment. This is a States' rights issue. We want to protect the rights of States. We want to be able to move other bank regulatory relief legislation later on that is going to give badly needed relief to the banking institutions. It ought to be concentrating on the lending concepts as opposed to getting into other areas. I would urge support of the amendment.

Mr. LAFALCE. Mr. Chairman, this amendment seeks to terminate all funding for the Office of Comptroller of the Currency [OCC] if the OCC permits national banks to engage in any type of new activity, or if proposed revisions to OCC regulations are finalized. This amendment represents an effort by some in the Republican leadership to achieve through an appropriations bill what they have failed to achieve through the normal legislative process. And there are very good reasons why all previous efforts to restrict the current authority of the Comptroller of the Currency have failed.

This amendment should be seen as an effort by some Members of Congress to meet the demands of certain groups who want protection from the competitive forces of the financial services marketplace. Because national banks sell insurance—in competition with the insurance industry—some insurance interests see national banks as a threat and want to restrict their activities and thereby lessen competition.

To achieve their aim, insurance interests are asking Members of Congress to cut off funding for the OCC when it exercises its authority under existing law. This would have the direct effect of terminating the OCC's authority under existing law to authorize powers for national banks that are incidental to banking. This would be likely to severely impact the ability of national banks to sell insurance, which has become an important part of their business.

As the regulator of national banks, the responsibility of the Comptroller of the Currency is to supervise national banks, and to interpret Federal law affecting national banks. And that is exactly what the OCC is doing when it authorizes various activities for national banks that are deemed under the National Banking Act to be incidental to the business of banking. Federal banking law wisely anticipated that the banking regulators would need flexibility to expand the permissible activities of national banks in order to respond to developments in the financial services marketplace. Without such flexibility for the OCC to interpret existing law, national banks would be held in a static state, unable to respond to new consumer demands.

This effort to terminate the existing authority of the Comptroller of the Currency to interpret Federal banking law would deprive consumers of the option of buying financial products from banks. It also represents a very real threat to the competitiveness, and ultimately the viability, of our national banking system. If national banks are not allowed to provide the financial services consumers demand in today's increasingly sophisticated marketplace, they will be unable to compete with other providers. This inability to compete would ultimately endanger the safety and soundness of our banking system. The earnings of national banks would decline, they would find it increasingly difficult to attract and maintain capital. To the degree our banks are weakened, taxpayers are potentially at risk.

Therefore, it is in the interest not only of every consumer of financial services in this country, but of every taxpayer, to make sure that our national banks are able to compete fully in today's marketplace by offering the financial products consumers demand. Insurance products are a vital part of the financial products which all banks, including national banks, offer to consumers.

I am confident that Congress will not allow our national banking system to be put at risk by those interests demanding legislation to protect them from competition. I urge a vote against this amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Solomon amendment to prohibit the expenditure of funds by the Controller of the Currency to further expand bank powers.

This body has labored for years to rewrite the ground rules that govern financial services in the Nation. And anyone that has been involved would agree that it is a minefield. Chairman LEACH has spent hundreds of hours on this effort.

The Solomon amendment would simply prohibit the Controller of the Currency from taking matters into his own hands and rewriting the rules in secrecy and without the benefit of public comment or scrutiny.

Support the Solomon amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from New York [Mr. SOLOMON] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 4, beginning on line 1, strike "AND INTERNAL AUDIT OF THE INTERNAL REVENUE SERVICE".

Page 4, line 5, strike "and the internal" and all that follows through "Inspector General" on line 8.

Page 4, line 14, strike "and of which" and all that follows through line 19, and insert "$29,319,000.".

Page 20, line 23, strike "$1,616,379,000" and insert "$1,722,985,000".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentlewoman from Connecticut [Mrs. JOHNSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

This amendment strikes language in title I of the bill which creates a joint account between the Department of the Treasury and the Internal Revenue Service to fund the internal audit investigation functions of the IRS and requires the IRS inspector to report to the deputy Secretary of the Treasury rather than to the IRS commissioner. The $106,606,000 in funding that the bill provides for IRS internal audit functions would instead remain in the IRS processing assistance and management account.

My understanding is that this provision was included in the bill in response to concerns that the IRS inspector is subject to too much control by the IRS commissioner. It was intended to give the inspector more autonomy and independence.

However, the Committee on Ways and Means is very concerned that this provision would actually impair rather than enhance the effectiveness of the inspector's internal audit investigation functions and increases the risk of politicizing the inspection service. We believe that the present management structure for the inspector should be retained, and I urge support of my amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of the gentlewoman's amendment. The committee's recommendation to move IRS's internal audit functions from the IRS and Treasury Department was not meant in any way to imply lack of confidence in the work that this important group does. Instead the recommendation reflects our very serious concern that the IRS top management has been ignoring many of the reports that these good people have been putting together, and the whole purpose of the internal investigation within any agency, IRS in particular, is to identify problems and to fix them. That is why we have an IG. It is just that simple.

Unfortunately, we have received evidence that would lead us to believe that the reports, particularly as they pertain to TSM, or tax system modernization, and other IRS operations, have been basically ignored. We are extremely concerned that the IRS's internal investigations have not had their effective power that they should have and that their effectiveness has been diminished because of decisions made by top management basically to ignore the reports.

So what we are trying to do was to, in our proposal, move the group over to main Treasury, is simply an attempt to put some openness and some accountability into the process.

Now, that is why we did it.

Mrs. JOHNSON of Connecticut. We did run into the same problem with the taxpayer service representatives and felt that they were saying about problems that the taxpayers were having with the IRS was not getting to us, and so we did add provisions in the taxpayers bill of rights to require direct reporting, and between now and conference we need to look at that mechanism. We have not been able to sort of clear that under the short timeframe we have been working on because of the nature of the inspector general's work and the police powers involved and so on and so forth, but we do need to assure that that information does get to the committees of oversight so that we can be certain that the agency is responding appropriately.

Mr. LIGHTFOOT. Having heard the gentlewoman's concerns, and it is obvious we are on the same song sheet, maybe saying it in a different verse, but nevertheless for the IG to be effective those reports have to be read, they have to be understood, and they have to be implemented, and that is the message we were trying to send to IRS, and I am very pleased that Ways and Means has similar concerns.

As a result, I am going to urge people to support the gentlewoman's amendment. But I think we want to put everybody on notice that we are going to watch this, we are going to continue to monitor, and no more will we have IG reports go into the round file 13. People are going to act on them as they should. That is why we are paying people to do that kind of work, and that is what they are there for. The IG has been doing a good job. The reports have just been ignored.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in strong support of her amendment, but more than that, Mr. Chairman, I rise to commend the gentlewoman, who is the Chair of the oversight committee. She, and, I might say, her staff as well, have done extraordinarily hard work on reviewing what is a large, critical agency in our Government to insure that the taxpayers' money is being spent well, that the objectives issued by the Committee on Ways and Means, passed by this Congress and supported by this subcommittee, the Committee on Appropriations, are in fact carried out, and she and I are speaking not only from the same hymnal, but from the same chapter and the same verse on this issue, and I congratulate her for her hard work and focus on this issue because I think the taxpayers will be benefited by it, and I thank her for her efforts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] very much for those kind remarks.

The CHAIRMAN. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

Is there a Member who wishes to take time in opposition to the amendment?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that I control the 5 minutes in opposition to the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I only need about 30 seconds, and other people have been waiting a long time to pose their amendments, too, but I do want to say that I am very pleased that the subcommittee has listened carefully to our experience, and by sharing our knowledge of the agency I think we are going to have a very, very strong bill out of conference, and I appreciate the work that the subcommittee has done in looking at the major issues that concern us all like the implementation of TSM.

Mr. HOYER. Mr. Chairman, I again congratulate the gentlewoman from Connecticut, and I want to tell her how enthusiastic I am about her optimism about the strength of this bill as it emerges from conference and to tell her how much I look forward to working with her to accomplish that end.

□ 1315

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 119, after line 8, add the following new title:

TITLE VIII—AUTOMATIC CONTINUING RESOLUTION

SEC. 801. (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1301 the following new section:

"§1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) No appropriation is made by this section for a fiscal year for any project or activity for which there is no authorization of appropriations for such fiscal year.

"(f) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(g) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Department of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

The amendments made by this title shall apply with respect to fiscal years beginning after September 30, 1996.

Mr. LIGHTFOOT. Mr. Chairman, I reserve a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 5 minutes on his amendment and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, the purpose of my bill is to bring about a miracle on Capitol Hill; that is, if implemented, we will end Government shutdowns forever. Is that a miracle or is it not, in view of what has happened in the recent past and in the past on many of the budget items that have come before us?

We have not been able to seize the opportunity that I have been trying to present before the Committee on Rules and before this body in various ways, a means to end Government shutdowns.

What it would do is simply allow that if, at the end of a fiscal year, September 30, no budget has been passed, or any 1 of the 13 appropriations bills has not been passed, then automatically, by way of instant replay, the next day, October 1, there would go into effect last year's appropriations or the House bill, the House version recently passed, or the Senate version passed, or the President's budget proposal in that particular item. Whichever is the lowest figure would go automatically into effect; hence, no shutdown forever.

And if a CR is passed, then the same thing would happen at the end of that CR period. The temporary funding that would end at x date would, if no new CR is produced, result in an instant replay of that CR.

Do Members not see the beauty of it, that it means we never have to face the RIFing of employees, unpaid hours on Capitol Hill, disgust by the public, the whole host of dilemmas and problems we face when a Government shutdown is before us? This is a proposal whose time has really come. When I leave this Congress I am going to write a called "Miracle on Capitol Hill," and it will be 55 pages devoted to this.

Mr. Chairman, I submit for the RECORD a copy of my testimony before the House Budget Committee as an extension of remarks to further explain the amendment I propose to H.R. 3756, the Treasury, Postal Service, general government appropriations bill.

On September 19, 1995 this committee joined with its Senate counterpart and held a hearing on "The Effects of a Potential Government Shutdown". I was not permitted to testify at that hearing; however, Senator Snowe submitted my testimony for the record. I come before you today to further discuss this issue.

You may be wondering how this relates to the stated objective of this hearing. Simply put, I come before you with a suggestion of how to save taxpayer dollars. I come before you to point out a very blatant form of waste: the government shutdown. A June '91 GAO report estimated that a 3-day work-week shutdown could cost as much as $607 million dollars. In fact, Republican National Committee used this figure to point out the waste President Clinton committed by vetoing the appropriations bills Congress sent him.

As you set out to craft a balanced budget to insure the economic health of this country, you have my complete support and admiration. But before we cut someone else's wasteful spending, we must look at our own! We took great strides in controlling Congressional spending during the fiscal year '96 budget cycle by cutting committee staff and passing a Legislative Branch Appropriations bill that helped move us toward a balanced budget. I applaud these efforts and support them. But these cuts are not enough!

If the Federal government, more specifically, the Executive and Legislative branch, cannot do the responsible thing and complete appropriation bills on time, taxpayer dollars should not be wasted. I have crafted a solution to this problem, a piece of legislation I call "Instant Replay". I come before you today to implore you to support my legislation and end the threat of a government shutdown and the waste it causes.

The solution I have devised to this problem is an automatic continuing resolution which acts as a safety net. At any time when the government would shutdown, my bill would keep the government open and provide a very low level of funding by which operations would continue. I have tried to carefully craft this bill to provide for such a low level of funding that the White House and the appropriators would have reason to continue negotiating. I have also allowed a Continuing Resolution to supersede my safety net. Therefore, if the Budget negotiators want to craft their own spending formula, they can.

The true beauty in this legislation is that it shifts the negotiating power from the status quo to reduced funding levels. Under the current system the individual who is trying to cut funding has an uphill battle. With my legislation in place, lower funding levels would automatically occur if we do nothing. Those fighting to keep money will have to enact legislation. As we saw as part of the fiscal year '96 Budget cycle, those of us who were trying to cut funding had an uphill battle to pass legislation. I believe that my legislation will help shift this balance of power and aid in the effort to balance the budget.

While you are considering ways to save taxpayer dollars, balance the budget and reform the budget process, I hope you will keep this problem and my legislation in mind. Chairman Kasich, members of the committee, I thank you for your time and attention.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me. I would just briefly say that the chairman is correct in his point of order. I am glad that he reserved it.

I rise to say that the gentleman's objective is one that I strongly support. I lamented last year's policy to shut down the Government and the consequences that it had. I think the gentleman's effort to preclude that from happening again is a very positive one for every American, not just the Federal employees or the Federal Government. I thank him for his efforts.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I rise in strong support of this. In fact, to speak to my side of the aisle, this would be one of the better things we could do. It is not uncommon for us to put legislation on an appropriations bill. This would be very important to institutionalize this.

The gentleman from Pennsylvania [Mr. GEKAS] is exactly accurate. I have been a cosponsor of his bill and a supporter of it over many years. I would hope maybe something could be done, because had this been in effect last year, we would never have shut the Government down. It is a good bill, it is a good idea, and it is a time whose idea has come, not in the next Congress, but quite frankly in this Congress.

Mr. GEKAS. Mr. Chairman, I would remind the gentleman and all the Members that the shutdowns that occurred before during the Democrat-controlled Congress had the same effect, but they were not as prolonged as some of the shutdowns we had this particular time. What I am trying to say is that I have presented this proposal to the Democrat-ruled Committee on Rules and to the Republican-ruled Committee on Rules. We have not had an opportunity to debate it on the floor. The time has come.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I also am a cosponsor of this legislation. It is very important. Let us remember what Santayana said: "Those who do not remember the past are doomed to repeat it."

Having had these major shutdowns of Government, let us not repeat it. Let us remember who is being victimized: the Federal employees, the contractors, and all of the public who are denied services because those on both sides of Pennsylvania Avenue cannot come together on what they were elected to do; namely, come out with a budget. We must not have this victimization. This is an excellent amendment. I commend the gentleman for it. I wholeheartedly support it.

The CHAIRMAN. Is there a Member who seeks time in opposition?

If not, does the gentleman from Iowa [Mr. LIGHTFOOT] insist on his point of order?

POINT OF ORDER

Mr. LIGHTFOOT. Mr. Chairman, I insist on my point of order.

Mr. Chairman, I too would like a miracle on Capitol Hill, to finish this bill before the Social Security trust fund goes broke.

Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, constitutes legislation on an appropriation bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: "No amendment to a general appropriation bill shall be in order if changing existing law." On the face of it, the amendment proposes to make permanent changes to chapter 13 of title XXXI of the United States Code. Therefore, it is legislation on an appropriations bill. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GEKAS] wish to be heard in opposition to the point of order?

Mr. GEKAS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GEKAS. Mr. Chairman, it is legislation that I offered. There is no question about it, we all agree on that. What does it do to the current bill that is before us, which is an appropriations bill? It simply renews the ongoing projects and appropriations and activities that are embodied in this bill. It just serves to continue them. It does not bring in new forms of spending or new programs, or in any way impinge upon the vitality of and the purpose of the instant bill. All it does, in its best sense, is on a day that the appropriations cycle has ended by reason of failure to enact a new budget, that those appropriations embodied in this bill simply continue in their life.

Mr. Chairman, we have seen some precedents, if the Chair pleases, to the effect that if a project or an activity is simply continued, that is not legislating anew on an appropriations bill. Therefore, I ask that the Chair rule that this is simply a mechanism for continuing the efficacy and the vitality of the underlying bill, not new legislation on a new purpose or new project or new activity. Nothing of the sort.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Iowa [Mr. LIGHTFOOT] makes a point of order that the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] violates clause 2 of rule XXI by legislating on a general appropriations bill.

The amendment offered by the gentleman from Pennsylvania amends title XXXI of the United States Code to provide for an automatic continuing resolution in the event a regular appropriation bill fails to be enacted for any fiscal year. As stated by the gentleman from Pennsylvania, this amendment was introduced as a bill last year and referred to the Committee on Appropriations. The legislative jurisdiction of the Committee on Appropriations to report this matter to the House as a bill does not impair the application of clause 2(c) of rule XXI, which prohibits amendments changing existing law to general appropriation bills.

The point of order is sustained, and the amendment is not in order.

Are there further amendments?

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF: in title V, insert the following section:

SEC. 525A. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORITY.—The United States Agency for International Development is authorized to offer voluntary separation incentive payments to more than 100 of its employees in accordance with section 525 of this Act.

(b) EXCEPTION.—Section 525(a)(2)(A) of this Act shall not apply to an employee of the United States Agency for International Development who, upon separation and application, would be eligible for an immediate annuity under sections 8336(d)(2) and 8414(b)(1)(B) of title 5, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Virginia [Mr. WOLF] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, this is a noncontroversial amendment which would allow the U.S. Agency for International Development to offer involuntary separation payments to its employees in the remaining part of fiscal year 1996 and fiscal year 1997 to assist with its restructuring program. The amendment has been cleared by the Subcommittee on Foreign Operations of the Committee on Appropriations, the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, the minority, including the gentleman from Maryland [Mr. HOYER] and the gentleman from Louisiana [Mr. LIVINGSTON]. It is noncontroversial. I urge its adoption.

Mr. Chairman, this noncontroversial and bipartisan amendment would allow the U.S. Agency for International Development to offer voluntary separation incentive payments to its employees in the remaining part of fiscal year 1996 and fiscal year 1997 to assist with its restructuring program.

This amendment has been cleared by the Foreign Operations Appropriations Subcommittee, the Civil Service subcommittee, the minority, including Mr. HOYER and Mr. LIVINGSTON.

It is a noncontroversial amendment and I urge its adoption.

Mr. Chairman, this noncontroversial and bipartisan amendment pending before the committee would provide limited, short-term buyout authority for the U.S. Agency for International Development [USAID] to ameliorate the results of its ongoing reduction in force [RIF]. This is a good government amendment, it is good for the dedicated Federal employees at USAID, and it should become law.

During the last 3 years, USAID has reduced its U.S. direct-hire staff by 18 percent, the third highest percentage in the Federal Government. This reduction has been accomplished through attrition. However, to further reduce its staff by 320 by the end of this fiscal year, USAID will have to involuntarily separate 200 employees through a RIF. RIF's are demoralizing to employees and are often a costly and inefficient way to reduce the size of an agency's work force. That is why this buyout authority is so important.

Mr. Chairman, I urge all Members to support this important amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we are prepared to accept the amendment. It adds the Agency for International Development to the three agencies eligible for buyouts under the bill.

I would like to point out this is a significant extension of the buyout authority contained in the bill. When Congress last gave the administration buyout authority in 1994, the administration did not use it carefully, and allowed agencies to use buyouts without tying them to a careful restructuring plan. The result was, in some instances, that agencies offered buyouts to employees, then just turned around and hired someone else for that position.

Our response this year on buyouts is to target them very carefully to allow them only in instances in which we know that they are absolutely needed. It is easier to do for those agencies under our jurisdiction, such as IRS, Customs, and ATF. For that reason, I am hesitant to include an agency outside of our jurisdiction, but having said that, and having talked with the gentleman and others, we will accept the amendment. The gentleman believes that authority will not be abused by AID.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I just want to add my very strong support. I want to thank the chairman of the subcommittee for accepting this amendment that is so critically important, because to do otherwise, 200 people would be RIFed from the Agency for International Development. I salute the offeror of the amendment and the acceptor of the amendment.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, notwithstanding my support of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, I rise in support of this amendment. I appreciate the support of the amendment by the gentleman from Iowa [Mr. LIGHTFOOT] as well. The gentleman from Virginia [Mr. WOLF] and I and others have worked very hard to make sure that as we reduce the size of the Federal Government, which is a consensus, we have all agreed on that, and in fact as I said last night, the Federal Government is now and will be at the end of this year the smallest it has been since the Presidency of John Kennedy, smaller than either under Presidents Reagan or Bush, and that is a direction we have decided on together as a Congress to pursue with the administration. In fact, the administration proposed that procedure and objective and has supported it. We are going to reduce some 275,000 employees; perhaps even more with the budget cuts that have occurred.

In that process, as employers, we ought to make that reduction in as sensitive, humane, and managerially sound way as possible. Buyouts do that, and that is why I support them. In fact, the GAO has pointed out that buyouts are cheaper than RIF's, because the RIF requirements impose certain costs which exceed the costs of the buyout. As a result of that, I think this is a wise policy from the taxpayers' standpoint, and policy consistent with the morale of those who carry out the duties assigned to them by the Government and by us. Therefore, I therefore rise in support of the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER: Page 79, line 4, strike "February 1, 1997" and insert "March 31, 1997".

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, this is an amendment similar to that of the gentleman from Virginia [Mr. WOLF] in that it extends buyouts by 60 days, and that is all it does, the time in which the agencies would have to affect the buyout.

Mr. Chairman, I believe the chairman of the committee is in agreement with this, and I believe that the chairman of the subcommittee is not in opposition to this, as well.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, the gentleman is correct. We have some concern that by extending the buyouts by 2 months, it gives a sense of false security to the people that are there. The more an agency waits to complete a buyout, the more it costs, and the more it costs, the less money the agency has and the more it needs to downsize. But we are optimistic we can address this concern.

We have had discussions with the gentleman from Maryland [Mr. HOYER] and the gentleman from Florida [Mr. MICA], I believe, is also on board at this point in time, so I believe we are all in concert. With the blessings of the authorizing committee as well as ours, I am prepared to accept the amendment.

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Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time. Again I thank the chairman of the subcommittee also for the acknowledgment we have had that he will accept what I consider to be a very important amendment offered by the gentleman from Maryland.

Mr. Chairman, in 1994, the Federal Workforce Restructuring Act provided Federal civilian agencies with the authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. These incentives helped to avoid involuntary separations and eased the number of RIF's necessary to meet the downsizing goal of 272,000 FTE's.

The buyouts contained in this legislation are particularly important because they are targeted to the IRS, BATF, and the U.S. Customs Service. Each face imminent FTE reductions, and this buyout authority will help ease the pain and avoid chaos. They have been carefully planned and reviewed; the director of the Office of Management and Budget must approve each plan, and the plan approval will ensure that any separation incentive is appropriately targeted within the agency. An agency's FTE number will be reduced by one for each employee of the agency who receives an incentive.

I applaud the Appropriations Committee for including buyout authority in this bill, but I worry that one quarter is not enough. The last round lasted a full year. This amendment would simply extend the time by one quarter—from February 1, 1997 to March 31, 1997—so that agencies and employees can make informed decisions and fully explore their options as they leave public service. It is also critical that we allow retirement-eligible employees to take the buyouts. These employees are often the most willing to take buyouts, and precluding agencies from allowing them to use buyouts does not make strategic sense in targeted downsizing. I urge my colleagues to join me in supporting the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I rise to offer an amendment that would change the deadline by which Federal employee buyouts provided in this bill must be taken from February 1, 1997 to March 31, 1997.

I understand that this amendment is acceptable to the chairman whom I want to commend for including buyout authority for three agencies: the IRS, ATF, and the Customs Service.

There is no dispute that, when an agency is going to downsize beyond normal attrition, buyouts are a fair and cost effective alternative to involuntary reductions in force.

They are also more reasonable for the Federal workers who are innocent victims of the budget battles here in Congress.

Buyouts offer managers flexibility to decide who can be spared from what departments in contrast to RIF's which often cause the loss of the bright young people who represent the future of the organization.

In a May 1996 report, the General Accounting Office found that the 5-year savings from buyouts generally exceed those from RIF's except in the occasional case where RIF's are done without allowing employees to bump others with less tenure.

GAO noted that when senior RIF'ed employees can bump lower level employees, using a buyout instead of a RIF typically saves an additional $60,000 over 5 years.

More than 112,000 buyouts have been paid Governmentwide since 1993—saving the taxpayers millions and millions of dollars.

I was a leading proponent of those buyouts and I support continuing Governmentwide buyouts. In fact, I have joined Representative WOLF in introducing legislation that would allow some buyouts throughout the Government—H.R. 2751.

So I believe the provisions in this bill are a step in the right direction. Regretfully, they are only a small step.

Some of the limitations on who is eligible to take buyouts are, in my view, too restrictive. I will continue to talk with the chairman and others about that.

Also, we offer the provisions to just a few agencies even though others throughout the Federal Government are downsizing.

However, today I simply offer an amendment that extends the deadline for implementing buyouts by 2 months—from February 1 to March 31.

This amendment, which lengthens the window for buyouts from 4 to 6 months, makes buyouts a more viable tool for managers and employees alike.

I believe the amendment has been cleared and I thank the chairman for his concern for the impact that budget reductions may have on employees at the IRS, the Customs Service, and ATF.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SALMON: Page 33, line 13, insert after "$40,193,000" the following: "(reduced by $500,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Arizona [Mr. SALMON] will be recognized for 5 minutes in support of his amendment and a Member in opposition will be recognized for 5 minutes.

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, under the unanimous consent that was offered and agreed to, while the gentleman from Arizona [Mr. SALMON] does in fact have an amendment that is reserved for him for 10 minutes, it specifically refers to the White House Travel Office. This amendment, of course, is a reduction in the entire budget of the White House itself and I would suggest is not within the framework of the unanimous-consent request.

Mr. SALMON. Mr. Chairman, it is virtually the same amendment that we submitted for the unanimous-consent request. I appeal to the Chair on that issue.

The CHAIRMAN. The Chair would inquire of the gentleman if it does pertain to the White House Travel Office which is what the unanimous-consent agreement as outlined would do.

Mr. SALMON. Yes, it does. If I may be permitted to speak, I will explain how.

The CHAIRMAN. The gentleman from Arizona may proceed.

Mr. SALMON. Mr. Chairman, last year I introduced a piece of legislation that I think could have been dubbed the Personal Responsibility Act. We are going to be talking a lot about personal responsibility this week when we talk about welfare reform. I think most of us know that a couple of years ago there was a real problem within the White House Travel Office

Mr. HOYER. Mr. Chairman, are we proceeding on the point of order?

The CHAIRMAN. The Chair is attempting to hear argument on the point of order, on whether or not this amendment relates to the White House Travel Office which was part of the unanimous-consent agreement last night.

Mr. HOYER. I thank the Chair.

The CHAIRMAN. The gentleman from Arizona may proceed.

Mr. SALMON. Mr. Chairman, let me be as succinct as I possibly can. In a nutshell, all this amendment does is reduce within the administration and the Office of the White House the amount commensurate that we have already appropriated within the bill to compensate the seven people from the White House Travel Office that were, many of us believed, unlawfully terminated and vigorously pursued by the administration via the FBI. We already know the story. There is money in the bill to compensate these people. My proposal is simply that we get back to accountability and that the Office of the White House and the administration of the White House pay those moneys. Instead of appropriating new tax dollars to compensate those victims, that the money come out of already appropriated moneys and we get back to the concept of personal responsibility.

Mr. HOYER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, if the Chairman will review the amendment that has been offered and on which unanimous consent was accorded, he will see that it has two sections, an A section and a B section. It refers to the payment of moneys to individuals who worked for the Travel Office.

Specifically it says in section 301(a), "If an individual whose employment in the White House Travel Office was terminated on May 19, 1993, submits a claim under this subsection to the Secretary of the Treasury within 180 days after the date of the enactment of this Act, the Secretary shall pay to the individual an amount equal to legal fees and expenses incurred by the individual with respect to that termination."

It then goes on to say, "For payments required under subsection (a), to be derived in equal amounts from funds made available in this title under the heading Compensation of the President and the White House Office—Salaries and Expenses and funds made available in this title under the heading Office of Administration, there are available to the Secretary of the Treasury up to $500,000."

Mr. Chairman, I submit that this amendment has very little relationship to the amendment on which the unanimous consent was accorded. The reason for that is that it provides for payment to no one. It relates to the reduction of no specific office, Office of Administration or other White House account. This deals generally with the White House account across the board. As a result, I think it is clearly inconsistent with what Members gave unanimous consent about. One has to do with a cut in the White House budget. One has to do with reimbursement of White House travel officers.

The CHAIRMAN. The Chair, in attempting to rule on this point of order, would like to inquire of the gentleman from Arizona if the amount that he is proposing is specific to the White House Travel Office employees.

Mr. SALMON. Mr. Chairman, the amendment is very straightforward. It applies to the Office of Administration and the White House itself. However, in the unanimous-consent request, it simply stipulates that it must relate to the White House Travel Office which is a subcategory of the Office of Administration.

What I am trying to accomplish, I am trying not to be redundant. Since there is already a proposal within the legislation itself to compensate the Travelgate victims, I am simply reducing the amount from the Office of Administration and the White House. They have full purview to go to the Office of Travel and take the money from there if they so desire. I see no inconsistency with the unanimous-consent request.

The CHAIRMAN. In attempting to comply with the guidelines that have been outlined under the unanimous-consent agreement, the Chair is constrained to insist that it be very specific on the dollar level for the White House Travel Office.

Mr. OBEY. Mr. Chairman, if the chair is about to rule that the amendment as offered is not consistent with the unanimous-consent agreement, then I would have no further comment. I simply was intending to rise to make the point that, if we cannot count on the fact that amendments that are going to be offered are those which are discussed prior to unanimous-consent agreements, then it is going to be impossible to get unanimous-consent agreements around here.

Mr. HOYER. Mr. Chairman, further on the point of order, Mr. Chairman, let me first of all say I believe the gentleman from Arizona is one of the Members of this body who has high integrity and good faith, and I understand that he offers this in good faith. However, the amendment that he originally offered on which the unanimous consent was given is subject to a point of order. He has attempted to correct that understandably by his amendment that he has now offered.

The problem, Mr. Chairman, in answer to the question, did it deal specifically, the gentleman said, honestly, as I would have expected him to answer, no, it does not; and in fact it does not. In fact he offered it, however, to deal with the White House and the Office of Administration. It does not in fact, I tell the gentleman, deal with the Office of Administration. It deals with the White House budget per se in the section that he affects in terms of the line that he affects. As a result, Mr. Chairman, I think it is clearly inconsistent with the unanimous-consent request and therefore is not in order under that consent agreement.

The CHAIRMAN. The Chair is prepared to rule unless any other Members wish to be heard on the point of order.

Does the gentleman from Arizona wish to be heard further?

Mr. SALMON. Mr. Chairman, I would just simply like to say that we tried to accommodate all sides on this. Obviously, we did not want to be redundant. I believe that we have made a good-faith effort to make sure that we were consistent with the amendment that we offered yesterday that was adopted under unanimous consent. I believe that we have made every effort to do that. As the gentleman stipulated, it was completely in good faith. I would just appeal to the Chair.

The CHAIRMAN. The burden of establishing that the amendment relates to the White House Travel Office as required by the unanimous-consent order of the House of yesterday has not been carried by the gentleman from Arizona. That is the ruling of the Chair. The amendment is not in order.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follow:

Amendment offered by Mr. SANDERS: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated by this Act shall be available to pay any amount to, or to pay the administrative expenses in connection with, any health plan under the Federal employees health benefit program, when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes in support of his amendment and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. COBURN], a cosponsor of this amendment, and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is substantively the same as an amendment No. 5 in the July 16, 1996, CONGRESSIONAL RECORD but it incorporates a technical change which I believe makes our intent clearer.

The amendment that I am offering today with the gentleman from Oklahoma [Mr. COBURN] along with the gentleman from New York [Mr. NADLER] and the gentleman from Florida [Mr. WELDON] touches on an issue of enormous consequence to millions of Americans, especially given the rapid transmission we are experiencing from traditional health insurance to managed care and HMO's. We can all agree on the need to control health care costs. However, we must also ensure that health care decisions which affect our lives and our well-being are made by physicians using medical rationale and who have the best interests of their patients at heart and not by insurance companies who may be putting their drive for profits before the best interests of their patients. Most importantly, Mr. Chairman, we must preserve the fundamental core of successful health care, and, that is, the doctor-patient relationship.

When a patient walks into a doctor's office, he or she must be 100 percent confident that the treatment that is being recommended comes from the doctor's best medical judgment and is not motivated by an insurance company's desire for greater profits.

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A patient deserves to be told the full truth when going to a doctor and that is what this amendment is all about.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is about looking at perspective and motivation and what our charge is as physicians as we look at health care in this country, and every physician, every provider, takes an oath to put patients and their well-being first.

This amendment simply protects Federal employees the way we have protected Medicaid and Medicare patients by saying there cannot be a perverse incentive to not put the patient first, and it also states that in doing so, the well-being of the patient will be put first.

This amendment is supported by over 123 provider groups. It is vastly supported by Members of the House. It is a start back down the road where physicians are asked to do the right thing, to not be placed in the position in a competitive environment where they sacrifice quality care for their own livelihood, and this amendment prohibits that in regard to Federal employees.

It is my understanding that we may, in fact, have an acceptance of our amendment by the chairman of this subcommittee.

Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to control 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa [Mr. LIGHTFOOT]?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this point I am very inclined to accept this amendment. I do not think any of us are in favor of HMO practices that cause shoddy medical care; we are all very much opposed to that. I have been dismayed to learn, for example, about situations where HMO's have caused a woman who has had a baby to leave just hours after the birth of the child. We had a daughter who just had a daughter a few months ago. It does not make sense at all to leave early.

I think that the course of treatment for any given patient should be up to his or her doctor. They are the ones in the best position to make that determination.

It is also a very difficult area in which to try and make law. Since 1994, the Department of Health and Human Services has been tasked with developing a set of regulations, eliminating certain types of HMO incentives for Medicare and Medicaid. These regulations are still incomplete, and I do not think that we can solve here in 20 minutes what HHS has been trying to figure out for 2 years.

I do not pretend to know the answers, either. I am not sure that any of us know what the real answers are. But what I do know is that we have not taken any time to deliberate a very complicated issue.

This committee has held no hearings on it. The authorizing committee of jurisdiction learned about the matter yesterday. For now, be willing to accept the amendment. I think it is a well-intended amendment. As we go to conference, we will continue to work and look at this amendment and its ramifications.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I subscribe to the remarks the gentleman just made.

Obviously, this committee has not addressed this issue. Having said that, just as obviously the proponents of this amendment I think have a proposition with which all of us would agree, and do agree, and this is an issue which we are going to have to study between now and conference from a substantive standpoint.

The chairman points out correctly that regulations in this area, vis-a-vis Medicare and Medicaid, as I understand, have taken even longer than 1994 to date and antedate that by some time.

Having said that, I think clearly the objective that the two gentlemen seek is an objective that is an important one and which I think all of us support.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take a few moments to clarify the record. The Committee on Commerce has held hearings on this. We have had one hearing in which we had significant testimony where care was denied based on the perverse incentives to the physician, and I think it is just the start of hearings that we are going to have in this regard, and I would like that placed in the RECORD.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I am very gratified to hear that this amendment is being accepted, at least for the time being.

I want to say that the practice of physicians being offered incentives, positive incentives that if they deny a treatment, they get more money, and negative incentives, if they grant the treatment, they get less money, and this form of health care that is proliferating throughout this country has led, as the gentleman said, to many denials of health care where it was needed, and it also constitutes an institutionalized conflict of interest.

If someone came to any Member of this body and said, "Vote this way and I will pay you $1,000," we would call that a bribe, it would be against the law. But, in effect, what you have with many of these HMO's now is a practice where the insurance company comes to the doctor and says, "If in all your patients this next week you do not refer more than "X" number to specialists or to have a test, a CAT scan, we will give you more money, and if you do, we will take away money from you."

So the doctor, when he looks at a patient and thinks, do I really need to? This patient has chest pains, whatever. Do I need to refer him to a cardiologist, has to think in the back of his or her mind, gee, I have already referred three people to a specialist this week. If I refer a fourth, it will cost me money. It is putting a direct conflict between the patient's interest, which the doctor is sworn to uphold, and the doctor's financial interest. That is an institutionalized conflict of interest.

It is a fundamental problem and this amendment begins to address that, and I thank the body for accepting it.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I am so pleased that this being accepted today. I strongly support it. It is a very straightforward proposition. It protects the ability of doctors to give their patients the best medical advice and, after all, that is what doctors do, that is what they have historically done, and that is what the Hippocratic oath is all about.

Make no mistake about it, the ideas of the bottom-line medicine that is being practiced in some circles is unconscionable. It cannot only lead to poor quality of care in many cases, as has been more recently annotated, it could be a matter of life and death.

I thank the chairman for accepting this amendment and I thank the authors of the amendment.

Mr. Chairman, I rise in strong support of the Sanders-Coburn amendment to H.R. 3756, the fiscal year 1997 Treasury-Postal Service appropriations bill, which would prohibit any funds in this bill from paying any managed care network under the Federal Employees Health Benefits Plan that offers physicians financial incentives to withhold medically necessary information from their patients.

I hope that the House overwhelmingly approves this simple, straightforward proposition that seeks to protect the ability of doctors to give patients their best medical judgment on possible treatment options. That's what doctors have historically done. That is the meaning of the Hippocratic oath.

Earlier this week, the Newark Star Ledger, New Jersey's largest daily newspaper, editorialized against the objectionable practice of some managed care networks for discouraging physicians from providing their patients with full information about their diagnosis and treatment options.

The Star Ledger said, and I completely agree "there is good reason to suspect arrangements that pay the doctor more for treating you less or for nodding in agreement when the treatment cooked-up by the health plan's computer goes against the doctor's best judgment."

Simply put: Doctors must be able to provide their patients with all available information and advice about treatment options. Anything else is completely unconscionable. This is bottom-line medicine and don't be misled—this could be a matter of life and death as has been more recently reported by reputable authorities.

Too many HMO's today seek to undermine the sacred doctor-patient relationship by preventing physicians from providing patients with a full range of advice, because they are seeking to enhance the managed care network's bottom-line, at the direct expense of a patient's health. This can be a matter of life and death.

Doctors in HMO's are frequently penalized by having their salaries either reduced, or withheld, by the health plan for advising patients to seek treatment from a specialist.

This is wrong, and the Sanders-Coburn amendment is a modest attempt at protecting the right of physicians to give patients the best medical judgment.

I urge my fellow Members of the House to join me in supporting this worthwhile amendment.

Mr. SANDERS. Mr. Chairman, I yield 10 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise simply to make the point that I am against, and I want to make it clear, the form of this amendment unrelated to its substance, which I have already said I agree with. This made-known language, which I will make an additional point on in a future amendment, we should not pursue.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in strong support of the Sanders-Coburn amendment.

As most of my colleagues know, prior to coming to the House of Representatives, I was a practicing physician. I practiced for 6 years in the Army Medical Corps and then I went into private practice in Florida. One of the things that drew me to that medical practice with Melbourne Internal Medicine Associates, besides the beautiful climate and being there on the space coast, was the fact that the medical group I was asked to join was an extremely well run medical group.

When I was interviewing with the physicians with that medical group, it was quite apparent to me that the key to their success was that they always put quality patient care first and financial considerations secondary. They were always looking out for the best interests of their patients and, indeed, I have to say that as I have traveled all over the country through my years and met thousands of physicians, that is always the key to success for any physician, no matter what his specialty is, that he is always watching out for the best interests of his patient.

What I compliment the gentleman from Vermont [Mr. SANDERS] and the gentleman from Oklahoma [Mr. COBURN] in introducing is an effort to combat what I believe is a perversion of the doctor-patient relationship where doctors suddenly have perverse financial interests to deny patients quality care and quality access to care, and this has a very, very far-reaching impact if we as a body here do not try to address this issue.

The United States, as all Members know, is the world's leader in health care. The rest of the nations of the world read our medical journals and they not only look to us for the specific science but they also look to us for leadership in the area of ethics, and this is an ethics of medicine issue. Each and every time a doctor sees a patient, he should be always looking out for the interests of his patients.

Support the Sanders-Coburn amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we are all in agreement, those of us who have spoken, about what the issue here is, and it is not a complicated issue. What all of us believe is that when a patient walks into a doctor's office, we want to know that we are getting the best possible treatment that we can get and that there is not a perverse incentive being offered to the physician to give us less than the best quality care that can be offered.

We do not want to believe that a physician can make more money by offering us lesser care. That is not what health care is supposed to be about and, most importantly, that is not what the doctor-patient relationship is supposed to be about. If there is any relationship built on trust in our society, it is supposed to be the doctor-patient relationship, and historically that has been the case.

What this amendment does, it applies to Federal employees what already exists in law for Medicare and Medicaid beneficiaries, and it says that there cannot be perverse incentives offered to physicians so that they do not provide Federal employees the best quality care available.

I thank all of the cosponsors for this amendment and look forward to the body's support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. KINGSTON: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to issue, implement, administer, or enforce the amendments to the Customs regulations pertaining to field organization proposed by the United States Customs Service and published in the Federal Register on June 17, 1996 (61 Fed. Reg. 30552-30553).

MODIFICATION TO AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I also have a modification at the desk and I ask unanimous consent for the modification.

The CHAIRMAN. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Modification to Amendment offered by Mr. KINGSTON: In lieu of the matter proposed to be inserted, on Page 16, line 19 of the bill, after the dollar amount, insert the following: "(reduced by $2,000,000)".

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Georgia [Mr. KINGSTON]?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Georgia [Mr. KINGSTON] will be recognized for 4½ minutes in support of the amendment and a Member in opposition to the amendment will be recognized for 4½ minutes.

The Chair recognizes the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say right now we are trying to address a problem that has occurred at the Sanford Airport in Florida and one that has developed as a result of that in Bangor, ME, and we have some private sector investors who have bargained to work in good faith with the U.S. Customs Service on that. It seems now there might be a problem, maybe of major miscommunication on it. We are trying to address that problem.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who seeks time in opposition to the amendment?

Mr. BALDACCI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maine [Mr. BALDACCI] is recognized for 4½ minutes to control time in opposition to the amendment.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that Mr. Kingston has withdrawn his earlier amendment that was being put forward. The situation is, is that most of these airports that are ports of entries have established a threshold which says over this threshold, you are going to have to assess passengers $6.50 apiece. So all international airports are doing this that are over that and that are ports of entry.

The particular airport in question is much more over that, an estimate of Customs is that 115,000, but yet it still not charging the higher fee and is able to market customers away from the other ports of entry, like Bangor, and take an unfair advantage in that particular situation, which has caused this situation with this amendment to develop.

Mr. Chairman, I look forward to now working with the gentleman from Georgia [Mr. KINGSTON] and others, to have these discussions in regard to this particular issue. But that is the preceding issue of concern to people in Maine and all over the East Coast.

Mr. Chairman, I reserve the balance of my time.

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Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I just want to thank the gentleman from Maine and also the gentleman from Georgia for cooperating in this compromise.

The gentleman from Georgia has private investors who have invested in an airport in my district and the gentleman from Maine has some problems with what Customs has interpreted in this situation, and I think that this is a good compromise. It is a placeholder and it allows us to deal with Customs. We do not want to cut their budget. What we want to do is get a proper resolution of this problem, and this is, in fact, a placeholder so that Maine, Georgia, and Florida can work this problem out. Hopefully we will not hurt Maine or the new airport in the Orlando-Sanford area.

So I thank my colleagues for working out this compromise and support the amendment of the gentleman from Georgia [Mr. KINGSTON], and urge its adoption.

Mr. BALDACCI. Mr. Chairman, I appreciate the comments from the good Representative, the gentleman from Florida [Mr. MICA], and also the gentleman from Georgia [Mr. KINGSTON].

Just to further reinforce, I agree with Customs' determination in its classification and the rules it is promulgating. I am not in disagreement with that, but I am looking forward to the discussion that should ensue with all people in regards to this particular matter. But I wanted to make that clear.

Mr. Chairman, I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I just want to say what I believe has happened from the investors' standpoint is, trying to encourage private investment and getting into an airport, they felt like they had a certain agreement with Customs and that Customs, in the later stages, changed the rules of the game on them.

We had a sincere concern with the way Customs has apparently handled that, but the gentlemen from Maine, Mr. BALDACCI and Mr. LONGLEY, have brought up some excellent points in terms of the impact on Bangor's inconsistency with Customs, and so forth. So we are all working together to try to continue this dialogue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. KINGSTON].

Mr. HOYER. Mr. Chairman, point of clarification. The amendment we are voting on is the substitute which the gentleman has offered for the language?

The CHAIRMAN. The amendment, as modified by unanimous consent.

Mr. HOYER. Which is simply the $2 million reduction; am I correct?

Mr. KINGSTON. That is correct.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Georgia [Mr. KINGSTON].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GUTKNECHT: Page 119, after line 8, insert the following new section:

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes in support of his amendment and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Could the gentleman clarify for us exactly which amendment? Is it amendment No. 7 or amendment No. 2?

Mr. GUTKNECHT. It is amendment No. 2.

Mr. HOYER. Mr. Chairman, I think the gentleman only has one amendment remaining. We have dealt with one of his amendments. He only had two. We dealt with the reduction of political appointees, and I believe the only amendment, this amendment, deals with the reduction of 1.9 percent across the board.

Mr. GUTKNECHT. The gentleman is correct.

The CHAIRMAN. It is still amendment No. 2.

Mr. HOYER. I will agree with that.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT] for 10 minutes in support of his amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I feel a little bit like the famous cartoon character Horton, who hatched the egg. Just to remind Members what this is all about, back when we passed the budget resolution the joint conference committee report with the Senate, this Congress did something which many of us felt was inappropriate and something that needed to be corrected.

We literally agreed to increase spending by $4.1 billion more than we had agreed we would spend last year. Unfortunately, that budget resolution, the conference committee came back after we passed a couple of the budget bills previous to this.

Now, I certainly do not want to cast any aspersions on the subcommittee chairman and the work of the Committee on Appropriations, but I think in terms of keeping faith with our promises last year and keeping faith with the American people and most importantly keeping faith with the American children, I think it is important that we do everything within our power to try to recover that fumble.

What we did was we increased spending by $4.1 billion. So we sat down, some of us freshmen with our staff, and said how can we help recover that fumble. One of the ways we can do that is offer an amendment to every appropriation bill for the balance of the appropriation season that would cut discretionary spending 1.9 percent across the board.

Now, 1.9 percent is not a huge cut. As a matter of fact, in this bill we are talking about total spending of $23 billion. Applying our formula, we are asking the full committee here to reduce spending $213 million. Now, $213 million is a lot of money, but in terms of a percentage of the total spending in this bill it is less than 1 percent. So applying the 1.9 percent formula just to the discretionary side of this appropriating bill cuts $213 million.

The question we have to ask ourselves, and I think a legitimate question the American people should ask us, if we cannot cut 1 percent off the total spending in this bill, how in the world are we going to say to the American people that in 3 years we are going to be able to cut $47 billion in spending. The unvarnished truth is we may not be able to.

Mr. Chairman, this is an important amendment, and I would appreciate my colleagues support.

The CHAIRMAN. Is there a Member seeking time in opposition to the amendment?

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT] for 10 minutes.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

As presented to the House, the Treasury-Postal bill achieves a deficit reduction of $513 million. That is since last year. The subcommittee has achieved a total of $1.2 billion in deficit reduction since January of last year, and we have done this by targeting specific programs, by terminating obsolete agencies and programs, and restructuring agencies and activities to create efficient and effective organizations.

In all due respect to my good friend from Minnesota, I think his amendment is not well thought out because there are no policy assumptions. One of the problems with across the board cuts in any bill is that it just takes a swipe out of everything. You end up taking little nicks out of big programs that need big nicks and you take big nicks out of little programs that are struggling to get along and do things that we really need. There is no recognition that some of these agencies and programs we have already cut 20, 30, 40 percent. We have already cut them.

My colleague should be aware that the amendment will mean cuts to basic law enforcement functions of the Department of the Treasury. As my colleague said, voting for this bill is just a simple little 1.9 percent cut or 2 percent, if we want to round the figure off. If we want to vote for it, then that means we are going to vote to cut $228,000 out of the ATF's investigation on church fires. If we vote for the Gutknecht amendment, that means we are willing to take $80,000 out of the investigation for missing and exploited children, including child pornography. If we vote for his amendment, it means we are saying no to $1.3 million to go to the Customs Service for drug interdiction along the Southwest border. If we support this amendment, it means we are saying no to $532,000 for Customs' drug interdiction in the Caribbean. If we support this amendment, we are saying no to $662,000 for the drug czar to set up his new office. And if we support this amendment, we are saying no to $2.1 million for the drug czar's efforts to fight drugs in high crime neighborhoods and districts.

I think these cuts are unreasonable, particularly given the subcommittee's strong report on deficit reduction. As I said earlier, we have thought this out very closely. We have argued over these numbers, we have fought over them, we have cut every place we can cut. But I think the responsible way we get to balancing the budget is we evaluate each agency and each program on its merits and then we make the necessary cuts, and in some of these we have already cut as much as 40 percent.

Mr. Chairman, I would urge my colleagues to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair wishes to inquire of the gentleman from Minnesota if he would like to ask unanimous consent to withdraw his amendment and offer a different amendment?

There has been some confusion up here at the desk over the two amendments that were offered and we have been informed that the gentleman wishes to offer another amendment.

Mr. GUTKNECHT. Yes.

Mr. HOYER. Mr. Chairman, reserving the right to object, and with all due respect.

The CHAIRMAN. The gentleman has not propounded a unanimous consent request yet.

Mr. HOYER. He responded "yes" to the Chair's asking for a unanimous consent on his behalf, it sounded to me like.

The CHAIRMAN. Does the gentleman have a request for the Chair?

Mr. GUTKNECHT. Mr. Chairman, let me first of all say, if I might, there was some confusion. There apparently is a different list. We were item No. 7, now we are item No. 2. In either event, I intend to offer my amendment to reduce expenditures across the board 1.9 percent. If that requires a unanimous consent request to withdraw this amendment, I would be happy to do that, but I do intend to offer the amendment in either event.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HOYER. Mr. Chairman, reserving the right to object. I appreciate the Chair's advising all of us as to what the status is. Apparently, I do not know what amendment is pending at the desk. Would the Chair clarify and have the Clerk clarify what amendment is pending at the desk now?

The CHAIRMAN. The Clerk will report the pending amendment, which is amendment No. 2.

The Clerk read as follows:

Amendment No. 2 offered by Mr. GUTKNECHT of Minnesota: Page 119, after line 8, insert the following new section:

Sec. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

Mr. HOYER. That is a reduction, as I understand it, of 1.9 percent in discretionary funds; is it not?

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. Mr. Chairman, under my reservation of objection, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I would advise the gentleman that that is the amendment we have been debating for the last 4 minutes, yes.

Mr. HOYER. Apparently, the Chair believes that that is not the amendment that was being debated. That is the amendment I thought it was.

I am unclear what the Chair is asking and what the gentleman is asking in terms of a unanimous consent until such time as I understand what is going on.

The CHAIRMAN. The Chair will inform the committee that it was our understanding that staff had come to the desk and offered a different amendment and had asked that that amendment be considered. That was the understanding of the Chair.

If that is not the case, we will proceed with debate of amendment No. 2.

Mr. GUTKNECHT. Mr. Chairman, if the gentleman would continue to yield.

Mr. HOYER. Mr. Chairman, under my reservation of objection, I will be glad to continue to yield so we can straighten this out.

Mr. GUTKNECHT. Mr. Chairman, I apologize. Apparently, we had brought to the desk a modification of an original amendment. I was not sure if it was No. 2 or 7. If the Clerk would please make it clear which amendment.

The CHAIRMAN. It is amendment No. 2.

Mr. HOYER. Mr. Chairman, on my list, amendment No. 2 or 7 is irrelevant. If the Chair says 1, 2, 3, we have not been going in order so it is somewhat confusing as to what 1, 2 and 3 is. If it is No. 2, we have done 8 before it.

The CHAIRMAN. The Chair will inform the committee that both are across-the-board amendments. The difference is that they place the language at different points in the bill.

Mr. HOYER. Mr. Chairman, before I give unanimous consent, I want to see both amendments, and I do not have both amendments in front of me.

The CHAIRMAN. Does the gentleman seek unanimous consent to withdraw the amendments? If not, we are proceeding with debate on amendment No. 2.

Mr. GUTKNECHT. Mr. Chairman, perhaps I can modify my request. What I would request of the Chair is that I be permitted to substitute amendment No. 7 for amendment No. 2, and I would request unanimous consent.

The CHAIRMAN. The gentleman has asked unanimous consent. The gentleman from Maryland has reserved the right to object.

Mr. HOYER. Reserving the right to object, I am looking at the text now.

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Mr. Chairman, I believe I have seen the two amendments the gentleman is talking about, but I wanted to make sure. One is at page 119 after line 8; one is at page 118 after line 16. Am I correct, however, that the substance, as a matter of fact, the exact verbiage of both is the same?

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I believe that is correct.

Mr. HOYER. Mr. Chairman, so that the only difference is where the gentleman places them in the bill.

Mr. GUTKNECHT. Mr. Chairman, that is correct.

Mr. HOYER. Mr. Chairman, continuing my reservation of objection, may I ask the gentleman, does he perceive any difference in the impact of the amendments as a result of the placement in one position or the other?

Mr. GUTKNECHT. Mr. Chairman, if the gentleman will continue to yield, I am afraid I do not know why, the reasons the staff recommended we change location.

Mr. HOYER. I will tell the gentleman, I suffer from that problem all the time.

Mr. GUTKNECHT. Mr. Chairman, I think I can clear this up. My amendment is not intended to affect appropriations for fiscal year 1996. That is the reason it has to be moved to the different location. We only want to affect discretionary appropriations for fiscal year 1997.

Mr. HOYER. So the amendment the gentleman wants to offer is the prospective amendment, and which amendment is that?

Mr. GUTKNECHT. Mr. Chairman, we believe it is No. 1.

Mr. HOYER. Mr. Chairman, if that is the case, then, and No. 2 is pending, I would have, checking with my own staff, given my quick analysis, it seems to me that this is carrying out what we thought we were considering.

If I can, however, before I withdraw my objection, the gentleman indicated he intends to offer the other amendment. Is there another amendment? Is this the last amendment that the gentleman from Minnesota is offering?

Mr. GUTKNECHT. Mr. Chairman, if the gentleman will continue to yield, I think I can honestly say, this will be the last 1.9 percent amendment on this bill, yes.

Mr. HOYER. Mr. Chairman, but does the gentleman have any other amendment on this bill?

Mr. GUTKNECHT. No, I have no other amendments.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

Modification of amendment offered by Mr. GUTKNECHT: Page 118, after line 16, insert the following new section:

Section 637. Each amount appropriated or otherwise made available by Titles I through VI of this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] has 8 minutes remaining, and the gentleman from Iowa [Mr. LIGHTFOOT] has 7½ minutes remaining.

Mr. GUTKNECHT. Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Iowa who knows me probably too well, he thinks.

Mr. Chairman, now that we have decided which amendment is pending, I am opposed to it, I say to my friend from Minnesota. And very frankly, if we had decided the other amendment, I would have opposed it. The fact of the matter is, this bill spends too little money. Who says that? The Committee on Ways and Means says that.

This bill has already cut $130 million below last year's. In the committee report, we assume the Federal employees in this bill as well as every other bill are going to get a 3-percent raise. I am for that. I think that is appropriate. We assume as well that there are going to be additional costs, as every business operator assumes.

So that not only are we cutting $130 million below last year's appropriation, but we are cutting very substantially more below actual costs to do exactly the same services.

Furthermore, as the Committee on Ways and Means has pointed out, they are very concerned that we have sufficient resources to carry out the present responsibilities of the Internal Revenue Service under law. The Committee on Ways and Means has further said that they are very concerned about the IRS being able to service the taxpayers consistent with their responsibilities.

Furthermore, the IRS has been cut $700 million plus dollars, three-quarters of a billion dollars. The gentleman's amendment, as pointed out by the chairman, cuts across the board and makes no judgment as to whether or not an agency has been cut deeply, has been increased or has stayed the same. That is why these across-the-board amendments are so unwise. It is incumbent upon us to make judgments. Sometimes those judgments are hard judgments. We have to make a determination how much an agency needs, how necessary is an agency, how necessary are the functions that that agency carries out.

I believe that the IRS is woefully underfunded under the provisions of this bill. But cutting them 1.9 percent, you simply exacerbate and make worse the problem confronting the Nation, not IRS, the Nation. Why? As the gentleman from Texas [BILL ARCHER] said in his letter of June 26 to the gentleman from Louisiana [Mr. LIVINGSTON], he believes the cuts that currently exist, currently, even without this cut, according to the Committee on Ways and Means, that the Internal Revenue system is getting under this bill puts at risk deficit reduction. The irony of the gentleman's amendment is, the Committee on Ways and Means, not this side of the aisle, the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON], as well as the gentleman from California [Mr. MATSUI] and the gentleman from Florida [Mr. GIBBONS], believe the present underfunding of IRS puts at risk deficit reduction. In point of fact, I believe this amendment, if adopted, would cost hundreds of millions of dollars in lost revenues and deficit reduction.

I know that the gentleman offers this amendment sincerely, concerned as I am about the budget deficit. I am one of those who voted for a balanced budget amendment, as I think the gentleman knows. I believe we need to balance the budget. I voted for the coalition budget, which balanced the budget by 2002 and created $137 billion less debt. I hope that we defeat this amendment which would be costly to the taxpayers and the country.

Mr. GUTKNECHT. Mr. Chairman, I yield 4 minutes the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I want to first congratulate the gentleman from Maryland, who is a very articulate spokesman for his constituents. And if I were a Federal worker who lived in his district, I would, too. I also believe he believes in his heart in the importance of the Federal Government, and I know he has been conscientious on other budget matters.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate my friend's comments about me. But essentially, I was quoting Mr. ARCHER of Texas, the chairman of the Committee on Ways and Means, expressing his views, because I understand that some may believe I am subjective to protect Federal employees, which I am, that is why I quoted Mr. ARCHER of the gentleman's party and chair of the Committee on Ways and Means.

Mr. SOUDER. Mr. Chairman, the second point I was going to make is that on the 1.9 percent amendment, it has been very interesting, because if this was the only bill where we heard that a 1.9 percent across the board cut in this department would devastate a particular program or a department, it would be a little more believable. One point nine percent is not the total amount that comes out of the IRS. It comes out of many different subsections of this bill.

It seems like we hear this week after week after week, that we cannot do 1.9 percent, that 1 week we are devastating Yosemite Park, the next week we are devastating the entire thing. It is 1.9 percent. If the committees, and with all due respect, they have worked hard to get the budgets down, but if the committees would have been committed to not having the deficit go up the second year, we would not have offered this amendment.

This is a principled amendment. We came to Congress, and we talk about balancing the budget. We say we are trying to balance the budget. But the fact is the deficit goes up the second year. One point nine percent would change that. It would be nice to get some of that out of the entitlement programs, but since we cannot pass an entitlement bill, if we are not going to have the deficit come up, it has to come out of the discretionary programs. One point nine percent will not devastate the IRS; it will not devastate Yosemite Park.

Week after week we hear reasons why these bills are going to devastate the entire thing. In fact, some of our Republicans are starting to sound like the Democrats sound on our original bills, and it has been very disconcerting to many of the freshman.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, I do not know how the gentleman voted but, of course, the Republican budget that passed——

Mr. SOUDER. Mr. Chairman, I voted against it.

Mr. HOYER. Because the budget that his side of the aisle offered, of course, does exactly what he is concerned about.

Mr. SOUDER. I will hope that many, as some have on the Democratic side who say that they are for balancing the budget, will vote with those of us who have been trying to promote the 1.9

percent, because a 1.9 percent reduction on every appropriations bill will fix the bump up. It is a small bump up. We have been moving in the right direction, but the fact is the deficit goes up the second year we are here in Congress.

As far as the IRS, I understand that you need to have dollars to correct it. I understand that. We are saying that if we prioritize correctly, for example, in addition to the supplemental appropriations for church burning investigations, ATF, the Alcohol, Tobacco, and Firearms, remained funded at the same level. I find it hard to believe that they cannot carry out their function at a 1.9 percent reduction. We could take more of that if there was a prioritization correctly.

Also the same is true of the White House. They were able to give a 40 percent raise to someone like former security director Craig Livingstone, who had no apparent qualifications for that position, according to a committee hearing we were just in. They could absorb a 1.9 percent reduction. They have multiple pastry chefs at the White House, as well as the taxpayer funded database that we have been concerned about and concerned about the security systems. This 1.9 percent would not have to come out of the IRS, but at this point on the floor we are systematically offering 1.9 percent across the board, of which part of that falls on the IRS, part of that falls to ATF and different things because of procedures.

We are offering a philosophical statement that says 1.9 percent across the board. I personally would have had it categorized inside the appropriations bills and dealt with that, but this is our only way to express our frustration with this budget.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume to respond briefly.

I know it sounds good to say we are going to cut everything across the board. But, again, Members have got to remember, if they vote for this amendment to cut across the board, they have got constituents at home who they are going to have to answer to. Why did you take money out of the high-intensity drug traffic areas, why did you take money out of the drug czar office, which our leadership has asked that we put in, why did you take money out of missing and exploited children?

Yes, we have pastry cooks and, yes, we have political appointees that get paid salaries which some of us may think are outrageous. But the other side of the coin is, every administration is supplied with a budget for their political appointees and how they use these people is up to them.

We face the problem of addressing that particular issue as administrations change. That budget is there for one administration after the other. I think that is where we get into some real problems.

Again, I know my colleagues are well-intended. But we have cut $1.2 billion out of this budget since January of last year. We have tried to do it in a responsible manner, in making those cuts where we can make them.

Reference was made to ATF and the church fires. The money that we put into ATF and the church fires we took from the IRS. So if we are going to cut another 1.9 percent, that does not make a whole lot of sense either. The ATF is going to be downsized about 445 employees. So that agency is already taking cuts. As I mentioned earlier, most of these agencies have been cut 10, 15, 20, some as high as 40 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I recognize that the chairman has done and his committee have done great work on this. But I want to change the perspective for a minute about what we are talking about.

We are talking about two pennies, two pennies out of every dollar we spend in this and every other appropriation bill to try to preserve the pattern of getting a balanced budget, No. 1; No. 2, living up to the commitment that this Congress made a short 8 months ago.

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Mr. Chairman, I would draw the analogy we are getting ready to see the Olympics. The Americans who trained for the Olympics, if their coaches and if their trainers had said, "You cannot do any better," they are not going to compete well, but the fact is, everywhere in this Federal Government is fat, tons of fat, lots of places to save money, lots of places to become more efficient, lots of places to achieve economies of scale that have not been recognized and not been looked at.

The fact is that it takes hard leadership to set that standard for the people who are going to spend this money, and what we would like to do is to say we recognize the tremendous efforts that have been moved in that direction. We just think that we can go further, and we would like for our colleagues to consider the 2 percent, 1.9 percent. Why? Children and grandchildren.

Mr. Chairman, this deficit is not going to be $115 billion this year. There is another $65 billion on top of that recognized from the use of Social Security funds to fund the general obligations of this Government. So at the minimum it is $180 billion this year.

I ask that my colleagues support this bill.

Mr. GUTKNECHT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes 15 seconds.

Mr. GUTKNECHT. Mr. Chairman, at several points in this debate we heard about priorities, and I just want to make it clear we are not changing the priorities of this subcommittee, and we are not saying they did the wrong things, but what we are saying is, I think it is an old German expression, it maybe an old Iowa expression: "Fool me once, shame on you; fool me twice, shame on me," and if we look at the history of what has happened around this place and in this city over the last 10 or 15 years, we have one budget deal after another budget deal. We had Gramm-Rudman, we had this deal, there were promises made to the American people, and what they all amounted to was this: Manana, tomorrow, next year; we are going to fix it next year.

But if we are going to balance the budget, it is not what we do next year that counts. It is what we do now, it is what we do every day, it is what we do on every appropriation bill.

Now, I think those guys have done great work, and I admire the Committee on Appropriations and the Committee on the Budget for all they have done. I do not serve on either on those committees, and a little over a month ago they brought a bill or the Committee on the Budget brought a bill to the floor, and I voted against it, and a bunch of my freshman colleagues voted against it because we began down that slippery slope once again saying, "Well, the deficit is going to go up this year, but we'll fix it next year." We cannot cut 4.1 billion dollars' worth of spending in this appropriation bill, but in 3 years we will cut $47 billion.

Now, maybe my colleagues believe that, maybe the American people believe that, but I have got to tell my colleagues as just one Member I have trouble believing that. And so it is what we do every day that counts. That is why this little 1.9-percent amendment is so important. It is about setting priorities that our colleagues set, it is accepting those priorities, but it is saying we are going to ask the bureaucracies at every level to find an extra 1.9-percent worth of fat in their budget, and I do not think there is a small business person, I do not think there is a farmer, I do not think there is a taxpayer in America who does not believe that we cannot find 1.9 percent worth of fat in every Federal bureaucracy.

That is what this amendment is about. It is about keeping our word, it is about doing our work every single year and not saying manana, next year, next 3 years from now, then we are going to balance the budget.

This is hard work, but the American taxpayers and the American families did not send us here to do what was easy. They sent us here to do what was hard; 1.9 percent is not too much to ask. It is about preserving the American dream for our kids. It is an important amendment. I would request a "yes" vote.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself the remainder of the time.

I say to my friend from Minnesota we are doing what is hard. A 1.9 percent cut is a coward's way out. it is an easy way to do it. Oh, we just slash across the board. We do not care what happens, who gets hurt, who falls. The Committee has been doing the hard work. What do our colleagues not understand about $513 million less this year than last year? What do our colleagues not understand about $1.2 billion less than January 1995?

We are on the glide slope to a balanced budget. It fits in with our budget resolution. We have a plan. We are trying to get there. And I resent the idea that someone who has not put in any work on this committee, knows nothing about the hours and hours of negotiations that have taken place, comes up and says are not doing our job.

It is about time that we realized what we are doing here and quit this self-flagellation. We are headed toward a balanced budget. We have a budget resolution that will get us there. The Committee on Appropriations is spending the money or cutting back on the spending of the money in order to fit in with that budget resolution which will get us there over a period of time, in 6 or 7 years. We are not going at it willy-nilly. We are trying to use some responsibility in the way we go about it. We are trying to downsize government. We are. We cut out over 200 programs. We will continue to cut more.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would like to comment just briefly.

I tell my friend from Minnesota this is the easy work: 1.9 percent across the board is not a hard lift. What is a hard lift is telling people, "You're not going to get as much money next year in Social Security or Federal retirement or on Medicare or Medicaid." I understand that. We have had that debate.

That is the hard business. Why? Because, I tell my friend from Minnesota, we are spending less and less and less on discretionary spending in America every year.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demanded a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: Page 119, insert the following after line 8:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 801. None of the funds made available in this Act for the United States Customs Service may be used to make, issue, prescribe, take, implement, administer, or enforce any determination, finding, rule, order, policy, or other action relating to trade relations between the United States and the People's Republic of China when it is made known to the Federal official having authority to obligate or expend such funds that such determination, finding, rule, order, policy, or other action has the effect of allowing imports into the United States of products of the People's Republic of China that were mined, produced, or manufactured with the use of prison, slave, or child labor.

Mr. HOYER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Maryland reserves a point of order.

Pursuant to the order of the House of Tuesday, July 16, 1996, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 5 minutes, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, our amendment simply states that no funds made available to the United States Customs Service may be used to allow the importation of Chinese goods into the United States that were made with the use of prison, slave or child labor.

Now, under a previous memorandum of understanding signed in August 1992 between the United States and the People's Republic of China along with the statement of cooperation signed then 2 years later in 1994, the United States Customs Department is already directed to monitor and ban the importation of such goods, but we know that there is convincing evidence that the United States Customs Service has not been doing so and not following the law.

Now, this amendment is very important because it reiterates the commitment of this Congress not to allow the importation into this marketplace of goods made with child, prison, or slave labor. We know that in China 5 to 50 million children are currently working under slave labor conditions in horrendous sweatshops. We also know that 80 to 90 percent of convicts in China are placed in forced labor conditions in Laogai prison camps in the name of reeducation through labor, and there are plenty of publications available that describe what happens. In fact, some of our Members on both sides of the aisle have gone into these camps, even returning here at home with those gum shoes and other products that are sold into this marketplace which should not even be allowed over our borders.

We know the latest Amnesty International report on China redocuments the fact that the government treats its own people with contempt, and in regard to prison labor we know that the Chinese Government and prison authorities have knowingly, knowingly sought to evade China's commitment to the two agreements we as a Nation signed with them. In fact, in our own State Department's 1995 country report on human rights practices it is stated, and I quote directly:

> Repeated delays in arranging prison labor site visits called into question Chinese intentions regarding China's commitments.

Now, under our laws the United States Customs Department is already directed to monitor and enforce the prohibition of Chinese goods made under those specific conditions. There may be some questions with the reservation that was asked for, but I hope will be suspended when this is complete, that any impact on funds directed to the U.S. Customs Department and subsequent revenue collection activities would only be impacted under this amendment if there is evidence that Chinese goods made under these conditions are still being allowed into our marketplace.

At present there is ostensibly no tariff revenue collected on Chinese goods made under these conditions because ostensibly the United States Customs Department should be complying with United States law.

Now, let me add there are other points here, other egregious examples of where our United States-China trade relationship is off on the wrong foot and really fails to protect our national interests, and these are so compelling and so indisputable and so vital to address I wish there were a way to do it under this measure. But we are narrowly focusing our attention on just those goods made under those three conditions that we do not want into this country.

But let me mention that we have a growing trade deficit with China, this year over $40 billion a year, lost jobs in this marketplace, lost revenues to our treasury and lost business to our exporters and manufacturers partly due to the lack of reciprocity between this market and the Chinese market where, under China MFN, we give China a 2-percent tariff advantage in our marketplace. They only have to pay 2 percent for their goods come in here. Yet they charge us 40-percent tariff rates on a whole range of products which I will be submitting to the record as evidence here. And also the dual exchange rate system that they operate that truly disadvantages our exporters and acts as a $15 billion tax in the form of tariffs due to this exchange rate differential on our manufacturers exporting into that market. And I will be submitting that evidence for the record of this very lopsided trading relationship that effectively discriminates severely against U.S. interests.

But in terms of this amendment there can be no question that through China's use of prison, slave, and child labor they should not be able to make goods that then find their way into this marketplace, and it is the obligation of the United States Customs Service to enforce the laws of this country.

Mr. Chairman, I submit the following information for the RECORD:

TABLE A3.1: AVERAGE TARIFF LEVELS

[In percent]

HS Chapter	Trade weighted	Unweighted
0	34.7	44.4
1	24.8	42.7
2	18.8	27.4
3	18.6	40.1
4	23.2	35.1
5	60.1	66.2
6	71.1	79.9
7	18.9	27.6
8	32.2	34.1
9	42.6	48.9
Total	31.9	42.8

Note.—These trade weighted tariff levels have been estimated using first quarter import data for 1992 at the six-digit HS level, and information on tariff rates at the nine-digit level of disaggregation, both provided by the Customs Directorate.

Source: Chinese Customs Directorate and staff estimates.

TABLE A3.2: CHINA AVERAGE TARIFF RATES

[By SITC 2-digit codes]

Line number	SITC Rev 2, 2 digit	Simple avg. tariff rate	Weighted avg. tariff rate	Difference simple-weighted
1	0	0.00	0.00	0.0
2	1	54.62	50.46	4.2
3	2	57.18	31.43	25.8
4	3	38.88	32.36	6.5
5	4	36.86	6.96	29.9
6	5	53.12	45.17	7.9
7	6	52.14	39.95	12.2
8	7	44.54	48.01	−3.5
9	8	22.33	6.84	15.5
10	9	65.40	73.15	−7.8
11	11	126.25	88.48	37.8
12	12	116.67	143.44	−26.8
13	21	36.53	15.69	20.8
14	22	46.56	50.15	−3.6
15	23	22.06	26.94	−4.9
16	24	11.84	14.96	−3.1
17	25	2.00	2.00	0.0
18	26	31.80	27.62	4.2
19	27	27.21	18.95	8.3
20	28	6.32	4.76	1.6
21	29	35.29	30.99	4.3
22	32	15.00	15.00	0.0
23	33	18.37	10.64	7.7
24	34	30.00	59.00	−29.0
25	41	41.25	36.17	5.1
26	42	29.12	25.83	3.3
27	43	46.00	45.35	0.7
28	51	19.59	18.71	0.9
29	52	21.26	21.51	−0.3
30	53	31.54	31.51	0.0
31	54	22.37	31.06	−8.7
32	55	85.35	50.22	35.1
33	56	5.38	5.05	0.3
34	57	39.33	30.15	9.2
35	58	33.37	32.09	1.3
36	59	30.38	32.62	−2.2
37	61	47.95	27.85	20.1
38	62	36.53	35.87	0.7
39	63	31.50	22.05	9.5
40	64	36.66	34.27	2.4
41	65	70.73	66.17	4.6
42	66	44.79	28.74	16.1
43	67	14.97	13.45	1.5

TABLE A3.3A: CHINA: STRUCTURE OF PRODUCTION, IMPORTS AND EXPORTS

[By two-digit SITC (revision 2) category, 1985]

Serial No.	SITC 2 code	Label	GVIO 1985 (Current) (Y mil.)	GVIO 1985 (Current) ($ mil.)	Imports 1985 (Current) ($ mil.)	Exports 1985 (Current) ($ mil.)	Share of GVIO 1985 (% total)	Imports/GVIO (%)	Exports/GVIO (%)
	0	Live animals, chiefly for food							
1	1	Meat and preparations	11,577	3,942	6.3	431.1	1.4	0.2	10.9
2	2	Dairy products, birds' eggs	1,179	402	29.1	53.1	0.1	7.2	13.2
3	3	Fish and preparations	1,067	363	41.3	267.9	0.1	11.4	73.8
4	4	Cercals and preparations	26,443	9,004	902.7	1007.5	3.3	10.0	11.2
5	5	Vegetables and fruit	4,011	1,366	47.5	781.6	0.5	3.5	57.2
6	6	Sugar and preps, honey	8,119	2,765	263.1	74.1	1.0	9.5	2.7
7	7	Coffee, tea, cocoa, spices	3,407	1,160	38.5	484.7	0.4	3.3	35.7
8	8	Feeding stuff for animals	2,487	847	78.7	224.6	0.3	9.3	26.5
9	9	Misc. edible products	2,253	767	21.4	62.0	0.3	2.8	8.1
10	11	Beverages	13,713	4,669	20.2	67.5	1.7	0.4	1.4
11	12	Tobacco and manufactures	20,226	6,887	173.3	32.9	2.5	2.5	0.5
	21	Oilseeds and oleaginous fruit							
	22	Hides, skins, furskins							
12	23	Rubber, crude	371	126	205.5	3.5	0.0	162.5	2.8
13	24	Cork and wood	8,069	2,748	812.5	8.9	1.0	29.6	0.3
14	25	Pulp and waste paper	58	20	208.8	0.2	0.0	1056.8	1.2
15	26	Textile fibers and waste	18,589	6,330	1,031.8	1,076.6	2.3	16.3	17.0
16	27	Crude fertilizer, minerals nes	5,173	1,762	51.4	250.3	0.6	2.9	14.2
17	28	Metalliferous ores, scrap	3,640	1,239	520.7	214.8	0.4	42.0	17.3
18	29	Crude animal, veg. mat nes	4,662	1,588	91.4	377.0	0.6	5.8	23.7
19	32	Coal, coke and briquettes	24,393	8,306	59.7	328.4	3.0	0.7	4.0
20	33	Petroleum and products	45,980	15,657	46.4	6,300.5	5.7	0.3	40.2
21	34	Gas, natural and manufactured	1,556	530	1.9	3.1	0.2	0.4	0.6
22	35	Electric current	29,195	9,941	53.9	2.6	3.6	0.5	0.0
23	41	Animal oils and fats							
24	42	Fixed vegetable oil, fat	6,813	2,320	83.4	125.5	0.8	3.6	5.4
25	43	Processed animal veg oil, etc.	197	67	2.8	0.9	0.0	4.1	1.4
26	51	Organic chemicals	8,974	3,056	648.9	291.7	1.1	21.2	9.5
27	52	Inorganic chemicals	9,067	3,088	298.5	270.3	1.1	9.7	8.8
28	53	Dyes, tanning, color prod	6,198	2,110	131.2	72.7	0.8	6.2	3.4
29	54	Medicinal, pharm. products	8,078	2,751	96.1	280.8	1.0	3.5	10.2
30	55	Perfume, cleaning, etc., prd	5,612	1,911	24.1	103.5	0.7	1.3	5.4
31	56	Fertilizers, manufactured	13,223	4,503	1,375.6	1.7	1.6	30.5	0.0
32	57	Explosives, pyrotech prod	832	283	1.4	106.0	0.1	0.5	37.4
33	58	Plastic materials, etc.	11,705	3,986	1,346.4	39.1	1.4	33.8	1.0
34	59	Chemical materials nes	7,446	2,536	236.3	114.8	0.9	9.3	4.5
35	61	Lather, dressed fur, etc.	4,037	1,375	135.6	42.1	0.5	9.9	3.1
36	62	Rubber manufactures nes	10,646	3,625	14.1	48.7	1.3	0.4	1.3
37	63	Wood, cork manufactures nes	2,639	898	244.5	23.9	0.3	27.2	2.7
38	64	Paper, paperboard and mfr	15,989	5,444	407.2	142.1	2.0	7.5	2.6
39	65	Textile yarn, fabrics, etc.	97,651	33,252	1,502.3	3.051.7	12.0	4.5	9.2
40	66	Nonmetal mineral mfs nes	41,542	14,146	308.3	213.1	5.1	2.2	1.5
41	67	Iron and steel	55,054	18,747	6,650.0	110.3	6.8	35.5	0.6
42	68	Nonferrous metals	20,220	6,885	1,532.7	193.6	2.5	22.3	2.8
43	69	Metal manufactures nes	21,021	7,158	328.5	400.0	2.6	4.6	5.6
44	71	Power generating equipment	15,154	5,160	302.0	46.3	1.9	5.9	0.9
45	72	Machs for special industries	26.965	9,182	4,902.6	142.6	3.3	53.4	1.6
46	73	Metalworking machinery	11,634	3,962	287.8	27.1	1.4	7.3	0.7
47	74	General industrial machinery nes	18,933	6,447	980.6	47.9	2.3	15.2	0.7
48	75	Office machines, adp. equipment	1,532	522	956.6	9.8	0.2	183.4	1.9
49	76	Telecomm, sound equipment	13,803	4,700	2,389.5	85.8	1.7	50.8	1.8
50	77	Electric machinery nes, etc.	36,746	12,513	1,249.4	111.4	4.5	10.9	0.9
51	78	Road vehicles	29,775	10.139	3,063.0	54.5	3.7	30.2	0.5
52	79	Other transport equipment	7,830	2,666	1,366.7	193.3	1.0	51.3	7.3
53	81	Plumbing, heating, lighting equipment	1,625	553	35.6	35.2	0.2	6.4	6.4
54	82	Furniture, parts thereof	4,735	1,612	32.7	85.3	0.6	2.0	5.3
55	83	Travel goods, handbags	860	293	2.5	79.0	0.1	0.9	27.0

TABLE A3.3A: CHINA: STRUCTURE OF PRODUCTION, IMPORTS AND EXPORTS—Continued

[By two-digit SITC (revision 2) category, 1985]

Serial No.	SITC 2 code	Label	GVIO 1985 (Current) (Y mil.)	GVIO 1985 (Current) ($ mil.)	Imports 1985 (Current) ($ mil.)	Exports 1985 (Current) ($ mil.)	Share of GVIO 1985 (% total)	Imports/GVIO (%)	Exports/GVIO (%)
56	84	Clothing and accessories	16,301	5,551	13.8	1935.9	2.0	0.2	34.9
57	85	Footwear	9,801	3,337	7.0	242.3	1.2	0.2	7.3
58	87	Precision instruments nes	7,068	2,407	835.8	31.8	0.9	34.7	1.3
59	88	Photo equ. optical goods, etc.	3,950	1,345	371.0	60.3	0.5	27.6	4.5
	89	Misc manufactured goods nes	21,640	7,369	500.1	813.9	2.7	6.8	11.0
	95	Not classified elsewhere	21,640	7,369	500.1	813.9	2.7	6.8	11.0
	97	Not classified elsewhere							
		Total	811,463	811,463	37,371.2	21,619.0	100.0		

Source: China Statistical Yearbook, 1991 p. 360 for 1990 data on GVIO, NVIO; China Industrial Census for 1985 date.

TABLE A2.8: TRENDS IN EXCHANGE RATES

Year-quarter	Offical exchange rate (Yuan/$)	Secondary market rate (Yuan/$)	Weighted exchange rate for exports (Yuan/$)	Real effective exchange rate (official) 1980=10	Real effective exchange rate (secondary market) (1980=10)	Nominal effective exchange rate (official) 1980=10	Nominal effective exchange rate (secondary market) 1980=10
1987–I	3.72	5.25	4.39	4.05	2.87	5.41	3.84
1987–II	3.72	5.3	4.42	3.96	2.78	5.31	3.73
1987–III	3.72	5.46	4.49	4.07	2.78	5.44	3.71
1987–IV	3.72	5.61	4.55	3.97	2.78	5.24	3.48
1988–I	3.72	5.7	4.59	3.97	2.64	5.17	3.38
1988–II	3.72	6.3	4.86	4.13	2.59	5.23	3.09
1988–III	3.72	6.6	4.99	4.67	2.44	5.60	3.16
1988–IV	3.72	6.65	5.01	4.72	2.63	5.48	3.07
1989–I	3.72	6.65	5.01	4.95	2.64	5.67	3.17
1989–II	3.72	6.6	4.99	5.23	2.77	6.06	3.42
1989–III	3.72	6.55	4.97	5.24	2.95	6.36	3.61
1989–IV	3.89	5.9	4.77	4.86	2.98	6.16	4.07
1990–I	4.72	5.91	5.24	3.93	3.21	5.26	4.20
1990–II	4.72	5.81	5.20	3.96	3.14	5.45	4.43
1990–III	4.72	5.8	5.20	3.70	3.22	5.27	4.39
1990–IV	4.97	5.7	5.29	3.33	3.08	4.84	4.24
1991–I	5.22	5.8	5.68	3.19	2.92	4.75	4.33
1991–II	5.31	5.84	5.73	3.33	2.91	4.95	4.33
1991–III	5.36	5.87	5.77	3.30	3.03	4.93	4.51
1991–IV	5.39	5.87	5.77	3.15	3.02	4.79	4.36
1992–I	5.46	5.95	5.85	3.12	2.87	4.80	4.37
1992–II	5.5	6.25	6.10	3.13	2.75	4.84	4.26
1992–III	5.5	7	6.70	3.07	2.46	4.76	3.81
1993–I	5.73	8.41	7.87	3.16	3.17	4.88	3.35

Source: International Monetary Fund and Staff Estimates.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

Mr. HOYER. Yes, Mr. Chairman, I reserved the point of order, and may I be recognized under my reservation?

The CHAIRMAN. The gentleman from Maryland wishes to pursue his point of order and is recognized.

Mr. HOYER. Mr. Chairman, previously on another amendment, the Solomon amendment, I raised the issue with respect to these, quote, "made known" amendments. Members are offering these made known amendments so that they comply with the rules. It is understandable.

In this case I strongly agree with the gentlewoman from Ohio [Ms. KAPTUR], as she knows, and I have been very concerned about the practices of countries around the world, and specifically, of course, the People's Republic of China.

However, the reason I reserved the point of order is to again make the point to the Members of the House to look at the language of this made known amendment: None of the funds made available in this act for the U.S. Custom Service may be used to make, issue, prescribe, take, implement, administer or enforce any determination, finding, rule, order, policy or other action relating to trade relations between the United States and the People's Republic of China when it is made known to the Federal official.

Now, here we do not even know which Federal official it is.

When it is made known to the Federal official having authority to obligate or expend such funds that such determination, finding, rule, order policy or other action has the effect of allowing imports into the United States of products of the People's Republic of China that were mined, produced or manufactured with the use of prison slave or child labor.

I agree with that sentiment.

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But let me suggest to the Members what it requires the Federal officials to do. The Federal official, first of all, has to make a determination—was it manufactured, mined, produced with prison, slave, or child labor? So the Federal official must do that, presumably, unless he simply or she simply takes at face value the representation of anybody, because the made-known amendments do not specify who it is, of anybody who calls up and says to that Federal official: Hey, guess what, your rule, regulation, or policy has the effect of accepting goods from China which are produced by slave or child labor.

There is a problem with these made-known amendments. Is the Federal official to simply take that at face value no matter who picks up the phone and calls or writes? A competitor? Somebody who wants to undermine trade? Somebody who wants to attack the importer? Somebody who wants to attack the exporter in China? Who knows what the motivation might be of the party making known.

I urge the Chair, I urge those making this determination to carefully consider the premise underlying the making in order of these amendments. I would say to the chairman, who is a distinguished member of the Committee on Rules and a leader on his side of the aisle and in this House on rules changes, that we need to carefully review what we are generating in this House, not as it relates to the substance of either the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] or the gentleman from New York [Mr. SOLOMON], but in terms of what we are getting ourselves into in terms of a policy of telling to our Federal officials who are responsible for carrying out their duties and responsibilities. We are suggesting if somebody calls you up and makes it known to you, you cannot spend any money and you cannot pursue the objectives.

I suggest that makes no sense. Therefore, I again respectfully suggest that the underlying rationale of the sustaining of this kind of amendment as consistent with the rules ought to be overturned.

The CHAIRMAN. The Chair appreciates the recommendation of the gentleman from Maryland.

Mr. KOLBE. Mr. Chairman, I also rise on a point of order, a different point of order.

I make a point of order against the amendment on the grounds that it cites clause 5(b) of rule XXI of the House, and ask that I be heard.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized on the point of order.

Mr. KOLBE. Mr. Chairman, clause 5(b) of rule XXI states that no amendment that includes a tax or a tariff measure may be considered in the House of Representatives to a bill that is reported from any committee that does not have jurisdiction.

This amendment clearly contains a tariff measure. It is a tariff measure in the form of prohibiting the use of funds in the bill to enforce policies, regulations, rules, relating to trade relations between the United States and the People's Republic of China.

The primary role of the Customs Service in regulating trade relations with China, in fact almost its only one, is to collect customs duties on imports from China. Therefore, this amendment has a direct and inevitable, let me repeat, inevitable effect on tariff revenues.

To be somewhat more specific, first, Customs is the only Government agency directly responsible for collecting tariffs on imported products. Nobody else can do that. Second, the only source of funding for the Customs Service is through the appropriation bill. That is the act we are considering here today.

Third, the United States currently engages in trade with China that involves dutiable goods. Nobody contests that.

Fourth, the operation of this amendment would clearly affect and in some way would arrest the flow of goods. That is, when the Customs Service becomes aware of any imports from China of products using prison, slave, or child labor, even though they have no legal authority, perhaps, to deny them entry into the United States, when they become aware of it, then all funding relating to trade relations between the United States and China would cease. That means Customs has no ability, no funding, therefore no ability, to collect tariff revenues which are now being collected under current law due on the importation of goods that come from the People's Republic of China.

That is why I would argue, Mr. Chairman, that this amendment has an inevitable, a direct, and irrefutable effect on revenues. Therefore, consequently, the amendment is a tariff measure subject to a point of order made under rule XXI, clause 5(b). In light of the fact the measure was not reported by the Committee on Ways and Means, which has jurisdiction on tariff measures, I believe this point of order applies, and I would urge the Chair to sustain the point of order.

The CHAIRMAN. Are there any Members who wish to be heard in opposition to either the point of order of the gentleman from Maryland [Mr. HOYER] or the point of order of the gentleman from Arizona [Mr. KOLBE]?

Ms. KAPTUR. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I listened carefully to the gentleman's argument, Mr. Chairman, on the point of order. I must point out that the section that the gentleman refers to, I think, rule XXI, clause 5(b), this particular amendment that we are offering, which is not the one that was listed in the Congressional Digest this morning, is a different amendment.

The reason that this does not violate that rule is simply because there is ostensibly no tariff revenue collected on these Chinese goods made under these conditions because the U.S. Customs Department should be complying with the law. In other words, these goods should not be coming over our shores, and, therefore, revenues should not be being collected on them.

So this particular amendment is revenue-neutral, unlike, perhaps, another amendment that was being contemplated which might have been proper to raise a point of order against yesterday. This is a different amendment. Therefore, it does not have any revenue impact. It does not violate any jurisdiction of any other committee in this Chamber. It merely asks the Customs Service to enforce the laws that we have placed on them, but it does not have any revenue impact.

Mr. KOLBE. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. If I might respond, Mr. Chairman, I am aware that the amendment that the gentlewoman from Ohio has offered is different, considerably different, I might say, than the one that was the subject of the unanimous-consent agreement yesterday.

However, the point of order that I made was made against that amendment that was offered here today, not against the one that was being offered yesterday. I believe my point of order still applies, most particularly because prison slave and child labor are undefined here. Therefore, child labor is not subject to the legislation which the gentlewoman referred to.

Therefore, if the simple statement is made, as the gentleman from Maryland [Mr. HOYER] pointed out earlier that something is subject to this, then it would be made known, and therefore all funding would cease immediately to the Customs Service for its work in China. Therefore that would have an effect on tariffs.

It is inevitable. It must have an effect. That is the whole point of the gentlewoman's amendment, to have that kind of effect. Therefore, it would have that effect. It has not been reported by the Committee on Ways and Means, and rule XXI clause 5(b) does apply.

The CHAIRMAN. Does the gentlewoman from Ohio [Ms. KAPTUR] wish to be heard further on the point of order?

Ms. KAPTUR. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I just wanted to take a few seconds to say that if the Chair were to sustain the gentleman's point of order, it would mean that in that act, the Chair sanctions illegal goods coming into the United States with revenue being collected on those goods against the intent of our law. It would also mean that the U.S. Customs Service is breaking the law.

Finally, it would mean that the question for the Member making the point of order is, what illegal goods are coming in and how much revenue is being collected? It is aimed at enforcing current law, which is well-defined in terms of prison labor, child labor, and slave labor. It is merely meant to send a very strong signal to the customs agency that it is time to enforce the laws on the books and the two memoranda of understanding and statements of cooperation with China.

The CHAIRMAN. The Chair would inquire of the gentleman from Maryland [Mr. HOYER] if he insists on his point of order.

Mr. HOYER. No, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order that has been propounded by the gentleman from Arizona [Mr. KOLBE].

The gentleman from Arizona makes a point of order that the amendment offered by the gentlewoman from Ohio violates clause 5(b) of rule XXI prohibiting the consideration of an amendment carrying a tax or tariff measure to a bill reported by a committee not having that jurisdiction.

The amendment offered by the gentlewoman from Ohio seeks to prohibit use of funds made available by the bill for the Customs Service to take any action relating to trade relations between the United States and the People's Republic of China when it is made known to the appropriate Federal official that such action would have a specified effect.

Clause 5(b) of rule XXI provides a point of order against an amendment carrying a tax or tariff measure to a bill reported by a committee not having that jurisdiction. In determining whether a limitation on a general appropriation bill constitutes a tax or tariff measure proscribed by clause 5(b), the Chair must consider among other things whether the limitation would inevitably change revenue collections. As stated on page 655 of House Rules and Manual, the burden is on the Member making the point of order to show the inevitability of the tariff change.

The amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] would cause funding for the United States Customs Service for any action, including duties, rules, and policies relating to trade relations between the United States and the People's Republic of China, to cease when certain information becomes known to the official concerned.

Taking notice of the fact that some of the dutiable goods mentioned by the gentlewoman from Ohio produced in the People's Republic of China currently enter the customs territory of the United States under existing law where tariffs are assessed by the Customs Service using funds in this bill, the Chair finds that the operation of the instant limitation would arrest the flow of certain dutiable imports. Thus, the amendment would inevitably affect revenue collections by the Customs Service.

Accordingly, the point of order is sustained. Are there further amendments?

Mr. HOYER. Mr. Chairman, I do not have a further amendment at this point in time, but I ask unanimous consent that I be allowed to enter into a colloquy with the gentleman from Iowa [Mr. LIGHTFOOT] and the gentleman from Florida [Mr. MICA].

The CHAIRMAN. Does the gentleman from Maryland [Mr. HOYER] move to strike the last word?

Mr. HOYER. No, Mr. Chairman, I ask unanimous consent to allow myself and the gentleman from Florida to enter into a colloquy with the chairman.

The CHAIRMAN. Under this request, does the gentleman from Maryland plan to control the time of debate?

Mr. HOYER. No, sir. I would think that the chairman would control time.

Mr. MICA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman form Florida [Mr. MICA] is recognized for 5 minutes.

POINT OF ORDER

Mr. HOYER. Point of order, Mr. Chairman.

the CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, is striking the last word in order under the unanimous-consent agreement?

The CHAIRMAN. The gentleman asked unanimous consent to strike the last word. There was no objection, and he was recognized for 5 minutes.

Mr. HOYER. Fine, Mr. Chairman.

Mr. MICA. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. Chairman, I am deeply concerned about the practice of the Office of Personnel Management of turning over Federal employees' home addresses to labor organizations. This practice I believe is an egregious violation of the privacy of Federal employees.

On April 17, 1996, OPM, the Office of Personnel Management, put into effect a proposal to give bargaining unit employees home addresses to the labor unions. This was instituted despite a 1994 Supreme Court decision that held in fact that the Privacy Act prohibited unions from obtaining the home addresses of Federal employees under the Freedom of Information Act.

To get around the Supreme Court decision, OPM created what is called a routine use under the Privacy Act. Documents show that the administration lawyers developed this method of evading the Supreme Court's ruling in response to a request from the Vice President.

In light of what I consider the improper and unjustified collection of FBI files of former White House Republican staffers and the release of employees' home addresses, it appears to me that this wholesale invasion of Federal employees' privacy is now becoming the administration's policy.

Unfortunately, according to a letter sent to the president of the American Federation of Government Employees by the Director of Office of Management and Budget, Alice Rivlin, the administration in fact intends that all other agencies will be releasing the names and home addresses of bargaining unit employees.

I commend the gentleman, the chairman, for his distinguished service, the gentleman from Iowa [Mr. LIGHTFOOT], and for including in the report language in this bill language that expresses his concern about the violation of Federal employees' privacy.

However, I urge the gentleman to further address this issue in the conference committee in light of the seriousness of this practice. It may in fact be necessary to include a statutory prohibition against this practice. I was prepared to offer an amendment today, and I am not going to do that because of the cooperation of the chairman. I would ask if he would be willing to consider proposing that statutory language be included in the conference committee.

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Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, as the gentleman is aware, I am very deeply concerned about the policy of the Clinton administration to release the home addresses of employees of the Office of Personnel Management. I have included report language that directs OPM to explain, in writing, why it failed to provide any notification to the Committee on Appropriations.

I appreciate the gentleman's concern, and shall be very pleased to further consider this issue in conference. I look forward to working with the gentleman on this very important matter.

Mr. MICA. Mr. Chairman, I thank the gentleman for his cooperation in this matter.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. HOYER. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee concerning the Internal Revenue Service.

Mr. Chairman, both the Secretary of Treasury and I believe that the funding levels provided in this bill for IRS, which are 11 percent below current spending, will adversely affect the 1997 filing season and may in some instances ultimately impede the collection of taxes. I know that this is not the chairman's intention. I also understand that the Senate has a higher spending allocation for the Treasury/Postal Subcommittee. In the event that the subcommittee receives a higher allocation when we go to conference with the Senate, can the chairman share his intentions regarding specific funding levels for IRS?

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would like to commit to the gentleman now that my intentions are to fully fund IRS at a level that would ensure not only a successful 1997 filing season but also an efficient and modernized IRS for the future. My goal all along has been simply to get the tax systems modernization program back on track. Unfortunately, that means taking some very dramatic steps. I understand the legitimate concerns of the gentleman from Maryland and am committed to scrubbing these numbers as we move toward conference with the Senate. I would also like to point out to the gentleman it was never the intention of the committee to hinder the 1997 filing season. The amounts provided in this bill for 1997 are based on numbers given to the committee by the administration and the IRS. But I can assure the gentleman we will work together to get the right numbers, ones that are built on a solid set of assumptions and are adequately justified. I am optimistic that my distinguished ranking member will be able to join me in this effort as we negotiate our bill with the Department of the Treasury.

Mr. HOYER. I thank the chairman for his remarks. I will be pleased to work with the chairman on this very important issue. I would also appreciate a bit more clarification regarding the operational components of the tax systems modernization program. As the bill is currently written, my concern is that some programs, such as electronic filing, will come to a standstill.

What types of accommodations is the chairman willing to make as we conference this bill as it relates to the operational TSM programs?

Mr. LIGHTFOOT. If the gentleman will yield further, it is not my intent to underfund either the current computer system referred to as "Legacy" or the operational components of TSM. I can assure the gentleman that it is not my intention nor desire to stop successful TSM programs such as the electronic filing initiative developed by IRS. Unfortunately, IRS, has funded programs such as this together with TSM. It is my hope that IRS can give this subcommittee a solid definition of what is considered a legacy system, what is considered an operational TSM program, and what is considered a developmental TSM program. On that basis, we are prepared to fund those successful TSM programs that can be justified in the upcoming year.

Mr. HOYER. I thank the gentleman for his clarification, and I would like to work closely with the chairman on this issue as we have on so many others. I share his concerns that we need to develop a very solid and clear definition of what operational TSM is, what is developmental TSM, and what is considered a legacy system.

Mr. Chairman, I would also like to have clarified the issue of contracting out of TSM and specifically putting the responsibility for a new contract into the hands of the Department of Defense. I cannot support, as the gentleman knows, this proposal. Can the gentleman share with me his intention as it relates to this issue?

Mr. LIGHTFOOT. If the gentleman will yield further, I understand my colleague's concerns on this issue. We have very carefully listened to these points, as we discussed this in subcommittee and full committee. My point here is very simple. I am firmly committed to taking IRS out of the business of writing this very large contract. Quite frankly, I have not been convinced IRS is capable of managing a contract of this size. There is simply too much evidence to the contrary to ignore. Having said that, as I said in my opening statement, I invite Treasury to the table to begin negotiations with me on who should have responsibility for the contract. I am not wedded to this contract going to DOD. Again, I have listened to the gentleman's concerns. I believe that they are very legitimate. I am very clearly willing to negotiate on this point, but there is one point that I will not negotiate, and that is simply this: The IRS is out of the business of TSM contracting.

Mr. HOYER. I thank the chairman for that clarification.

Mr. Chairman, I have one final point that needs clarification. The bill requires the IRS maintain taxpayer services at 1995 levels. I am concerned that this provision will require IRS to reopen walk-in taxpayer service centers rather than allow IRS to rely on more cost-effective telephone service. Can the gentleman clarify his intent on this provision?

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. LIGHTFOOT, and by unanimous consent, Mr. HOYER was allowed to proceed for 5 additional minutes.)

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I can assure the gentleman that this provision was carefully written so the IRS can apply it in the broadest way possible. In other words, should IRS feel it is better to provide taxpayer assistance through the telephone, they would simply be able to do so. The only point of this provision is to assure that taxpayers receive the same level of service that they did in 1995.

Mr. HOYER. I thank the gentleman for those comments. I share many of the chairman's concerns as it relates to TSM as he knows, and we have worked together to make those concerns known to the Treasury Department and to the Internal Revenue Service. I believe we must take strong action to be sure this program is ultimately successful and gives us a tax administration system that is efficient and effective. I am committed to working with the chairman on these and other important issues as we move to conference with the Senate. Again I would reiterate my thanks to the chairman for these clarifications.

The CHAIRMAN. Are there further amendments to the bill?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that in lieu of offering the last amendment I have listed that I be allowed to address the House for up to 10 minutes and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, let me start by commenting, as I have in the past, that all too often the American public sees on the floor of this House through C-SPAN or through other means the Members fighting in a way that appears that they are not at all conversing or trying to work constructively toward solving the problems that confront this country.

One of the happy instances of my service in the House of Representatives is to serve both as chairman, with the gentleman from Iowa as ranking member, and now as ranking member with the gentleman from Iowa [Mr. LIGHTFOOT] as the chairman.

He is a constructive, positive participant in the legislative process. He is a man that tries to make common sense and to serve his constituents and the people of America as best he can. We have from time to time serious disagreements, and the happy news is that we have those disagreements as friends. I would hope that more Americans could see that happening so that they would have more confidence in their elected officials and in the process which sometimes they come to be frustrated with and lose faith in.

Mr. Chairman, I rise because the chairman and I have had a significant disagreement, but in a constructive way. We have just had a colloquy which clearly indicates that the chairman and I are going to be working together to try to bridge those differences, to ensure the proper operations of the offices under our responsibility.

The chairman and I have agreed on the law enforcement components and, very frankly, I think if we had more money, we would in some ways want to further enhance the law enforcement capabilities of the Treasury Department's law enforcement agencies. They do a critically important job, and I congratulate the chairman for his efforts in that regard.

Mr. Chairman, as I raised in my opening statement, and I want to reiterate, I will be opposing this bill, notwithstanding the fact that I expect to work constructively with the chairman as we go to conference and in conference to hopefully bring a bill back to the House that we can both support and feel comfortable with.

Mr. Chairman, I have referred to a number of items, but in closing this debate in opposition to the passage of this bill, let me raise some specific concerns again to remind the Members why I believe this bill does not do what it ought to do.

First of all, I refer again to the letter of the Committee on Ways and means. I refer to the committee's letter because it comes from the Republican chairman, the chairman is of the majority party, the gentleman from Texas [Mr. ARCHER].

Quite obviously, I want to make sure that folks know that there is a legitimate policy difference here, not simply a political difference. There may be political difference. There may be political differences but there is a genuine policy difference that is being discussed. That policy difference is whether this bill provides sufficient resources to allow the Internal Revenue Service to collect fairly and properly the revenues due under the existing tax system and provide the funds both to reduce the deficit and to fund very critical services.

I see the chairman of the committee on Veterans' Affairs here. He cares deeply, as I do, about making sure that veterans' services, which we owe them and want to give them for their service to the country, are funded properly. If IRS does not collect any moneys, I tell my friend from Arizona [Mr. STUMP], he will not nor will I have any money to support those objectives.

Mr. Chairman, I have constructed a chart here to incorporate the letter of June 26, and I want to refer to three of its comments, because again in a bipartisan way, the gentleman from Texas [Mr. ARCHER], the Republican chairman of the Committee on Ways and Means, which as all the Members know, oversees the IRS and has the responsibility to make sure IRS is doing the proper thing, as we do on the Committee on Appropriations, but our particular responsibility is to fund those services.

In the letter, the gentleman from Texas [Mr. ARCHER] says this: However, contrary to the assertion in the subcommittee's report that, "within the funds provided, the IRS should be able to accomplish its mission."

That was clearly the premise of the subcommittee because the chairman and the staff want to make sure the IRS can do its duties. But there is a significant disagreement. The gentleman from Texas [Mr. ARCHER] says, "We are very concerned that the funding levels in the subcommittee's mark will seriously impair the IRS's ability to perform its core responsibilities."

I tell my friends in the majority party, that is not some Democrat that is just an apologist for Government. The gentleman from Texas [Mr. ARCHER] is not known as that. He is a responsible American who is chairman of a committee who says that he is concerned because their core responsibilities are important to all the people of America.

The letter goes on to say, again signed by the gentleman from Texas, Mr. ARCHER and NANCY JOHNSON, the majority party's Chair of the Oversight Subcommittee, "We are very concerned that the cuts proposed in funding for IRS Information Systems will seriously endanger the IRS's ability to perform its most important functions."

Again, they are saying you have not just cut the flesh, not just the muscle, you are down to bone in terms of the appropriate carrying out of the responsibilities. We "will seriously endanger the IRS's ability to perform its most important functions, the timely processing of tax returns," and every American wants their tax return timely processed. Why? Because if they are due a refund, they want it as quickly as possible.

The gentleman from Texas [Mr. ARCHER], the chairman, is saying, we are putting that at risk in this bill.

He goes on to say, "And the collection of taxes impose a collateral risk of impairing the IRS's ability to provide efficient customer services to the Nation's taxpayers."

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There is not a Member here that wants to, as is the fear of the gentleman from Texas [Mr. ARCHER], undermine the efficient customer service to the Nation's taxpayers.

Let me refer to one additional item that the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON], as well as the gentleman from Florida [Mr. GIBBONS] and the gentleman from California [Mr. MATSUI], raise a concern about. We are also very concerned that some of the proposed budget cuts create a very significant risk. Hear me, my friends, hear the gentleman from Texas [Mr. ARCHER].

The gentleman from Minnesota raised the issue about the deficit. The gentleman and I agree on that. Listen to what the gentleman from Texas [Mr. ARCHER], not the Democrats, the gentleman from Texas, who I would think the gentleman from Minnesota agrees is equally, if not more, concerned about the budget deficit than I am. He is certainly equally concerned. We are very concerned that some of the proposed budget cuts create a very significant risk that substantial Federal revenues could be lost, thereby exacerbating the Federal budget deficit problems. That is the gentleman from Texas, Mr. ARCHER, talking, not the gentleman from Maryland, STENY HOYER. We have a serious responsibility to be honest with the American public, and we need to stand and say yes, we want to save money. As I have said before, I voted for a balanced budget amendment on two or three or four occasions and believe in it and continue to support it because we need to bring down the deficit.

The good news in America today is that under President Clinton and the previous Congress and this Congress, we have brought the budget deficit down 4 years in a row. If you look at the graph, it is at its lowest point since it was since 1980, 15 years ago, and it is on a downward slope, and it is the first time, Mr. Chairman, that we have brought the deficit down 4 years in a row in this century. In 91 previous years, 92 previous years, we had not accomplished that objective. In 1993, 1994 and 1996, we brought the deficit down 4 years in a row. We are on the right track.

But what does the gentleman from Texas, [Mr. ARCHER] say? The gentleman from Texas [Mr. ARCHER] says, and the committee's leadership on both sides of the aisle agrees, we are concerned that the proposed budget cuts create a very significant risk that the budget deficit reduction effort will be undermined. Vote against this bill. Vote for deficit reduction and sound fiscal policies.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 475, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Maryland [Mr. HOYER]; the amendment offered by the gentleman from New York [Mr. SOLOMON]; and the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HOYER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 11, as follows:

[Roll No. 320]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bishop
Blumenauer
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)

Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
McNulty
Metcalf
Mica
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

NOT VOTING—11

Clayton
de la Garza
Ford
Gibbons
Hall (OH)
Lincoln
McDade
Miller (CA)
Slaughter
Wolf
Young (FL)

□ 1538

Mr. KILDEE and Mr. POMBO changed their vote from "aye" to "no."

Mr. CUMMINGS, Mr. VENTO, and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLOMON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. SOLOMON] on which further proceedings were postponed, and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 312, answered "present" 4, not voting 10, as follows:

[Roll No. 321]

AYES—107

Allard
Archer
Bateman
Bilbray
Bliley
Boehlert
Bryant (TX)
Burton
Callahan
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Condit
Costello
Crane
Cunningham
Deal
Diaz-Balart
Dingell
Doyle
Ehlers
Ensign
Evans
Ewing
Fawell
Fazio
Forbes
Franks (NJ)
Frisa
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Hastings (WA)
Hayes
Hayworth
Hefley
Hinchey
Holden
Horn
Hunter
Jones
Kanjorski
Kennelly
Kildee
Kim
Kingston
Klink
Leach
Lewis (CA)
Lipinski
Livingston
LoBiondo
Longley
Markey
Martini
Mascara
McCrery
McHale
McHugh
McNulty
Menendez
Metcalf
Mica
Mollohan
Montgomery
Neal
Ney
Norwood
Oberstar
Obey
Packard
Pallone
Paxon
Pomeroy
Porter
Poshard
Quillen
Quinn
Rahall
Reed
Rivers
Ros-Lehtinen
Sanders
Sanford
Saxton
Schaefer
Schumer
Sensenbrenner
Shuster
Smith (NJ)
Solomon
Stearns
Stockman
Tanner
Tate
Tauzin
Thurman
Upton
Volkmer
Walsh
Weldon (PA)
Weller
Zimmer

NOES—312

Abercrombie
Ackerman
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blumenauer
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Danner
Davis
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Everett
Farr
Fattah
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Gekas
Geren
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Matsui
McCarthy
McCollum
McDermott
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Radanovich
Ramstad
Rangel
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth

Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Scarborough
Schiff
Schroeder
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Vucanovich
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zeliff

ANSWERED "PRESENT"—4

Bilirakis
LaHood
Myers
Traficant

NOT VOTING—10

de la Garza
Ford
Gibbons
Hall (OH)
Lincoln
McDade
Miller (CA)
Slaughter
Wolf
Young (FL)

☐ 1549

Messrs. GRAHAM, GREENWOOD, WAMP, and WHITFIELD changed their vote from "aye" to "no."

Mr. CHRISTENSEN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes, 268, not voting 15, as follows:

[Roll No. 322]

AYES—150

Allard
Archer
Bachus
Baker (CA)
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bilbray
Brewster
Browder
Brownback
Bunning
Burton
Camp
Campbell
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Fowler
Fox
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Goss
Graham
Green (TX)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hayes
Hayworth
Hefley
Heineman
Herger
Hoekstra
Holden
Hostettler
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klug
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Luther
Manzullo
McHale
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Myrick
Neumann
Norwood
Orton
Parker
Paxon
Peterson (MN)
Petri
Pombo
Quillen
Radanovich
Ramstad
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (MS)
Thornberry
Tiahrt
Torricelli
Upton
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Young (AK)
Zimmer

NOES—268

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHugh
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Millender-McDonald
Mink
Moakley
Molinari
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Riggs
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (TX)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
White
Wicker
Williams
Wise
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—15

Cox
de la Garza
Ford
Hall (OH)
Johnson, E. B.
Lincoln
Livingston
McDade
Miller (CA)
Mollohan
Slaughter
Tauzin
Wilson
Wolf
Young (FL)

☐ 1557

Ms. MCKINNEY changed her vote from "aye" to "no."

Mr. MCINTOSH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, during rollcall vote No. 322 on H.R. 3756 I was unavoidably detained. Had I been present, I would have voted "No."

Mr. GILMAN. Mr. Chairman, the fiscal year 1997 Treasury, Postal Service Appropriations bill, would have cut the critical personnel levels for the Office of National Drug Control Policy [ONDCP] by $2.2 million, from the President's original staffing level request.

While overall providing more monies than the administration originally requested for fighting drugs for ONDCP, the bill unwisely eliminated $2.2 million from ONDCP salaries. This would have forced the office to do without 25 critical full-time employees [FTE's] needed to coordinate our Nation's battle against drugs.

The battle against drugs in recent years has not progressed as well as many of us in the Congress hoped for under the Clinton administration. This is particularly evident in the alarming, soaring drug use we have all witnessed since 1992, especially among our young people.

The rise in drug abuse followed some Clinton administration initial efforts in 1993 to diminish the role of ONDCP in the governmentwide struggle against drugs, and a very unwise cut of 80 percent of the staffing for ONDCP.

I am pleased by Chairman LIGHTFOOT's amendment to restore full funding for ONDCP staffing when a satisfactory staff plan is submitted, and I support that effort.

We ought not deny the newest ONDCP Director, General Barry McCaffrey the full staffing he needs, requested, and that we have previously provided for his office.

The ONDCP Director has, even without these limitations, an extremely difficult enough job of formulating and executing the battle against drugs at home, which are today destroying our communities, schools, and our youth.

It is gratifying that the fiscal year 1997 appropriations bill for the Treasury and Postal Services will now guarantee full funding for ONDCP staffing.

I complement Chairman LIGHTFOOT's efforts and that of his Committee to restore full staffing for ONDCP.

Mrs. COLLINS of Illinois. Mr. Chairman, here we go again, get ready, the Gingrich-Armey Republicans had so much fun last year—shutting down the Government, causing insecurity for the American people, and downright scaring the hard-working citizens in every district about the ability of the Federal Government to keep operating—that the Gingrich-Armey Republicans are trying to do it all over again. The one-sided, Republican partisan drafted Federal appropriations bill is being shoved down the throats of the President and the American people. What will happen? Well, if the bill is unacceptable to the President in his analysis of what is best for the American people, he will veto it.

Mr. Speaker, it isn't rocket science to understand what is unacceptable about this bill. In H.R. 3756, Treasury-Postal Appropriations for Fiscal Year 1997 the Gingrich Republicans provide $23.3 billion for the Treasury Department, U.S. Postal Service, and various offices of the Executive Office of the President. Sure, that's a lot of money, a billion here and a billion there, pretty soon begins to look like real money—but this funding level is $1.3 billion less than recommended by the administration, you know, the one that is responsible to the American people for the delivery of services and programs under the jurisdiction of those Federal agencies.

One provision in this legislation is similar to a bill I have introduced to provide a permanent solution to the issue of FBI background checks. However, the Gingrich provision doesn't go far enough. Recent hearings held by the Committee on Government Reform and Oversight, of which I am the ranking minority member, revealed a longstanding, apparently open system with a lack of adequate protections over these kinds of sensitive records. We also learned that when Presidents leave office, they take these files with them to their Presidential libraries, where the protections are just as weak, or nonexistent.

The Clinton White House and the FBI, to their credit, have made some significant internal changes to make sure this type of mistake cannot happen again. We need to ensure, however, that future White Houses continue to provide adequate protection to these records. That is why I introduced the Background Security Records Act of 1996, H.R. 3785, to guarantee that these most sensitive and private records are protected, to tighten restrictions on how these records are obtained and treated, and to make accountable high-ranking FBI and White House officials for their protection.

My Background Security Records Act of 1996 would do four things: First, it would send back to the FBI the security records of individuals no longer at the White House; second, it would require the written permission of the individual whose record is requested from the FBI before the FBI could send it to the White House; third, the bill would extend the criminal sanctions of the Privacy Act to the misuse of these records; and fourth, it would require the Secret Service to develop accurate lists of individuals in need of access to the White House. My bill goes even farther than the provisions in this appropriations bill that don't really accomplish what is needed, the appropriations' bill provision just gives token attention to the issue.

In slashing the President's request for appropriations, the Gingrich Republicans attempt to dictate Federal administrative reorganization. For instance, by a number of tactics, the Republicans are trying to give the Department of Defense the responsibility of modernizing the Internal Revenue Services' computer and information technology. Come on. Are the Republicans' special interest defense contractors so out of work that we have to turn over the IRS to them? Mr. Speaker, I object.

If that's not enough, those same Republican extremists who want to shrink Federal Government as long as it only cuts education, cuts social services, and cuts housing or other programs designed to provide a bridge to self-sufficiency for the middle- and low-income Americans, not the Gingrich Republicans' special interest fat-cats—now that same party wants to tie the purse strings of this administration on things that they, Gingrich Republicans, can't tie up on a straight up-and-down vote during a public debate. I think it's particularly funny that the Gingrich Republicans apparently think the American people are so dumb that they can't see this as a "tax reform" effort to further erode the ability of the IRS to administer and enforce tax collection.

Of all the appropriations bills, perhaps this one should be the most responsive to the request of a President, any President. But this Gingrich Republican bill denies President Clinton the ability to manage his own house, the Executive Office of the President. Does it make sense for any opposition party to be able to dictate to a sitting President how that President runs his or her own Government house? That is a strictly partisan attack on a Democratic Presidency.

Come on, even the Gingrich-Armey Republicans can't believe the American people are that dumb. I urge my colleagues to reject this appropriations bill.

□ 1600

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will then put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am, Mr. Chairman.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. HOYER moves to recommit the bill, H.R. 3756, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device and there were yeas 215, nays 207, not voting 11, as follows:

[Roll No. 323]

YEAS—215

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson

Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff

NAYS—207

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cummings
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Solomon
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—11

Bono
de la Garza
Ford
Hall (OH)
Lincoln
McDade
Miller (CA)
Packard
Slaughter
Wolf
Young (FL)

□ 1620

Mr. WILSON and Mr. COSTELLO changed their vote from "yea" to "nay."

Messrs. ROBERTS, TIAHRT, SCHAEFER, GRAHAM, NEUMANN, SENSENBRENNER, and HANCOCK changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, I was unavoidably detained and missed rollcall vote 323, for final passage of the Treasury, Postal appropriations bill, H.R. 3756.

Had I been present, I certainly would have voted in support of its passage.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 3756, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3505

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3505.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 16, 1996, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3166, as amended, de novo; and

H.R. 3161, by the yeas and nays.

The Chair will also put the question on the Speaker's approval of the Journal.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 3166, as amended.

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, can this measure be brought to a vote when a report has not been filed, and there has been no opportunity for additional or dissenting views?

The SPEAKER pro tempore. The answer is yes.

Mr. CONYERS. Mr. Speaker, I think the Chair will find that it is customary that reports be filed with legislation brought up on the suspension calendar. Is that not correct?

The SPEAKER pro tempore. The Chair indicated yesterday that reports are not required.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3166, as amended.

The question was taken.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 6, not voting 10, as follows:

[Roll No. 324]

AYES—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay

Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—6

Conyers
McIntosh
Myers
Quillen
Waters
Young (AK)

NOT VOTING—10

de la Garza
Ford
Hall (OH)
Lincoln
McDade
Miller (CA)
Packard
Slaughter
Wolf
Young (FL)

□ 1642

So (two thirds having voted in the favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENDING MOST-FAVORED-NATION STATUS TO ROMANIA

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3161.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 3161, on which the yeas and nays are ordered.

This bill be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 334, nays 86, not voting 13, as follows:

[Roll No. 325]

YEAS—334

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Danner
Davis
DeFazio
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Spence
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—86

Allard
Baker (CA)
Ballenger
Barcia
Barr
Bonior
Brown (OH)
Bunning
Burr
Chambliss
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)

Cooley
Cox
Cubin
Cunningham
Deal
DeLauro
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Ehrlich
Everett
Fowler
Frank (MA)
Frelinghuysen
Funderburk
Graham
Green (TX)
Gutknecht
Hancock
Hefley
Hefner
Hilleary
Hinchey
Hostettler
Hunter
Inglis
Johnson, Sam
Jones
Kanjorski
Kingston
Klink
Lewis (GA)
Lipinski
Longley
McInnis
McIntosh
McKinney
Menendez
Mica
Morella
Murtha
Pallone
Pombo
Radanovich
Rohrabacher
Ros-Lehtinen
Rose
Sanders
Sanford
Scarborough
Schaefer
Seastrand
Shays
Smith (NJ)
Smith (WA)
Souder
Spratt
Stearns
Stockman
Taylor (MS)
Taylor (NC)
Tiahrt
Torricelli
Traficant
Wamp
Watt (NC)
Watts (OK)
Weller

NOT VOTING—13

de la Garza
Ford
Greene (UT)
Hall (OH)
Lincoln
McDade
Miller (CA)
Molinari
Packard
Slaughter
Solomon
Wolf
Young (FL)

□ 1654

Mr. WATT of North Carolina changed his vote from "yea" to "nay."

Mr. OWENS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, on Rollcall 325, granting most-favored-nation status to Romania I was incorrectly recorded as voting "yes." I request that the record reflect my opposition to this bill and that I intended to vote "no."

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PROVIDING FOR CONSIDERATION OF H.R. 3814 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rogers of Kentucky or his designee. That amendment shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: (1) under the Department of Commerce, Science and Technology, the National Institute of Standards and Technology, the matter under the heading "Industrial Technology Services" that begins with "In addition" and continues through "'Working Capital Fund'"; and (2) under the Department of Commerce, the heading "Technology Administration" and the matter thereunder. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

□ 1700

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution and that I may be permitted to insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

MAKING IN ORDER AMENDMENT RELATING TO ADVANCED TECHNOLOGY PROGRAM, AND WAIVING POINTS OF ORDER IN COMMITTEE OF THE WHOLE ON H.R. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 3814 in the Committee of the Whole, one, it may be in order immediately after disposition of the first amendment made in order by House Resolution 479, and without intervention of any point of order, to consider the amendment relating to the Advanced Technology Program that I have placed at the desk, if offered by the gentleman from Kentucky [Mr. ROGERS]; and, second, if that amendment is adopted, then points of order under clauses 2 and 6 of rule XXI shall be waived for all provisions of the bill, as amended.

Mr. Speaker, it is my understanding that the minority has been consulted and has no objection to this request.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Amendment to be offered by Mr. ROGERS, pursuant to the unanimous-consent request of Ms. PRYCE: On page 54, strike the language on lines 3 through 15, and insert the following:

"In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $110,500,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": *Provided*, That none of the funds made available under this heading may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That funds made available for the Advanced Technology Program under this heading and any unobligated balances available from carryover of prior year appropriations for such program may be used only for the purposes of providing continuation grants for competitions completed prior to October 1, 1995: *Provided further*, That such continuation grants shall be provided only to single applicants or joint venture participants which are small businesses: *Provided further*, That such funds for the Advanced Technology Program are provided for the purposes of closing out all commitments for such program.".

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 479 is an open rule providing for the consideration of H.R. 3814, the Commerce, Justice, State and related agencies appropriations bill for fiscal year 1997.

The rule provides 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule includes a limited number of waivers to facilitate the orderly consideration of the bill. For example, the rule waives clause 2(L)(6) of rule 11, regarding the 3-day availability of the report, and clause 7 of rule 21, regarding the 3-day availability of printed hearings and reports on appropriations bills.

The rule also provides for the consideration, before any other amendment, of the amendment printed in part 2 of the Rules Committee report, if offered by Mr. ROGERS of Kentucky or his designee. The amendment will be considered as read and shall not be subject to a demand for a division of the question.

Since authorizing legislation for most programs within the bill has not been finalized, the rule further provides the necessary waiver of clause 2 of rule 21, which prohibits unauthorized appropriations and legislation on general appropriations bills, as well as clause 6 of rule 21, which prohibits transfers of unobligated balances.

As we have done in the past, the rule accords priority in recognition to those amendments that are pre-printed in the CONGRESSIONAL RECORD, and it allows the Chairman of the Committee of the Whole to postpone and shorten votes during further consideration of the bill. After the reading of the final lines of the bill, a motion to rise, if offered by the majority leaders or his designee, will have precedence over a motion to amend. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, as our colleagues know, the Commerce, State, and Justice appropriations bill covers a lot of ground, from projecting our diplomatic presence overseas, to promoting trade, and to preserving the safety and well-being of our citizens. As a former judge and prosecutor, I recognize that the Federal Government has an important role to play in the fight against drugs and crime, and I am especially pleased that this year's legislation devotes significant resources to law enforcement and related activities.

This important commitment to public safety is reflected in the increased dollars that are provided for drug enforcement initiatives, for enforcing our immigration laws and border control, for implementing the recent anti-terrorism bill, and for assisting State and local governments in their drug control and crime fighting efforts.

By targeting funding at the State and local level, the bill continues to broaden our policy of empowering local authorities to develop local solutions that best address their own unique situations.

But, Mr. Speaker, not all crime is front-page news. Many victims are defenseless women who suffer in silence at home or even in the workplace. Too often, violent crimes committed against women are not even reported to law enforcement agencies. That's why I'm very pleased to note that the bill provides a substantial increase in funding for the Violence Against Women Act, a step which recognizes the importance of combatting the many forms of domestic violence despite the budget constraints that we face this year.

This bill does provide a reasonable and responsible increase in funding over last year's level, with all increases going to critical law enforcement purposes, it is still within the subcommittee's budget allocation. And that, Mr. Speaker, is vitally important to keeping us on the glidepath toward a balanced Federal budget.

Mr. Speaker, Chairman Rogers and the subcommittee have worked very hard this year to craft a bill that balances the need for continued fiscal responsibility with the need to provide adequate funding for law enforcement, diplomatic missions, trade, and many other related activities.

In closing, let me just emphasize that the rule before us is both fair and open. Any Member can be heard on any germane amendment to the bill at the appropriate time, as long as it is consistent with the normal rules of the House. This rule was reported unanimously by the Rules Committee yesterday and I urge its expeditious adoption by the House.

Mr. Speaker, the information I am submitting for the RECORD is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 11, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	78	60
Structured/Modified Closed[3]	49	47	35	27
Closed[4]	9	9	17	13
Total	104	100	130	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the distinguished gentlewoman from Ohio [Ms. PRYCE] for her yielding the customary 30 minutes of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, we do not object to the rule for H.R. 3814, the appropriations bill for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies for fiscal year 1997.

As the gentlewoman from Ohio has explained, this can be described as an open rule. As with other appropriations bills we have considered, however, it does not contain a number of waivers of points of order for violations of House rules. We do not support all the provisions in the bill that are being protected by those waivers but we do not object to the waivers themselves.

Mr. Speaker, we are particularly troubled by the provision in the bill limiting the President's ability to negotiate issues related to the ABM Treaty that are so important to the national security of the United States. We believe that that is an entirely inappropriate matter to include in the bill. It may even be unconstitutional.

Mr. Speaker, the bill does contain a number of other provisions that are similarly of great concern to us. We oppose the decision to slash the legal services program even further. We should be ensuring equal access to the court system to all Americans. What we are doing here is ensuring that low-income Americans are unable to enjoy the benefits of full and equal access to our legal system.

Many of us are also disappointed that the bill extends the fight against safe and legal abortions and against a woman's right to choose by denying Federal prisoners reproductive choice. It is difficult to think of women who are more dependent on the Federal Government for all their medical care and have no way to choose other services. We regret we are continuing the efforts to fight abortion, a legal medical procedure, Mr. Speaker, in yet another appropriations bill.

The bill also severely underfunds our peacekeeping missions. This inadequate level of funding is an affront to U.S. leadership in the international arena and will, I believe, prejudice our efforts to promote U.S. global interests.

I would, Mr. Speaker, like to take this opportunity to thank the committee for continuing its strong support, first begun under the leadership of the gentleman from West Virginia [Mr. MOLLOHAN], of funding to help control illegal immigration. The increased funding for the INS and for the border patrol are very important to the country and, of course, to the States that are most affected by immigration.

The committee is to be commended, too, Mr. Speaker, for continuing to increase the appropriation for reimbursing States for the costs of incarcerating criminal illegal aliens, a program first funded as a result of an amendment that this gentleman and other Members offered 2 years ago to the 1994 crime bill.

After years of seeking help to fight illegal immigration, Congress has, over the past 3 or 4 years, through the leadership of this particular appropriations subcommittee, finally recognized the severe problems caused by illegal immigration, especially in such States as California, New York, Florida, New Jersey, Illinois, and Texas. Immigration is, after all, a Federal responsibility, and I would like to say to the chairman and to the ranking member that we very much appreciate the committee's support for the programs that many of us have been advocating for a good many years.

I would also finally like to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their bipartisan cooperation in working on this bill. This is a difficult process, this appropriations process, with such great fiscal restraint, and the House is appreciative of the spirit of comity and the good example of being able to work together so well that these two gentleman have shown to the rest of us.

Mr. Speaker, under the rule we hope to have the opportunity to fully debate the bill and address our major concerns about it. For the moment, as I said, we have no objections to the rule.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I simply rise in support of the rule and express appreciation to my chairman, Mr. ROGERS, for the hard work that he has put into this bill and for the spirit of cooperation that he has approached it. We appreciate his accommodations in a number of areas.

Mr. MOLLOHAN. Mr. Speaker, I rise today in support of the rule.

However, actions taken yesterday at the Rules Committee hearing almost precluded my support for this measure. The authorizing chairman had asked that two programs extremely important to the administration not be afforded protection by the rule.

As a result, the rule before us today does not protect the Commerce Department's Advanced Technology Program or Technology Administration from points of order raised during floor consideration. These programs are not authorized—but then again neither are most programs in our bill.

Because the rule would have allowed the striking of funding provided for these programs—$110.5 million for ATP and $5 million for the TA—I intended to speak today in opposition to this rule.

However, I now understand that an agreement has been reached which accommodates the concerns of the authorizing chairman. I would like to express my appreciation to Chairman ROGERS and to Chairman WALKER for their efforts to reach a reasonable resolution of this matter. As a result of this agreement, I am acting under the assumption that an amendment will be offered to the bill to allow funding for the ATP under different conditions and that the TA will be protected from points of order.

In its current form, the bill restricts ATP funding from being used to hold new grant competitions. The agreed upon amendment would add bill language stating that all funds must be used only to fund fiscal year 1995 and prior year grant awards which involve small businesses. Additionally, it would add report and bill language stating that the funding provided in the bill is to be used for "close out commitments."

Obviously, I personally do not agree with these new as well as the old restrictions. However, restricted funding for ATP is better than no funding at all. And funding for the Technology Administration is extremely important.

Both ATP and the Technology Administration are critical components of President Clinton's competitive agenda.

The Technology Administration serves as an advocate for American industries—ensuring that Government policies, programs, and regulations promote U.S. competitiveness. Additionally, TA is the only Federal agency that analyzes the civilian technology activities of our foreign competitors, working to promote and protect U.S. technology interests in global research and development efforts.

Similarly, ATP is about investing in our Nation's competitiveness in the global marketplace. It does nothing more than put U.S. industry on a level playing field with our major global competitors. As we sit here today placing additional restrictions on ATP, our foreign competitors are pouring money into similar programs. In fact, the European nations are accelerating investment in commercial technologies. Japan has plans to double its government science and technology budget by the year 2000. China is planning to triple its investment in R&D by 2000, targeting computers, software, telecommunications, pharmaceuticals, and infrastructure. And the Republic of Korea has considerably boosted its R&D efforts in key technology areas and is actively acquiring foreign technologies.

Simply stated, the United States is in a battle for global markets, where the spoils are jobs and national prosperity—and we are in a dead heat. Investing in programs like APT and the Technology Administration will make all the difference.

So, with reservation, I ask my colleagues to support the rule before us today. While the agreement reached will place further restrictions on the ATP Program, it will ensure that at least some funding is provided for this important initiative.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for yielding me so much time. I hope I will not consume it all.

Mr. Speaker, it had been my original intention to oppose both the rule and the bill as the result of a number of deficiencies which I found in them. However, I want to pay tribute to the fact that a number of negotiations have taken place, some in the last few minutes, aimed at alleviating some of my problems, and I will not take the same position as a result of those actions.

Part of the agreements that were made were reflected in the approval of the unanimous consent request that was made earlier, which made it possible to continue the technology program in the Department of Commerce, the Advanced Technology Program, which I think has tremendous value to the people of the United States in terms of enhancing our ability to have a more effective and efficient manufacturing sector in the United States, and which I think will add to the productivity and economic growth of this country.

I think we all recognize that this is vital to our future prosperity, to our future ability to get out of the deficit bind that we are in, and to create jobs to absorb those who are without jobs in this country.

I was a little puzzled at the fact that the Committee on Rules had apparently, by some forethought, protected every portion of this bill except the technology programs, and I rather wondered how that had been brought about, but I will not ruminate too much on that.

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I am happy that the threat seems to have disappeared of erasing these programs through raising a point of order. Under the circumstances, I am going to support the rule and I am going to do my best to improve the bill to whatever slight degree I may when it is up for discussion. But I am reconciled to the fact that the present budgetary pressures may preclude us from doing too much to enhance some of these programs because the only way to do that is to take funds away from other sometimes equally deserving programs.

So let me conclude by paying my respects to both the chairman of the subcommittee and the ranking minority member, who have done so much and worked so hard to bring about some consensus with regard to a reasonable way to handle these problems.

I think that what we have seen represents the best in the art of politics, which is to get the most you can from a lemon when you cannot do anything else. I, therefore, will look forward to the debate on the bill, but I will not oppose the rule.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to conclude by thanking the chairman and the ranking member for their hard work and bipartisan cooperation through this process. I once again urge my colleagues to support this fair and open rule.

Mr. ROGERS. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I wanted to thank the gentlewoman and the gentleman from California from the Committee on Rules who have been very cooperative with us on this rule, not only the Members that are represented here from the Committee on Rules but those who are not. The Committee on Rules has a hard job, harder than anyone realizes. We appreciate very much their accommodation to us on the Committee on Appropriations on this bill. I support the rule.

Ms. PRYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–246)

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. The report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

REPORT OF PRESIDENT'S ADVISORY BOARD ON ARMS PROLIFERATION POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1601(d) of Public Law 103–160 (the "Act") I transmit herewith the report of the President's Advisory Board on Arms Proliferation Policy. The Board was established by Executive Order 12946 (January 20, 1995), pursuant to section 1601(c) of the Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

SAFE DRINKING WATER ACT AMENDMENTS OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. State revolving loan funds.
Sec. 4. Selection of contaminants; schedule.
Sec. 5. Risk assessment, management, and communication.
Sec. 6. Standard-setting; review of standards.
Sec. 7. Arsenic.
Sec. 8. Radon.
Sec. 9. Sulfate.
Sec. 10. Filtration and disinfection.
Sec. 11. Effective date for regulations.
Sec. 12. Technology and treatment techniques; technology centers.
Sec. 13. Variances and exemptions.
Sec. 14. Small systems; technical assistance.
Sec. 15. Capacity development; finance centers.
Sec. 16. Operator and laboratory certification.
Sec. 17. Source water quality protection partnerships.
Sec. 18. State primacy; State funding.
Sec. 19. Monitoring and information gathering.
Sec. 20. Public notification.
Sec. 21. Enforcement; judicial review.
Sec. 22. Federal agencies.
Sec. 23. Research.
Sec. 24. Definitions.
Sec. 25. Watershed and ground water protection.
Sec. 26. Lead plumbing and pipes; return flows.
Sec. 27. Bottled water.
Sec. 28. Other amendments.

(c) REFERENCES TO TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) because the requirements of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) the Federal Government commits to take steps to foster and maintain a genuine partnership with the States in the administration and implementation of the Safe Drinking Water Act;

(4) States play a central role in the implementation of safe drinking water programs, and States need increased financial resources and appropriate flexibility to ensure the prompt and effective development and implementation of drinking water programs;

(5) the existing process for the assessment and regulation of additional drinking water contaminants needs to be revised and improved to ensure that there is a sound scientific basis for drinking water regulations and that the standards established address the health risks posed by contaminants;

(6) procedures for assessing the health effects of contaminants and establishing drinking water standards should be revised to provide greater opportunity for public education and participation;

(7) in setting priorities with respect to the health risks from drinking water to be addressed and in selecting the appropriate level of regulation for contaminants in drinking water, risk assessment and benefit-cost analysis are important and useful tools for improving the efficiency and effectiveness of drinking water regulations to protect human health;

(8) more effective protection of public health requires—

(A) a Federal commitment to set priorities that will allow scarce Federal, State, and local resources to be targeted toward the drinking water problems of greatest public health concern; and

(B) maximizing the value of the different and complementary strengths and responsibilities of the Federal and State governments in those States that have primary enforcement responsibility for the Safe Drinking Water Act; and

(9) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations, and Federal, State, and local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act.

SEC. 3. STATE REVOLVING LOAN FUNDS.

The title (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—STATE REVOLVING LOAN FUNDS

"GENERAL AUTHORITY

"SEC. 1471. (a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1472 (referred to in this part as 'capitalization grants') to establish a drinking water treatment State revolving loan fund (referred to in this part as a 'State loan fund').

"(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

"(1) the State has established a State loan fund that complies with the requirements of this part;

"(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

"(3) the State will deposit the capitalization grants into the State loan fund;

"(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

"(5) the State will deposit into the State loan fund an amount equal to at least 20 percent of the total amount of each payment to be made to the State on or before the date on which the payment is made to the State, except as provided in subsection (c)(4);

"(6) the State will use funds in the State loan fund in accordance with an intended use plan prepared pursuant to section 1474(b);

"(7) the State and loan recipients that receive funds that the State makes available from the State loan fund will use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe; and

"(8) the State has adopted policies and procedures to ensure that loan recipients are reasonably likely to be able to repay a loan.

"(c) ADMINISTRATION OF STATE LOAN FUNDS.—

"(1) IN GENERAL.—The authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund shall reside in the State agency that has primary responsibility for the administration of the State program under section 1413, after consultation with other appropriate State agencies (as determined by the State): *Provided further*, That in nonprimacy States, the Governor shall determine which State agency will have the authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund.

"(2) FINANCIAL ADMINISTRATION.—A State may combine the financial administration of the State loan fund pursuant to this part with the financial administration of a State water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or other State revolving funds providing financing for similar purposes, if the Administrator determines that the grants to be provided to the State under this part, and the loan repayments and interest deposited into the State loan fund pursuant to this part, will be separately accounted for and used solely for the purposes of and in compliance with the requirements of this part.

"(3) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a Governor of a State may—

"(i) reserve up to 50 percent of a capitalization grant made pursuant to section 1472 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

"(ii) reserve in any year a dollar amount up to the dollar amount that may be reserved under clause (i) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State pursuant to section 1472.

"(B) STATE MATCH.—Funds reserved pursuant to this paragraph shall not be considered to be a State match of a capitalization grant required pursuant to this title or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(4) EXTENDED PERIOD.—Notwithstanding subsection (b)(5), a State shall not be required to deposit a State matching amount into the fund prior to the date on which each payment is made for payments from funds appropriated for fiscal years 1994, 1995, and 1996, if the matching amounts for the payments are deposited into the State fund prior to September 30, 1998.

"CAPITALIZATION GRANTS

"SEC. 1472. (a) GENERAL AUTHORITY.—The Administrator may make grants to capitalize State loan funds to a State that has entered into an agreement pursuant to section 1471.

"(b) FORMULA FOR ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (c) and paragraph (2), funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to section 1471 in accordance with—

"(A) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

"(B) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1475(c), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under subparagraph (A).

"(2) OTHER JURISDICTIONS.—The formula established pursuant to paragraph (1) shall reserve 0.5 percent of the amounts made available to carry out this part for a fiscal year for providing direct grants to the jurisdictions, other than Indian Tribes, referred to in subsection (f).

"(c) RESERVATION OF FUNDS FOR INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part, the Administrator shall reserve 1.5 percent of the funds for providing financial assistance to Indian Tribes pursuant to subsection (f).

"(2) USE OF FUNDS.—Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Director of the Indian Health Service and Indian Tribes.

"(3) NEEDS ASSESSMENT.—The Administrator, in consultation with the Director of the Indian Health Service and Indian Tribes, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to section 1475(c), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

"(d) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) SMALL SYSTEM.—The term 'small system' means a public water system that serves a population of 10,000 or fewer.

"(B) TECHNICAL ASSISTANCE.—The term 'technical assistance' means assistance provided by a State to a small system, including assistance to potential loan recipients and assistance for planning and design, development and implementation of a source water quality protection partnership program, alternative supplies of drinking water, restructuring or consolidation of a small system, and treatment to comply with a national primary drinking water regulation.

"(2) RESERVATION OF FUNDS.—To provide technical assistance pursuant to this subsection, each State may reserve from capitalization grants received in any year an amount that does not exceed the greater of—

"(A) an amount equal to 2 percent of the amount of the capitalization grants received by the State pursuant to this section; or

"(B) $300,000.

"(e) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the sums allotted to a State pursuant to subsection (b) for a fiscal year shall be available to the State for obligation during the fiscal year for which the sums are authorized and during the following fiscal year.

"(B) FUNDS MADE AVAILABLE FOR FISCAL YEARS 1995 AND 1996.—The sums allotted to a State pursuant to subsection (b) from funds that are made available by appropriations for each of fiscal years 1995 and 1996 shall be available to the State for obligation during each of fiscal years 1995 through 1998.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—Prior to obligating new allotments made available to the State pursuant to subsection (b), each State shall obligate funds accumulated before a date that is 1 year prior to the date of the obligation of a new allotment from loan repayments and interest earned on amounts deposited into a State loan fund. The amount of any allotment that is not obligated by a State by the last day of the period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under subsection (b), except that the Administrator may reserve and allocate 10 percent of the remaining amount for financial assistance to Indian Tribes in addition to the amount allotted under subsection (c). None of the funds reallotted by the Administrator shall be reallotted to any State that has not obligated all sums allotted to the State pursuant to this section during the period in which the sums were available for obligation.

"(3) ALLOTMENT OF WITHHELD FUNDS.—All funds withheld by the Administrator pursuant to subsection (g) and section 1442(e)(3) shall be allotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subsection (b). None of the funds allotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1418(a).

"(f) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants for the improvement of public water systems of Indian Tribes, the District of Columbia, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam and, if funds are appropriated to carry out this part for fiscal year 1995, the Republic of Palau.

"(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

"(g) NEW SYSTEM CAPACITY.—Beginning in fiscal year 1999, the Administrator shall withhold the percentage prescribed in the following sentence of each capitalization grant made pursuant to this section to a State unless the State has met the requirements of section 1418(a). The percentage withheld shall be 5 percent for fiscal year 1999, 10 percent for fiscal year 2000, and 15 percent for each subsequent fiscal year.

"ELIGIBLE ASSISTANCE

"SEC. 1473. (a) IN GENERAL.—The amounts deposited into a State loan fund, including any amounts equal to the amounts of loan repayments and interest earned on the amounts deposited, may be used by the State to carry out projects that are consistent with this section.

"(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

"(1) IN GENERAL.—The amounts deposited into a State loan fund shall be used only for providing financial assistance for capital expenditures and associated costs (but excluding the cost of land acquisition unless the cost is incurred to acquire land for the construction of a treatment facility or for a consolidation project) for—

"(A) a project that will facilitate compliance with national primary drinking water regulations promulgated pursuant to section 1412;

"(B) a project that will facilitate the consolidation of public water systems or the use of an alternative source of water supply;

"(C) a project that will upgrade a drinking water treatment system; and

"(D) the development of a public water system to replace private drinking water supplies if the private water supplies pose a significant threat to human health.

"(2) OPERATOR TRAINING.—Associated costs eligible for assistance under this part include the costs of training and certifying the persons who will operate facilities that receive assistance pursuant to paragraph (1).

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

"(ii) has a history of—

"(I) past violations of any maximum contaminant level or treatment technique established by a regulation or a variance; or

"(II) significant noncompliance with monitoring requirements or any other requirement of a national primary drinking water regulation or variance.

"(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this part if—

"(i) the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that such measures are necessary to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long term; and

"(ii) the use of the assistance will ensure compliance.

"(c) Eligible Public Water Systems.—A State loan fund, or the Administrator in the case of direct grants under section 1472(f), may provide financial assistance only to community water systems, publicly owned water systems (other than systems owned by Federal agencies), and nonprofit noncommunity water systems.

"(d) Types of Assistance.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

"(1) to make loans, on the condition that—

"(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

"(B) principal and interest payments on each loan will commence not later than 1 year after completion of the project for which the loan was made, and each loan will be fully amortized not later than 20 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (e)(1)), a State may provide an extended term for a loan, if the extended term—

"(i) terminates not later than the date that is 30 years after the date of project completion; and

"(ii) does not exceed the expected design life of the project;

"(C) the recipient of each loan will establish a dedicated source of revenue (or, in the case of a privately-owned system, demonstrate that there is adequate security) for the repayment of the loan; and

"(D) the State loan fund will be credited with all payments of principal and interest on each loan;

"(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after October 14, 1993, or to refinance a debt obligation for a project constructed to comply with a regulation established pursuant to an amendment to this title made by the Safe Drinking Water Act Amendments of 1986 (Public Law 99–339; 100 Stat. 642);

"(3) to guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under subsection (b)) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund; and

"(5) to earn interest on the amounts deposited into the State loan fund.

"(e) Assistance for Disadvantaged Communities.—

"(1) Definition of disadvantaged community.—In this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

"(2) Loan subsidy.—Notwithstanding subsection (d), in any case in which the State makes a loan pursuant to subsection (d) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

"(3) Total amount of subsidies.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (2) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(f) Source Water Quality Protection and Capacity Development.—

"(1) In general.—Notwithstanding subsection (b)(1), a State may—

"(A) provide assistance, only in the form of a loan, to—

"(i) any public water system described in subsection (c) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination; or

"(ii) any community water system described in subsection (c) to provide funding in accordance with section 1419(d)(1)(C)(i);

"(B) provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1418(c); and

"(C) make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1419, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

"(2) Limitation.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

"(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

"(B) To provide funding to implement recommendations of source water quality protection partnerships pursuant to paragraph (1)(A)(ii).

"(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

"(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

"STATE LOAN FUND ADMINISTRATION

"Sec. 1474. (a) Administration, Technical Assistance, and Management.—

"(1) Administration.—Each State that has a State loan fund is authorized to expend from the annual capitalization grant of the State a reasonable amount, not to exceed 4 percent of the capitalization grant made to the State, for the costs of the administration of the State loan fund.

"(2) State program management assistance.—

"(A) In general.—Each State that has a loan fund is authorized to expend from the annual capitalization grant of the State an amount, determined pursuant to this paragraph, to carry out the public water system supervision program under section 1443(a) and to—

"(i) administer, or provide technical assistance through, source water quality protection programs, including a partnership program under section 1419; and

"(ii) develop and implement a capacity development strategy under section 1418(c) in the State.

"(B) Limitation.—Amounts expended by a State pursuant to this paragraph for any fiscal year may not exceed an amount that is equal to the amount of the grant funds available to the State for that fiscal year under section 1443(a).

"(C) State funds.—For any fiscal year, funds may not be expended pursuant to this paragraph unless the Administrator determines that the amount of State funds made available to carry out the public water system supervision program under section 1443(a) for the fiscal year is not less than the amount of State funds made available to carry out the program for fiscal year 1993.

"(b) Intended Use Plans.—

"(1) In general.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

"(2) Contents.—An intended use plan shall include—

"(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

"(B) the criteria and methods established for the distribution of funds; and

"(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(3) Use of funds.—

"(A) In general.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

"(i) address the most serious risk to human health;

"(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

"(iii) assist systems most in need on a per household basis according to State affordability criteria.

"(B) List of projects.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

"STATE LOAN FUND MANAGEMENT

"Sec. 1475. (a) In General.—Not later than 1 year after the date of enactment of this part, and annually thereafter, the Administrator shall conduct such reviews and audits as the Administrator considers appropriate, or require each State to have the reviews and audits independently conducted, in accordance with the single audit requirements of chapter 75 of title 31, United States Code.

"(b) State Reports.—Not later than 2 years after the date of enactment of this part, and every 2 years thereafter, each State that administers a State loan fund shall publish and submit to the Administrator a report on the activities of the State under this part, including the findings of the most recent audit of the State loan fund.

"(c) Drinking Water Needs Survey and Assessment.—Not later than 1 year after the date of enactment of this part, and every 4 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part (including, in the case of the State of Alaska, the needs of Native villages (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c))). The survey and assessment conducted pursuant to this subsection shall—

"(1) identify, by State, the needs for projects or facilities owned or controlled by community water systems eligible for assistance under this part on the date of the assessment (other than refinancing for a project pursuant to section 1473(d)(2));

"(2) estimate the needs for eligible facilities over the 20-year period following the date of the assessment;

"(3) identify, by size category, the population served by public water systems with needs identified pursuant to paragraph (1); and

"(4) include such other information as the Administrator determines to be appropriate.

"(d) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 1999. The evaluation shall be submitted to Congress at the same time as the President submits to Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 2001 relating to the budget of the Environmental Protection Agency.

"ENFORCEMENT

"SEC. 1476. The failure or inability of any public water system to receive funds under this part or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

"REGULATIONS AND GUIDANCE

"SEC. 1477. The Administrator shall publish such guidance and promulgate such regulations as are necessary to carry out this part, including guidance and regulations to ensure that—

"(1) each State commits and expends funds from the State loan fund in accordance with the requirements of this part and applicable Federal and State laws; and

"(2) the States and eligible public water systems that receive funds under this part use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1478. (a) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this part $600,000,000 for fiscal year 1994 and $1,000,000,000 for each of fiscal years 1995 through 2003.

"(b) HEALTH EFFECTS RESEARCH.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve $10,000,000 for health effects research on drinking water contaminants authorized by section 1442. In allocating funds made available under this subsection, the Administrator shall give priority to research concerning the health effects of cryptosporidium, disinfection byproducts, and arsenic, and the implementation of a research plan for subpopulations at greater risk of adverse effects pursuant to section 1442(l).

"(c) MONITORING FOR UNREGULATED CONTAMINANTS.—From funds appropriated pursuant to this section for each fiscal year beginning with fiscal year 1997, the Administrator shall reserve $2,000,000 to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(D).

"(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), from funds appropriated pursuant to this section for each fiscal year for which the appropriation made pursuant to subsection (a) exceeds $800,000,000, the Administrator shall reserve to carry out section 1442(g) an amount that is equal to any amount by which the amount made available to carry out section 1442(g) is less than the amount referred to in the third sentence of section 1442(g).

"(2) MAXIMUM AMOUNT.—For each fiscal year, the amount reserved under paragraph (1) shall be not greater than an amount equal to the lesser of—

"(A) 2 percent of the funds appropriated pursuant to this section for the fiscal year; or

"(B) $10,000,000.".

SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.

(a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking "(b)(1)" and all that follows through the end of paragraph (3) and inserting the following:

"(b) STANDARDS.—

"(1) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—

"(A) GENERAL AUTHORITY.—The Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for each contaminant (other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995) if the Administrator determines, based on adequate data and appropriate peer-reviewed scientific information and an assessment of health risks, conducted in accordance with sound and objective scientific practices, that—

"(i) the contaminant may have an adverse effect on the health of persons; and

"(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern.

"(B) SELECTION AND LISTING OF CONTAMINANTS FOR CONSIDERATION.—

"(i) IN GENERAL.—Not later than July 1, 1997, the Administrator (after consultation with the Secretary of Health and Human Services) shall publish and periodically, but not less often than every 5 years, update a list of contaminants that are known or anticipated to occur in drinking water provided by public water systems and that may warrant regulation under this title.

"(ii) RESEARCH AND STUDY PLAN.—At such time as a list is published under clause (i), the Administrator shall describe available and needed information and research with respect to—

"(I) the health effects of the contaminants;

"(II) the occurrence of the contaminants in drinking water; and

"(III) treatment techniques and other means that may be feasible to control the contaminants.

"(iii) COMMENT.—The Administrator shall seek comment on each list and any research plan that is published from officials of State and local governments, operators of public water systems, the scientific community, and the general public.

"(C) DETERMINATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than July 1, 2001, and every 5 years thereafter, the Administrator shall take one of the following actions for not fewer than 5 contaminants:

"(I) Publish a determination that information available to the Administrator does not warrant the issuance of a national primary drinking water regulation.

"(II) Publish a determination that a national primary drinking water regulation is warranted based on information available to the Administrator, and proceed to propose a maximum contaminant level goal and national primary drinking water regulation not later than 2 years after the date of publication of the determination.

"(III) Propose a maximum contaminant level goal and national primary drinking water regulation.

"(ii) INSUFFICIENT INFORMATION.—If the Administrator determines that available information is insufficient to make a determination for a contaminant under clause (i), the Administrator may publish a determination to continue to study the contaminant. Not later than 5 years after the Administrator determines that further study is necessary for a contaminant pursuant to this clause, the Administrator shall make a determination under clause (i).

"(iii) ASSESSMENT.—The determinations under clause (i) shall be based on an assessment of—

"(I) the available scientific knowledge that is consistent with the requirements of paragraph (3)(A) and useful in determining the nature and extent of adverse effects on the health of persons that may occur due to the presence of the contaminant in drinking water;

"(II) information on the occurrence of the contaminant in drinking water; and

"(III) the treatment technologies, treatment techniques, or other means that may be feasible in reducing the contaminant in drinking water provided by public water systems.

"(iv) PRIORITIES.—In making determinations under this subparagraph, the Administrator shall give priority to those contaminants not currently regulated that are associated with the most serious adverse health effects and that present the greatest potential risk to the health of persons due to the presence of the contaminant in drinking water provided by public water systems.

"(v) REVIEW.—Each document setting forth the determination for a contaminant under clause (i) shall be available for public comment at such time as the determination is published.

"(vi) JUDICIAL REVIEW.—Determinations made by the Administrator pursuant to clause (i)(I) shall be considered final agency actions for the purposes of section 1448. No determination under clause (i)(I) shall be set aside by a court pursuant to a review authorized under that section, unless the court finds that the determination is arbitrary and capricious.

"(D) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without listing the contaminant under subparagraph (B) or publishing a determination for the contaminant under subparagraph (C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health. A determination for any contaminant in accordance with subparagraph (C) subject to an interim regulation under this subparagraph shall be issued not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.

“(E) MONITORING DATA AND OTHER INFORMATION.—The Administrator may require, in accordance with section 1445(a)(2), the submission of monitoring data and other information necessary for the development of studies, research plans, or national primary drinking water regulations.

“(2) SCHEDULES AND DEADLINES.—

“(A) IN GENERAL.—In the case of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

“(i) not later than 1 year after June 19, 1986, for not fewer than 9 of the listed contaminants;

“(ii) not later than 2 years after June 19, 1986, for not fewer than 40 of the listed contaminants; and

“(iii) not later than 3 years after June 19, 1986, for the remainder of the listed contaminants.

“(B) SUBSTITUTION OF CONTAMINANTS.—If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)) than a contaminant referred to in subparagraph (A), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in subparagraph (A). Substitutions may be made for not more than 7 contaminants referred to in subparagraph (A). Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

“(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

“(i) INFORMATION COLLECTION RULE.—

“(I) IN GENERAL.—Not later than December 31, 1995, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium.

“(II) EXTENSION.—The Administrator may extend the deadline under subclause (I) for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

“(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page 6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the timetable established by this subparagraph, all subsequent rules shall be completed as expeditiously as practicable subject to agreement by all the parties to the negotiated rulemaking, but no later than a revised date that reflects the interval or intervals for the rules in the timetable.

“(D) PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) (as in effect before the amendment made by section 4(a) of the Safe Drinking Water Act Amendments of 1995), and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995, are superseded by this paragraph and paragraph (1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1412(a)(3) (42 U.S.C. 300g–1(a)(3)) is amended by striking “paragraph (1), (2), or (3) of subsection (b)” each place it appears and inserting “paragraph (1) or (2) of subsection (b)”.

(2) Section 1415(d) (42 U.S.C. 300g–4(d)) is amended by striking “section 1412(b)(3)” and inserting “section 1412(b)(7)(A)”.

SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 4) is further amended by inserting after paragraph (2) the following:

“(3) RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION.—

“(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science in carrying out this title, the Administrator shall use—

“(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

“(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

“(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

“(i) each population addressed by any estimate of public health effects;

“(ii) the expected risk or central estimate of risk for the specific populations;

“(iii) each appropriate upper-bound or lower-bound estimate of risk;

“(iv) each uncertainty identified in the process of the assessment of public health effects and research that would assist in resolving the uncertainty; and

“(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

“(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

“(i) MAXIMUM CONTAMINANT LEVELS.—Not later than 90 days prior to proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that would be considered in accordance with paragraph (4) in a proposed regulation and each alternative maximum contaminant level that would be considered in a proposed regulation pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of—

“(I) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected as the result of treatment to comply with each level;

“(II) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations;

“(III) the costs (including non-quantifiable costs identified and described by the Administrator, except that such costs shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such costs are likely to occur) expected solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations;

“(IV) the incremental costs and benefits associated with each alternative maximum contaminant level considered;

“(V) the effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population;

“(VI) any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants; and

“(VII) other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

“(ii) TREATMENT TECHNIQUES.—Not later than 90 days prior to proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that would be considered in a proposed regulation, taking into account, as appropriate, the factors described in clause (i).

“(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

"(iv) FORM OF NOTICE.—Whenever a national primary drinking water regulation is expected to result in compliance costs greater than $75,000,000 per year, the Administrator shall provide the notice required by clause (i) or (ii) through an advanced notice of proposed rulemaking.

"(v) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct studies, assessments, and analyses in support of regulations or the development of methods, $35,000,000 for each of fiscal years 1996 through 2003.".

SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended—

(1) in paragraph (4)—

(A) by striking "(4) Each" and inserting the following:

"(4) GOALS AND STANDARDS.—

"(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each";

(B) in subparagraph (A) (as so designated), by inserting after the first sentence the following: "The maximum contaminant level goal for contaminants that are known or likely to cause cancer in humans may be set at a level other than zero, if the Administrator determines, based on the best available, peer-reviewed science, that there is a threshold level below which there is unlikely to be any increase in cancer risk and the Administrator sets the maximum contaminant level goal at that level with an adequate margin of safety.";

(C) in the last sentence—

(i) by striking "Each national" and inserting the following:

"(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national"; and

(ii) by striking "maximum level" and inserting "maximum contaminant level"; and

(D) by adding at the end the following:

"(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (3)(C).";

(2) by striking "(5) For the" and inserting the following:

"(D) DEFINITION OF FEASIBLE.—For the";

(3) in the second sentence of paragraph (4)(D) (as so designated), by striking "paragraph (4)" and inserting "this paragraph";

(4) by striking "(6) Each national" and inserting the following:

"(E) FEASIBLE TECHNOLOGIES.—Each national";

(5) in paragraph (4)(E) (as so designated), by striking "this paragraph" and inserting "this subsection"; and

(6) by inserting after paragraph (4) (as so amended) the following:

"(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

"(i) increasing the concentration of other contaminants in drinking water; or

"(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

"(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

"(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

"(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

"(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (3)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

"(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

"(i) persons served by large public water systems; and

"(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems (as defined in section 1415(e)).

"(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation for contaminants that are disinfectants or disinfection byproducts (as described in paragraph (2)), or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

"(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has been promulgated based on the determination and shall not be set aside by the court under that section, unless the court finds that the determination is arbitrary and capricious.".

(b) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Public Health Service Act (as amended by subsection (a)) to promulgate the Stage I rulemaking for disinfectants and disinfection byproducts as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). Unless new information warrants a modification of the proposal as provided for in the "Disinfection and Disinfection Byproducts Negotiated Rulemaking Committee Agreement", nothing in such section shall be construed to require the Administrator to modify the provisions of the rulemaking as proposed.

(c) REVIEW OF STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking paragraph (9) and inserting the following:

"(9) REVIEW AND REVISION.—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain or provide for greater protection of the health of persons.".

SEC. 7. ARSENIC.

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

"(12) ARSENIC.—

"(A) SCHEDULE AND STANDARD.—Notwithstanding paragraph (2), the Administrator shall promulgate a national primary drinking water regulation for arsenic in accordance with the schedule established by this paragraph and pursuant to this subsection.

"(B) RESEARCH PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for research in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. The Administrator shall consult with the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), other Federal agencies, and interested public and private entities.

"(C) RESEARCH PROJECTS.—The Administrator shall carry out the research plan, taking care to avoid duplication of other research in progress. The Administrator may enter into cooperative research agreements with other Federal agencies, State and local governments, and other interested public and private entities to carry out the research plan.

"(D) ASSESSMENT.—Not later than 3½ years after the date of enactment of this paragraph, the Administrator shall review the progress of the research to determine whether the health risks associated with exposure to low levels of arsenic are sufficiently well understood to proceed with a national primary drinking water regulation. The Administrator shall consult with the Science Advisory Board, other Federal agencies, and other interested public and private entities as part of the review.

"(E) PROPOSED REGULATION.—The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

"(F) FINAL REGULATION.—Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.”.

SEC. 8. RADON.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 7) is further amended by adding at the end the following:

“(13) RADON IN DRINKING WATER.—

“(A) REGULATION.—Notwithstanding paragraph (2), not later than 180 days after the date of enactment of this paragraph, the Administrator shall promulgate a national primary drinking water regulation for radon.

“(B) MAXIMUM CONTAMINANT LEVEL.—Notwithstanding any other provision of law, the regulation shall provide for a maximum contaminant level for radon of 3,000 picocuries per liter.

“(C) REVISION.—

“(i) IN GENERAL.—Subject to clause (ii), a revision to the regulation promulgated under subparagraph (A) may be made pursuant to this subsection. The revision may include a maximum contaminant level less stringent than 3,000 picocuries per liter as provided in paragraphs (4) and (9) or a maximum contaminant level more stringent than 3,000 picocuries per liter as provided in clause (ii).

“(ii) MAXIMUM CONTAMINANT LEVEL.—

“(I) CRITERIA FOR REVISION.—The Administrator shall not revise the maximum contaminant level for radon to a more stringent level than the level established under subparagraph (B) unless—

“(aa) the revision is made to reflect consideration of risks from the ingestion of radon in drinking water and episodic uses of drinking water;

“(bb) the revision is supported by peer-reviewed scientific studies conducted in accordance with sound and objective scientific practices; and

“(cc) based on the studies, the National Academy of Sciences and the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), consider a revision of the maximum contaminant level to be appropriate.

“(II) AMOUNT OF REVISION.—If the Administrator determines to revise the maximum contaminant level for radon in accordance with subclause (I), the maximum contaminant level shall be revised to a level that is no more stringent than is necessary to reduce risks to human health from radon in drinking water to a level that is equivalent to risks to human health from radon in outdoor air based on the national average concentration of radon in outdoor air.”.

SEC. 9. SULFATE.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 8) is further amended by adding at the end the following:

“(14) SULFATE.—

“(A) ADDITIONAL RESEARCH.—Prior to promulgating a national primary drinking water regulation for sulfate the Administrator and the Director of the Centers for Disease Control shall jointly conduct additional research to establish a reliable dose-response relationship for the adverse health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The research shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices and shall be completed not later than 30 months after the date of enactment of this paragraph.

“(B) PROPOSED AND FINAL RULE.—Prior to promulgating a national primary drinking water regulation for sulfate and after consultation with interested States, the Administrator shall publish a notice of proposed rulemaking that shall supersede the proposal published in December, 1994. For purposes of the proposed and final rule, the Administrator may specify in the regulation requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means. The Administrator shall, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking water regulation for sulfate not later than 48 months after the date of enactment of this paragraph.

“(C) EFFECT ON OTHER LAWS.—

“(i) FEDERAL LAWS.—Notwithstanding part C, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), subtitle C or D of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), or section 107 or 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9621(d)), no national primary drinking water regulation for sulfate shall be—

“(I) used as a standard for determining compliance with any provision of any law other than this subsection;

“(II) used as a standard for determining appropriate cleanup levels or whether cleanup should be undertaken with respect to any facility or site;

“(III) considered to be an applicable or relevant and appropriate requirement for any such cleanup; or

“(IV) used for the purpose of defining injury to a natural resource;

unless the Administrator, by rule and after notice and opportunity for public comment, determines that the regulation is appropriate for a use described in subclause (I), (II), (III), or (IV).

“(ii) STATE LAWS.—This subparagraph shall not affect any requirement of State law, including the applicability of any State standard similar to the regulation published under this paragraph as a standard for any cleanup action, compliance action, or natural resource damage action taken pursuant to such a law.”.

SEC. 10. FILTRATION AND DISINFECTION.

(a) FILTRATION CRITERIA.—Section 1412(b)(7)(C)(i) is amended by adding at the end thereof the following: “Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall amend the criteria issued under this clause to provide that a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure significantly greater removal efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this paragraph and paragraph (8)).”.

(b) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g–1(b)(7)(C)) is amended by adding at the end the following:

“(v) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—At the same time as the Administrator proposes an Interim Enhanced Surface Water Treatment Rule pursuant to paragraph (2)(C)(ii), the Administrator shall propose a regulation that describes treatment techniques that meet the requirements for filtration pursuant to this subparagraph and are feasible for community water systems serving a population of 3,300 or fewer and noncommunity water systems.”.

(c) GROUND WATER DISINFECTION.—The first sentence of section 1412(b)(8) (42 U.S.C. 300g–1(b)(8)) is amended—

(1) by striking “Not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall propose and promulgate” and inserting “At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1995 but not later than the date on which the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (2)), the Administrator shall also promulgate”; and

(2) by striking the period at the end and inserting the following: “, including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water.”.

SEC. 11. EFFECTIVE DATE FOR REGULATIONS.

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking paragraph (10) and inserting the following:

“(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State in the case of an individual system, may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State determines that additional time is necessary for capital improvements.”.

SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES; TECHNOLOGY CENTERS.

(a) SYSTEM TREATMENT TECHNOLOGIES.—Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 9) is further amended by adding at the end the following:

“(15) SYSTEM TREATMENT TECHNOLOGIES.—

“(A) GUIDANCE OR REGULATIONS.—

“(i) IN GENERAL.—At the same time as the Administrator promulgates a national primary drinking water regulation pursuant to this section, the Administrator shall issue guidance or regulations describing all treatment technologies for the contaminant that is the subject of the regulation that are feasible with the use of best technology, treatment techniques, or other means that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available taking cost into consideration for public water systems serving—

"(I) a population of 10,000 or fewer but more than 3,300;

"(II) a population of 3,300 or fewer but more than 500; and

"(III) a population of 500 or fewer but more than 25.

"(ii) CONTENTS.—The guidance or regulations shall identify the effectiveness of the technology, the cost of the technology, and other factors related to the use of the technology, including requirements for the quality of source water to ensure adequate protection of human health, considering removal efficiencies of the technology, and installation and operation and maintenance requirements for the technology.

"(iii) LIMITATION.—The Administrator shall not issue guidance or regulations for a technology under this paragraph unless the technology adequately protects human health, considering the expected useful life of the technology and the source waters available to systems for which the technology is considered to be feasible.

"(B) REGULATIONS AND GUIDANCE.—Not later than 2 years after the date of enactment of this paragraph and after consultation with the States, the Administrator shall issue guidance or regulations under subparagraph (A) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph for which a variance may be granted under section 1415(e). The Administrator may, at any time after a national primary drinking water regulation has been promulgated, issue guidance or regulations describing additional or new or innovative treatment technologies that meet the requirements of subparagraph (A) for public water systems described in subparagraph (A)(i) that are subject to the regulation.

"(C) NO SPECIFIED TECHNOLOGY.—A description under subparagraph (A) of the best technology or other means available shall not be considered to require or authorize that the specified technology or other means be used for the purpose of meeting the requirements of any national primary drinking water regulation.".

(b) TECHNOLOGIES AND TREATMENT TECHNIQUES FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as amended by section 6(a)) is further amended by adding at the end the following: "The Administrator shall include in the list any technology, treatment technique, or other means that is feasible for small public water systems serving—

"(i) a population of 10,000 or fewer but more than 3,300;

"(ii) a population of 3,300 or fewer but more than 500; and

"(iii) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units that are owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbial contaminant (or an indicator of a microbial contaminant). If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment device, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.".

(c) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j-4) is amended by adding at the end the following:

"(g) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of paragraphs (4)(E) and (15) of section 1412(b), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and date by which information shall be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under paragraph (4)(E) or (15) of section 1412(b).".

(d) SMALL WATER SYSTEMS TECHNOLOGY CENTERS.—Section 1442 (42 U.S.C. 300j-1) is amended by adding at the end the following:

"(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—

"(1) GRANT PROGRAM.—The Administrator is authorized to make grants to institutions of higher learning to establish and operate not fewer than 5 small public water system technology assistance centers in the United States.

"(2) RESPONSIBILITIES OF THE CENTERS.—The responsibilities of the small public water system technology assistance centers established under this subsection shall include the conduct of research, training, and technical assistance relating to the information, performance, and technical needs of small public water systems or public water systems that serve Indian Tribes.

"(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

"(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The small public water system technology assistance center shall be located in a State that is representative of the needs of the region in which the State is located for addressing the drinking water needs of rural small communities or Indian Tribes.

"(B) The grant recipient shall be located in a region that has experienced problems with rural water supplies.

"(C) There is available to the grant recipient for carrying out this subsection demonstrated expertise in water resources research, technical assistance, and training.

"(D) The grant recipient shall have the capability to provide leadership in making national and regional contributions to the solution of both long-range and intermediate-range rural water system technology management problems.

"(E) The grant recipient shall have a demonstrated interdisciplinary capability with expertise in small public water system technology management and research.

"(F) The grant recipient shall have a demonstrated capability to disseminate the results of small public water system technology research and training programs through an interdisciplinary continuing education program.

"(G) The projects that the grant recipient proposes to carry out under the grant are necessary and appropriate.

"(H) The grant recipient has regional support beyond the host institution.

"(I) The grant recipient shall include the participation of water resources research institutes established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

"(5) ALASKA.—For purposes of this subsection, the State of Alaska shall be considered to be a region.

"(6) CONSORTIA OF STATES.—At least 2 of the grants under this subsection shall be made to consortia of States with low population densities. In this paragraph, the term 'consortium of States with low population densities' means a consortium of States, each State of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.

"(7) ADDITIONAL CONSIDERATIONS.—At least one center established under this subsection shall focus primarily on the development and evaluation of new technologies and new combinations of existing technologies that are likely to provide more reliable or lower cost options for providing safe drinking water. This center shall be located in a geographic region of the country with a high density of small systems, at a university with an established record of developing and piloting small treatment technologies in cooperation with industry, States, communities, and water system associations.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 for each of fiscal years 1995 through 2003.".

SEC. 13. VARIANCES AND EXEMPTIONS.

(a) TECHNOLOGY AND TREATMENT TECHNIQUES FOR SYSTEMS ISSUED VARIANCES.—The second sentence of section 1415(a)(1)(A) (42 U.S.C. 300g-4(a)(1)(A)) is amended—

(1) by striking "only be issued to a system after the system's application of" and inserting "be issued to a system on condition that the system install"; and

(2) by inserting before the period at the end the following: ", and based upon an evaluation satisfactory to the State that indicates that alternative sources of water are not reasonably available to the system".

(b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g-5) is amended—

(1) in subsection (a)(1)—

(A) by inserting after "(which may include economic factors" the following: ", including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1473(e)(1)"; and

(B) by inserting after "treatment technique requirement," the following: "or to implement measures to develop an alternative source of water supply,";

(2) in subsection (b)(1)(A)—

(A) by striking "(including increments of progress)" and inserting "(including increments of progress or measures to develop an alternative source of water supply)"; and

(B) by striking "requirement and treatment" and inserting "requirement or treatment"; and

(3) in subsection (b)(2)—

(A) by striking "(except as provided in subparagraph (B))" in subparagraph (A) and all that follows through "3 years after the date of the issuance of the exemption if" in subparagraph (B) and inserting the following:

"not later than 3 years after the otherwise applicable compliance date established in section 1412(b)(10).

"(B) No exemption shall be granted unless";

(B) in subparagraph (B)(i), by striking "within the period of such exemption" and inserting "prior to the date established pursuant to section 1412(b)(10)";

(C) in subparagraph (B)(ii), by inserting after "such financial assistance" the following: "or assistance pursuant to part G, or any other Federal or State program is reasonably likely to be available within the period of the exemption";

(D) in subparagraph (C)—

(i) by striking "500 service connections" and inserting "a population of 3,300"; and

(ii) by inserting ", but not to exceed a total of 6 years," after "for one or more additional 2-year periods"; and

(E) by adding at the end the following:

"(D) LIMITATION.—A public water system may not receive an exemption under this section if the system was granted a variance under section 1415(e).".

SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.

(a) SMALL SYSTEM VARIANCES.—Section 1415 (42 U.S.C. 300g-4) is amended by adding at the end the following:

"(e) SMALL SYSTEM VARIANCES.—

"(1) IN GENERAL.—The Administrator (or a State with primary enforcement responsibility for public water systems under section 1413) may grant to a public water system serving a population of 10,000 or fewer (referred to in this subsection as a 'small system') a variance under this subsection for compliance with a requirement specifying a maximum contaminant level or treatment technique contained in a national primary drinking water regulation, if the variance meets each requirement of this subsection.

"(2) AVAILABILITY OF VARIANCES.—A small system may receive a variance under this subsection if the system installs, operates, and maintains, in accordance with guidance or regulations issued by the Administrator, treatment technology that is feasible for small systems as determined by the Administrator pursuant to section 1412(b)(15).

"(3) CONDITIONS FOR GRANTING VARIANCES.—A variance under this subsection shall be available only to a system—

"(A) that cannot afford to comply, in accordance with affordability criteria established by the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413), with a national primary drinking water regulation, including compliance through—

"(i) treatment;

"(ii) alternative source of water supply; or

"(iii) restructuring or consolidation (unless the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) makes a written determination that restructuring or consolidation is not feasible or appropriate based on other specified public policy considerations); and

"(B) for which the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) determines that the terms of the variance ensure adequate protection of human health, considering the quality of the source water for the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(4) APPLICATIONS.—An application for a variance for a national primary drinking water regulation under this subsection shall be submitted to the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) not later than the date that is the later of—

"(A) 3 years after the date of enactment of this subsection; or

"(B) 1 year after the compliance date of the national primary drinking water regulation as established under section 1412(b)(10) for which a variance is requested.

"(5) VARIANCE REVIEW AND DECISION.—

"(A) TIMETABLE.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall grant or deny a variance not later than 1 year after the date of receipt of the application.

"(B) PENALTY MORATORIUM.—Each public water system that submits a timely application for a variance under this subsection shall not be subject to a penalty in an enforcement action under section 1414 for a violation of a maximum contaminant level or treatment technique in the national primary drinking water regulation with respect to which the variance application was submitted prior to the date of a decision to grant or deny the variance.

"(6) COMPLIANCE SCHEDULES.—

"(A) VARIANCES.—A variance granted under this subsection shall require compliance with the conditions of the variance not later than 3 years after the date on which the variance is granted, except that the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) may allow up to 2 additional years to comply with a treatment technique, secure an alternative source of water, or restructure if the Administrator (or the State) determines that additional time is necessary for capital improvements, or to allow for financial assistance provided pursuant to part G or any other Federal or State program.

"(B) DENIED APPLICATIONS.—If the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) denies a variance application under this subsection, the public water system shall come into compliance with the requirements of the national primary drinking water regulation for which the variance was requested not later than 4 years after the date on which the national primary drinking water regulation was promulgated.

"(7) DURATION OF VARIANCES.—

"(A) IN GENERAL.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall review each variance granted under this subsection not less often than every 5 years after the compliance date established in the variance to determine whether the system remains eligible for the variance and is conforming to each condition of the variance.

"(B) REVOCATION OF VARIANCES.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall revoke a variance in effect under this subsection if the Administrator (or the State) determines that—

"(i) the system is no longer eligible for a variance;

"(ii) the system has failed to comply with any term or condition of the variance, other than a reporting or monitoring requirement, unless the failure is caused by circumstances outside the control of the system; or

"(iii) the terms of the variance do not ensure adequate protection of human health, considering the quality of source water available to the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(8) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

"(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

"(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

"(9) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and in consultation with the States, the Administrator shall promulgate regulations for variances to be granted under this subsection. The regulations shall, at a minimum, specify—

"(i) procedures to be used by the Administrator or a State to grant or deny variances, including requirements for notifying the Administrator and consumers of the public water system applying for a variance and requirements for a public hearing on the variance before the variance is granted;

"(ii) requirements for the installation and proper operation of treatment technology that is feasible (pursuant to section 1412(b)(15)) for small systems and the financial and technical capability to operate the treatment system, including operator training and certification;

"(iii) eligibility criteria for a variance for each national primary drinking water regulation, including requirements for the quality of the source water (pursuant to section 1412(b)(15)(A)); and

"(iv) information requirements for variance applications.

"(B) AFFORDABILITY CRITERIA.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator, in consultation with the States and the Rural Utilities Service of the Department of Agriculture, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria.

"(10) REVIEW BY THE ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator shall periodically review the program of each State that has primary enforcement responsibility for public water systems under section 1413 with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State.

"(B) NOTICE AND PUBLICATION.—If the Administrator determines that variances granted by a State are not in compliance with affordability criteria developed by the State and the requirements of this subsection, the Administrator shall notify the State in writing of the deficiencies and make public the determination.

"(C) OBJECTIONS TO VARIANCES.—

"(i) BY THE ADMINISTRATOR.—The Administrator may review and object to any variance proposed to be granted by a State, if the objection is communicated to the State not later than 90 days after the State proposes to grant the variance. If the Administrator objects to the granting of a variance, the Administrator shall notify the State in writing of each basis for the objection and propose a modification to the variance to resolve the concerns of the Administrator. The State shall make the recommended modification or respond in writing to each objection. If the State issues the variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with this subsection.

"(ii) PETITION BY CONSUMERS.—Not later than 30 days after a State with primary enforcement responsibility for public water systems under section 1413 proposes to grant a variance for a public water system, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 60 days after the receipt of the petition. The State shall not grant the variance during the 60-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State.".

(b) TECHNICAL ASSISTANCE.—Section 1442(g) (42 U.S.C. 300j–1(g)) is amended—

(1) in the second sentence, by inserting "and multi-State regional technical assistance" after "'circuit-rider'"; and

(2) by striking the third sentence and inserting the following: "The Administrator shall ensure that funds made available for technical assistance pursuant to this subsection are allocated among the States equally. Each nonprofit organization receiving assistance under this subsection shall consult with the State in which the assistance is to be expended or otherwise made available before using the assistance to undertake activities to carry out this subsection. There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 1992 through 2003.".

SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.

Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

"CAPACITY DEVELOPMENT

"SEC. 1418. (a) STATE AUTHORITY FOR NEW SYSTEMS.—Each State shall obtain the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1998, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations.

"(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

"(1) LIST.—Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

"(2) REPORT.—Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

"(c) CAPACITY DEVELOPMENT STRATEGY.—

"(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, each State shall develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

"(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

"(A) the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;

"(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

"(C) a description of how the State will use the authorities and resources of this title or other means to—

"(i) assist public water systems in complying with national primary drinking water regulations;

"(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

"(iii) assist public water systems in the training and certification of operators;

"(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

"(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

"(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

"(2) INFORMATIONAL ASSISTANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

"(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

"(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

"(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

"(3) VARIANCES AND EXEMPTIONS.—Based on information obtained under subsection (c)(2)(B), the Administrator shall, as appropriate, modify regulations concerning variances and exemptions for small public water systems to ensure flexibility in the use of the variances and exemptions. Nothing in this paragraph shall be interpreted, construed, or applied to affect or alter the requirements of section 1415 or 1416.

"(4) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

"(5) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, noncommunity water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.

"(e) ENVIRONMENTAL FINANCE CENTERS.—

"(1) IN GENERAL.—The Administrator shall support the network of university-based Environmental Finance Centers in providing training and technical assistance to State and local officials in developing capacity of public water systems.

"(2) NATIONAL CAPACITY DEVELOPMENT CLEARINGHOUSE.—Within the Environmental Finance Center network in existence on the date of enactment of this section, the Administrator shall establish a national public water systems capacity development clearinghouse to receive, coordinate, and disseminate research and reports on projects funded under this title and from other sources with respect to developing, improving, and maintaining technical, financial, and managerial capacity at public water systems to Federal and State agencies, universities, water suppliers, and other interested persons.

"(3) CAPACITY DEVELOPMENT TECHNIQUES.—

"(A) IN GENERAL.—The Environmental Finance Centers shall develop and test managerial, financial, and institutional techniques—

"(i) to ensure that new public water systems have the technical, managerial, and financial capacity before commencing operation;

"(ii) to identify public water systems in need of capacity development; and

"(iii) to bring public water systems with a history of significant noncompliance with national primary drinking water regulations into compliance.

"(B) TECHNIQUES.—The techniques may include capacity assessment methodologies, manual and computer-based public water system rate models and capital planning models, public water system consolidation procedures, and regionalization models.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (e) $2,500,000 for each of fiscal years 1995 through 2003.".

SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.

Section 1442 (42 U.S.C. 300j–1) is amended by inserting after subsection (d) the following:

"(e) CERTIFICATION OF OPERATORS AND LABORATORIES.—

"(1) REQUIREMENT.—Beginning 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995—

"(A) no assistance may be provided to a public water system under part G unless the system has entered into an enforceable commitment with the State providing that any person who operates the system will be trained and certified according to requirements established by the Administrator or the State (in the case of a State with primary enforcement responsibility under section 1413) not later than the date of completion of the capital project for which the assistance is provided; and

"(B) a public water system that has received assistance under part G may be operated only by a person who has been trained and certified according to requirements established by the Administrator or the State (in the case of a State with primary enforcement responsibility under section 1413).

"(2) GUIDELINES.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995 and after consultation with the States, the Administrator shall publish information to assist States in carrying out paragraph (1). In the case of a State with primary enforcement responsibility under section 1413 or any other State that has established a training program that is consistent with the guidance issued under this paragraph, the authority to prescribe the appropriate level of training for certification for all systems shall be solely the responsibility of the State. The guidance issued under this paragraph shall also include information to assist States in certifying laboratories engaged in testing for the purpose of compliance with sections 1445 and 1401(1).

"(3) NONCOMPLIANCE.—If a public water system in a State is not operated in accordance with paragraph (1), the Administrator is authorized to withhold from funds that would otherwise be allocated to the State under section 1472 or require the repayment of an amount equal to the amount of any assistance under part G provided to the public water system.".

SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNERSHIPS.

Part B (42 U.S.C. 300g et seq.) (as amended by section 15) is further amended by adding at the end the following:

"SOURCE WATER QUALITY PROTECTION PARTNERSHIP PROGRAM

"SEC. 1419. (a) SOURCE WATER AREA DELINEATIONS.—Except as provided in subsection (c), not later than 5 years after the date of enactment of this section, and after an opportunity for public comment, each State shall—

"(1) delineate (directly or through delegation) the source water protection areas for community water systems in the State using hydrogeologic information considered to be reasonably available and appropriate by the State; and

"(2) conduct, to the extent practicable, vulnerability assessments in source water areas determined to be a priority by the State, including, to the extent practicable, identification of risks in source water protection areas to drinking water.

"(b) ALTERNATIVE DELINEATIONS AND VULNERABILITY ASSESSMENTS.—For the purposes of satisfying the requirements of subsection (a), a State may use delineations and vulnerability assessments conducted for—

"(1) ground water sources under a State wellhead protection program developed pursuant to section 1428;

"(2) surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)); or

"(3) surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

"(c) FUNDING.—To carry out the delineations and assessments described in subsection (a), a State may use funds made available for that purpose pursuant to section 1473(f). If funds available under that section are insufficient to meet the minimum requirements of subsection (a), the State shall establish a priority-based schedule for the delineations and assessments within available resources.

"(d) PETITION PROGRAM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system in the State, or a municipal or local government or political subdivision of a government in the State, may submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership, among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership, to—

"(i) reduce the presence in drinking water of contaminants that may be addressed by a petition by considering the origins of the contaminants, including to the maximum extent practicable the specific activities that affect the drinking water supply of a community;

"(ii) obtain financial or technical assistance necessary to facilitate establishment of a partnership, or to develop and implement recommendations of a partnership for the protection of source water to assist in the provision of drinking water that complies with national primary drinking water regulations with respect to contaminants addressed by a petition; and

"(iii) develop recommendations regarding voluntary and incentive-based strategies for the long-term protection of the source water of community water systems.

"(B) STATE DETERMINATION.—Not later than 1 year after the date of enactment of this section, each State shall provide public notice and solicit public comment on the question of whether to develop a source water quality protection partnership petition program in the State, and publicly announce the determination of the State thereafter. If so requested by any public water system or local governmental entity, prior to making the determination, the State shall hold at least one public hearing to assess the level of interest in the State for development and implementation of a State source water quality partnership petition program.

"(C) FUNDING.—Each State may—

"(i) use funds set aside pursuant to section 1473(f) by the State to carry out a program described in subparagraph (A), including assistance to voluntary local partnerships for the development and implementation of partnership recommendations for the protection of source water such as source water quality assessment, contingency plans, and demonstration projects for partners within a source water area delineated under subsection (a); and

"(ii) provide assistance in response to a petition submitted under this subsection using funds referred to in subsections (e)(2)(B) and (g).

"(2) OBJECTIVES.—The objectives of a petition submitted under this subsection shall be to—

"(A) facilitate the local development of voluntary, incentive-based partnerships among owners and operators of community water systems, governments, and other persons in source water areas; and

"(B) obtain assistance from the State in directing or redirecting resources under Federal or State water quality programs to implement the recommendations of the partnerships to address the origins of drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities) that affect the drinking water supply of a community.

"(3) CONTAMINANTS ADDRESSED BY A PETITION.—A petition submitted to a State under this section may address only those contaminants—

"(A) that are pathogenic organisms for which a national primary drinking water regulation has been established or is required under section 1412(b)(2)(C); or

"(B) for which a national primary drinking water regulation has been promulgated or proposed and—

"(i) that are detected in the community water system for which the petition is submitted at levels above the maximum contaminant level; or

"(ii) that are detected by adequate monitoring methods at levels that are not reliably and consistently below the maximum contaminant level.

"(4) CONTENTS.—A petition submitted under this subsection shall, at a minimum—

"(A) include a delineation of the source water area in the State that is the subject of the petition;

"(B) identify, to the maximum extent practicable, the origins of the drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities contributing to the presence of the contaminants) in the source water area delineated under subparagraph (A);

"(C) identify any deficiencies in information that will impair the development of recommendations by the voluntary local partnership to address drinking water contaminants that may be addressed by a petition;

"(D) specify the efforts made to establish the voluntary local partnership and obtain the participation of—

"(i) the municipal or local government or other political subdivision of the State with jurisdiction over the source water area delineated under subparagraph (A); and

"(ii) each person in the source water area delineated under subparagraph (A)—

"(I) who is likely to be affected by recommendations of the voluntary local partnership; and

"(II) whose participation is essential to the success of the partnership;

"(E) outline how the voluntary local partnership has or will, during development and implementation of recommendations of the voluntary local partnership, identify, recognize and take into account any voluntary or other activities already being undertaken by persons in the source water area delineated under subparagraph (A) under Federal or State law to reduce the likelihood that contaminants will occur in drinking water at levels of public health concern; and

"(F) specify the technical, financial, or other assistance that the voluntary local partnership requests of the State to develop the partnership or to implement recommendations of the partnership.

"(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

"(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (d), the State shall approve or disapprove the petition, in whole or in part, not later than 120 days after the date of submission of the petition.

"(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (d). The notice of approval shall, at a minimum, include—

"(A) an identification of technical, financial, or other assistance that the State will provide to assist in addressing the drinking water contaminants that may be addressed by a petition based on—

"(i) the relative priority of the public health concern identified in the petition with respect to the other water quality needs identified by the State;

"(ii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

"(iii) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G and the appropriate distribution of the funds to assist in implementing the recommendations of the partnership;

"(B) a description of technical or financial assistance pursuant to Federal and State programs that is available to assist in implementing recommendations of the partnership in the petition, including—

"(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

"(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

"(iv) the sole source aquifer protection program established under section 1427;

"(v) the community wellhead protection program established under section 1428;

"(vi) any pesticide or ground water management plan;

"(vii) any voluntary agricultural resource management plan or voluntary whole farm or whole ranch management plan developed and implemented under a process established by the Secretary of Agriculture; and

"(viii) any abandoned well closure program; and

"(C) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition.

"(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (d), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if—

"(A) new information becomes available;

"(B) conditions affecting the source water that is the subject of the petition change; or

"(C) modifications are made in the type of assistance being requested.

"(f) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed under section 1427, a wellhead protection plan developed under section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (d) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the project, measure, or practice would be eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (d), the funds may be used only for a measure that addresses nonpoint source pollution.

"(g) GRANTS TO SUPPORT STATE PROGRAMS.—

"(1) IN GENERAL.—The Administrator may make a grant to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the program for the year in which the grant is available.

"(2) APPROVAL.—In order to receive grant assistance under this subsection, a State shall submit to the Administrator for approval a plan for a source water quality protection partnership program that is consistent with the guidance published under paragraph (3). The Administrator shall approve the plan if the plan is consistent with the guidance published under paragraph (3).

"(3) GUIDANCE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator, in consultation with the States, shall publish guidance to assist—

"(i) States in the development of a source water quality protection partnership program; and

"(ii) municipal or local governments or political subdivisions of the governments and community water systems in the development of source water quality protection partnerships and in the assessment of source water quality.

"(B) CONTENTS OF THE GUIDANCE.—The guidance shall, at a minimum—

"(i) recommend procedures for the approval or disapproval by a State of a petition submitted under subsection (d);

"(ii) recommend procedures for the submission of petitions developed under subsection (d);

"(iii) recommend criteria for the assessment of source water areas within a State;

"(iv) describe technical or financial assistance pursuant to Federal and State programs that is available to address the contamination of sources of drinking water and to develop and respond to petitions submitted under subsection (d); and

"(v) specify actions taken by the Administrator to ensure the coordination of the programs referred to in clause (iv) with the goals and objectives of this title to the maximum extent practicable.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal years 1995 through 2003. Each State with a plan for a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.

"(h) STATUTORY CONSTRUCTION.—Nothing in this section—

"(1)(A) creates or conveys new authority to a State, political subdivision of a State, or community water system for any new regulatory measure; or

"(B) limits any authority of a State, political subdivision, or community water system; or

"(2) precludes a community water system, municipal or local government, or political subdivision of a government from locally developing and carrying out a voluntary, incentive-based, source water quality protection partnership to address the origins of drinking water contaminants of public health concern.".

SEC. 18. STATE PRIMACY; STATE FUNDING.

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413 (42 U.S.C. 300g–2) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified;"; and

(2) by adding at the end the following:

"(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2) with respect to the regulation.".

(b) PUBLIC WATER SYSTEM SUPERVISION PROGRAM.—Section 1443(a) (42 U.S.C. 300j–2(a)) is amended—

(1) in paragraph (3)—

(A) by striking "(3) A grant" and inserting the following:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—A grant"; and

(B) by adding at the end the following:

"(B) DETERMINATION OF COSTS.—To determine the costs of a grant recipient pursuant to this paragraph, the Administrator shall, in cooperation with the States and not later than 180 days after the date of enactment of this subparagraph, establish a resource model for the public water system supervision program and review and revise the model as necessary.

"(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

"(i) the State requests the modification; and

"(ii) the revised estimates ensure full and effective administration of the public water system supervision program in the State and the revised estimates do not overstate the resources needed to administer the program.";

(2) in paragraph (7), by adding at the end a period and the following:

"For the purpose of making grants under paragraph (1), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1992 and 1993 and

$100,000,000 for each of fiscal years 1994 through 2003."; and

(3) by adding at the end the following:

"(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

"(9) STATE LOAN FUNDS.—

"(A) RESERVATION OF FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State (based on the resource model developed under paragraph (3)(B)), the Administrator may reserve from the funds made available to the State under section 1472 an amount that is equal to the amount of the shortfall.

"(B) DUTY OF ADMINISTRATOR.—If the Administrator reserves funds from the allocation of a State under subparagraph (A), the Administrator shall carry out in the State—

"(i) each of the activities that would be required of the State if the State had primary enforcement authority under section 1413; and

"(ii) each of the activities required of the State by this title, other than part C, but not made a condition of the authority.".

SEC. 19. MONITORING AND INFORMATION GATHERING.

(a) REGULATED CONTAMINANTS.—

(1) REVIEW OF EXISTING REQUIREMENTS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) is amended—

(A) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(B) by adding at the end the following:

"(C) REVIEW.—The Administrator shall not later than 2 years after the date of enactment of this subparagraph, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications.".

(2) ALTERNATIVE MONITORING PROGRAMS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (1)(B)) is further amended by adding at the end the following:

"(D) STATE-ESTABLISHED REQUIREMENTS.—

"(i) IN GENERAL.—Each State with primary enforcement responsibility under section 1413 may, by rule, establish alternative monitoring requirements for any national primary drinking water regulation, other than a regulation applicable to a microbial contaminant (or an indicator of a microbial contaminant). The alternative monitoring requirements established by a State under this clause may not take effect for any national primary drinking water regulation until after completion of at least 1 full cycle of monitoring in the State satisfying the requirements of paragraphs (1) and (2) of section 1413(a). The alternative monitoring requirements may be applicable to public water systems or classes of public water systems identified by the State, in lieu of the monitoring requirements that would otherwise be applicable under the regulation, if the alternative monitoring requirements—

"(I) are based on use of the best available science conducted in accordance with sound and objective scientific practices and data collected by accepted methods;

"(II) are based on the potential for the contaminant to occur in the source water based on use patterns and other relevant characteristics of the contaminant or the systems subject to the requirements;

"(III) in the case of a public water system or class of public water systems in which a contaminant has been detected at quantifiable levels that are not reliably and consistently below the maximum contaminant level, include monitoring frequencies that are not less frequent than the frequencies required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection; and

"(IV) in the case of each contaminant formed in the distribution system, are not applicable to public water systems for which treatment is necessary to comply with the national primary drinking water regulation.

"(ii) COMPLIANCE AND ENFORCEMENT.—The alternative monitoring requirements established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation. The State may review and update the alternative monitoring requirements as necessary.

"(iii) APPLICATION OF SECTION 1413.—

"(I) IN GENERAL.—Each State establishing alternative monitoring requirements under this subparagraph shall submit the rule to the Administrator as provided in section 1413(b)(1). Any requirements for a State to provide information supporting a submission shall be defined only in consultation with the States, and shall address only such information as is necessary to make a decision to approve or disapprove an alternative monitoring rule in accordance with the following sentence. The Administrator shall approve an alternative monitoring rule submitted under this clause for the purposes of section 1413, unless the Administrator determines in writing that the State rule for alternative monitoring does not ensure compliance with, and enforcement of, the national primary drinking water regulation for the contaminant or contaminants to which the rule applies.

"(II) EXCEPTIONS.—The requirements of section 1413(a)(1) that a rule be no less stringent than the national primary drinking water regulation for the contaminant or contaminants to which the rule applies shall not apply to the decision of the Administrator to approve or disapprove a rule submitted under this clause. Notwithstanding the requirements of section 1413(b)(2), the Administrator shall approve or disapprove a rule submitted under this clause within 180 days of submission. In the absence of a determination to disapprove a rule made by the Administrator within 180 days, the rule shall be deemed to be approved under section 1413(b)(2).

"(III) ADDITIONAL CONSIDERATIONS.—A State shall be considered to have primary enforcement authority with regard to an alternative monitoring rule, and the rule shall be effective, on a date (determined by the State) any time on or after submission of the rule, consistent with section 1413(c). A decision by the Administrator to disapprove an alternative monitoring rule under section 1413 or to withdraw the authority of the State to carry out the rule under clause (iv) may not be the basis for withdrawing primary enforcement responsibility for a national primary drinking water regulation or regulations from the State under section 1413.

"(iv) OVERSIGHT BY THE ADMINISTRATOR.—The Administrator shall review, not less often than every 5 years, any alternative monitoring requirements established by a State under clause (i) to determine whether the requirements are adequate to ensure compliance with, and enforcement of, national primary drinking water regulations. If the Administrator determines that the alternative monitoring requirements of a State are inadequate with respect to a contaminant, and after providing the State with an opportunity to respond to the determination of the Administrator and to correct any inadequacies, the Administrator may withdraw the authority of the State to carry out the alternative monitoring requirements with respect to the contaminant. If the Administrator withdraws the authority, the monitoring requirements contained in the national primary drinking water regulation for the contaminant shall apply to public water systems in the State.

"(v) NONPRIMACY STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State. After consultation with the Governor, the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to alternative monitoring requirements established by States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.

"(vi) GUIDANCE.—The Administrator shall issue guidance in consultation with the States that States may use to develop State-established requirements pursuant to this subparagraph and subparagraph (E). The guidance shall identify options for alternative monitoring designs that meet the criteria identified in clause (i) and the requirements of clause (ii).".

(3) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (2)) is further amended by adding at the end the following:

"(E) SMALL SYSTEM MONITORING.—The Administrator or a State that has primary enforcement responsibility under section 1413 may modify the monitoring requirements for any contaminant, other than a microbial contaminant or an indicator of a microbial contaminant, a contaminant regulated on the basis of an acute health effect, or a contaminant formed in the treatment process or in the distribution system, to provide that any public water system that serves a population of 10,000 or fewer shall not be required to conduct additional quarterly monitoring during any 3-year period for a specific contaminant if monitoring conducted at the beginning of the period for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system, and the Administrator or the State determines that the contaminant is unlikely to be detected by further monitoring in the period.".

(b) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

"(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

"(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

"(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

"(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1995 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 20 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to paragraph (3).

"(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

"(C) MONITORING BY LARGE SYSTEMS.—A public water system that serves a population of more than 10,000 shall conduct monitoring for all contaminants listed under subparagraph (B).

"(D) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

"(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

"(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds reserved under section 1478(c), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

"(E) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

"(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

"(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (h) in lieu of monitoring for particular contaminants under this paragraph.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 1995 through 2003.".

(c) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—Section 1445(a) (42 U.S.C. 300j-4(a)) (as amended by subsection (b)) is further amended by adding at the end the following:

"(3) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—

"(A) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under paragraph (2) and reliable information from other public and private sources.

"(B) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(1) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

"(C) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under paragraph (2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

"(i) the contaminant occurs or is likely to occur in drinking water; and

"(ii) the contaminant poses a risk to public health.

"(D) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

"(E) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

"(F) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

"(i) monitoring information collected by public water systems that serve a population of more than 10,000, as required by the Administrator under paragraph (2);

"(ii) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 10,000 or fewer; and

"(iii) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.".

(d) INFORMATION.—

(1) MONITORING AND TESTING AUTHORITY.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as designated by subsection (a)(1)(A)) is amended—

(A) by inserting "by accepted methods" after "conduct such monitoring"; and

(B) by striking "such information as the Administrator may reasonably require" and all that follows through the period at the end and inserting the following: "such information as the Administrator may reasonably require—

"(i) to assist the Administrator in establishing regulations under this title or to assist the Administrator in determining, on a case-by-case basis, whether the person has acted or is acting in compliance with this title; and

"(ii) by regulation to assist the Administrator in determining compliance with national primary drinking water regulations promulgated under section 1412 or in administering any program of financial assistance under this title.

If the Administrator is requiring monitoring for purposes of testing new or alternative methods, the Administrator may require the use of other than accepted methods. Information requirements imposed by the Administrator pursuant to the authority of this subparagraph that require monitoring, the establishment or maintenance of records or reporting, by a substantial number of public water systems (determined in the sole discretion of the Administrator), shall be established by regulation as provided in clause (ii).".

(2) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j-4) (as amended by section 12(c)) is further amended by adding at the end the following:

"(h) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.".

SEC. 20. PUBLIC NOTIFICATION.

Section 1414 (42 U.S.C. 300g-3) is amended by striking subsection (c) and inserting the following:

"(c) NOTICE TO PERSONS SERVED.—

"(1) IN GENERAL.—Each owner or operator of a public water system shall give notice to the persons served by the system—

"(A) of any failure on the part of the public water system to—

"(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

"(ii) perform monitoring required by section 1445(a);

"(B) if the public water system is subject to a variance granted under section 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, of—

"(i) the existence of the variance or exemption; and

"(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption; and

"(C) of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

"(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

"(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice under this subsection. The regulations shall—

"(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

"(ii) take into account the seriousness of any potential adverse health effects that may be involved.

"(B) STATE REQUIREMENTS.—

"(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

"(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

"(II) with respect to the form and content of notice given under subparagraph (D).

"(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

"(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

"(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

"(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

"(ii) provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) the potential adverse effects on human health;

"(III) the steps that the public water system is taking to correct the violation; and

"(IV) the necessity of seeking alternative water supplies until the violation is corrected;

"(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

"(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

"(I) be provided to appropriate broadcast media;

"(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

"(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

"(D) WRITTEN NOTICE.—

"(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice—

"(I) in the first bill (if any) prepared after the date of occurrence of the violation;

"(II) in an annual report issued not later than 1 year after the date of occurrence of the violation; or

"(III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

"(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) any potential adverse health effects; and

"(III) the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

"(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

"(3) REPORTS.—

"(A) ANNUAL REPORT BY STATE.—

"(i) IN GENERAL.—Not later than January 1, 1997, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to—

"(I) maximum contaminant levels;

"(II) treatment requirements;

"(III) variances and exemptions; and

"(IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

"(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

"(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1997, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.".

SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g-3) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "any national primary drinking water regulation in effect under section 1412" and inserting "any applicable requirement"; and

(II) by striking "with such regulation or requirement" and inserting "with the requirement"; and

(ii) in subparagraph (B), by striking "regulation or" and inserting "applicable"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ENFORCEMENT IN NONPRIMACY STATES.—

"(A) IN GENERAL.—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

"(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

"(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

"(B) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken.";

(2) in the first sentence of subsection (b), by striking "a national primary drinking water regulation" and inserting "any applicable requirement";

(3) in subsection (g)—

(A) in paragraph (1), by striking "regulation, schedule, or other" each place it appears and inserting "applicable";

(B) in paragraph (2)—

(i) in the first sentence—

(I) by striking "effect until after notice and opportunity for public hearing and," and inserting "effect,"; and

(II) by striking "proposed order" and inserting "order"; and

(ii) in the second sentence, by striking "proposed to be"; and

(C) in paragraph (3)—

(i) by striking subparagraph (B) and inserting the following:

"(B) EFFECT OF PENALTY AMOUNTS.—In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds $5,000, but does not exceed $25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code."; and

(ii) in subparagraph (C), by striking "paragraph exceeds $5,000" and inserting "subsection for a violation of an applicable requirement exceeds $25,000"; and

(4) by adding at the end the following:

"(h) CONSOLIDATION INCENTIVE.—

"(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

"(A) the physical consolidation of the system with 1 or more other systems;

"(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

"(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

"(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

"(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term 'applicable requirement' means—

"(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445;

"(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

"(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

"(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.".

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

"(A) in the case of a system serving a population of more than 10,000, that is not less than $1,000 per day per violation; and

"(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.".

(c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j-7(a)) is amended—

(1) in paragraph (2) of the first sentence, by inserting "final" after "any other";

(2) in the second sentence, by striking "or issuance of the order" and inserting "or any other final Agency action"; and

(3) by adding at the end the following "In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside and remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.".

SEC. 22. FEDERAL AGENCIES.

(a) IN GENERAL.—Subsections (a) and (b) of section 1447 (42 U.S.C. 300j-6) are amended to read as follows:

"(a) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall be subject to, and comply with, all Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions concerning the provision of safe drinking water or underground injection in the same manner, and to the same extent, as any nongovernmental entity is subject to, and shall comply with, the requirements, authorities, and process and sanctions.

"(2) ADMINISTRATIVE ORDERS AND PENALTIES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

"(3) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—The United States expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, or process or sanction referred to in paragraph (2) (including any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charge referred to in the preceding sentence includes—

"(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, variance, or exemption, review of a plan, study, or other document, or inspection or monitoring of a facility; and

"(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

"(4) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(5) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States may be subject to a criminal sanction under a State, interstate, or local law concerning the provision of drinking water or underground injection. No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in the preceding sentence.

"(b) WAIVER OF COMPLIANCE.—

"(1) IN GENERAL.—The President may waive compliance with subsection (a) by any department, agency, or instrumentality in the executive branch if the President determines waiving compliance with such subsection to be in the paramount interest of the United States.

"(2) WAIVERS DUE TO LACK OF APPROPRIATIONS.—No waiver described in paragraph (1) shall be granted due to the lack of an appropriation unless the President has specifically requested the appropriation as part of the budgetary process and Congress has failed to make available the requested appropriation.

"(3) PERIOD OF WAIVER.—A waiver under this subsection shall be for a period of not to exceed 1 year, but an additional waiver may be granted for a period of not to exceed 1 year on the termination of a waiver if the President reviews the waiver and makes a determination that it is in the paramount interest of the United States to grant an additional waiver.

"(4) REPORT.—Not later than January 31 of each year, the President shall report to Congress on each waiver granted pursuant to this subsection during the preceding calendar year, together with the reason for granting the waiver.".

(b) ADMINISTRATIVE PENALTY ORDERS.—Section 1447 (42 U.S.C. 300j-6) is amended by adding at the end the following:

"(d) ADMINISTRATIVE PENALTY ORDERS.—

"(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

"(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

"(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

"(4) PUBLIC REVIEW.—

"(A) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

"(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

"(C) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

"(D) PROHIBITION ON ADDITIONAL PENALTIES.—The court may not impose an additional civil penalty for a violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.".

(c) CITIZEN ENFORCEMENT.—The first sentence of section 1449(a) (42 U.S.C. 300j-8(a)) is amended—

(1) in paragraph (1), by striking ", or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) for the collection of a penalty (and associated costs and interest) against any Federal agency that fails, by the date that is 1 year after the effective date of a final order to pay a penalty assessed by the Administrator under section 1447(d), to pay the penalty.".

(d) WASHINGTON AQUEDUCT.—Section 1447 (42 U.S.C. 300j-6) (as amended by subsection (b)) is further amended by adding at the end the following:

"(e) WASHINGTON AQUEDUCT.—The Washington Aqueduct Authority, the Army Corps of Engineers, and the Secretary of the Army shall not pass the cost of any penalty assessed under this title on to any customer, user, or other purchaser of drinking water from the Washington Aqueduct system, including finished water from the Dalecarlia or McMillan treatment plant.".

SEC. 23. RESEARCH.

Section 1442 (42 U.S.C. 300j-1) (as amended by section 12(d)) is further amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following:

"(2) INFORMATION AND RESEARCH FACILITIES.—In carrying out this title, the Administrator is authorized to—

“(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

“(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title.”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (11) as paragraph (3) and moving such paragraph to appear before paragraph (4); and

(D) by adding at the end the following:

“(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out research authorized by this section $25,000,000 for each of fiscal years 1994 through 2003, of which $4,000,000 shall be available for each fiscal year for research on the health effects of arsenic in drinking water.”;

(5) in subsection (b) (as so amended)—

(A) by striking “subparagraph” each place it appears and inserting “subsection”; and

(B) by adding at the end the following: “There are authorized to be appropriated to carry out this subsection $8,000,000 for each of fiscal years 1995 through 2003.”;

(6) in the first sentence of subsection (c), by striking “eighteen months after the date of enactment of this subsection” and inserting “2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 5 years thereafter”;

(7) in subsection (d) (as amended by paragraph (1))—

(A) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon;

(C) in paragraph (3), by striking the period at the end and inserting “; and”;

(D) by inserting after paragraph (3) the following:

“(4) develop and maintain a system for forecasting the supply of, and demand for, various professional occupational categories and other occupational categories needed for the protection and treatment of drinking water in each region of the United States.”; and

(E) by adding at the end the following: “There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1994 through 2003.”; and

(8) by adding at the end the following:

“(i) BIOLOGICAL MECHANISMS.—In carrying out this section, the Administrator shall conduct studies to—

“(1) understand the mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

“(2) understand the effects of contaminants and the mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

“(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

“(j) RESEARCH PRIORITIES.—To establish long-term priorities for research under this section, the Administrator shall develop, and periodically update, an integrated risk characterization strategy for drinking water quality. The strategy shall identify unmet needs, priorities for study, and needed improvements in the scientific basis for activities carried out under this title. The initial strategy shall be made available to the public not later than 3 years after the date of enactment of this subsection.

“(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

“(1) DEVELOPMENT OF PLAN.—The Administrator shall—

“(A) not later than 180 days after the date of enactment of this subsection, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate, the heads of other Federal agencies, develop a research plan to support the development and implementation of the most current version of the—

“(i) enhanced surface water treatment rule (59 Fed. Reg. 38832 (July 29, 1994));

“(ii) disinfectant and disinfection byproducts rule (Stage 2) (59 Fed. Reg. 38668 (July 29, 1994)); and

“(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

“(B) carry out the research plan, after consultation and appropriate coordination with the Secretary of Agriculture and the heads of other Federal agencies.

“(2) CONTENTS OF PLAN.—

“(A) IN GENERAL.—The research plan shall include, at a minimum—

“(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

“(ii) toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

“(iii) toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

“(iv) the development of practical analytical methods for detecting and enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

“(v) the development of reliable, efficient, and economical methods to determine the viability of individual cryptosporidium oocysts;

“(vi) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

“(vii) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

“(viii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

“(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and the costs and removal efficiencies associated with various control methods for pathogens, disinfectants, and disinfection byproducts.

“(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from, institutions and utilities.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

“(l) SUBPOPULATIONS AT GREATER RISK.—

“(1) RESEARCH PLAN.—The Administrator shall conduct a continuing program of peer-reviewed research to identify groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop and implement a research plan to establish whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

“(2) CONTENTS OF PLAN.—To the extent appropriate, the research shall be—

“(A) integrated into the health effects research plan carried out by the Administrator to support the regulation of specific contaminants under this Act; and

“(B) designed to identify—

“(i) the nature and extent of the elevated health risks, if any;

“(ii) the groups likely to experience the elevated health risks;

“(iii) biological mechanisms and other factors that may contribute to elevated health risks for groups within the general population;

“(iv) the degree of variability of the health risks to the groups from the health risks to the general population;

“(v) the threshold, if any, at which the elevated health risks for a specific contaminant occur; and

“(vi) the probability of the exposure to the contaminants by the identified group.

“(3) REPORT.—Not later than 4 years after the date of enactment of this subsection and periodically thereafter as new and significant information becomes available, the Administrator shall report to Congress on the results of the research.

“(4) USE OF RESEARCH.—In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall consider all relevant factors, including the results of research under this subsection, the margin of safety for variability in the general population, and sound scientific practices (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects.”.

SEC. 24. DEFINITIONS.

(a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by inserting “accepted methods for” before “quality control”; and

(B) by adding at the end the following: “At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. The procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.'';

(2) in paragraph (13)—

(A) by striking "The" and inserting "(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) For purposes of part G, the term 'State' means each of the 50 States and the Commonwealth of Puerto Rico.";

(3) in paragraph (14), by adding at the end the following: "For purposes of part G, the term includes any Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)))."; and

(4) by adding at the end the following:

"(15) COMMUNITY WATER SYSTEM.—The term 'community water system' means a public water system that—

"(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

"(B) regularly serves at least 25 year-round residents.

"(16) NONCOMMUNITY WATER SYSTEM.—The term 'noncommunity water system' means a public water system that is not a community water system.".

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended—

(A) in the first sentence, by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by striking "(4) The" and inserting the following:

"(4) PUBLIC WATER SYSTEM.—

"(A) IN GENERAL.—The"; and

(D) by adding at the end the following:

"(B) CONNECTIONS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

"(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

"(II) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

"(III) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking and cooking is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

"(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential use shall not be considered to be a public water system if the system or the residential users of the system comply with subclause (II) or (III) of clause (i).

"(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1995 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph, if during such two-year period the water supplier complies with the monitoring requirements of the Surface Water Treatment Rule and no indicator of microbial contamination is exceeded during that period. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.".

SEC. 25. WATERSHED AND GROUND WATER PROTECTION.

(a) STATE GROUND WATER PROTECTION GRANTS.—Section 1443 (42 U.S.C. 300j-2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) STATE GROUND WATER PROTECTION GRANTS.—

"(1) IN GENERAL.—The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

"(2) GUIDANCE.—Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

"(3) CONDITIONS OF GRANTS.—

"(A) IN GENERAL.—The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

"(B) INNOVATIVE PROGRAM GRANTS.—The Administrator may also award a grant pursuant to this paragraph for innovative programs proposed by a State for the prevention of ground water contamination.

"(C) ALLOCATION OF FUNDS.—The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this subsection are allocated to each State that submits an application that is approved by the Administrator pursuant to this subsection.

"(D) LIMITATION ON GRANTS.—No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

"(4) COORDINATION WITH OTHER GRANT PROGRAMS.—The awarding of grants by the Administrator pursuant to this subsection shall be coordinated with the awarding of grants pursuant to section 319(i) of the Federal Water Pollution Control Act (33 U.S.C. 1329(i)) and the awarding of other Federal grant assistance that provides funding for programs related to ground water protection.

"(5) AMOUNT OF GRANTS.—The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount that is not less than 50 percent of the cost of conducting the program.

"(6) EVALUATIONS AND REPORTS.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this subsection and report to Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 1995 through 2003.".

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h-6) is amended—

(1) in subsection (b)(1), by striking "not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986"; and

(2) in the first sentence of subsection (n), by adding at the end the following:

"1992-2003 .... 15,000,000.".

(c) WELLHEAD PROTECTION AREAS.—Section 1428(k) (42 U.S.C. 300h-7(k)) is amended by adding at the end the following:

"1992-2003 .... 30,000,000.".

(d) UNDERGROUND INJECTION CONTROL GRANT.—Section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended by adding at the end the following:

"1992-2003 .... 15,000,000.".

(e) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—Section 1450 (42 U.S.C. 300j-9) is amended by striking subsection (h) and inserting the following:

"(h) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—The Administrator shall conduct a study to determine the extent and seriousness of contamination of private sources of drinking water that are not regulated under this title. Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall submit to Congress a report that includes the findings of the study and recommendations by the Administrator concerning responses to any problems identified under the study. In designing and conducting the study, including consideration of research design, methodology, and conclusions and recommendations, the Administrator shall consult with experts outside the Agency, including scientists, hydrogeologists, well contractors and suppliers, and other individuals knowledgeable in ground water protection and remediation.".

(f) NATIONAL CENTER FOR GROUND WATER RESEARCH.—The Administrator of the Environmental Protection Agency, acting through the Robert S. Kerr Environmental Research Laboratory, is authorized to reestablish a partnership between the Laboratory and the National Center for Ground Water Research, a university consortium, to conduct research, training, and technology transfer for ground water quality protection and restoration.

(g) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

(1) The heading of section 1443 (42 U.S.C.) is amended to read as follows:

"Grants for State and local programs"

(2) Section 1443 (42 U.S.C.) is amended by adding at the end thereof the following:

"(e) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—

"(A) ASSISTANCE FOR DEMONSTRATION PROJECTS.—The Administrator is authorized to provide technical and financial assistance to units of State or local government for projects that demonstrate and assess innovative and enhanced methods and practices to develop and implement watershed protection programs including methods and practices that protect both surface and ground water. In selecting projects for assistance under this subsection, the Administrator shall give priority to projects that are carried out to satisfy criteria published under section 1412(b)(7)(C) or that are identified through programs developed and implemented pursuant to section 1428.

"(B) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

"(2) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

"(A) IN GENERAL.—Pursuant to the authority of paragraph (1), the Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administrator by the State of New York as satisfying the purposes of this subsection and shall include those projects that demonstrate, assess, or provide for comprehensive monitoring, surveillance, and research with respect to the efficacy of phosphorus offsets or trading, wastewater diversion, septic system siting and maintenance, innovative or enhanced wastewater treatment technologies, innovative methodologies for the control of storm water runoff, urban, agricultural, and forestry best management practices for controlling nonpoint source pollution, operator training, compliance surveillance and that establish watershed or basin-wide coordinating, planning or governing organizations. In certifying projects to the Administrator, the State of New York shall give priority to these monitoring and research projects that have undergone peer review.

"(B) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

"(3) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection for each of fiscal years 1997 through 2003 including $15,000,000 for each of such fiscal years for the purpose of providing assistance to the State of New York to carry out paragraph (2).".

SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.

(a) FITTINGS AND FIXTURES.—Section 1417 (42 U.S.C. 300g–6) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) PROHIBITIONS.—

"(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

"(i) any public water system; or

"(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

"(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.";

(B) in paragraph (2)(A), by inserting after "Each" the following: "owner or operator of a"; and

(C) by adding at the end the following:

"(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

"(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

"(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

"(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.";

(2) in subsection (d)—

(A) in paragraph (1), by striking "lead, and" and inserting "lead;";

(B) in paragraph (2), by striking "lead." and inserting "lead; and"; and

(C) by adding at the end the following:

"(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e)."; and

(3) by adding at the end the following:

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

"(2) STANDARDS.—

"(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

"(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.".

(b) WATER RETURN FLOWS.—Section 3013 of Public Law 102–486 (42 U.S.C. 13551) is repealed.

(c) RECORDS AND INSPECTIONS.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by section 19(a)(1)(A)) is amended by striking "Every person" and all that follows through "is a grantee," and inserting "Every person who is subject to any requirement of this title or who is a grantee".

SEC. 27. BOTTLED WATER.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end the following:

"(b)(1) After the Administrator of the Environmental Protection Agency publishes a proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that a regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water. In the case of any contaminant for which a national primary drinking water regulation was promulgated before the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Secretary shall issue the regulation or make the finding required by this paragraph not later than 1 year after that date.

"(2) The regulation shall include any monitoring requirements that the Secretary determines to be appropriate for bottled water.

"(3) The regulation—

"(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

"(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

"(4)(A) If the Secretary fails to establish a regulation within the period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

"(B) Not later than 30 days after the end of the period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and appropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect or 18 months after the notice is issued pursuant to this subparagraph, whichever is later.".

SEC. 28. OTHER AMENDMENTS.

(a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

(1) AUTHORIZATIONS.—

(A) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under paragraph (2).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with subparagraphs (B) and (C), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under paragraph (1). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority over all other creditors; and

(iii) include other conditions that the Secretary of the Treasury determines to be appropriate.

(3) BORROWING AUTHORITY.—Subject to an appropriation under paragraph (1)(B) and after entering into a series of contracts under paragraph (2), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under paragraph (1)(B).

(4) DEFINITIONS.—In this subsection:

(A) PUBLIC WATER SUPPLY CUSTOMER.—The term "public water supply customer" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(B) VALUE TO THE GOVERNMENT.—The term "value to the Government" means the net present value of a contract under paragraph (2) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of such Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(C) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the water supply system of treatment plants, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

(b) DRINKING WATER ADVISORY COUNCIL.—The second sentence of section 1446(a) (42 U.S.C. 300j–6(a)) is amended by inserting before the period at the end the following: ", of which two such members shall be associated with small, rural public water systems".

(c) SHORT TITLE.—

(1) IN GENERAL.—The title (42 U.S.C. 1401 et seq.) is amended by inserting after the title heading the following:

"SHORT TITLE

"SEC. 1400. This title may be cited as the 'Safe Drinking Water Act'.".

(2) CONFORMING AMENDMENT.—Section 1 of Public Law 93–523 (88 Stat. 1660) is amended by inserting "of 1974" after "Water Act".

(d) TECHNICAL AMENDMENTS TO SECTION HEADINGS.—

(1) The section heading and subsection designation of subsection (a) of section 1417 (42 U.S.C. 300g–6) are amended to read as follows:

"PROHIBITION ON USE OF LEAD PIPES, FITTINGS, SOLDER, AND FLUX

"SEC. 1417. (a)".

(2) The section heading and subsection designation of subsection (a) of section 1426 (42 U.S.C. 300h–5) are amended to read as follows:

"REGULATION OF STATE PROGRAMS

"SEC. 1426. (a)".

(3) The section heading and subsection designation of subsection (a) of section 1427 (42 U.S.C. 300h–6) are amended to read as follows:

"SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

"SEC. 1427. (a)".

(4) The section heading and subsection designation of subsection (a) of section 1428 (42 U.S.C. 300h–7) are amended to read as follows:

"STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS

"SEC. 1428. (a)".

(5) The section heading and subsection designation of subsection (a) of section 1432 (42 U.S.C. 300i–1) are amended to read as follows:

"TAMPERING WITH PUBLIC WATER SYSTEMS

"SEC. 1432. (a)".

(6) The section heading and subsection designation of subsection (a) of section 1451 (42 U.S.C. 300j–11) are amended to read as follows:

"INDIAN TRIBES

"SEC. 1451. (a)".

(7) The section heading and first word of section 1461 (42 U.S.C. 300j–21) are amended to read as follows:

"DEFINITIONS

"SEC. 1461. As".

(8) The section heading and first word of section 1462 (42 U.S.C. 300j–22) are amended to read as follows:

"RECALL OF DRINKING WATER COOLERS WITH LEAD-LINED TANKS

"SEC. 1462. For".

(9) The section heading and subsection designation of subsection (a) of section 1463 (42 U.S.C. 300j–23) are amended to read as follows:

"DRINKING WATER COOLERS CONTAINING LEAD

"SEC. 1463. (a)".

(10) The section heading and subsection designation of subsection (a) of section 1464 (42 U.S.C. 300j–24) are amended to read as follows:

"LEAD CONTAMINATION IN SCHOOL DRINKING WATER

"SEC. 1464. (a)".

(11) The section heading and subsection designation of subsection (a) of section 1465 (42 U.S.C. 300j–25) are amended to read as follows:

"FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD CONTAMINATION IN SCHOOL DRINKING WATER

"SEC. 1465. (a)".

(e) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.".

(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting ", the Lake Champlain Basin Program," after "Great Lakes Commission".

(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting ", Lake Champlain," after "Great Lakes" each place it appears.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

(A) in paragraph (3), by inserting ", and the Lake Champlain Research Consortium," after "Laboratory"; and

(B) in paragraph (4)(A)—

(i) by inserting after "(33 U.S.C. 1121 et seq.)" the following: "and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat 417, chapter 841; 7 U.S.C. 322)"; and

(ii) by inserting "and the Lake Champlain basin" after "Great Lakes region".

(f) SOUTHWEST CENTER FOR ENVIRONMENTAL RESEARCH AND POLICY.—

(1) ESTABLISHMENT OF CENTER.—The Administrator of the Environmental Protection Agency shall take such action as may be necessary to establish the Southwest Center for Environmental Research and Policy (hereinafter referred to as "the Center").

(2) MEMBERS OF THE CENTER.—The Center shall consist of a consortium of American and Mexican universities, including New Mexico State University; the University of Utah; the University of Texas at El Paso; San Diego State University; Arizona State University; and four educational institutions in Mexico.

(3) FUNCTIONS.—Among its functions, the Center shall—

(A) conduct research and development programs, projects and activities, including training and community service, on United States-Mexico border environmental issues, with particular emphasis on water quality and safe drinking water;

(B) provide objective, independent assistance to the EPA and other Federal, State and local agencies involved in environmental policy, research, training and enforcement, including matters affecting water quality and safe drinking water throughout the southwest border region of the United States; and

(C) help to coordinate and facilitate the improvement of environmental policies and programs between the United States and Mexico, including water quality and safe drinking water policies and programs.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $10,000,000 for each of the fiscal years 1996 through 2003 to carry out the programs, projects and activities of the Center. Funds made available pursuant to this paragraph shall be distributed by the Administrator to the university members of the Center located in the United States.

(g) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph 1 by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

(5) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

(B) FAILURE TO SUBMIT INFORMATION.—

(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.

(h) GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of—

(A) the development and construction of water and wastewater systems to improve the health and sanitation conditions in the villages; and

(B) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

(2) FEDERAL SHARE.—The Federal share of the cost of the activities described in paragraph (1) shall be 50 percent.

(3) ADMINISTRATIVE EXPENSES.—The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in paragraph (1).

(4) CONSULTATION WITH THE STATE OF ALASKA.—The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under paragraph (1) according to the needs of, and relative health and sanitation conditions in, each eligible village.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of the fiscal years 1996 through 2003 to carry out this subsection.

(i) ASSISTANCE TO COLONIAS.—

(1) DEFINITIONS.—As used in this subsection—

(A) ELIGIBLE COMMUNITY.—The term "eligible community" means a low-income community with economic hardship that—

(i) is commonly referred to as a colonia;

(ii) is located along the United States-Mexico border (generally in an unincorporated area); and

(iii) lacks basic sanitation facilities such as a safe drinking water supply, household plumbing, and a proper sewage disposal system.

(B) BORDER STATE.—The term "border State" means Arizona, California, New Mexico and Texas.

(C) TREATMENT WORKS.—The term "treatment works" has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(2) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to any appropriate entity or border State to provide assistance to eligible communities for—

(A) the conservation, development, use and control (including the extension or improvement of a water distribution system) of water for the purpose of supplying drinking water; and

(B) the construction or improvement of sewers and treatment works for wastewater treatment.

(3) USE OF FUNDS.—Each grant awarded pursuant to paragraph (2) shall be used to provide assistance to one or more eligible community with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system or treatment works for wastewater.

(4) OPERATION AND MAINTENANCE.—The Administrator and the heads of other appropriate Federal agencies, other entities or border States are authorized to use funds appropriated pursuant to this subsection to operate and maintain a treatment works or other project that is constructed with funds made available pursuant to this subsection.

(5) PLANS AND SPECIFICATIONS.—Each treatment works or other project that is funded by a grant awarded pursuant to this subsection shall be constructed in accordance with plans and specifications approved by the Administrator, the head of the Federal agency making the grant, or the border State in which the eligible community is located. The standards for construction applicable to a treatment works or other project eligible for assistance under title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) shall apply to the construction of a treatment works or project under this subsection in the same manner as the standards apply under such title.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1996 through 2003.

MOTION OFFERED BY MR. BILILEY

Mr. BILILEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLILEY moves to strike all after the enacting clause of S. 1316 and insert in lieu thereof the text of H.R. 3604 as passed by the Hosue, as follows:

[Bill not available at time of printing. Will be printed in a future issue of the RECORD.]

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend title XIV of the Public Health Service Act (the "Safe Drinking Water Act") and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3604) laid on the table.

APPOINTMENT OF CONFEREES ON S. 1316

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 1316, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. STUPAK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1316 be instructed to insist upon the provisions contained in section 506 of the House amendment.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. STUPAK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

☐ 1730

Mr. STUPAK. Mr. Speaker, if I may, after I make my statement I ask unanimous consent that any remaining time I have be controlled by the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject of this motion to instruct is critical to the success of this conference.

On June 25, 1996, I came to the floor prepared to unequivocally support a bill that protects the environment and provides needed flexibility for local governments.

I was very concerned to learn that $375 million in earmarks were added to the agreed upon bi-partisan bill.

I introduced into the RECORD the administration's position on these earmarks. The administration position states, "The administration * * * strongly opposes the provisions added in title V which would jeopardize public health and undermine the SRF by limiting states' flexibility to prioritize project funding."

In addition to inserting this statement, I engaged the gentleman from New York, the chairman of the Water Resources and Environment Subcommittee in a colloquy on this issue. He pledged to maintain the 75-percent trigger in the final conference report.

By supporting this motion, the Members of the House will show their agreement with the gentleman from New York. Please do not let an urgent bill like the Safe Drinking Water Act fall prey to backroom pork politics. I urge the Members of the House to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on the motion to instruct conferees.

As my colleagues are aware, H.R. 3604 contains an authorization for a new State Revolving Fund for drinking water projects. This program will provide States with grants which they can use to make loans to public water systems to comply with the requirements of the Safe Drinking Water Act.

This SRF will go a long way to address the fact that the Safe Drinking Water Act imposes significant costs on States and local governments. H.R. 3604 makes other changes in the Safe Drinking Water Act to improve the cost-effectiveness of drinking water regulations. But the fact is that we will continue to need regulations for contaminants in drinking water, so we need this new SRF to help States and local governments pay for the costs of those regulations.

This bill also contains authorization for several grant programs which were developed by the Transportation Committee. The largest of these grant programs would authorize $50 million a year for other types of water projects. The bill contains a provision that says that these grant programs should not be funded unless and until the State Revolving Fund receives at least 75 percent of the authorized amounts. This is to ensure that the new State Revolving Fund for public water systems, which is important to the success of the Safe Drinking Water Act program, does not wither away for lack of funding.

It is my understanding that this motion to instruct conferees simply urges support for the 75 percent funding condition in the House bill. I support this provision and urge my colleagues to support the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House conferees to stand by the firewall provisions of the House safe drinking water bill. The provisions protect the funds established for State-selected and State-controlled safe drinking water projects from any raids to funds from congressionally directed construction projects added to this bill at the last minute by the House leadership. Those cholesterol-rich pork provisions should be a matter of legitimate concern to every Member of this body.

While not everyone will agree with my assessment that these projects are 100 percent U.S. certified pork high in cholesterol, there is fortunately no dispute that they should not receive one cent of funding unless and until the State drinking water revolving fund is capitalized at sufficient levels.

Luckily there is language in this bill which passes the House that provides some firewall protection. I commend my colleagues on the Committee on Transportation and Infrastructure for agreeing to include this language. My motion to instruct makes it clear that the conferees not forget this explicit commitment in the House-passed bill.

Mr. Speaker, 3 weeks ago the House passed a bipartisan reauthorization of the safe Drinking Water Act. This measure makes necessary improvements to the act to ensure that the drinking water of this country is safe today and safe in the future. This measure will improve protection of our drinking water from microbiological contaminants that cause acute illnesses, even death, from single exposures. This measure will reduce the exposures to carcinogens, to endocrine disrupters and other long-term human health threats.

The bill gives the States and the water districts unprecedented flexibility to customize their own safe drinking water programs to meet individual needs in their own special circumstances, but with this progress and with this flexibility will come increased responsibility for the States and for the water districts and other suppliers of water to the communities. For this reason the House bill creates a State revolving fund to help the States and localities to meet the costs of complying with the Safe Drinking Water Act. This State revolving fund is authorized to be funded at $1 billion a year through the year 2003.

The fund is to be divided between the States by an objective formula. States can use money for grants and loans to their own water districts under rules that focus the money on projects that address the most serious health risks, ensure compliance with the Safe Drinking Water Act and assist the several water districts in the States with the greatest need on a per household basis.

Contrasted with this fair and impartial program are $375 million in grants.

These were added behind closed doors in dark secrecy to fund projects selected on the basis of pure raw politics. Under this program some 14 projects have already been earmarked. Of these 14 a few represent honest high priorities. Many include water totally unrelated to the Safe Drinking Water Act. Not surprising to observe, the overwhelming majority of these projects are for Republican Members including some of the freshmen from marginal districts.

Now, I want to be very clear with my colleagues on the subcommittee and full Committee on Transportation and Infrastructure. I do not object to Congress properly funding important and desirable projects to the districts of Members. As was pointed out in the debate on the bill itself, my own district has been receiving funds for water projects and other projects which I and my constituents are properly grateful for. But I do think that it is appropriate to raise questions when these projects are inserted without hearings, without cost-benefit analysis and under the cover of darkness rather than in the open light of day and only as an exercise of pure political muscle, and the bill is totally unrelated for the purposes of these projects themselves.

Mr. Speaker, as everyone knows, there is a limited pot of money available for all of our Federal programs. That includes in a very special way the monies available for drinking water assistance. In fact, while the fund is authorized at $1 billion annually, the administration budget provides only $550 million next year, and the Republicans here cut $100 million from that amount leaving a badly starved fund desperately needed by the States and local units of government for the improvement of drinking water safety for the people of this country.

Without some protections, some of the conferees may be tempted to divert some of the money from the drinking water fund so that pet projects selected for no reason other than the political value to particular Members will indeed be funded.

Luckily there is a modest sense of shame left in this body. The proponents of the raid have included language which provides that there will not be any luau, and for the benefit of my colleagues, that is a big Hawaiian dinner where roast pork is served as a principle diet, to consume this scrumptious pork unless and until the drinking water State revolving fund receives an appropriation equal to 75 percent of its authorization. That is the language that this motion addresses.

We are saying to our colleagues on the conference committee, do not make any changes in the firewall. At least have the shame not to go further.

I might add that this instruction becomes all the more crucial given the unprecedented structure that the leadership has created for this conference. In a movement that to the best of my knowledge has never seen any precedent in the House outside of tax legislation, the leadership will make the sponsors of these special projects the exclusive conferees on these provisions. That makes, in other words, the fox the guardian of the hen roost.

We asked the Parliamentarians to give us a list of the bills in this or other Congresses in which such extraordinary and remarkable appointments have been made naming as exclusive or even majority conferees a committee that was not the primary committee on the jurisdiction of the bill. Thus far we have been shown no other examples, and our research finds none. This leaves me to conclude that this was merely an exercise of raw and unadulterated power by the Speaker with no principled basis in the precedents of the House to support it. I trust therefore that it will lack future precedential value.

What it means in practical terms is that there will be no conference report and no safe drinking water bill enacted into law until the conferees from the Committee on Transportation and Infrastructure have gotten everything they want. That is a holdup, and it is quite shameful.

I want to remind my colleagues we face a critical deadline on this bill. If it is not on the President's desk and signed into law by August 1, there will be a $750 million loss in safe drinking water funds to several States. The money will not disappear. It will simply spill over into the funding of the Clean Water Act. While I do not doubt that it could be put to good use there, I believe that our States and our local water systems and ultimately the ratepayers want this money used for the safe drinking water revolving fund established by this bill. Thus the sole guardians of the firewall provisions will be the very individuals whose projects received dollar one if the firewall is to be stripped out. I hope our colleagues on the Committee on Transportation and Infrastructure will work with us to ensure quick conference, a quick resolution and a fair and a proper result.

With the firewall in place, the revolving fund should be largely shielded; and with this motion to instruct, the firewall should remain in place. We would then hopefully have a bill that both sides of this House will be proud of. It will also be a bill that can and will be signed by the President.

We can still pass this bill by August 1. I urge my colleagues to join me in voting for this motion to instruct the conferees.

I reserve the balance of my time, Mr. Speaker.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding this time to me, and I rise to speak on the motion to instruct.

I think the motion reflects the understandings reached concerning the inclusion of title V within H.R. 3604, the bill to amend and reauthorize the Safe Drinking Water Act approved by the Commerce Committee.

In general, H.R. 3604 provides for a new State revolving fund—or SRF. The express purpose of the SRF is to provide loans and loan guarantees for expenditures that will facilitate compliance with national drinking water standards. SRF funds may only be used for compliance efforts or for other efforts that would significantly further the health protection objectives of the Safe Drinking Water Act.

EPA has estimated that $8.6 billion is currently needed to bring public water systems into compliance with current standards. H.R. 3604 will go a long ways toward meeting this needs, but the fund needs to be insulated from demands which could compete with its basic purpose.

The language offered in the motion to instruct merely reflects the desire expressed by the Transportation and Infrastructure Committee to similarly protect the SRF. Statutory language to this effect was included in H.R. 2747, a bill reported from the Transportation and Infrastructure Committee to provide water supply infrastructure assistance. H.R. 3604 adopted nearly identical provisions. I therefore urge the adoption of the motion to instruct by the full House of Representatives.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT], a member of the Committee on Transportation and Infrastructure.

□ 1745

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, the gentleman's motion is a motion to instruct the House conferees to express the House position, a position developed by the Committee on Transportation and Infrastructure, so it is always a pleasure for me to stand on the floor of this House and to thank my colleague, the distinguished gentleman from Michigan [Mr. DINGELL], when he is endorsing a position taken by the subcommittee that I am privileged to chair.

I do not have a problem with his language, not at all. Our committee included that language regarding the 75-percent trigger in the safe drinking water bill precisely to address the same type of concerns, real or perceived, that the gentleman has raised. Title V of the House-passed drinking water bill will supplement, not undermine, let me stress that, supplement, not undermine the State revolving fund.

Everyone agrees our priorities should be to capitalize the State revolving fund. The 75-percent trigger is just one of several safeguards to ensure this remains a priority.

Once again, Mr. Speaker, I want to repeat, I am pleased to stand on this floor and thank the gentleman from Michigan, the senior Democrat on the Committee on Commerce, for recognizing the work of the Committee on Transportation and Infrastructure. It is through these partnerships that we address a very important national problem and get some results.

I want to comfort my colleague by reminding him that there are no earmarks in this bill, that the funding is contingent upon Congress first appropriating adequate amounts for the State revolving fund, and the grants program is intended for hardship communities and areas. My distinguished colleague, the gentleman from Michigan, I think would agree that they are the communities that deserve the most consideration as we try to go forward and guarantee a cleaner, safer, healthier environment for all Americans.

We have worked well together, and I am pleased to support the gentleman's instructions.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. STUPAK].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Commerce, for consideration of the Senate bill (except for sections 28(a) and 28(e)) and the House amendment (except for title V), and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, CRAPO, BILBRAY, DINGELL, WAXMAN, and STUPAK.

From the Committee on Commerce, for consideration of sections 28(a) and 28(e) of the Senate bill, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

As additional conferees from the Committee on Science, for consideration of that portion of section 3 that adds a new section 1478 and sections 23, 25(f), and 28(f) of the Senate bill, and that portion of section 308 that adds a new section 1452(n) and section 402 and title VI of the House amendment, and modifications committed to conference: Messrs. WALKER, ROHRABACHER and ROEMER.

As additional conferees from the Committee on Transportation and Infrastructure, for the consideration of that portion of section 3 that adds a new section 1471(c) and sections 9, 17, 22(d), 25(a), 25(g), 28(a), 28(e), 28(h), and 28(i) of the Senate bill, and title V of the House amendment and modifications committed to conference: Messrs. SHUSTER, BOEHLERT, WAMP, BORSKI, and MENENDEZ, provided, Mr. BLUTE is appointed in lieu of Mr. WAMP for consideration of title V of the House amendment.

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3230 be instructed to insist upon—
>
> (1) a total level of funding for operations and maintenance not less than the total of the amounts provided in section 301 of the House bill;
>
> (2) a level of funding for military personnel not less than the amount provided in section 421 of the House bill; and
>
> (3) a total level of funding for military construction and military family housing not less than the total of the amounts provided in division B of the House bill.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer a motion to instruct conferees today because of my concern that the resolution of issues between the House-passed defense authorization bill and the Senate amendment not be concluded at the expense of our men and women in uniform and their ability to perform their mission.

I am concerned that the conferees may overlook these vital requirements in favor of the plus-ups in major acquisition programs that the service chiefs have not asked for and for which there exists, in this gentleman's opinion, no legitimate military requirement.

Several important accounts are at stake, Mr. Speaker. We have very real quality-of-life concerns for our men and women in uniform and a need to ensure that our military construction accounts are funded sufficiently to meet those requirements. We are conducting operations and training that demand real resources, and our readiness accounts should not be depleted. Perhaps, most importantly, we need to ensure that our military personnel receive the pay and benefits for which they are more than deserving. The quickest way to a hollow force is the loss of neglected personnel.

Mr. Speaker, a consistent theme of this year's defense debate has been the "modernization crisis" caused by a "procurement holiday."

In this gentleman's opinion, Mr. Speaker, the testimony before our committee demonstrates the validity of the administration's modernization strategy. By being able to utilize the equipment made excess by the drawdown of our forces, we have been able to forestall procurement expenditures into the future.

Finally, Mr. Speaker, the House should stand by its authorization levels in the personnel, military construction, and readiness accounts, and send a clear message to the other body that in resolving the differences between our two bills that we will make only those investments in modernization that can be justified by requirements, by development and testing, and in relationship to our other priorities.

Last year the House passed, nearly unanimously, a measure instructing conferees not to recede from the House readiness funding level. Nonetheless, some readiness funding was indeed sacrificed to save procurement programs that the service chiefs had not requested.

In offering this motion, Mr. Speaker, it is this gentleman's hope that we will be able again to send a message to the other body that we remain serious about our commitment to our personnel, their quality of life, and their readiness, and that we will not retreat this year from our baseline commitment to meeting those needs.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on behalf of the gentleman from South Carolina, FLOYD

SPENCE, the distinguished chairman of the Committee on National Security, and agree with my colleague in the motion to instruct. We on this side have looked at the motion and agree with the contents and think it is well stated. Certainly we agree with it, and we think our actions speak to the points raised in the motion to instruct.

The chairman of the full committee would be here, but at this point in time he is joining a number of our colleagues as we in this body pay tribute to the distinguished former chairman of our committee, Les Aspin, in unveiling the portrait of him which will hang in our committee hearing room. So Chairman SPENCE is speaking at this point in time or else he would be here on the floor to lead this discussion.

But I rise to say to my friend and colleague and distinguished ranking member of the full committee that we agree with him and we agree with the motion in terms of the three key issues and areas that he has focused on, and we think our actions in the bill in fact speak to those issues. We think that we have addressed the issue of modernization but, at the same point in time, have taken those steps in terms of readiness, in terms of quality of life, that will allow us to keep up the morale and protect the well-being of those troops that are serving this country today around the world.

In the area of key personnel actions, Mr. Speaker, we have included a 4.6 percent increase in the bachelor allowance for quarters to combine the department's highly touted underfunded 6-year effort to reduce out-of-pocket housing expenses. We support a 3 percent military pay raise. We provide for a substantial package of enhancements for permanent change of station move reimbursements, and we establish a minimum variable housing allowance to ensure all service personnel are compensated at a level sufficient to acquire safe and adequate housing in high-cost areas.

In the area of key infrastructure improvements, Mr. Speaker, we provide $214 million, 38 percent above the President's request, in added funding to the construction of new barracks and dormitories. We provide $303 million, 45 percent above the President's request, in added funding for the construction of new family housing units and the improvement of existing units. We provide $28 million, nearly 5 times the President's request, in added funding to build new child development centers. We provide $25 million, more than double the President's request in added funding to support the ability of the Secretary of Defense to enter into public-private partnerships to produce more military housing at a lower cost to the taxpayer.

Finally, Mr. Speaker, in terms of key morale, welfare and recreation improvements, we provide $60 million in additional funding for high priority MWR programs identified by the Defense Science Board Task Force on Quality of Life.

Mr. Speaker, there are just a few of the highlights, but they are totally consistent with the points raised by the distinguished ranking member of this committee. They are well founded, and therefore, on behalf of FLOYD SPENCE, I would say that the majority agrees with this motion to instruct.

We look forward to working with the distinguished ranking member as we move toward the conference and, as conferees are appointed, to negotiate the differences that we have with our Senate counterparts and reach a final bill that hopefully the President will sign into law.

Mr. PICKETT. Mr. Speaker, I rise in support of the motion offered by my good friend and colleague from California.

The military personnel provisions passed by the House of Representatives as part of the fiscal year 1997 defense authorization bill solidly support quality of life and readiness efforts. These provisions reflect the continued support of this House for our military service members.

To highlight just a few of these provisions, the military personnel titles include a 3 percent military pay raise, requested by the President, as well as a 4.6 percent increase in the basic allowance for quarters—BAQ. This increase in BAQ will fully fund a 1 percent reduction in out-of-pocket housing expenses for service members.

The military personnel titles passed by the House provide the Secretary of Defense with the authority to establish a minimum variable housing allowance so that even very junior service members can acquire safe and adequate housing in high cost areas. Additionally, there are provisions that make several enhancements to the reimbursements for permanent change of station moves. Military members should not be forced to use their personal savings to offset the cost of a Government-directed move.

To minimize the readiness impact of continued shortfalls in the Army military personnel account, the House bill includes nearly $150 million more than the President's budget request for the Army military personnel account.

The House bill also restores the nearly half a billion dollar shortfall in the defense health program. Medical care consistently rates as a top quality of life issue. Not resolving this issue would have dire consequences for active-duty family members and retirees who have a difficult enough time already trying to obtain medical care in military facilities. Failure to meet this need would involve a significant breach of faith with our military members and retirees.

I remind my colleagues that the most important component of readiness is people. The people serving in uniform today were selectively recruited and carefully trained. They are truly the finest force that the United States has ever had.

Readiness must be preserved both in the near-term and in the long-term. Readiness problems compound quickly and cannot be repaired easily or inexpensively. The military personnel that we put in harm's way deserve a full and continuing commitment from this Congress. The House of Representatives has met that commitment in the DOD bill we passed.

The military personnel provisions of the House bill continue the progress toward an improved quality of life for our military men and women while ensuring a well-trained, ready force. It confirms our commitment to readiness, training and taking care of the men and women who serve in our Armed Forces.

I urge my colleagues to ratify their effort by voting for Mr. DELLUM's motion to instruct House conferees to support the higher House figure for military personnel and readiness programs.

Mr. Speaker, I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, first I would like to thank my distinguished colleague for his remarks. I appreciate his comments and further appreciate the support. This is a bipartisan motion to instruct conferees.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. DELLUMS].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. WELDON of Pennsylvania. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. WELDON of Pennsylvania moves, pursuant to clause 6(a) of Rule XXVIII, that conference committee meetings on the bill H.R. 3230, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WELDON].

Under the rule, the vote on this motion must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 18, as follows:

[Roll No. 326]

YEAS—412

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—3

DeFazio
Stark
Waters

NOT VOTING—18

Chapman
de la Garza
Durbin
Geren
Hall (OH)
Hunter
Lincoln
McDade
Miller (CA)
Murtha
Packard
Rose
Slaughter
Stupak
Wilson
Wolf
Yates
Young (FL)

☐ 1834

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was away from the House on an official leave of absence on July 17 attending a memorial service at which I was a speaker. While I was out, I missed seven rollcall votes. Because I have each year since coming to Congress published and provided my constituents my entire voting record, I want the record to show that had I been in the House and voting on July 17, I would have cast the following votes:

"No" on rollcall 320, Hoyer amendment to H.R. 3756, fiscal year 1997 Treasury, Postal Service, General Government appropriations.

"No" on rollcall 321, Solomon amendment to H.R. 3756.

"No" on rollcall 322, Gutknecht amendment to H.R. 3756.

"Yes" on rollcall 323, on passage of H.R. 3756.

"Yes" on rollcall 324, motion to suspend the rules and pass H.R. 3166, Government Accountability Act of 1996.

"Yes" on rollcall 325, motion to suspend the rules and pass H.R. 3161, extend most-favored-nation status to Romania.

"Yes" on rollcall 326, motion to close portions of the conference on H.R. 3230, fiscal 1997 Defense authorization.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to advise our Members on both sides of the aisle that we have had the final vote for this evening. In just a few minutes we will be making a unanimous consent request that has been cleared on both sides of the aisle, that has been fully vetted, that would allow us, if accepted, to proceed with 2 hours of general debate this evening on the welfare reform bill.

We would then come back in the morning to open business at 9 a.m. We would have an agreed-upon number of 1-minutes at the outset of our morning's work and we would then go back to this bill for further debate, consideration of the amendments made in order under the rule, and then continue on that bill with the expectation of completing our work between 5 and 6, but certainly enabling everybody to make their 6 o'clock departure time tomorrow evening.

Mr. SABO. Mr. Speaker, if the majority leader would yield, my understanding is that the rule is likely to have 2 hours of general debate for tomorrow also; is that accurate?

Mr. ARMEY. Mr. Speaker, the gentleman is correct.

Mr. SABO. And 1 hour on the Castle-Tanner substitute?

Mr. ARMEY. There will be 1 hour on a majority substitute, whatever that should be.

Mr. SABO. Mr. Speaker, I thank the gentleman.

Mr. ARMEY. Mr. Speaker, one final point. I should also advise Members that in the matter of rearranging the schedule for the orderly conduct of our business, we have deferred consideration of campaign finance reform until Wednesday of next week.

PROVIDING FOR CONSIDERATION OF H.R. 3734, WELFARE AND MEDICAID REFORM ACT OF 1996

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, pursuant to clause 1(b) of rule XXII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, that the first reading of the bill be dispensed with, that all points of order against consideration of the bill be waived, that general debate be confined to the bill and be limited to 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, that after general debate the Committee of the Whole rise without motion, and that no further consideration of the bill be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WELFARE AND MEDICAID REFORM ACT OF 1996

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3734.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, with Mr. GREENE of Utah in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Ohio [Mr. KASICH] and the gentleman from Minnesota [Mr. SABO], will each control 60 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, today we have the beginning of a debate that really represents wonderful news for America. Frankly, the third time, they say in lore, is always a charm. Well, this is the third time we are going to bring to the floor, and we are going to pass, a welfare reform bill that ends welfare as we know it and provides a new level of opportunity for all Americans, opportunity for people who find themselves in need of assistance and opportunity for those folks who get up and go to work every morning and ask nothing from their government other than to have their level of taxation kept at a minimum and to have the maximum amount of personal liberty.

Now, Madam Chairman, this welfare bill that we are about to consider today is something that I think Americans have been asking for virtually all of my adult life. And let me tell my colleagues what it is about. If is founded on the basis of Judeo-Christianity. Judeo-Christianity says it is a sin not to help people who need help, but it also says it is equally a sin to continue to help people who need to learn how to help themselves.

What we have in this bill is a generous amount of continued assistance for those people who find themselves in real need. I was born and raised in a community where we had a public housing development just down the street, and we always believed that it was necessary that people get the kind of help they need to lift themselves up by their bootstraps, to get the kind of help from those people in our society who have been successful, who have been blessed; and that from those people who are the most successful there is a need and a reason and, frankly, an ultimatum in some respects to make sure that we help those who, through no fault of their own, find themselves dependent.

Now, at the same time, we also believed in the community where I was born and raised that we need to give people an opportunity to be able to lift themselves out of these situations that make them dependent. I think we all recognize in this country that if we have a program that traps people in dependence, it is wrong.

In other words, we do not want to have created a welfare system in our country where people have learned to depend on it and not to be able to depend on themselves.

□ 1845

Frankly, it is not fair to those folks. It is certainly not fair to their children who get raised in an environment where they seem to get confused about the issue of dependency and independence. I believe virtually everybody in this country wants to be independent from help from others. I believe that virtually everybody in this country wants to have a job. But I think that we have created some systems, including the current welfare system, that have provided too many of the wrong incentives for people to avoid work or to be lulled into a sense of dependency. It is wrong. It is wrong for the people on the system. It is wrong for their children.

So what we attempt to do in this welfare bill is to provide generous amounts of money so that the children of people on welfare can be taken care of while the people who are on welfare get trained and get a job. We say at the end of the day, you must go and find a job. We will train you. We will help you find a job. And at the end of the day, you are going to have to get off of welfare and you are going to have to go to work. I think that is what most people in this country want.

Second, however, it will not just be a victory for those who have found themselves trapped in the system that in some respects has robbed themselves and their children of the independence that they dream about. But this is a bill that in my judgment is a terrific victory for those who struggle every day to make ends meet.

There are the mothers and fathers who take their kids to day care. These are the mothers and fathers who on every paycheck sit down and try to figure out how they can make their ends meet. And these are people who do not get anything from the Government. They do not get food stamps. They do not get any form of welfare, any kind of subsidy from the Federal Government. These people get up and they go to work every day, and they struggle every day just to keep their heads above water. Frankly, they are the ones that are truly the American heroes in this country.

It is not the people who struck it rich and made a million dollars or in some cases made billions of dollars. It is not the NBA players who are signing contracts for $105 million. They are not our heroes. Our heroes are the mothers and fathers who fight their way off welfare. They are the mothers and fathers who have never been on it and work hard to stay off of it, and all they want to do is to raise their children in a God-fearing country with decent values and security.

This bill today represents a terrific victory for those people who get up every day and go to work. That is who we are passing this bill for, for those who find themselves stuck in a system that has not allowed them to become independent and, second, for those Americans who go to work every day, the real American heroes.

This bill is compassionate for those who really need the help. We recognize there are people in our society who, no matter what happens, are not ever going to get a job. Do you know what? We have got provisions that protect them. We recognize there are some people who will never become independent.

That is a fact of life. We have got to deal with it. But we also recognize that, if we have a strong training, if we have a strong child care section and if we have a strong work requirement and we say to people, at some point you must go to work, we think that is also compassionate.

So, we think we have a welfare bill that is balanced. We think also we have a welfare bill that essentially speaks to what Americans all across this country have wanted, help those who need help, but force those who need to learn how to help themselves to go to work. That is what this bill does. It is reinventing welfare as we know it.

As the American people find out what is in this bill, and this bill will pass the House, it will pass the Senate, and it will be sent to the President, we hope and pray he will sign it. If he does, it is going to be a victory for everybody in this country, those concerned about those that cannot help themselves, those who need to learn to start helping themselves, and those who get up every day and work hard to make sure that they are independent.

This is a good bill for America. This is a great day for the House. Let us keep our fingers crossed because the third time can be a charm.

Madam Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture, and I ask unanimous consent that the gentleman from Kansas be permitted to yield time to additional speakers.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SABO. Madam Chairman, I ask unanimous consent to yield my first 30 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD] and that she have the authority to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 30 minutes.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, I want to thank my colleague for yielding the 2 minutes.

We heard the chairman of the Committee on the Budget talk about a victory for America as we debate this bill and the consequences of it. I have to tell my colleagues that they are going to hear some Members speak to inform us that this victory is not shared by all Americans. Americans who work hard, Americans who want to take care of the families, people who have been in this country for many years but because of their status as legal immigrants will not be able to share this victory.

There are a number of us who are concerned both on the substitute and also concerned with the base bill. We feel that the treatment of legal immigrants is very unfair. There is a misconception in this country, there is a misconception in this House that legal immigrants are people who recently came over and are here legally only for one reason, to get on public assistance. That is not the case. We will hear tonight that many of these people have been here for many, many years, have worked hard, have raised their children, and now, in many cases, will need the services and the opportunities that they have earned.

We will also hear that there will be many children that will be put in very hard situations by these bills. As adults, as Americans, as parents, as family members, we are concerned about the children that will not savor this taste of victory.

We will hear about other parts of the bills that will affect people on domestic violence, entitlements and will not savor the taste of victory.

So, Madam Chairman, we will rise in opposition to both bills.

Mr. ROBERTS. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. CAMP], a former member of the sometimes powerful House Committee on Agriculture, a current valued member of the Committee on Ways and Means.

Mr. CAMP. Madam Chairman, today Congress is again attempting to end welfare as we know it. Over the last 19 months, my colleagues and I have twice written, debated, and adopted welfare reform legislation only to have our efforts vetoed by the President. How many more families will be trapped in the current system while time wastes in Washington?

Our current welfare system has deprived hope, diminished opportunity and destroyed lives. After 30 years and billions and billions of dollars, I ask, has the Federal Government solved the problems of poverty and dependency?

Just spending more money on the Washington welfare system will not work. Just spending more money on the current system will not help children. We need to start over. The bill before us today is a fresh start. It accomplishes five important goals for welfare reform.

First, it requires work in exchange for benefits. It encourages independence and self-reliance for able-bodied people. To help those that work, the bill provides more child care funding than current law and more than the President's proposal for working families. We have a moral obligation to improve the lives of our children, and we must do all we can to change the culture of poverty that our current welfare laws have created.

Second, this legislation also time limits welfare benefits to 5 years. While the goal is to move all families from welfare to work, some families may need more time or more help. So we retain an effective safety net. Our bill allows a hardship exemption from the time limit for up to 20 percent of those on welfare. The hard-working families in the Fourth Congressional District of Michigan and across the country believe welfare should be a hand up, not a handout. They very much support the requirement that able-bodied welfare recipients work for the benefits so generously provided by the American taxpayer.

Third, we do not give welfare to felons and noncitizens. Many people are not aware, the Federal Government sends checks to convicted felons serving time in prison. Cannot these tax dollars be better spent helping those families truly in need? Also many noncitizens have a proud tradition of hard work and achievement. They come to America to share in the American dream, which does not and should not include welfare dependency.

Fourth, this legislation also provides States with the flexibility to meet the needs of its citizens. My State of Michigan, under the leadership of Gov. John Engler, and other States, have made tremendous strides in moving people from welfare to work. These accomplishments, however, have come in spite of the Federal Government and the current welfare laws.

For too long the Federal Government has maintained policies which have created a culture of poverty, dependence and despair. This bill brings control of welfare back to the people where it belongs.

It is important to remember what the Government's role in promoting independence should be. While legislators can design programs to help those struggling to gain financial security, the Government cannot make them succeed. Changing one's attitude is something that can only be accomplished by that individual.

Personal responsibility is the focus of this legislation. Individuals must accept responsibility for their actions and work with Government programs to improve their lives.

The current Washington-based welfare system demands no responsibility, no work ethic, no learning, no commitment and, in the end, no pride. Instead, it promotes illegitimacy, rewards irresponsibility and discourages self-esteem. Our families and our children deserve better.

I urge my colleagues to support the bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, I, like other Members of this body, am in strong support of welfare reform. But I am not for reform regardless of the consequences. For that reason, I rise in strong opposition to H.R. 3734.

This bill will have many unintended consequences to women, children and families in this country. One of those consequences is its impact on victims of domestic violence. Current studies reveal that 25 to 60 percent of participants in welfare-to-work programs are victims of domestic abuse. For these women, the welfare system is often the only hope they have for escape and survival. This bill will effectively shred that safety net.

By eliminating the guarantee status of AFDC and imposing inflexible time limits and work requirements, H.R. 3734 will force many battered women to stay with their batterers or return to them for financial support.

With the passage of the Violence Against Women Act, Congress has taken a strong stance against domestic violence. Let us not turn our backs on the victims of this deplorable crime. The lives of battered women and their children depend on it.

I hope that my colleagues will vote no on H.R. 3734.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Madam Chairman, I thank the gentleman for yielding the time.

I want to just speak a moment to the separation of policy versus politics in this debate, because we know it is sound policy to address the welfare system in this country, replacing welfare with a working populous of able-bodied people. But there is also a political equation here. There has been for many months. We know that welfare reform has been passed twice by this Congress and vetoed both times. But our President, Bill Clinton, came into these chambers and delivered the State of the Union address in January, and he challenged us to send a clean welfare reform bill back to him.

□ 1900

There were some politics associated with whether or not he might sign it, take the credit and all of that. I want to say that as a freshman Member of this body, many of us have been very unfortunately blamed for some of the misfires of the last few months. We have been called unreasonable, radical, extremist. We, many of us, went to the leadership of our side, our party, Members like the gentleman from Nevada [Mr. ENSIGN] myself, and said let us disconnect Medicaid, health care for the poor, from welfare and do what the President asked us to do and send a clean welfare reform bill, and as the gentleman from Ohio [Mr. KASICH] articulated, the President is expected to sign this bill because we are sending him substantive welfare reform, effective and efficient welfare reform, but we are sending him the clean bill that he asked for. We did make that decision on this side of the aisle to disconnect the two so that he could not say I do not want Medicaid attached to this.

This comprehensive bill provides the job training, the child care, the career education, those components that we all believe should accompany a comprehensive welfare reform bill. This is going to be one of the greatest successes of this Congress. Yes, he will get credit, but we will get credit. We are doing the people's business.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Madam Chairman, I, until this Congress, was a member of the local government that had responsibility for administering the welfare program, and I felt, coming here, that there were a lot changes I want to make. There is no doubt that a lot of things need to be fixed in welfare programs in this country. We need to put people back to work, we need to have expectations for work, we need to pay attention to child care, we need to change the whole system. But what concerns me is that once again the bill that we will deal with goes too far.

As you know, I think, and I want to talk about legal immigrants, not illegal immigrants because they are eligible for nothing and should be eligible for nothing, but I want to talk about what is fair to taxpayers, and I will give my colleagues a couple of examples.

In my district there are large numbers of Vietnamese freedom fighters, people who fought communism who came to this country as originally refugees, ultimately became residents, and under the bill before us, if after paying taxes for years and years and years, 14 years, they get a stroke, they cannot get nursing home coverage.

Let me talk about another example. An immigrant who comes in with her husband, and her husband works for 50 years and dies, and then as she is an old person, she is 65, she has a stroke, and she is not eligible to get the kind of nursing home care that the widow of every other taxpayer in America can look to get.

Now, I do not think that is fair. There are some abuses among immigrant groups, and there are necessary steps that need to be taken, and in fact the Deal bill earlier this year did deal with those. But this is unfair. I think when we look at our taxpayers, if they are legal residents or citizens, we ought to make sure that people who have worked hard and paid their taxes are treated fairly, and this so-called reform bill fails in that regard.

Mr. ROBERTS. Madam Chairman, I yield 3½ minutes to the distinguished gentleman from Virginia [Mr. GOODLATTE] and take the House's time to thank him for his contributions in increasing the trafficking penalties and bringing integrity to the food stamp reforms that we have passed in the Committee on Agriculture and hope to pass on the House floor.

Mr. GOODLATTE. Madam Chairman, I thank the chairman of the Committee on Agriculture for his kind words.

Madam Chairman, I rise in support of the welfare reform bill under consideration today, especially the reforms to the Food Stamp Program. The Food Stamp Program provides benefits to more than 27 million people each month at a cost this year of more than $26 billion. It is growing out of control and badly in need of reform.

The Committee on Agriculture held eight hearings during the 104th Congress to review the Food Stamp Program, and many of the reforms included in this bill are based on the testimony received in these hearings. Witnesses appearing before the committee and the subcommittee on department operations, nutrition and foreign agriculture represented a wide variety of organizations. They included the administration, the General Accounting Office, the U.S. Department of Agriculture Office of Inspector General, the United States Secret Service, Governors, State and local welfare administrators. Representatives from organizations providing direct food assistance to needy families testified. Testimony was also received from grocers, agricultural organizations, churches and advocacy groups.

The following principles guided the committee in formulating the reforms to the Food Stamp Program. The Food Stamp Program is retained as a safety net. With other programs returned to the States in block grants, it is essential to be able to provide food as a basic need while States are undergoing the transition to State-designed welfare programs. States are permitted to use one set of rules for families applying for food stamps and AFDC. This provides one-stop service, making it more efficient. Therefore, the programs can become more taxpayer friendly by eliminating redtape.

The Food Stamp Program is taken off automatic pilot. All automatic spending increases are ended except annual increases in food benefits. Able-bodied individuals without dependents must work. In keeping with the effort to encourage private sector employment and help people regain their independence, able-bodied people who are from 18 to 50 years old with no dependents would be eligible for food stamps for a limited period of time and then must work or participate in a workfare or training program in order to receive food stamps.

States are permitted to establish programs to encourage employers to participate in an improved wage supplementation program so that welfare recipients have the opportunity to work in real jobs. This means practical work experience in the real world.

Forfeiture-of-property legislation, using forfeiture proceeds to reimburse law enforcement officials, is authorized. We want to stop criminals from profiting from the Food Stamp Program. Penalties for violating food stamp requirements are doubled, and the rules governing participation by retail and wholesale food stores have been tightened.

Under certain circumstances States may operate their own Food Stamp Program. Once a State has implemented an electronic benefits transfer, EBT system on a Statewide basis, reduces rates of error to acceptable levels or pays that part of the food stamp error over acceptable levels, the State will have the option of operating a Food Stamp Program under a block grant.

Madam Chairman, I urge my colleague to support this bill. The welfare system, including the Food Stamp Program, needs significant reform, and it is accomplished in this bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Madam Chairman, I want real welfare reform. All of us have tried to work to respond to those who would come in good faith. But I want to simply appeal to the women of America, the families of America. This Republican bill cuts some almost $60 billion from individuals across this Nation who, each time we ask them, they say I would like to work, I would like to get off welfare, and, yes, as an American I want to contribute to what America has to offer.

But these children are the ones that we are speaking about, children who may not have the child care necessary for their parents to transition from welfare to work because we lessen the opportunity for those families to have transitional child care. If the money runs out in the State, folks, if the bucket is empty, then they do not have an opportunity to go to work if the children are not cared for.

And then when we look at Medicaid, we find that Medicaid will not be available for a period of time for those families. Medicaid equals health care. It is important to recognize that we are concerned about those families when we have a 5-year limit cutoff whether they will have the inability to carry Medicaid to insure good health for their children and for themselves.

This is a bad bill. The Republican bill is a repeat, a deja vu, of cutting billions of dollars, but yet not responding to the fact that we all can compromise together insuring that families have child care and job training and, yes, work. This is short on work, and then when it is short on work, it is short on opportunity to protect our children. We do not give them good health care, we do not provide safe and warm places for them to stay while those parents, those mothers, are going out to work.

I am reminded that my constituents to a one want welfare reform. I have voted for good welfare reform. Let us go back to the table and not cut $60 billion just to make us feel good. Let us make sure that we work for the American people, who want real welfare reform.

Madam Chairman, I rise today to speak on H.R. 3734, the Republican welfare budget reconciliation, because of my concerns regarding some of the reform provisions.

While this effort at welfare reform contains both a few improvements and some further steps backward, it still poses dangers to children. This bill will abandon the basic Federal assurances of aid for poor children and families, make deep cuts in food stamp and SSI benefits. This bill would cause older children to lose their AFDC benefits, and provide inadequate child care funding for parents who are required to work, and it would eliminate almost all help for legal immigrants in need.

Welfare reform is synonymous with women and children which means that the $53 billion in spending cuts over 6 years will hurt them disproportionately. This bill will reduce food stamps by $23.2 billion, it will reduce Supplemental Security Income [SSI] by $9.6 billion and aid to legal immigrants by $17.1 billion.

In the State of Texas alone, 137,641 children would be denied aid by the year 2005 because of the federally mandated 5 year limit on receiving welfare benefits. There will be 46,986 babies in Texas who would be denied aid in the next 4 years because they were born in families already on welfare, and another 89,327 children in Texas would be denied aid if the State froze its spending on cash assistance at the 1994 levels.

This bill would lead another 60,000 Texas children into poverty.

This legislation is decidedly more mean spirited in its methods than any I have seen to date. It narrows the definition of disability for poor children seeking to qualify for Supplemental Security Income [SSI]. This bill would withhold vital cash aid for children with a wide range of serious disabilities including mental retardation, tuberculosis, autism, serious mental illness, head injuries, and arthritis.

Food stamp benefits would be cut severely, and the Federal guarantee of food aid could be eliminated on the State level as an option given to them by this legislation. The cuts to the Food Stamp Program would hurt 14 million children.

The victims of domestic violence and their children would still have no assurance that, if they escape the violence, they could at least survive with cash assistance until they are able to find work. This would cause many women and their children being forced by harsh economic realities back into the abusive environment they were attempting to escape.

I would like to caution my colleagues to carefully consider their vote on this bill. I will continue to be committed to working for compassionate and fair welfare reform.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Madam Chairman, I thank the gentlewoman for yielding this time to me.

I was struck by the message that the gentleman from Ohio [Mr. KASICH], the distinguished chairman of the Committee on the Budget, talked about the parables of sin and that it is sinful not to help. At the same time, he said it is a sin not to help one's self, and he talked about his community and where he was born and raised and how he grew up and how that community pulled itself up by the bootstraps. And that is well and good; that is the story of our country.

But what about when we have bad times? What about when we have depressions? What about my community when I was growing up, where I was born, when we had a Great Depression?

My father was deported because he was from the other side of the border and he was working here as a copper miner. My mother was left alone with my brother and I. We were on welfare, we were on relief. We suffered, we were hungry. I wore corduroy pants. My colleagues remember that, those that remember the Depression. I wore those corduroy tennis shoes. We stood in lines for food.

Thank heavens for relief or welfare, what it was called then, and, yes, we want to change welfare as we know it today, we want to reform the ills of people who exploit and cheat on welfare. But what about the people that cannot find jobs? What about the incapacitated?

What about the homeless who have lost their jobs and because of that they have lost their homes and had to move and live out of their vehicles or live in parks?

What about the elderly, who, as was mentioned here earlier, are legal immigrants who came here many, many years ago and worked hard and paid taxes and sent their sons and daughters to war to defend this Nation, and here they are in their time of need, elderly, widowed, alone, will not be given the kind of assistance because they are legal immigrants.

What a shame, what a shame of this country. We cannot tolerate this.

What about the children, the millions of children that will be put on the street because they will be pushed into poverty by this ill-thought-of, ill-conceived Republican bill? In 70 percent of these families one of the parents is probably already working, but yet those children will be denied. What about the children of immigrants in this country, children who were born here or have the fault, if my colleagues will, of choosing the wrong parents and will be denied Medicaid or food stamps, or disabled children who will be denied SSI benefits all because, as I said, they made the mistake of choosing their parents?

□ 1915

This is unconscionable. We need to come back to the table and negotiate a welfare bill that is right for this country in these times. We need to send the President a bill that he can sign. I simply say we need to work harder at this. We cannot allow this bill to be passed.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Chairman, this is not welfare reform, this is welfare bashing. Welfare reform has become the political football in this election year. Children and families are going to be hurt if this bill is signed into law. Poor children in families will be hungrier and they will be poorer. Yes, some politicians will use this bill to get reelected, rather than spend their time to produce credible, sensible, welfare reform.

Madam Chairman, I believe in welfare reform and I believe we can do a better job. This bill gets rid of all the entitlements. That means you can have a family who has worked hard, mother and father worked hard for the last 20 years and all of a sudden they are downsized on the job, they lose their job, the job exported somewhere to a Third World country for cheap labor. They could go in for welfare benefits and, because there is no entitlement, they can say I am sorry, I cannot give it to you. Money has run out. Sorry, there is none left for you. That does not make good sense.

It puts a 5-year limit on the time that you can receive benefits. That does not make good sense. There are some people who could get off welfare in 6 months or a year, and some who may have college education and all they need to do is just get back into the workplace with a little assistance, a little experience. There are others who dropped out of school a long time ago, who may be illiterate. It is going to take them a longer time. They need to be job trained, they need to have their GEDs, they need to get some experience, they need to be helped to get back into the workplace.

It does not make good sense, Madam Chairman, to treat everybody the same. We must assess each individual and determine where their strengths are, where their weaknesses are. Most welfare recipients want to be independent. They do not like being on welfare. We need to have credible child care, we need to have credible job training programs. They will get off.

If politicians would simply use their time and their talent to create credible welfare reform for this country we could get people off welfare, but this is welfare bashing. This no entitlements, everybody off at the same time, this does nothing to deal with real welfare reform. Members are going to starve some children, they are going to take food stamps from a family of three that only makes about $6,200 a year, they are going to take food out of the mouths of hungry children in this election year, having people believing that they are protecting their taxpayer dollars.

I want to tell the Members, nobody is going to be protected. What we are going to have is more desperate families out there, more desperate mothers and fathers who will say, "I am not going to allow these children to be hungry, I am not going to allow them to be treated this way. I have done everything that I could. I worked hard every day.

"When I went to the welfare office after having worked 20 years, you told me there are no more entitlements. I cannot get any help." Is that fair? No.

I will tell the Members what is fair. It is fair to have entitlements and equal application of the law. I ask my colleagues in the House to reject this non-credible nonsensical welfare bill.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Chairman, I have been listening to them, about children and so forth. This is the same rhetoric we heard from the same group when we passed welfare reform, when we tried to change some of the other entitlement programs, to not have a complete overhaul but to target the areas that are wasting money, to try to reduce the bureaucracy of Washington. Yet, we hear from the same people. To my knowledge, we have not heard from one Democrat who has ever supported a welfare reform bill on the floor of the House.

Madam Chairman, I think what we are really hearing is people who are against welfare reform. I am a father of four children. I do not want to see any kids starving out on the street. I do not want to throw any elderly out. I am hearing people debate a bill that is not even on the floor of the House.

I think it is time to get back to the fact that we are increasing food stamps. The school lunch program was mentioned. We are not even affecting the school lunch program by this bill. Madam Chairman, this Congress is concerned with a government policy that has spent over $5 trillion fighting poverty, and it has failed. It has not moved us down the road. I would hope that these folks would say, listen, it is time to say welfare should not be a way of life; that able-bodied people should be required to work in order to get public assistance.

One of the gentlemen earlier talked about coming to this country during the Depression. The FDR-type programs all had a work requirement. That gives people self-esteem. I heard President Clinton say one of the best things about people getting off of welfare is when the 12-year-old child at school, when he is asked "What does your Momma do?" instead of saying "She is on welfare," they can say, "She works. Here is where she works."

That is what we want to do. We want to get the poor independent instead of keeping them dependent so bureaucrat after bureaucrat in Washington can benefit from a government poverty program. They are poverty brokers in Washington, they are not people who want to make the recipients independent.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Chairman, I think it is very important that we put the facts on the floor and that we not get so carried away with our rhetoric that we mischaracterize what has taken place here.

Every Democrat has voted for a welfare bill. Remember the Deal bill? I am sure the gentleman is familiar with that. It had tougher work requirements in it. If the gentleman would like to correct the record, I know the gentleman does not want to go on the record misquoted or misunderstood. The gentleman just said we had never voted for welfare reform. I think the gentleman needs to correct that.

Mr. KINGSTON. Madam Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Chairman, here is what I hear from Democrat after Democrat: We want welfare reform, but we——

Ms. WATERS. The gentleman needs to correct the record.

Mr. KINGSTON. If the gentlewoman would yield time, we can talk about it.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. PAYNE], chairman of the Congressional Black Caucus.

Mr. PAYNE of New Jersey. Madam Chairman, I rise in opposition to H.R. 3734. "End welfare as we know it" was what was said during the last campaign. Let us take a look at this question of ending welfare as we know it.

On June 27, 1996, the Committee on the Budget released the Republican vision, and I use that word loosely, of welfare reform; and some of the details that have surfaced, they certainly need to be looked at more closely.

Currently the welfare system in this country is one that in some cases does foster cycles of dependency. Many times an individual cannot get off of welfare rolls because she cannot get a job that will provide a living wage for herself or her family, get quality child care for her family, get adequate housing for her family, get adequate health care for her family.

If we are going to end welfare as we know it, does this bill help to accomplish those things? The answer is definitely no. Providing jobs and job security will change this type of system to promote one that encourages self-sufficiency. However, we are unwilling and we are unable to invest the necessary resources in our families.

However, without the adequate support in places, opportunity for employment, opportunity for day care, opportunity for an adequate salary, and to promote and encourage self-sufficiency, taking this punitive approach to drop people from the welfare rolls will certainly do more harm.

In our subcommittee a resolution that was brought up to say that if a person cannot find a job when the time expires, will they be able to continue to have benefits, and the Republican Members of the committee all voted no, throw the children out.

So because we are not addressing the root causes, the lack of adequate jobs, the underlying conditions of the problem will continue to exist. An experiment conducted in my home State of New Jersey and also in Illinois found that 80 percent of welfare recipients who found jobs were able to break the cycle of poverty. It was very simple. They were able to work their way out. Yet, only 2 percent of those that had to depend on the system were able to break the cycle of poverty. The answer is jobs.

We had 100 jobs available in the city of Newark. Fourteen hundred people started to get in line at 6 a.m. for those 100 jobs. It was not even 100. They said possibly up to 100, but maybe 50. Fourteen hundred people went and waited for hours and hours to apply for the jobs. So the answer is certainly there. Remember, there are 9 million children who receive welfare, which is about 65 percent of the welfare rolls. Today there are over 14 million children living in poverty. One out of five children go hungry every day. Let us defeat H.R. 3734.

Mr. ROBERTS. Madam Chairman, it is a pleasure to yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a gentleman whose testimony before the Committee on Ways and Means helped shape the reform bill that is now on the House floor.

Mr. GANSKE. Madam Chairman, before coming to Congress I was a physician in Des Moines, IA. My wife is a family physician. My wife has helped 13-year-old girls deliver their babies. I have taken care of 15-years-olds who have gunshot wounds to the head, and 17-year-olds who have needle track infections up and down their arms and probably have AIDS because of it.

I took care of 15-year-old young women who would bring their babies into my office with a cleft lip, a cleft palate, a hand deformity, and there would almost never be a dad there with them. My heart would go out to them because they had a hard road ahead of them. It is one thing to take care of a little baby who is 2 years old as a single parent. It is quite another thing to take care of a 15-year-old boy who has never had the advantage of a dad, who gets involved with a gang, and then ends up shooting himself or somebody else.

We have to do something about the illegitimacy problem. In Iowa alone there were 9,000 illegitimate births last year. Next to my office, in neighborhoods close to where I practiced, there was a 60-percent illegitimacy rate in Des Moines, IA. That is why I testified before the Committee on Ways and Means in February 1995. I advocated offering States an incentive to reduce their illegitimacy rates. Increase their block grant if they are successful.

I am happy that such a proposal was in our reform bill. It was twice vetoed by the President, but it is in the current bill. Starting in 1988, this bill increases a State's grants by 5 percent for lowering the illegitimacy rate by 1 percent, and 10 percent for lowering the illegitimacy rate by 2 percent below the 1995 level.

This legislation is needed. We need to give States the incentives to address the illegitimacy problem. It is a two-person problem. It is not a problem with the young women. That is why in this bill there are strong provisions to make the young fathers responsible economically for their children. We need to pass this bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Madam Chairman, I would hope that we stop personalizing and politicizing this bill. All I seem to hear is Democrats, Republicans, do this. I want to talk to Members about people. I want to talk to Members about legal immigrants, men and women who are here legally, pay their taxes, serve in the military, but are taking the biggest hit in all of the bills we are debating today.

The bill that is the centerpiece of the majority retains very harsh and uncompromising language. While we all support the strengthening of requirements and the sponsors of legal immigrants applying for either SSI, food stamps, or AFDC, the bill bans SSI and food stamps for virtually all legal immigrants and imposes a 5-year ban on all other Federal programs, including nonemergency Medicaid; imagine that, nonemergency Medicaid, for new legal immigrants. These bans would also cover legal immigrants who become disabled after entering the country, families with children, and current recipients.

Madam Chairman, .3 million immigrant children, .3 million, are affected. That is not right. that is not the traditions of this country.

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Madam Chairman, this bill unfairly shifts costs to States with high numbers of legal immigrants. The bill requires virtually all Federal, State and local benefits programs to verify recipients' citizenship or alien status These are new unfunded mandates for State, local, and nonprofit service providers and barriers to participation for citizens.

Again, let us look at the facts. First of all, legal immigrants work hard and pay taxes. That has been documented. The foreign-born are more likely to work than the native-born, 77 to 74 percent.

In 1992, Business Week estimates legal immigrants work and earn at least $240 billion a year and they pay over $90 billion in taxes.

Legal immigrants are a net benefit to the economy. A new Urban Institute study: For every increase of 100 people in the native population, employment grew by 26 jobs; and for every increase of 100 in the immigrant population, employment grew by 46 jobs.

Research shows that immigrants actually complement native workers rather than substitute for native workers.

If no Mexican immigration had occurred between 1970 and 1980, 53,000 production jobs, 12,000 high-paying nonproduction jobs, and 25,000 jobs in related industries would have been lost. Again, this is the respected, bipartisan Urban Institute.

Last, welfare among legal immigrants is low. Among nonrefugee immigrants of working age who entered during the 1980's, 2 percent report welfare incomes versus 3.7 percent of working age natives.

Nonrefugee immigrants of working age are less prone to welfare use than natives according to a CATO study.

Madam Chairman, all of us here want welfare reform. It is not true that these gentleman on this side and others on that side have not voted for welfare reform. That is the number one issue among our constituents. What we are doing now is targeting illegal and legal immigrants indiscriminately. What we are doing is turning the clock back to a darker time when people in America, but only certain people in America, lived and worked under the shadow of second-class status. There is no justification for targeting immigrants who do not abuse the welfare system, who work hard, who play by the rules, who pay taxes, and who serve in the military at America's calling. Most immigrants are long-term residents who have lived in this country and have paid taxes for 10 years or more. Immigrants do not come to this country to take advantage of our welfare system.

So, Madam Chairman, here we face a number of welfare reform bills, substitutes. Let me say that legal immigrants take a hit in all bills. So as a

Hispanic American whose mother is Mexican and as many in this body that have an ethnic background that is not a pure American, I do not think there is one native American in this body—there is in the Senate—what we have and what we are doing is wrong, it should be rejected, and we should stand behind the best traditions of this country.

Mr. ROBERTS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BARRETT], chairman of the Subcommittee on General Farm Commodities of the Committee on Agriculture.

Mr. BARRETT of Nebraska. I thank the chairman for yielding this time.

Madam Chairman, despite having invested more than $1 trillion, the Federal Government's 30-year war on poverty has instead created a war of poverty. Along with giving States and communities more flexibility in designing welfare programs, H.R. 3734 will provide welfare recipients with a better coordinated system of child care. The bill will provide $4.5 billion more for child care than is currently available and it will consolidate 7 separate programs that have often left child care providers, and families, confused and without assistance.

The bill is tough on getting welfare recipients back to work but without these improvements in child care assistance, welfare families may not be able to afford work and pay for child care at the same time.

Madam Chairman, while the bill provides more funds for child care, it will make other needed reforms that should save $53 billion by 2002. I would encourage the House to support the bill and help end a way of poverty that has permeated our Nation's welfare system for more than 30 years.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Madam Chairman, I thank my colleague from California for yielding me this time.

Madam Chairman, it grieves me to be here this evening to see the end of a period of almost 60 years in which this country's beliefs in its responsibility to the poor is going to be shattered. I speak of that element in our Aid to Dependent Children's program which is referred to as the entitlement. It was the safety net, it was the guarantee that all children, no matter where they lived, whatever region of this country they came from, whatever their ethnic background, that they would have the assurance of a Federal program which allowed them the eligibility to participate. No political situation, no situation on a local level, no Governor, no State could alter that eligibility which the Federal Government assured that child.

What we are debating here is a destruction of that very basic guarantee. If we destroy that guarantee, it will be 100 years from now before it ever can be restored. It was the genius of this country, as in the words of the chair of the Committee on the Budget, to understand that it was a sin not to provide for those less fortunate in our society that gave birth to this program. What is honored was the mothers of this country that found themselves without the necessary means to raise their children, and this country rose up to the responsibility and provided an entitlement program which said "Children everywhere in America, you will have this assurance," and we are about to break that guarantee by destroying that entitlement and putting the money simply into the State coffers without that guarantee. It is the destruction of that entitlement that troubles me the most.

We started on this debate with an effort to try to reform welfare. Every single Democrat joined in that when we voted for the Deal bill. No one should leave this floor with a belief that Democrats are not interested in improving the welfare system, because we all voted for it. But now we see a bill coming from the majority which takes about 50 percent of the cuts in this program from the hides of noncitizens of the United States. Is that fair?

The Chairman of the Committee on the Budget also said that this is a victory for everyone in America. It is not a victory for the children that will be left out of this program, and it is certainly not a victory for legal residents of this country who came to America with the promise of liberty and equal treatment, and they are going to find themselves now without the protections if they become disabled, without the protections if they should become impoverished, as every other American. That is what is wrong. This is not welfare reform. It is destruction of the basic guarantees of our democracy.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN], a valued member of the Committee on Ways and Means.

Mr. ENSIGN. Madam Chairman, we have to ask ourselves a few questions here. First of all, does the current welfare system help children as the last speaker talked about? She talked about a safety net. Is the current welfare system a safety net or has it become a spider web that just absolutely grabs onto people and creates a dependency cycle that destroys families? Is the current welfare system compassionate? The answers to all of these questions are an obvious no, the current welfare system is not compassionate and it does destroy families.

What effect has our welfare system has on out-of-wedlock births? What effect has it had on crime rates? What effect has it had on the work ethic in America? Our bill gets people off welfare and into work. That is true compassion.

Our bill does stop noncitizens from receiving welfare benefits. I am sorry. I believe that welfare benefits should only be reserved for citizens of the United States. It is currently law in the United States that if you are a noncitizen that comes here and you go on the Government dole, that is grounds for deportation, has been the law, at least during this century. That is grounds for deportation here. We are an opportunity society. We want to attract people from around the world to come here to better their own lives and to better this country at the same time.

My mom when my parents were divorced when I was about 3 years of age would have made more money going on welfare because she had no child support. She had three kids to raise. But I saw my mom each and every single day get up and go to work, and that taught me a work ethic that we are robbing from welfare families today. The children of welfare families are losing that. That is not compassion. We want to be an opportunity society that takes people and provides them opportunities.

Our bill provides money for child care, $2 billion more than the President, and also transitional health care for children in the time that these welfare moms and welfare families are getting off of welfare and into work.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA]

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BECERRA. Madam Chairman, I thank the gentlewoman from California for yielding me this time.

Madam Chairman, let me begin by first thanking many of my colleagues and the folks within my own leadership in the Democratic caucus of the House for the time and effort that has been spent with many of us who have had concerns about welfare and meaningful reform of welfare. I want to thank those who took the time to hear us out. Unlike some of the folks on the other side of the aisle, there has been a great deal of effort on the part of our leadership and many of the members of our caucus, from both sides of the spectrum, to try to address issues of grave concern to us all.

As President Clinton has said, the current welfare system is broken and must be replaced. This is true for the sake of the people who are trapped by it as well as for the taxpayers who pay for it.

But when we began to consider reforming welfare, discussions centered on providing sufficient child care to enable recipients to leave welfare for work, on rewarding States for placing people in jobs, on restoring the guarantee of health coverage for poor families, on requiring States to maintain their stake in moving people from welfare to work, and on protecting States and families in the event of economic recession and population growth. But this House bill has failed miserably in achieving these goals.

Instead, it relies on catchy slogans and soundbites of setting time limits so you are off if you do not make it, if you do not cut it. We block grant in this bill, give you a lump sum of money which looks good but never is enough to cover your needs in the States. And we talk about, as we have heard some of the Members on the other side of the aisle say, the noncitizen alien, and they use as graphic a term as they can to try to describe these human beings who are in this country, one, legally; are in this country, two, paying taxes; are in this country, three, willing and ready and obligated to serve in time of war, as many have, and are prepared to die, as many have, for this country even though they have yet not become U.S. citizens.

The effect of this bill, well, it is weak on work. They force people off of welfare, but they do not help them get into work. It will shove more children into poverty, and we know that from many of the studies, and everyone across the board says that.

Let me focus finally for the rest of my time on this one last issue: The hidden tax that you do not hear many people talk about. There is a tax in this bill. Let us go ahead and disclose it now.

□ 1945

Thirty billion dollars of the so-called savings that amount to $60 billion comes from a particular population of people, not because they are lazy and do not work, not because they have come into this country without documents. These are folks who happen to be immigrants; they haven't yet reached the stage of becoming citizens. But this population of legal residents in this country who are entitled to be here because this country has granted them permission has now been told you are going to pay a tax of about $2,000 per person, about $30 billion is being extracted from the hides of people who are entitled to be here, who are working and paying taxes.

Why? Well, they do not vote. They do not have a say in this place and chances are they are not going to contribute money to the coffers, campaign coffers of people who are hitting them. So there is no stake here or negative stake here in going after the legal immigrant.

So what we see is that these individuals are being told, and their children are being told, no, you have worked 5 years, 10 years, 15 years and now all of a sudden you have been hit by a car and you need some assistance with the medical bills because you cannot pay them all yourself, sorry. You happen to not yet have become a citizen, even though you have worked here for quite some time and paid taxes, and that hidden tax will cost those individuals about $2,000 per person, and if you exclude children, it is a much heavier hit for the adults.

More than 200 years ago we had some folks toss some tea over a harbor because of the issue of taxation without representation, yet we see it being done here today but in a very concealed way.

Finally, let me close by saying the following things: For some reason this Congress this session has decided it wants to hit my family in virtually everything I have to come up here to discuss, and in committee as well. It seems that I am having to defend my parents or my relatives. My parents who migrated to Sacramento, CA, would face many of the situations that are in this bill that would deny them services, even though my parents have worked hard in this country for decades. I am not sure why I have to constantly try to explain to my father that the Congress of the United States and this noble country is out to get them. They are fortunately now citizens, so they will not be impacted. But isn't it ironic just because they happen to have that day been able to become citizens things have changed?

It is a hidden tax. It is an unfair tax and that must change. We need meaningful reform. Let's change welfare as we know it, as the President said, but let us do it in a way that includes all Americans.

Mr. ROBERTS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I think it is obvious that we all know that welfare reform is a front-burner topic, not only on this floor in this town, but certainly all throughout the Nation, and the American people want change.

I think the House of Representatives has responded to the American public. I believe that real welfare reform is represented in the bill that is being considered today. This bill represents real change.

I want to congratulate the members on the Committee on Agriculture and all Members who have worked so diligently on reforming the Food Stamp Program. That is the part of welfare reform for which the Committee on Agriculture is responsible. The very first hearing held by me and my Republican majority in the committee was on enforcement in the Food Stamp Program, and following that hearing, the chairman of the subcommittee, our late and beloved colleague, Mr. Bill Emerson, held four hearings on the Food Stamp Program. Bill was an expert in regard to the Food Stamp Program.

From the testimony received in these hearings, the committee formulated the principles that really guided our reform. The bill being debated today simply reflects those principles.

First, keep the Food Stamp Program, that was a tough fight, as a safety sunset so that food can be provided as a basic need while States are undergoing the transition to State-designated welfare programs.

Second, second principle, to harmonize welfare and the Food Stamp Program for families receiving benefits from both programs, not on a separate track. We streamlined that.

Third, take the Food Stamp Program off of automatic pilot. Started out 12 years ago at about $12 billion, went up to $27 billion and was ever increasing.

Fourth, able-bodied participants, able-bodied participants without dependents must work in private sector jobs.

Lastly, tighten controls on waste and abuse. Out of the $27 billion in the Food Stamp Program, estimated by the new Inspector General at the Department of Agriculture, anywhere from $3 billion to $5 billion is now going to fraud and abuse. So we are tightening those controls, and we curb the trafficking with increased penalties.

Now that is real reform. It is essentially the same bill that was approved by the House on December 21, last year, by a vote of 245 to 178. One significant exception, the food stamp funding cap is eliminated.

Now, that cap was eliminated as a concession to and at the request of the National Governors' Association, the Clinton administration, and the Secretary of Agriculture. We sat down and we worked with all of these folks. Food stamp reforms still include measures to control the cost of the Food Stamp Program, however.

The bill represents sound policy. The program is retained as a Federal safety net. States are allowed to harmonize their AFDC and Food Stamp programs. As I indicated, the food stamps are taken off of automatic pilot, except for the annual food benefit increases; able-bodied persons without dependents must work; and there are increased penalties for trafficking and fraud.

It is a good package. Through the reforms in this bill, the committee will meet its target under the 1997 budget resolution. But, first and foremost, we reform the program.

Last April, the Clinton administration submitted its welfare reform bill. There are many similarities between the two bills, since we adopted many of the USDA proposals and they in turn adopted many of ours. A review indicates that 55 percent of the provisions are identical; 72 percent are either identical or very similar—72 percent in agreement with the USDA and the Clinton administration. We worked hard to do that.

There are some differences. We take the Food Stamp Program off of automatic pilot for all but annual food increases. If needed, we can come back in; we can appropriate the funds, and the administration bill does not.

We have a strong work requirement. We expect able-bodies persons, no dependents, between the ages of 18 and 50 to work or be in a training program after 4 months of food stamp benefits. The administration's work requirement, as far as I am concerned, is very weak. We allow States to operate work supplementation programs and the administration does not.

This program now provides benefits to an average of 27 million people each month at an annual cost of more than $26 billion. Everybody should agree that for the most part these benefits go to families in need of help and are used to buy food. There is no question in my mind that the Food Stamp Program helps poor people and those who have temporary fallen on hard times. However, there is also no question in my mind that the program is in need of real reform.

As I have indicated, this bill reflects the principle that the Food Stamp Program should remain a Federal program. States will be undergoing a transition to State-designed welfare programs. During this period, this Food Stamp Program will remain as a safety net and be able to provide food as a basic need. The program will remain at the Federal level and equal access to food for every American in need is still ensured.

Now, I mentioned we had taken the program off of automatic pilot except for the annual increases. The food stamp deductions are kept at the current levels instead of being adjusted automatically. Food stamp benefits will increase to reflect the increases in the cost of food. Food stamp spending will no longer grow out of control. Out of control: 1984, $12.4 billion, 232.4 million people participating; 1996, $26.4 billion, 27.5. Under this bill, 1997, $26 billion; by the year 2002, $30.4 billion. It increases, does not decrease.

It is a transition, but we stop that annual growth increase. If the economy goes down, food stamps went up. If the economy went up, food stamp spending went up and the participants went up.

The food stamp deductions, as I have indicated, are kept at the current levels, and as I have indicated, the spending will certainly no longer grow out of control. Oversight from the Committee on Agriculture is essential so that when reforms are needed, why, the committee will act.

I want to talk about the strong work program. Again, able-bodied persons between the ages of 18 and 50 years, no dependents, will be able to receive food stamps for 4 months. Eligibility will cease at the end of this period if they are not working at least 20 hours per week in a regular job. The rule will not apply to those who are in training programs such as approved by a Governor of a State.

A State may request a waiver of these rules if the unemployment rates are high or there is a lack of jobs in the area. Please remember that. We are not heartless. We just expect able-bodied people between 18 and 50 who have no one relying upon them to work at least half the time if they want to continue to receive the food stamps.

It is essential to begin to restore integrity to the program. Incidences of fraud and abuse and losses are steadily increasing. The public has lost confidence in the program. There are frequent reports in the press and on national television in regard to abuse. We held the hearing in the House Committee on Agriculture. The Inspector General of the Department, the new Inspector General, Roger Viadero, came down from the Department, showed on television the massive fraud in many food centers that were not food centers, they were trafficking centers for organized crime.

Abuse of the program usually occurs in three ways: Fraudulent receipt of benefits by recipients; street trafficking in food stamps by recipients; and trafficking offenses made by retail and wholesale grocers. We double the disqualification periods for food stamp participants who intentionally defraud the program. First offense, the period is changed to 1 year. Second offense, the disqualification period is changed to 2 years. And then if you are convicted of trafficking food stamps with a value over $500, adios, you are permanently disqualified.

As I have indicated, the trafficking by unethical wholesale and retail food stores is a serious problem, had it on tape, national television, sickened the American public, not fair to the recipient, not fair to the taxpayer. Also, benefits Congress appropriates for needy families are going to others who are making money from the program. Therefore, the bill limits the authorization period for stores and provides the Secretary of Agriculture with other means to ensure that only those stores abiding by the rules are authorized to accept food stamps. It is amazing that that was not changed before.

Finally, the bill includes a provision that all property used to traffic in food stamps and the proceeds traceable to any property used to traffic in food stamps will be subject to criminal forfeiture. They have to give it up.

This bill and the Committee on Agriculture's contribution to the bill, I think, represents good policy. We have kept the Food Stamp Program as a safety net for families in need of food. We have taken the program off of automatic pilot. We save $23 billion. Congress is back in control of spending on food stamps. States are provided with an option to harmonize food stamps with their new AFDC programs. We take steps to restore integrity to the Food Stamp Program by giving law enforcement and the Department additional means to curtail fraud and abuse. We encourage and facilitate the EBT programs. We begin a strong work program, again, so that able-bodied people, no dependents, between the ages of 18 and 50 years can receive food stamps for a limited amount of time without working.

This represents good food stamp policy and reform. I hope all Members will agree with me and support this bill.

Madam Chairman, I reserve the balance of my time.

Mr. SABO. Madam Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] has 30 minutes remaining, and the gentleman from Kansas [Mr. ROBERTS] has 2¼ minutes remaining.

Mr. SABO. Madam Chairman, I yield myself 1 minute and 30 seconds.

Madam Chairman, as a State legislator in the 1970's, I regularly came to Washington to participate in meetings on welfare reform. It is something we have understood that needed to be done for many, many years, but there is a right way to do it and there is a wrong way to do it. Unfortunately, the majority Republican plan is one that does it the wrong way. It is weak on work and it punishes children.

Tomorrow we will have an opportunity to vote for a better alternative. The Castle-Tanner substitute, a genuine effort by some Democrats to work with some Members of the Republican side to develop a truly bipartisan plan. It is a plan that is fairer to children, tougher in requiring people to go to work, understands the diversity of this country, requires States to maintain their efforts, rather than allowing the States to pull billions of dollars out of the program, as the Republican plan does.

Madam Chairman, this country would be well-served if tomorrow a majority of this House in a bipartisan fashion would vote for the bipartisan substitute amendment that is going to be offered.

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Mr. SABO. Madam Chairman, I ask unanimous consent that I be allowed to yield the remainder of my time to the gentleman from Texas, Mr. STENHOLM, and that Mr. STENHOLM have authority to yield to other Members.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it has been stated numerous times already tonight that the House now has a historic opportunity to move toward enactment of meaningful welfare reform legislation, discouraging the cycle of dependency and moving welfare recipients into work. I could not agree more. But I believe the legislation I am supporting is the best way for the House to realize that opportunity.

There is a bipartisan welfare reform alternative that can be supported by a strong majority of members on both sides of the aisle and can be signed into law. That's how historic opportunities are realized.

My objections to the Majority bill come down to two simple concerns: I believe their proposal is weak on work and tough on kids. In my book, that's a bad equation that is fixed by the Castle-Tanner substitute.

This substitute achieves $53 billion in savings in welfare programs as required by the Majority-approved budget, while protecting children and providing States with the resources that CBO says they need to put welfare recipients to work.

Let me repeat. CBO says they need. How many times have we in this body heard unfunded Federal mandates. I would ask my friends on the other side of the aisle to take a good hard look at their language because CBO says it falls short regarding the very States we are attempting to work with. In fact, the Castle-Tanner substitute is the only proposal that has real work requirements that the Congressional Budget Office says States will be able to implement to move welfare recipients to work.

Madam Chairman, over the last two years, I have solicited the views of welfare providers, recipients, and local citizens in my district on what Congress should do to allow local communities to implement effective welfare reform. The citizens in my district expressed a very strong desire for local flexibility and adequate funding to design a workable welfare delivery system that would more efficiently and effectively move welfare recipients from welfare to work.

I am proud of the work performed by my constituents. They invested their time and energy, they engaged in dialogue with individuals of a different perspective, they developed common goals, and they promoted concrete suggestions for improvements. They did the work I asked of them and now it's my turn to do my part here in Washington. That is precisely how I ended up one of the strongest supporters of the Castle-Tanner substitute. It is the only welfare reform alternative that provides local communities with the support they need to move welfare recipients to work.

The welfare reform bill proposed by the majority falls well short of giving state and local governments that flexibility or the resources they need to implement welfare reform proposals. The National Governors Association adopted a resolution yesterday expressing "concerns about restrictions on states flexibility and unfunded costs" in the work requirements of H.R. 3734." That is the Governors' Association. The Republican bill rejects the NGA recommendations for state flexibility in developing work programs appropriate for local communities and does not provide any additional funds for states to meet the increased work requirements.

CBO has estimated that the Republican bill would fall $12.9 billion short of the funding for work programs necessary to meet the work requirements in the bill, and $800 million short of the costs of providing child care assistance to individuals required to work. The CBO report accompanying the Republican bill states:

> CBO * * * concludes that most states would fail to meet these [work] requirements * * * most states would simply accept the penalties rather than implement the requirements.

That is CBO. The same CBO we talk about day in and days out that we need to pay attention to. The Castle-Tanner substitute ensures that states would be able to meet the work requirements in the bill by providing $3 billion in additional mandatory funds that states can access in order to meet the costs of moving welfare recipients to work. In addition, Castle-Tanner adopts the recommendations of the National Governors Association regarding state flexibility in meeting work requirements.

Rhetoric about tough work requirements is either an empty promise or the greatest unfunded mandate Congress ever imposed if it is not backed up with funding for states and local governments to meet the work requirements. Welfare reform will fail to meet the goal of ending the cycle of dependency and moving welfare recipients to work if states do not have sufficient resources to operate work programs. As the CBO report makes abundantly clear, the work requirements in H.R. 3734 are illusory because states will not be able to implement them. If you support breaking the cycle of dependency and actually moving welfare recipients into work instead of just talking about it, vote for the Castle-Tanner substitute.

The Castle-Tanner substitute proves that it is possible to dramatically reform the welfare system in this country without harming children, while still achieving substantial budgetary savings.

As we said, we do have an historic opportunity to reform our failed welfare system. We cannot afford to waste this opportunity. The House can take a tremendous step toward ending the political gridlock and finding a bipartisan solution to the problems of our welfare system by passing the Castle-Tanner bill tomorrow. I urge my colleagues to vote for the bipartisan Castle-Tanner substitute.

Madam Chairman, I reserve the balance of my time.

Mr. ROBERTS. Madam Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Madam Chairman, I have a few questions for the defenders of the present welfare system.

Is there compassion in a system run by Washington bureaucrats?

Is there compassion in a system that encourages illegitimacy and undermines traditional values like work and family?

Is it compassionate for generation after generation to be trapped in dependency and despair?

The answer is: No. Compassion is not measured by dollar signs. For thirty years, we have poured trillions of dollars into a system that does not work. It destroys families: devastates women; and crushes the hopes and dreams of children. There is nothing compassionate about our current welfare system.

The bill we are considering today replaces Washington bureaucrats with caring social workers at the State and local level. It gives States flexibility to develop their own solutions for helping the needy. It provides child care for welfare mothers who want to work. It rewards work while retaining a safety net for those who fall on hard times, and it provides for comprehensive child support enforcement.

I strongly encourage my colleagues to support this measure, because I believe it will save lives, restore hope, and help those who want to experience the American dream.

Mr. ROBERTS. Madam Chairman, I yield the remainder of my time to the gentlewoman from Kansas [Mrs. MEYERS], the distinguished chairman of the Committee on Small Business, the original author of welfare reform, and I ask unanimous consent that she be authorized to yield additional time to other Members.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. STENHOLM. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Madam Chairman, I thank my colleague from Texas for yielding me this time.

Madam Chairman, Republicans and Democrats all agree that the current welfare system does not work. Instead of requiring work, it punishes those who go to work; instead of instilling personal responsibility, it encourages dependence on the Government; and instead of encouraging marriage and family stability, it penalizes two-parent families and rewards teenage pregnancies. We all agree that welfare must be dramatically reformed, and that welfare should only offer transitional assistance leading to work, not a way of life. Real welfare reform must be about replacing a welfare check with a paycheck. Tomorrow we will have two choices before us, the Republican welfare bill, and the Castle-Tanner bipartisan substitute. The bipartisan bill is the bill that will ensure that welfare reform really works.

The bipartisan bill gets people into the workforce as quickly as possible, while providing money for work requirements to be effective. It includes the provisions that are necessary to make transition to work a reality and not just rhetoric. The Castle-Tanner bipartisan bill provides $3 billion in supplemental funds for states to meet the costs of work programs for welfare recipients. This is money in the bank, not just an authorization backed by a hope that someday we might actually find this money.

The bipartisan bill requires individual responsibility, by requiring welfare recipients to sign a contract with their State which outlines the individual's responsibility to move to private sector employment.

The Castle-Tanner bill requires community responsibility as well, by requiring the States to certify that local governments have been involved in developing the State plan, and that no unfunded mandates to local government will result from its implementation.

The Castle-Tanner bipartisan bill provides real welfare reform that really works. I urge my colleagues to support it tomorrow.

Mrs. MEYERS of Kansas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of this legislation to reform welfare. Let me talk for a minute about what this bill is based on and why I think it takes us in the right direction to achieve really meaningful welfare reform.

First of all, we need to admit that Washington does not have all the answers. We have tried that. During most of the 30 years the answer to every problem and the meaning of every reform by Congress was to create another Federal program and today we have literally hundreds of Federal programs intended to help people of limited incomes with separate regulations, separate applications, separate eligibility rules, and separate reporting.

In this bill we return power and flexibility to the States to create welfare systems that work best in their States. What works best in Kansas will not be identical to what works best in New York. This bill recognizes that. At the same time as we give States flexibility, we hold them accountable in the two most important areas for reducing welfare dependency, increasing work and reducing out-of-wedlock births.

Let me just say that some people have tried to claim that our emphasis on reducing out-of-wedlock births puts the blame only on the mothers. That is not true.

This bill has very strong paternity establishment and child support enforcement provisions, provisions that are long overdue. Fathers must and will be held accountable. But it is also true that we must stop sending conflicting signals.

I have met in my district with young women on welfare. We are not serving these young women well. We say that they should stay in school and not have a child until they are married and have a degree. Then we turn around and offer them money if they do exactly the opposite. We all know which part of that message a lot of young women hear.

I am pleased that in this bill reducing out-of-wedlock births is recognized as an important and essential part of reducing welfare dependence. I am pleased that the Subcommittee on Procurement, Exports, and Business Opportunities has helped to craft the very strong work requirements in this bill, and I hope that we do not hear any claim in this debate that this bill is weak on work. Any such claim is simply untrue.

The bill calls for more people in work than any other proposal that has been offered this year, including the President's, and under this bill the emphasis is on real work. It is clear from experience and studies that the best way to move from dependence to independence through work is to get work experience, a real job, and that is the emphasis of this bill.

I am also pleased that the Subcommittee on Procurement, Exports, and Business Opportunities portion of the bill makes major critical reforms in Federal support for child care. We address the current maze of child care programs. We have multiple child care programs and each one has its own eligibility rules. Under this bill there would be a single child care program so that our expenditures for child care can be an important help rather than an obstacle to independence from welfare.

We increase the amount of money for child care. That is the second false claim I hope we do not hear in this debate, that the bill is short on child care. We have $4.5 billion more than the current law and almost $2 billion more in guaranteed money for child care than does the President's plan.

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So I hope we do not hear any claims from the other side that the bill is short on child care. Let me talk about two other parts of the bill that were reported by the Committee on Economic and Educational Opportunities. One is the child protection block grant. Child abuse is a terrible problem in this country. Despite the fact that there have been a lot of programs set up at the Federal level, our efforts at preventing child abuse have not been very effective in large part because it is made up of numerous small disparate single-purpose grant programs. The bill consolidates six of those programs into a block grant with increased funding.

In addition, instead of keeping most of the money in Washington, the bill sends most of the money to the States, which, of course, are the ones who actually deal with the problems of broken families and broken homes.

Finally, let me address the child nutrition area. We make no changes in reimbursements for school lunches or breakfasts. Our bill saves money in the child nutrition area, primarily by means testing the family day care food program. This is currently the only child nutrition program which is not income tested, meaning that we currently pay the same full subsidy to buy lunches and breakfasts for children of millionaires as we do for the children of the poorest families. This is long overdue reform that is included in this legislation.

Madam Chairman, no issue is more important for us to address than is welfare reform. That is why we are determined to give the American people welfare reform despite President Clinton's vetoes of our earlier bills. He has no more excuses to oppose welfare reform. I urge my colleagues to support this legislation, and I urge the President to sign welfare reform so that we can at long last begin to fill a well-intentioned but too often destructive system.

Madam Chairman, I reserve the balance of my time.

Mr. STENHOLM. Madam Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Madam Chairman, I thank the gentleman from Texas for yielding me the time.

I agree, the current welfare system does not work. It should be changed. As a result of the current welfare system, its recipients have lost self-respect. We have a created a system of dependency and put welfare recipients outside the mainstream of American society. If all we were talking about was putting able-bodies people to work and solving food stamp fraud, we would not have much of a debate.

The fact is today that the Republican bill is seriously flawed. It lacks compassion. It hurts children. And it reflects a continued pattern of extremism.

Let us talk about the children. Children are going to be harmed by this bill because it makes no provision for the reality that, when benefits run out or their parents are put out of the program, these children still have to eat. There are no vouchers. I am here today to support the Tanner-Castle alternative because I believe it does contain compassion in that it provides for these circumstances by requiring States to offer vouchers when benefits run out so that children are not harmed.

Let me be blunt. I do not believe we should target legal immigrants, but I am pressed with the Tanner-Castle bill, Tanner-Castle amendment, excuse me, because it addresses the concerns of immigrant children. Under the Republican plan, 300,000 immigrant children will be hurt. They will starve because they will be denied food assistance. This problem is corrected under the Tanner-Castle alternative. Those children will be able to get food assistance under that program. Disabled immigrant children will also be able to get assistance under the Tanner-Castle substitute.

Also under the Republican plan, 1.2 million women and children will lose Medicaid coverage as they transition from welfare to work. This problem is also corrected by the Tanner-Castle proposal, which extends Medicaid benefits during this transition period.

The Republican plan is flawed on a second count. It provides inadequate work programs. There is no support for work, only a lot of rhetoric. The CBO, their favorite source, says that the bill is $12 billion short of what is needed for work requirements. This creates a large unfunded mandate, something they also say they abhor because States will have to bear the burden. Tanner-Castle again responds to this concern by being the only bill that provides additional funds to States so that they can implement work requirements. That is why we say the Republicans are weak on work.

The Republicans also are inadequate in child care. Again CBO says they are $800 million short of the child care assistance necessary to provide for real transition to work.

The problem is they are not serious about putting people to work. The Tanner-Castle substitute on the alternative provides sufficient child care assistance, an additional $2 billion for child care assistance to ensure that people who want to go to work and have children can do so.

CBO concludes that under the Republican bill, rather, States would fail to meet their work requirements.

Reject false welfare reform. Adopt a realistic and sound alternative.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 4 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, many have spoken about the destruction of the welfare system. I think Republicans and Democrats alike can view this as not destruction but the rebirth of a failed system. Ninety percent of the American people believe that the current system has failed, and we need to work on it.

Republicans do not have a key on the welfare system plan. We produced in the House of Representatives a bipartisan plan. It passed this House. In the Senate, Senator Dole worked and passed a bipartisan welfare plan. They did that twice, bipartisan. And both times the President vetoed it.

Then the Governors of this great country all got together. They said that if Congress cannot do it, let us have the Governors, that have got the direct responsibility in their States to take care of it, produce a plan. And they did so. In a bipartisan manner, Republican and Democrat Governors worked together, produced a plan and the President would still not sign that plan. Even today, the Governors are working, again, to come up with a plan.

I would say that I used to teach in Hinsdale. We had three great schools: Hinsdale, Evanston, and Newtrier. Just a few miles away there are miles and miles of Federal housing. I would say to my colleagues, those children do not carry books. They carry guns. Their ideologues and their role models are pimps and drug dealers. What chance, what opportunity, what portion or even the pursuit of happiness do those children have? next to none.

The pregnancy rate, I rode on an airplane with an African-American. And he told me, he said, "DUKE, our neighborhoods used to be proud neighborhoods. We had industry next to us. The people had jobs. They took pride in those neighborhoods, whether it was Harlem, whether it was Chicago, whether it was any of our major great cities." The welfare system, people started not working. Then what you had was a follow-on of generation and generation, where the person did not work and did not take the responsibility.

Pretty soon the businesses started moving out of those communities. So I think the biggest welfare reform is reestablishing, like Jack Kemp, one idea of the enterprise zones to bring the businesses back into the inner cities so that we can have those jobs for people to work. We can work on that together. The substitute, there is no reason why we cannot come together. I think we have a good bill. But education is another one.

Let me tell my colleagues in California how welfare and education and a lot of different things have been hindered. I have almost 800,000 illegals, K through 12; 800,000. Take just 400,000, half of that. At $5,000 a child, that is $2 billion a year. Take 7 years. What we could not do with our school systems. I truly believe that education has a vital role in keeping people off of welfare. If you do not believe that, I think you are on the wrong tree.

Over half of the children born in Los Angeles are to illegals. Take the School Lunch Program that you fight for. My priority is the American citizen and the American children. The School Lunch Program at half the number we actually have, take two meals, not three at $1.90, that is $1.2 million a day for illegals keeping us from welfare reform in California.

We want the State to have the flexibility and we think that this reform bill is gentle to children and a rebirth.

Mr. STENHOLM. Madam Chairman, I yield 4 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Madam Chairman, we have a rare opportunity in this Congress, an opportunity to support a bill that is both bipartisan and bicameral. We must and we will have welfare reform. The question is, how will we have welfare reform?

But the bill the majority is putting forth, H.R. 3734, does not provide the kind of constructive changes found in the Castle-Tanner alternative that we will also consider. We need reform that makes a difference. We do not need reform that merely is different but makes a difference in lives.

Reform means improving, making better, perfecting. Reform of our welfare system should reflect our most basic values: the importance of work, the responsibility of parents to care and provide for their children, and nurturing the hope of a better life in their communities, both for their children and their parents.

That is why I believe Castle-Tanner is much preferred over H.R. 3734. Castle-Tanner gives us real reform and it also gives compassion.

For example, Castle-Tanner provides real protection for children.

If a family that has been on welfare for less than 5 years is removed by the State, Castle-Tanner requires that the State provide vouchers for the needs of the children of that family.

And, if a family that has been on welfare for more than 5 years is removed by the State, Castle-Tanner gives that State the option of also providing vouchers for the needs of the children of that family.

Castle-Tanner protects children.

If a family loses Medicaid coverage because of a time limit, Castle-Tanner makes provision for continued Medicaid coverage.

And, while I believe the immigration provisions of Castle-Tanner need to be strengthened, I am encouraged that Castle-Tanner exempts immigrant children from food stamp and SSI bans and provides food assistance to thousands of immigrant children who would otherwise be denied under H.R. 3734.

In addition, Castle-Tanner makes clear that States must allow for appeals, with full due process protections, when individuals are denied welfare assistance.

And, the Secretary of Health and Human Services is given the power to enforce the appeal protections.

Castle-Tanner also protects children who are exposed by block grant funding when there is an economic downturn. This is done with the establishment of an uncapped contingency fund that States can use when there is a national or a severe regional recession.

More importantly, Castle-Tanner preserves the national food stamp safety net and rejects the optional food stamp block grant contained in H.R. 3734.

In addition, Castle-Tanner contains provisions that will give a realistic opportunity of welfare participants moving from welfare to work.

Castle-Tanner provides $3 billion in additional and mandatory funding that States can make use of in ensuring an effective transition from welfare to work.

And, Castle-Tanner contains sufficient funding for child care, a vital component if we truly expect mothers with dependent children to be able to go to work without jeopardizing the interests of the child.

There are many other strong points in Castle-Tanner when compared to H.R. 3734, such as the 85 percent mandatory State commitment level rather than 75 percent; the requirement that the Secretary of HHS must approve State plans, thereby ensuring a single standard; and the requirement that State plans do not impose unfunded mandates on local governments.

Castle-Tanner has support among Democrats and Republicans in the House and in the Senate.

We do need to discontinue our current system of welfare. But, we do not need to abandon our children. Castle-Tanner will give us change that improves the lives of all Americans, not just change that enriches the lives of some. The savings in the Castle-Tanner alternative meet the mandate of the budget resolution.

I urge all of my colleagues to support welfare reform that works, welfare reform that protects the children, welfare reform that gives us a better system.

Support Castle-Tanner. It will make a difference.

□ 2030

Mrs. MEYERS of Kansas. Madam chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Madam Chairman, I thank my friend from Kansas, Mrs. MEYERS, for yielding this time to me.

I would like to offer my strong support for H.R. 3734, the Personal Responsibility Act. Welfare hurts people. It hurts those who receive it by creating a culture of dependency that crimps people's desire to benefit themselves and improve their own lives.

American taxpayers are willing to help those who need it. But we have grown increasingly tired of footing the bill for those who will not help themselves.

Perhaps the most fundamental requirement of America's immigration policy is that immigrants be self-reliant, not dependent on the American taxpayers for support. Since 1882, for over 100 years, those who are likely to become public charges or participate in the welfare system have been inadmissible to our country. Since 1917 noncitizens who become public charges after they enter the United States have, in fact, been subject to deportation.

Many immigrants come to America for economic opportunity. In fact, most of them do. However, others come to live off the American taxpayer. Noncitizen welfare recipients of supplemental security income have increased 580 percent over the last 12 years. When all the major welfare programs are added together, studies show that immigrants receive $26 billion each year in welfare assistance.

Now, should not those funds rather be going to needy American citizens?

This bill complements the House immigration reform bill, H.R. 2202, which passed the House by a vote of 333 to 87. H.R. 2202 prevents illegal aliens from receiving public benefits, enforces the public charge exclusion and deportation provisions of current law and encourages immigrant sponsors to fulfill their financial obligations.

It is critical for Congress to send both H.R. 3424 and H.R. 2202 to the President this year. The American people are depending on us to reform America's welfare and immigration policies.

President Clinton, after promising to end welfare as we know it, has twice this year vetoed proposals to do just that. Let us hope the administration will finally keep its promise to the American people and sign this bill.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Chairman, I thank the gentlewoman from Kansas for yielding this time to me, and I thank those that said nice things about the bill I presented, I have sponsored with the distinguished gentleman from Tennessee [Mr. TANNER], and I support both the Castle-Tanner proposal and the Republican welfare reform proposals, and I will speak probably of the Castle-Tanner more tomorrow.

But I would like to share with my colleagues my strong beliefs in the need to improve welfare, but also what I believe is tremendous hope and opportunity for people in America.

Now, I learned this from practical experience. When I was fortunate enough to be Governor of Delaware, I worked with the Governor of Arkansas at that time in 1988 with the Governors, heading up a group to work on welfare reform, and that was Bill Clinton, and from that came the Family Support Act. And I got into it, jumped in with both feet, and I said we are going to do this in Delaware, and we did something not many States had done at that time. We wrote letters to people in which we said, "If you're going to continue to receive welfare, you're going to have to come to our classes," and I shuddered a little bit at some of those reactions, and I went to the first class after about 4 or 5 weeks. It was 18 women and 1 man, as a matter of fact, and I remember it vividly. But I was stunned by the fact that virtually everyone I spoke to, I think everyone I spoke to that day, said very positive things about the fact that we have given them opportunity. I expected them to be very upset and disconcerted by the fact that we had said that they would have to work.

And I found from that and then from going back to graduations and then from talking to many of these people who I saw on the street thereafter that this truly was opportunity for them. It truly lifted their self-esteem, it truly gave them family pride because their kids realize that they were given that opportunity, and they could go forward.

And I think it has made a difference in Delaware. About a third of the individuals in Delaware have now been able to go to work in some way or another.

I have a letter here today from a lady in Bridgeville, DE, and I am not going to read the whole thing. It might seem a little bit self-serving, but she said: "In 1992 I found myself on food stamps and thrust into your First Step program." She did not like it, I guess at that time.

> When I graduated from First Step, I found myself on the stage with you at Del Tech, each giving our speech. To me it was perhaps the turning point in my life. Because of your faith in me and in humanity, I found myself enrolled in Delaware State University. I was fortunate to participate in several of the welfare reform panels, and that led to a most wonderful woman who saw my picture in the paper and who was my benefactor for books and school supplies for my college education.

An unusual story, but a story of an individual who is able to be educated and is now out in the workplace and is supporting her family. And this has happened on many occasions. It is not going to happen on every occasion. But our welfare reform bills, the ones we have before us, give that opportunity, and they tell people that they are going to go out and they are going to get a job, and I would just tell those who are concerned about this being draconian and hardhearted that I think it does provide a lot of opportunity.

On the other hand, these bills are not easy. We are going to change welfare. We are going to change it as we know it today. We are going to limit benefits for certain able-bodied adults to 2 years of assistance without work, and we are going to limit their lifetime benefits to a maximum of 5 years. People need to understand there is going to be change. But let me just make it clear that in both of these bills about 20 percent of those people would be accepted.

There are many other good aspects to it, but I would encourage all of us to consider welfare reform. It is in the best interests of this country.

Mr. STENHOLM. Madam Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. TANNER], the other half of the Castle-Tanner team.

Mr. TANNER. Madam Chairman, I thank the gentleman from Texas, and I want to publicly thank the gentleman from Delaware [Mr. CASTLE]. We have worked very had on the so-called Castle-Tanner bill. It is the only bipartisan, actually bicameral, bill that we have before the 104th Congress. This bill has been introduced specifically and in the same wording that we have in our bill in the Senate by Senator BIDEN and Senator SPECTER.

I want to compliment the Republicans for moving off of H.R. 4. The gentleman from Delaware [Mr. CASTLE] spoke to that. I am not yet ready to make that leap, but I want to commend some movement and some willingness to work on the part of the Republican majority, but I want to spend most of my time talking about what I think the Castle-Tanner bill is a better bill for the country and for the people that are both paying for the welfare system and those who are trapped or otherwise a part of it tonight. I want to speak more tomorrow about the differences, but let me just say this: Any system that we try to do in the Castle-Tanner bill is in some respects very much like the Republican bill. We are time limited, we give the States flexibility, we are interested in work, we require work and so forth, as the gentleman from Delaware suggested in his remarks. But there are three or four things that we do that we think will make it work better, and CBO happens to agree with us.

We have a stronger maintenance-of-effort factor in the Castle-Tanner bill. This is important because welfare reform must truly be, in our opinion, a Federal-State partnership, and we do not want to, it seems to me, give the States money and they do not match it and make welfare more a Federal program than it perhaps already is in the minds of some.

The other thing we do has to do with children. We restrict the transferability of these block grant funds that go to the States so that they must be used for child care. After all, if anybody gets unintentionally hurt by our best intentioned efforts to reform the welfare system and demand that able-bodied adults work, it is going to be children who have no other opportunity, who have no other means to support themselves than they came into the world and happen to be born to what some might consider deadbeat parents. This is our main concern, and Castle-Tanner, I think if my colleagues carefully read it, does a better job, even though the Republicans are trying to do better, a better job of trying to put that safety net in society for people who otherwise have no recourse and no opportunity or ability to help themselves.

Another area about the children is in the area of vouchers. The Republican bill, unfortunately, prohibits Federal involvement for vouchers for children whose parents have been cut off because they refuse to work or otherwise are not cooperating, refuses or prohibits using Federal money for vouchers after the 5-year cutoff time.

Now, I understood at the outset that we were trying to give the States flexibility, that we were trying to give to the States a block grant for them to fashion programs that were better than this one-size-fits-all Federal program, and so we do that, and yet then we say, "But, by the way, you cannot use Federal money to help kids after 5 years." I do not understand the logic of that proposal, but maybe we can continue to work on that. I hope so.

And bottom line: I think we have a historic opportunity in this 104th Congress. I think we have an opportunity to change the system so that people are, as the gentleman from Delaware said, better off then they are now.

This system is broken, everybody knows it, nobody defends status quo, and we are trying to change it. If we could move the Castle-Tanner bill, if we could move toward it just a little bit more, I think we could get a bill that the President would sign and actually become law. That, I think, is the bottom line.

Let us quit throwing brickbats at each other and trying to threaten vetoes or not threatening vetoes or we are going to make this political statement, and try to come together as we have tried to do with 16 Democrats and 16 Republicans to seek an American solution to an American problem. I believe that is what our people that sent us here would like to see happen, and I think we have a chance to do that if we can continue to tweak this thing and work together.

I believe we have a historic opportunity.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Madam Chairman, I thank the gentlewoman for yielding this time to me, and I want to speak in the same vein as my friend, the last speaker, the gentleman from Tennessee [Mr. TANNER]. I agree with one thing he said, certainly that we have a historic opportunity in this Congress, disagree with another thing he said, that nobody here is defending the existing system. I think that there are a lot of Members who quite sincerely are giving ground inch by inch, if at all, fighting furiously almost like a covered retreat to try and save as much of the system as they can, and I thought it would be useful to take a look at the system that we have created in this country over the last 30 years.

Madam Chairman, in the immediate postwar era, poverty in this country was 30 percent. It declined pretty steadily until it reached 15 percent in 1965 when the Federal Government declared war on poverty. In the last 30 years we have spent $5 trillion on means-tested entitlement programs, and the poverty rate is 15 percent.

Poverty has stayed the same. It is more intractable now, it is more ugly now, but it has not gone down. What we have gotten instead is a 6-fold increase in illegitimacy, an illegitimacy rate of 32 percent compared with about 6 to 7 percent in 1965. That is the kind of system that we have now and that we need to change.

As my colleagues know, I could talk about statistics, about what that means for kids, about how much more likely they are to go to prison or to be on drugs. But I would rather talk about a story, the story of Eric Morris, a 5-year-old boy who was raised in a Chicago housing project. He was a good boy, had an older brother named Derrick. He refused to shoplift for kids who wanted him to steal candy, and so these older kids, these 10- and 11-year-old kids, lured him to a room in the 14th floor of that public housing project, dangled him out the window, and when his brother tried to help him, they fought his brother and they dropped him deliberately and killed him. And Eric died.

Madam Chairman, Eric Morris did not need the system that we have given him. He did not need individual employment plans. He did not need subsidized day care. He did not need counseling. He did not need all the other 78 programs that we are fighting over today.

□ 2045

He needed a dad. That is what Eric Morse needed. That is what the other kids in his housing project needed. What our system has done is taken away the dads from these kids and given them government instead. Senator MOYNIHAN said 30 years ago that a society that does that asks for and gets chaos.

It is time, and I agree with the gentleman from Tennessee [Mr. TANNER], to stop fighting, to stop engaging in politics, to stop defending this system, to change it, this system that is destroying the kids and the families and the neighborhoods of America. That is what this bill is designed to do. Let us pass it. Let us send it to the President. Let us urge him to sign it. Let us make sure there are no more Eric Morses.

Mrs. VUCANOVICH. Madam Chairman. I yield 2 minutes and 30 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Madam Chairman, I thank the gentlewoman for yielding time to me.

Madam Chairman, I rise in strong support of the Republican welfare reform plan. Some on the other side have complained that the work requirements contained in the Republican plan are too strong, and the States will not be able to meet them. What are those work requirements? It would require over a period of years, over the next 6 years, to have 50 percent of the caseload working. I suggest if we tell the American people that those standards are too tough, they will find that statement laughable. Most people say, why should it not even be tougher? Why only 50 percent?

One provision in the GOP welfare plan that I think is very good is the ability of the Governors to count the net reduction of the caseload toward their participation rates. In other words, if a State has 40,000 on welfare one year and they drop that caseload to 30,000 the next year, those 10,000 cases they have reduced on their welfare rolls can be counted towards their work participation rate. That is our goal, to see a net reduction, to see people permanently leaving the welfare rolls.

One of my concerns about the Castle-Tanner substitute, which I assume will be offered tomorrow, is that their approach would gut the idea of a net reduction in the caseload. They would allow the Governors to count routine caseload turnover toward the work participation rates, so any AFDC recipient who obtained work for a period of 6 months after leaving the rolls could be counted toward the participation requirement.

This would make the work requirements virtually a sham. There is always, there is always a regular turnover in AFDC caseload. Hundreds of thousands of recipients obtain jobs and leave AFDC every year, and an equal number, almost an equal number, enroll on our caseload every year.

By claiming credit for individuals who obtained a job and left AFDC, a Governor would automatically meet at least 10 percent of the participation requirement without in any way altering the existing welfare system. Nearly all States would be able to meet their requirements for the first and second years without the least change in the status quo.

I do not believe that is what the American people want. I do not believe the American people want a welfare reform system that says it is not really reform, it is just more of the status quo when it comes to work.

We have success in the drug war, not when we get people off drugs, but when we keep young people from ever getting on drugs. It is the same way in welfare reform. The greatest success is not just in turnover, getting them off and having them come back on. The greatest success in welfare is when we dissuade people from ever getting on welfare. That comes from real work requirements.

The President said: Give me a bill with real work requirements, tough work requirements that is good for children, and I will support it. We have such a bill. Let us pass this tomorrow. Let us not take a substitute.

Mr. STENHOLM. Madam Chairman, I yield 4 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Madam Chairman, I thank the gentleman from Texas for yielding me this time.

Madam Chairman, I honestly believe that tomorrow this is going to be one of the most important votes we take in this Congress, and maybe for some of us, in our careers. I think welfare changes make no sense if we deform, rather than reform, the current system. The only bill this House will have the opportunity to debate that actually reforms the system is the bipartisan Castle-Tanner bill.

Reforming welfare means assessing the policy impact of a proposal and considering what these changes will mean for real people, like our Nation's children. The best way for us to deform the system is to say you want to cut $60 billion, and then start cutting the vital programs that form our social safety net without any concern for who gets hurt. This is the key difference between Castle-Tanner and the majority's bill. In the Castle-Tanner bill, we worried about people. We made certain that innocent children would not be hurt. The majority worried about numbers and only numbers.

For example, when I raised the issue in the Committee on Agriculture about the leadership's freeze on the vehicle allowance for welfare recipients, something, by the way, that all States have asked for in their waivers, Members from the other side of the aisle seemed surprised and somewhat discouraged that this was in the bill. But they told me they could not do anything about it, because the freeze helped them reach their arbitrary budget target. The ability of welfare recipients to actually have transportation to get to work did not matter.

Let me remind many people here there are a lot of places that do not have mass transit or buses. What mattered, again, was how much money could be saved by ignoring this problem. Similarly, the majority's bill retains the excess shelter deduction cap which clearly disadvantages families with children who have high utility costs or high rent costs. Kicking children out of their homes may save some money, but you cannot call it responsible public policy.

Worst of all, among the food stamp programs in the majority's bill is the optional block grant. These poorly funded block grants will force children to lose their access to the food necessary to keep them healthy and alive. If we had allowed these block grants in 1990, 8.3 million children would not have received decent nutrition. Castle-Tanner rejects block grants, but it still retains the same language for fraud and abuse.

The bottom line is not only how much money we save but how many people we successfully move from welfare to work. In Castle-Tanner we guarantee a strong nutritional safety net for families and children while successfully getting people into the job market.

Madam Chairman, we care about reform and we care about families. By the way, we also save $53 billion. Support Castle-Tanner. It is responsible welfare reform.

Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I rise in support of H.R. 3734, budget reconciliation legislation that contains a comprehensive welfare reform package.

Last April, I supported the initial House version of welfare reform legislation with some reservations. I was very pleased to see subsequently that the conference committee report on H.R. 4 last November included many significant improvements from the Senate-passed bill, which have properly been retained in the legislation before us now.

There should be no question that we must enact strong welfare reform legislation this year. The American people are demanding that we restore the notion of "individual responsibility and self-reliance" to a system that has run amok over the past 20 years.

Above all else, I want to stress my goal has always been to require self-reliance and responsibility, while ensuring that innocent children do not go hungry and homeless as a result of any Federal action—this bill meets that test, too.

Block grants can work as long as we establish maintenance of effort standards where the safety net and food stamps are protected. Block grants must not become a blank check for the Governors while still gaining the benefits of flexibility at the State level.

First, this bill requires welfare recipients to work—a big step in the right direction.

Second, this bill places times limits on welfare benefits—no longer will people be allowed to live their lives on welfare.

Third, this bill keeps the family cap in place, which means that mothers on welfare don't get extra cash benefits for having babies.

In other words, the United States will no longer be the only nation in the western world that pays young girls to have babies.

New Jersey already has this policy in place, and I am pleased to see that H.R. 3734 retains this worthwhile reform—I should mention that the New Jersey family-cap law was sponsored by a Democratic State legislator, and gained strong bi-partisan support and was ultimately signed into law by a Democratic Governor.

Fourth, they bill has a strong and effective child support enforcement reform title, which is something that I have worked on here in Congress for more than 10 years.

As I have long maintained, strong child support enforcement reforms must be an essential component of any true welfare reform plan, because improved child support enforcement is welfare prevention: One of primary reasons that so many mothers with children land on welfare rolls is that they are not receiving the child support payments they are legally and morally owed.

Failure to pay court-ordered child support is not a victimless crime. The children going with these payments are the first victims. But, the taxpayers who have to pick up the tab for deadbeat parents evading their obligations are the ultimate victims.

The core of these child support enforcement reforms is the absolute requirement for interstate enforcement of child support, because the current, State-based system is only as good as its weakest link.

Specifically, I want to note that the Roukema amendment on license revocation, which the House overwhelmingly approved last April, 426 to 5, has been included in this bill. It requires States to implement a license revocation program for deadbeat parents who have driver's licenses, professional licenses, occupational licenses, or recreational licenses.

This reform has worked very well in 19 States—the State of Maine, in particular, has been a leader—that already have it in place, and if license revocation is implemented nationwide I am convinced it will work even more successfully.

Later tonight, I will ask the Rules Committee to include a second child support enforcement proposal—a requirement that States enact criminal penalties of their own design for willful nonsupport of children—as part of the manager's amendment to H.R. 3734. I hope that the Rules Committee will do the right thing, and include this tough reform in the legislation we will vote on tomorrow.

Fifth, I believe that the legislation's reforms for nutrition programs represents significant progress in maintaining the safety net for those in our society who are unable to provide for themselves.

During both Opportunities Committee markup and floor debate on welfare reform last year, I repeatedly attempted to protect the current safety net for school lunches so that, during times of recession, when more families move toward or beyond the poverty level and become eligible to participate in the school lunch program, additional money would be available to provide nutrition services.

Thankfully, the Senate saved the House from itself with its decision to preserve the current Federal safety net for school lunches, and H.R. 3734 follows the Senate position on this issue, which I wholeheartedly support.

I have always preferred to see the school lunch program completely maintained at the Federal level, and this legislation correctly does just that!

I am also extremely pleased that the welfare reform package before us does not block grant nutrition services for WIC, the nutrition program serving low-income, postpartum women with children and infants.

Finally, I am gratified to see that this bill incorporates a "Rainy Day Fund" for those States that suffer a recession or economic downturn.

Last year, I repeatedly advocated that this kind of provision be included in any kind of welfare reform package that contains block grants in order to ensure that those who truly depend on our safety net programs can continue to rely on them during times of economic distress.

Earlier this spring, the National Governors Association called upon the Congress to put $2 billion of funding into the "Rainy Day Fund", and this legislation meets the goal—I enthusiastically support this provision.

We have been so close to passing meaningful welfare reform for so long. Let us today finally move that process forward one more step by passing this comprehensive welfare reform bill.

This is the bill. This is the time. The people of America should not have to wait any longer. I urge my colleagues to join me in supporting this important package.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Madam Chairman, I thank the gentlewoman for yielding time to me, and I rise in support of H.R. 3734, the Republican welfare reform bill.

In my opinion, Madam Chairman, our reform bill is a very good start. I think further reforms will probably be needed in the future to ultimately get the Federal Government out of the business of trying to help the poor, because the Federal Government is completely incompetent and incapable of helping the poor.

Indeed, I feel that the current system is almost criminal, and the victims are children. That point was very vividly driven home to me when I had the opportunity a few years ago to meet a businessman in my district who had recently relocated from Oklahoma. I remember him describing to me how he had taken part in a program in Oklahoma where he went into the inner city in Oklahoma and took part in a program where they would read books to these young children ages 5, 6, and 7, you can help improve their reading scores. We all know how important reading is to overall academic performance.

He told me a story that totally amazed me. When he first started taking part in the program he would frequently ask these kids what they wanted to be and what they wanted to do when they grew up. A fairly high percentage of them said they wanted to be on welfare and they wanted to collect a check.

Contrary to what most children learn when they are growing up, that they want to either become a fireman or a policeman or a mother or a daddy and work, these kids had actually learned that they did not want to work. It has been said by many people, kids will frequently model what you do and not what you say.

The current system, I think all we need to do is go into our inner cities and see what is going on: The high crime rates, the high drug abuse rates that are very, very closely linked to our welfare system and the high incidence of fatherlessness. I believe that the Federal Government is completely incapable of helping these people, contrary to all the claims that are made by people on the other side of the aisle.

My colleague from California made a comment about making sure children are alive, well-fed, and healthy. We are certainly making sure they are alive in the current system, but we are certainly making sure they are not healthy. There is a tremendous spiritual poverty that goes with the current system, and I believe our bill, H.R. 3734, which has some serious work requirements and seriously tries to address the terrible issue of illegitimacy, is a good bill. It is a good start on dealing with the welfare disaster that currently exists today.

I encourage all my colleagues on both sides of the aisle to support the bill, and the President of the United States to do what he said he was going to do, and that is sign welfare reform.

Mr. STENHOLM. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I take this time to make a comment or two regarding some of the allegations about some of the statements that have been made from this side of the aisle. To the best of my knowledge this evening, no one on this side has suggested, by any other standard other than CBO or the National Governors Association, that the proposal of the majority has some problems with work. We did not make this up. The Congressional Budget Office has carefully analyzed their proposal and suggests that it is going to come up short regarding the work requirements.

Also, regarding the allegations on child care and children, we are not making this up. This is the Congressional Budget Office analysis of the proposal that is before us. This is why we say that the bipartisan attempt by the gentleman from Delaware [Mr. CASTLE] and the gentleman from Tennessee [Mr. TANNER] to address some of these concerns is worthy of serious consideration by both sides of the aisle. I want to make that point, Madam Chairman, so the rhetoric of this body does not overshadow the facts.

Madam Chairman, I would make a few other observations. Statements have been made by a few this evening about the vetoing of the welfare reform bill twice by the President. I think most reasonable citizens of the United States, when they look at the original bills that were vetoed by the President and compare them with the two bills we will be considering tomorrow, they will see the wisdom of those vetoes, because I think any fair-minded person on either side of the aisle will see that as a result of having to go back to the drawing board and take another look at how we might make welfare reform more workable, we will see that both proposals are significantly better than the proposal that was vetoed twice. That is progress, that is not a subject for criticism.

Madam Chairman, Castle-Tanner, as has been said many times, and I think it bears repeating, is bipartisan and bicameral. If we are truly serious about getting a bill, which we are, and let me make this observation, every single Member of the House of Representatives has voted with their name on the board, with a green light, for significant welfare reform. We have differences of opinion, and that is to be expected in a body of 435 as diverse as we are in the representation of the people of the 50 States of the United States.

But it is not a fair statement to say to anyone that anyone on either side of the aisle is not serious about welfare reform, because we are. Those of us who support very strongly the Castle-Tanner believe that it merits the support, merits the support because it is stronger on work, particularly by making certain that the mandate that we place on the States under the giving of the flexibility to the States, that we send the money with the mandate, rather than saying to the States, "You do it, and by the way, if there is not enough money, that is your problem."

□ 2100

Clearly my people at home, my constituency have said, "Please, no more unfunded Federal mandates." We believe a careful analysis of Tanner-Castle will show that it is superior.

The criticisms that we offer tonight are based on CBO, and that is my final comment to make tonight, whether it is talking about work funding, child care, who is tough and who is not tough, what works and what will not work, the shelter cap, for example, all of the other areas. We believe that CBO and their careful analysis should cause most Members to support the Castle-Tanner and we hope that that will be the verdict tomorrow.

If we can send that bill to the Senate and the Senate works their will and then a conference, there is no doubt in this Member's mind that we will have the most significant welfare reform bill that will meet the test of what all of our constituents want us to do. The current system is broken and it needs to be fixed. Castle-Tanner in our opinion does the best job of fixing it.

Madam Chairman, I yield back the balance of my time.

Mrs. MEYERS of Kansas. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I would just like to comment that the work requirements in our bill are in fact very tough. States are going to have to work harder than they ever have in order to assist welfare recipients into work. Work requirements that are not challenging like the ones that are currently in place do nothing to really reform this system.

What the gentleman from Texas was referring to in terms of the CBO estimates, CBO assumes a 30- to 40-percent reduction in the welfare case load under our bill, but they do not factor that in in the cost of the work program. That is the discrepancy that I think the gentleman is referring to, and I do not understand it either.

I would like to just close by saying that if we make no changes in the way we handle welfare, Madam Chairman, by 2000, just 4 years from now, 80 percent of minority children and 40 percent of all children in this country are going to be born out of wedlock. That is because of Federal programs that were intended to be a help over a difficult spot in someone's lives and instead they have become an incentive that actually attracts people into the system, it pulls people into the system. Of course, with 40 percent of our children born out of wedlock, there is a tremendous dollar cost to this country, but more than that there is an enormous human cost. These children are born and raised in their early years without a father, without much structure in their life, sometimes without enough food and clothing. By the time they are old enough to go to school, they are already disadvantaged, many of them, in terms of their ability to learn and their health.

I think our bill resolves that problem. It ends the incentive nature that welfare has grown to be. I think our welfare programs were started with the best of intentions, but when you say to a young woman, if you will have two children with no man in the house, we will give you $18,000 a year, that is more of an incentive than most of our teenagers can resist.

Our bill has more money for child care, it has more people in real work. I urge my colleagues to support the bill.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 3437 the Personal Responsibility and Work Opportunity Act. This historic welfare reform bill will end welfare as we know it. During the past 30 years, taxpayers have spent $5 trillion on failed welfare programs. What kind of return have the taxpayers received on their investment? The rate of poverty has not decreased at all. Furthermore, the average length of stay on welfare is 13 years. Today's illegitimacy rate among welfare families is almost 50 percent and crime continues to run rampant. Current programs have encouraged dependency, trapped people in unsafe housing, and saddled the poor with rules that are anti-work and anti-family. Clearly, those trapped in poverty and the taxpayers deserve better.

This bill overhauls our broken welfare system. This plan makes sure welfare is not a way of life; stresses work not welfare; stops welfare to noncitizens and felons; restores power and flexibility to the States; and seeks to half the rise in illegitimacy.

By imposing a 5-year lifetime limit for collecting AFDC, this bill guarantees that welfare is a helping hand, not a lifetime handout. Recognizing the need for helping true hardship cases, States would be allowed to exempt up to 20 percent of their caseload from the 5-year limit. In addition, H.R. 3437 for the first time ever requires able bodied welfare recipients to work for their benefits. Those who can work must do so within 2 years or lose benefits. States will be required to have at least 50 percent of their welfare recipients working by 2002. To help families make the transition from welfare to work, the legislation provides $4.5 billion more than current law for child care to help parents who work.

Under this bill noncitizens will no longer be eligible for the major welfare programs. Felons will not be eligible for welfare benefits and State and local jails will be given incentives to report felons who are skirting the rules and receiving welfare benefits.

Our current system has proven that the one-size-fits-all welfare system does not work. H.R. 3437 will give more power and flexibility to the States by ending the entitlement status of numerous welfare programs by block granting the money to the states. No longer will States spend countless hours filling out the required bureaucratic forms hoping to receive a waiver from Washington to implement their welfare program. States will also be rewarded for moving families from welfare to work.

Finally and most importantly, this bill addresses illegitimacy by allowing States to limit cash benefits for teen mothers. States will be allowed to set family caps that would stop the practice of increasing welfare payments for every additional child a recipient has while on welfare. States can also stop payment to unmarried teens and make them conditional on the mother staying in school and living with an adult. This legislation seeks to reverse the increase in illegitimacy by also increasing efforts to establish paternity and crack down on deadbeat dads.

The sad state of our current welfare system and the cycles of poverty and hopelessness it perpetuates are of great concern to me. I believe this bill goes to the heart of reforming the welfare system by encouraging and helping individuals in need become responsible for themselves and their family. I wholeheartedly support this bill become it makes welfare a helping hand in times of trouble, not a handout that becomes a way of life. I truly believe that this reform will give taxpayers a better return on their investment in helping those in need.

Mr. DE LA GARZA. Mr. Chairman, House Democrats and Republicans, Senate Democrats and Republicans, and President Clinton share a common goal—all agree that welfare reform is urgently needed. Reform is needed not only for the recipients of welfare, who many times are trapped in a cycle of poverty from which they cannot escape, but also for the American taxpayers who deserve a better return on their investment in our future.

Over the last year, the food stamp provisions in the various welfare reform proposals have come to look very much alike. We have reached agreement on dozens of provisions. Yet, there continues to be serious policy differences on several key issues. We must resolve these differences so that we will have real welfare reform that works for both low income families and American taxpayers. We want congressional passage of a bill that the President will sign.

Determining food stamp reform in the context of budget reconciliation causes us to loose sight of the people the Food Stamp Program is intended to serve. We must remember that our goal is to reform welfare in order to move people toward self-sufficiency. Reform by itself is a hollow word. Reform for reform's sake is meaningless. We aren't OMB, CBO, or GAO. We can't work in the vacuum of numbers only. We cannot let the bureaucrats with the green eye shades determine what path reform will take. We are Members of Congress. It is our responsibility to put faces with these numbers. We must interject the human element into the process in order to ensure that real need is addressed in welfare reform. We must ensure that our children and the aged and disabled are not left unprotected. We must remember that a dollar spent now can actually result in saving thousands of dollars later, if we help produce a future taxpaying citizen.

We must determine the policy that will move people toward self-sufficiency. This must be a policy-driven bill, not one that is driven by empty, faceless numbers that are wrong as many times as they are right.

Our constituents don't want a handout. They want jobs. They want economic development. They want the American dream. These are the people we must help. These are the people for whom we must redesign these programs to help them achieve their desire of becoming successful citizens.

We are particularly concerned that this bill will jeopardize the nutritional status of millions of poor families because of a basic misunderstanding of how the program works. The perception is that this program is out of control, that hundreds of thousands of families are added to the food stamp rolls every month. The reality is something very different. Over the last year and a half, as the economy has improved, food stamp participation has actually dropped by over 1 million people. This vital program is clearly filling a very real need. If the need isn't there, the program doesn't continue to expand, but if the need is there, the program is there to meet it.

The block grant provisions in H.R. 3734 sets funding at levels well below that necessary to feed hungry families in times of recessions or if food prices increase. The total loss of food stamp funding to States that choose the block grant will be over $2.5 billion. If block grants had been chosen by all States in 1990, the Food Stamp Program would have served 8.3 million fewer children. Castle-Tanner does not include the block grant authority.

To assure adequate nutrition and the good health of our poor families, the calculation of food stamp benefits must take into account extremely high housing expenses. H.R. 3734 limits this calculation, leaving poor families with children who pay more than half of their income for housing with less money to buy food. This provision alone will reduce benefits to these families by over $4 billion over 6 years, resulting in more hungry children. Castle-Tanner does not include this harsh limitation.

We all want people on welfare to be self-sufficient—they want to be self-sufficient. But, the way to help people become self-sufficient is not to deny them food stamps after 4 months. Eighty percent of the able-bodied recipients between the ages of 18 and 50 receive food stamps on a temporary basis already, they leave the program within a year. H.R. 3734 will simply kick 700,000 people off the program each month, without a helping hand to find a job. What these people need most is the opportunity to work—job training, or a job slot. Castle-Tanner will give them that helping hand if they are unable to find work on their own after 6 months.

The Castle-Tanner alternative achieves significant deficit reduction. The food stamp provisions save $20 billion over a 6-year period. The majority's bill last year was intended to achieve $16 billion over 7 years. Castle-Tanner goes well beyond that level of savings, and yet we have been accused of not supporting welfare reform.

The American people are not mean-spirited. They do not want children to be poor and hungry. We must remember that we are reforming the programs that impact the most vulnerable of our constituents. We must remember the faces of the poor and hungry of our Nation.

Let the record show that the minority strongly supports welfare reform, but not at the cost the Nation's poor families and children, not at the cost of the Nation's future.

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 3734, the Balanced Budget Welfare Reform Act, a bill designed to overhaul our Nation's welfare system. Fifteen months ago, many of my colleagues and I stood before this body and showed our staunch disagreement with the House-passed welfare reform bill which made disastrous cuts in our Nation's welfare programs. I wish I could say that, since then, some compassion and reason had been interjected into this debate and produced a more favorable bill for consideration.

Unfortunately, H.R. 3734, the bill being deliberated today, targets the poorest in this country, in order to meet Republican budget priorities. When we examine the provisions of this legislation, it is abundantly clear that our colleagues have reneged on their commitment to ensure a "family friendly" Congress and to protect our Nation's children.

H.R. 3734 slashes more than $61 billion over 6 years in welfare programs. This bill guts funding for the Food Stamp Program, cuts into the SSI protections for disabled children, drastically cuts child nutrition programs, and slashes benefits for legal immigrants. Mr. Speaker, I find these reductions in quality of life programs appalling.

How can my Republican colleagues praise this bill's work requirements when H.R. 3734 provides inadequate funding for education, training, and employment—essential components in contributing to longevity in the workforce? How can they stand by a bill that slashes more than $3 billion in funding for meals to children in child care centers and homes? As if that were not devastating enough, this bill would cut nearly $23 billion over 6 years from the Food Stamp Program and an additional $23 billion in the SSI Program.

H.R. 3734 sends a signal to the Nation that our Government leaders place a very low priority on those individuals who have very little. In Cuyahoga County, we have a 20 percent poverty rate in a county of 1.4 million people. In the city of Cleveland, it is an alarming 42 percent. Throughout Cuyahoga County, more than 228,000 people receive food stamps. Many of these individuals constitute America's working poor. This punitive welfare measure will undoubtedly endanger their health and well-being.

Mr. Chairman, I can understand and support a balanced and rational approach to addressing the reform of our Nation's welfare system. But I cannot and will not support this legislation which would shatter the lives of millions of our Nation's poor. In order to move people to self-sufficiency, we must provide adequate education, training, child care, and jobs that pay a livable wage. Anything short of that does great disservice to our national sense of compassion and our moral responsibility to help the poor help themselves.

On behalf of America's children and the poor, I urge my colleagues to vote against H.R. 3734.

The CHAIRMAN. All time for general debate has expired.

Under the previous order of the House of today, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Ms. GREENE of Utah, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The SPEAKER pro tempore. Without objection, the chair appoints the following conferees on the Senate amendment to H.R. 3230:

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, CUNNINGHAM, BUYER, TORKILDSEN, Mrs. FOWLER, Messrs. MCHUGH, TALENT, WATTS of Oklahoma, HOSTETTLER, CHAMBLISS, HILLEARY, HASTINGS of Washington, DELLUMS, MONTGOMERY, Mrs. SCHROEDER, Messrs. SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TANNER, BROWDER, TAYLOR of Mississippi, TEJEDA, MCHALE, KENNEDY of Rhode Island, and DELAURO.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Messrs. COMBEST, LEWIS of California, and DICKS.

As additional conferees from the Committee on Banking and Financial Services, for consideration of sections 1085 and 1089 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, BACHUS, and GONZALEZ.

As additional conferees from the Committee on Commerce, for consideration of sections 601, 741, 742, 2863, 3154, and 3402 of the House bill, and sections 345–347, 561, 562, 601, 724, 1080, 2827, 3175, and 3181–91 of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

Provided that Mr. RICHARDSON is appointed in lieu of Mr. DINGELL and Mr. SCHAEFER is appointed in lieu of Mr. BILIRAKIS for consideration of sections 3181–91 of the Senate amendment.

Provided that Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS for the consideration of section 3154 of the House bill, and sections 345–347 and 3175 of the Senate amendment.

Provided that Mr. SCHAEFER is appointed in lieu of Mr. BILIRAKIS for the consideration of sections 2863 and 3402 of the House bill, and section 2827 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of sections 572, 1086, and 1122 of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, MCKEON, and CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–36, 362, 366, 807, 821–25, 1047, 3523–39, 3542, and 3548 of the House bill, and sections 636, 809(b), 921, 924–25, 1081, 1082, 1101, 1102, 1104, 1105, 1109–1134, 1401–34, and 2826 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. MICA, and Mrs. COLLINS OF ILLINOIS.

Provided that Mr. HORN is appointed in lieu of Mr. MICA for consideration of sections 362, 366, 807, and 821–25 of the House bill, and sections 890(b), 1081, 1401–34, and 2826 of the Senate amendment.

Provided that Mr. ZELIFF is appointed in lieu of Mr. MICA for consideration of section 1082 of the Senate amendment.

As additional conferees from the Committee on International Relations, for consideration for sections 233–234, 237, 1041, 1043, 1052, 1101–05, 1301, 1307, 1501–53 of the House bill, and sections 234, 1005, 1021, 1031, 1041–43, 1045, 1323, 1332–35, 1337, 1341–44, and 1352–54 of the Senate amendment, and modifications committed to conference: Messrs. GILMAN, BEREUTER, and HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of sections 537, 543, 1066, 1080, 1088, 1201–16, and 1313 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, and CONYERS.

Provided that Mr. MOORHEAD is appointed in lieu of Mr. MCCOLLUM for consideration of sections 537 and 1080 of the Senate amendment.

Provided that Mr. SMITH of Texas is appointed in lieu of Mr. MCCOLLUM for consideration of sections 1066 and 1201–16 of the Senate amendment.

As additional conferees from the Committee on Resources, for consideration of sections 247, 601, 2821, 1401–14, 2901–13, and 2921–31 of the House bill, and sections 251–52, 351, 601, 1074, 2821, 2836, and 2837 of the Senate amendment, and modifications committed to conference: Messrs. HANSEN, SAXTON, and MILLER of California.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, 245, and 247 of the House bill, and sections 211 and 251–52 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENNER, and Ms. HARMAN.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 324, 327, 501, and 601 of the House bill, and sections 345–348, 536, 601, 641, 1004, 1009–1010, 1311, 1314, and 3162 of the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, COBLE, and BARCIA.

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 556, 638, and 2821 of the House bill, and sections 538 and 2828 of the Senate amendment, and modifications committed to conference: Messrs. STUMP, SMITH of New Jersey, and MONTGOMERY.

As additional conferees from the Committee on Ways and Means, for consideration of sections 905, 1041(c)(2), 1550(a)(2), and 3313 of the House bill, and sections 1045(c)(2), 1214 and 1323 of the Senate amendment, and modifications committed to conference: Messrs. CRANE, THOMAS, and GIBBONS.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2115

WHY THE GOP FAILED TO DELIVER ON REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I just left the Committee on Rules. Here we are on Wednesday of Reform Week and the Committee on Rules has stated that we are not going to do any reform this week. That is right, Reform Week.

This is the week that we have been waiting for for an entire year when Members will have an opportunity to try to change the way Congress does business, to try to make it, for example, illegal for a Member of Congress who is indicted and convicted directly because of their official actions from collecting a pension. This was a week when we were going to deal with legislation that would prevent the revolving door where Members of Congress come in and serve for a set period of time and then go out the door and make millions and millions of dollars paid for by special interests.

This was the Reform Week, Mr. Speaker, that we were going to do campaign finance reform, the most important reform that we could possibly enact if we are going to change the way Congress does business. The American people have been demanding campaign finance reform.

We have seen throughout this legislative session an increase in the amount of money that special interest PAC's are contributing to Members of Congress. We have seen the Republican National Committee and the political parties taking millions of dollars more than 2 years ago in this cycle, and we have seen a direct correlation between what is being debated on the floor of the House of Representatives and who the top contributors are to Members of Congress and to the Republican Party.

Now here at the last minute on Wednesday night, we are leaving tomorrow, we are not going to do campaign finance reform, it has been delayed again. The American people are fed up and disgusted with the inability of the Congress to pass real campaign finance reform.

I remember when President Bush indicated that he was going to veto the bill that was being debated in the House of Representatives, and the House of Representatives and the Senate rushed to get that bill passed and over to the President so he could veto it.

Last year, last session, we saw in the United States Senate campaign finance reform die again. I have been part of a bipartisan group of Members of Congress and a bicameral group of Members of Congress fighting to come up with a campaign finance reform bill. We have 21 Democratic supporters of that bill and 20 Republican supporters of that bill. We have editorial support from every major newspaper all across the country. Now is the time to enact campaign finance reform.

The President has indicated that he supports a bipartisan approach. The President in his State of the Union Address right here before this body urged the Congress, urged the United States Senate to pass campaign finance reform and specifically asked the Congress to pass a bipartisan bill.

Now we see that we are not going to get any kind of campaign finance reform this week. In fact, there is no Reform Week, no Reform Week after all of the publicity and everything else that went on with this Congress going to change the way this Congress does business.

Why? Because the Republicans have offered a bill that increases the amount of money that is going to be put into the process. That is right, not limits, increases the amount of money. The Republican bill vastly increases nearly all of the contribution limits set in current law.

Campaign finance reform should be about limiting the influence of money on Congress, not expanding it. The Republican bill, for example, will allow an individual to contribute up to $310,000 to campaigns and political parties in a single election cycle. Think of it, that is more than 10 times the current legal limit. They want to put more money into this corrupting process. No one would believe it, but that is exactly what is before the Committee on Rules of the House of Representatives.

According to the Republican bill, an individual could conceivably donate, get this, $3.1 million to State and national parties, cumulatively. Think about it, $3.1 million. We are going to open up this process so the more money you have, the more influence you are going to have.

The Republican bill codifies the soft money loophole in the current law. This bill vastly increases the role of national parties in local elections. Just what America is looking for, isn't it?

The party bosses in Washington are going to decide to put hundreds of thousands of dollars into individual districts all over America. That is exactly fundamentally what is wrong with the system. That is exactly and fundamentally the opposite of what Americans all over this country are demanding.

This Congress should have done better. The Republican bill would vastly increase the contributions on every area. The Republican bill would actually not limit spending like the Democratic bill and the bipartisan bill would do. This Republican bill is an absolute disaster.

Guess why they are not going to have it come up this week? Because there are moderate Republicans who know this is a sham. There are moderate Republicans who know that this is a fraud. They cannot get the votes for this disgusting, regressive piece of legislation that has no business on the floor of this House.

I would hope that as we debate campaign finance reform for an hour coming up that we would find a way to call Members of Congress, find a way to get Members of Congress to wake up and realize that we need to change this system, and the way to change this system is not to go home tomorrow afternoon at 3:00 and fail on campaign finance reform.

ORDER OF BUSINESS

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that in light of the fact that the gentleman from Minnesota [Mr. GUTKNECHT] is not present, I ask that his name and my name be reversed in the list of special orders tonight so we can proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEFICIT HAS FALLEN AS A RESULT OF THIS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BONILLA] is recognized for 5 minutes.

Mr. BONILLA. Mr. Speaker, tonight I rise to commend my colleagues who have succeeded in cutting spending. Cutting spending, Mr. Speaker, that is something that has not occurred in this body for 40 years. The news is out, the deficit has fallen as a result of this Congress' historic and unprecedented budget restraint.

According to yesterday's Congressional Budget Office mid-season review, this country's deficit has been cut nearly in half, and that is wonderful news for all Americans.

Mr. Speaker, making cuts is not easy. Just like making cuts and restraining ourselves from spending in our very own homes is not easy, but it is necessary to preserve the opportunity for our children's future.

Last year, here in the Capitol I had my two young children, Alicia, who is 11 and my son, Austin, who is 7, here in the Capitol watching what I do at work and it struck me how profound the decisions are that we make in this chamber and how critical sometimes the votes that we cast are to their future.

Mr. Speaker, we are here today for the future of our children. We possess, each one of us in this Chamber, a voting card that is ironically just about the same size as a credit card, a Visa or Mastercard, that most Americans carry in their pockets. This credit card for 40 years has run up the deficit, a trillion-dollar deficit that we have now, bills that we are going to be paying in the future even if we were to cut spending drastically for years to come now.

We have a lot of catching up to do, Mr. Speaker. This voting card that we have has been put in the electronic voting card slots here for many years running up deficits that our children, as I looked at my children's faces last week, I felt very sad for the fact that we have so many years of catching up to do to cut spending so that we can preserve their future, Mr. Speaker, so that when they grow up, they still have the same opportunities that we have in this country now to live the American dream, as I did.

I come from a neighborhood, low-income neighborhood, primarily Spanish-speaking, on the south side of San Antonio, and I had no special privilege when I grew up. All I had was opportunity guaranteed by this wonderful country of ours. But at the time I was not saddled with the tremendous deficit that the Congress had left behind; therefore, as I grew up, and my father often had to work two jobs to send us to school, he was not faced with looming mega interest rates and deficits in his future that we are going to saddle our ability as a family to prosper.

That opportunity could be threatened, Mr. Speaker, in the future because if we keep running up the charges with these credit cards that we vote with, we are going to threaten the future for our children. My constituents understand this as well, Mr. Speaker. They know, I represent one of the poorest districts in the Nation, they understand how difficult it is to live on a budget.

These are tough choices that we must make and must continue to make. When we cut the deficit and we have a balanced budget, we are going to have lower interest rates for our children as well in the future. When they want to buy a car, when they want to borrow money to go to school, to go to college, when they want to buy, make that first purchase to buy a stereo or books for college or anything that they need to sustain themselves, they are going to have lower interest rates as we continue, as this Congress has done, in cutting spending to cut the deficit and balance the budget.

It is with our children's hearts in mind, Mr. Speaker, that I am going to continue working to cut spending in this Congress, because I know that is what the American people want.

I came from the private sector, never ever having held public office before being elected in 1992, and I remember what it is like to be in the private sector making tough decisions to balance the budget at your business, in your homes, at the dining room table each night having to decide what you have to do to make the future of your family sustain itself and not with a deficit but with a promising future because you are paying your bills as you are going along.

I promise, Mr. Speaker, that as long as I am here serving in this wonderful Congress, I am going to use this credit card wisely and continue to cut spending for the future of our children in this country because, Mr. Speaker, I ask if we are not here to do this for the future of our children, I ask what are we doing here, what are we here for in the first place?

REFORM WEEK HAS CEASED TO EXIST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, Reform Week, it has been on a life support system for the past few weeks, but now the plug has been pulled and Reform Week has been officially terminated.

The Republican leadership announced less than 2 hours ago that Reform Week, the much-heralded and touted week that was going to turn the House of Representatives back over to the American people, has been postponed once again. This is the same Reform Week that had become the Reform Hour and now has simply ceased to exist.

What happened? Well, rather than actually engaging in real reform, the Republican leadership in this House had decided to bring to the floor of the House legislation that would not actually reform the system but, quite to the contrary, would make it worse.

Ten of my Republican colleagues circulated a "Dear Colleague" letter this week that said, and I quote, "Instead of leveling the playing field in elections, this bill will result in greater incumbent protection. The bill actually increases the amounts that wealthy individuals can contribute to Federal elections." This is the letter. I am not making it up.

That is right, they are right. Under current law, an individual can give $25,000. Under the Republican campaign finance reform bill, an individual will be able to give up to $3.1 million. I have to repeat that because the magnitude is startling, it truly is. But it is not startling when you consider that the Speaker of the House said not too long ago that rather than less money in the system in terms of campaigns, we need more money into the system. That is why we had this piece of legislation.

Again, an individual will be able to give up to $3.1 million. Current law again, individuals can contribute $25,000. It is mind-boggling to think of how they have turned this concept of reform into something that is totally unimaginable to anyone here, let alone the American public who truly believes that we need to reform our campaign finance system, and we do.

This is not reform. As my Republican colleagues also said in their "Dear Colleague," and I quote again,

> The average American will be left even further behind in the Washington money chase as they are frozen out of political process. Given the fact that only about 1 percent of Americans gave contributions over $200 or more during the last election, it is indisputable that raising the individual contributions limit will only increase the influence of the wealthy on our political process.

Mr. Speaker, no wonder the House of Representatives is at one of its all-time lowest approval ratings in history. The American people have lost confidence in this institution's ability to lead and in this institution's ability to do the right thing.

□ 2130

We have no business considering legislation that will make it even harder for ordinary individuals to participate in the political process and make it easier for the rich to participate in this process.

This bill is a sham, just in the same way that Reform Week is a sham. Reforming the process has deteriorated into providing political cover to politicians who came to Washington and they promised to make a difference. Well, it is not going to work.

Even once again the Republican "Dear Colleague" says, "The fact is that H.R. 3760; that is, the Republican campaign finance reform bill, will not give you political cover as we head into Reform Week."

We do need to pass real campaign finance reform so that hard-working Americans can participate in the political process and that the special interests are limited in the political process. And doing that would go a very, very long way toward restoring the American people's faith in our ability to govern our own House, and it would restore their faith and put in the faith and the confidence and the trust that they would like to put in to those people who are elected every 2 years to do the people's business.

ORDER OF BUSINESS

Mr. MICA. Mr. Speaker, I ask unanimous consent to replace the gentleman from California [Mr. RIGGS] on the list of 5-minute special orders.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentleman from Florida?

There was no objection.

DRUG ABUSE AND LACK OF LEADERSHIP IN THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, and my colleagues, I serve on the committee that has been dealing with the FBI files misuse question and also serve on the subcommittee that deals with our national drug policy, and until today I never thought that the two issues would meet until I sat and heard the testimony of those who work for our Secret Service and viewed the proceedings in the White House.

What I learned was most disturbing and concerns me as a citizen, as a Congressman, and someone who has always held the White House in the highest respect. It is the Chief Executive Office of our land.

First, we heard the tales of an admitted drug user who ended up as the chief personnel security officer for the White House, an unbelievable tale in the White House Legal Office of ignoring the details of this individual's past in placing him in such an important position.

I have come to the House and talked with my colleagues and tried to call to the attention of the Congress and the country the situation with drug abuse and use and the lack of leadership from the White House, and today it really struck home what has been happening.

First, we saw the President take office, and then in a startling move, he cut the White House drug czar's office. He cut the staffing in the White House of the drug czar's office by 85 percent. That did not make sense. Then he cut drug interdiction programs, decimated them, that stopped drugs at their source countries, and that did not make sense and I wondered why. And then the President appointed as the chief health officer for the Nation, the Surgeon General, an individual who said to our children and the American public, "Just say maybe. Maybe drugs are OK." And that did not make sense and I wondered why.

Now I see this pattern of people who are in the White House, and most disturbing we learn today that the situation got so bad with people coming in that even the Secret Service, and these are people coming in with drug use and abuse histories, and some, it appears, current activities, that, in fact, the Secret Service demanded that some action be taken. And only after, through what has been called some remedial action, instituting a program within the White House, was something done.

This administration has talked about regulating cigarettes and the harmful effects of nicotine, and this, I am afraid, has been a diversion. The real question is what has been happening with drugs, and we can look at the results. The results are that marijuana use among our children, our children, 50 percent a year each year since this administration took office. These are not idle statistics. These are facts.

If we look at what is happening, this chart shows here that in 1980 is when President Reagan just said no to drug use, and President Bush, and drug use with our children dropped. Here in 1992, it starts going up, and we see why.

Cocaine, heroin, designer drugs are at epidemic proportions with our young people, 8th, 10th, 12th grades, and we see that the lack of leadership is the lack of a policy in the Chief Executive Office of this land.

If you are a parent, you should be concerned. Our children's drug use is dramatically up. If you are a minority, you should be concerned. Our jails are packed with minorities. In Washington, DC, we have a record number of killings. And throughout our land, every time you turn on the news you see the mayhem created by drugs, and 70 percent of those in prisons today are there because of a drug-related incident, and the President has failed to mention this or make this a priority.

Let me cite this statistic here. He gave 1,628 statements in 1993 and only mentioned drugs 13 times. In 1994 he gave 1,742 Presidential statements and only referred to drug use or drug abuse 11 times.

We see this pattern that has not been a priority of this President. It has not been a priority of this White House. What we must have is a President that will lead this Nation and people in the Chief Executive Office of this land to lead by example.

WELFARE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I just wanted to spend my 5 minutes tonight talking about the so-called welfare reform legislation that we will be voting on tomorrow, and that debate was started on tonight.

I intend to be very critical of the Republican leadership proposal which has been brought up on the floor and to praise, if you will, the bipartisan alternative that has been put forth by the gentleman from Delaware, Congressman CASTLE, who is a Republican, and also the gentleman from Tennessee, Congressman TANNER, who is a Democrat.

When I talk about welfare reform, and I discuss it with my constituents in my district in New Jersey, what I hear is that most of my constituents feel that in the process of welfare reform children should not suffer, children should not be harmed in any way.

What my constituents say they want is they want to get people off welfare to work and to have a future for themselves and a certain pride in the fact that they are working for their families. They do not necessarily think that welfare reform should be money driven; in other words, that we should use welfare reform as a way to save money. They seem to be more concerned about the need to change the social fabric, to eliminate the so-called welfare mentality.

My point tonight is that the Republican leadership bill, which we are going to be voting on tomorrow, I think falls short in terms of what my constituents want. In fact, it is tough on kids. It makes kids suffer. It does substantial harm to children, and it is very weak on work. It does not really do very much to get people to work or make it possible for them to work.

The Castle-Tanner bipartisan substitute, I think, is just the opposite. It achieves the goals of trying to get people off welfare and working, and, at the same time, making sure that kids are protected, that they are not suffering in terms of food nutrition programs, housing, or the other things that would keep them healthy and prepare for their future.

Now, let me just give an example. The Republican leadership bill would probably push more than 1 million children into poverty, just the opposite of what most of my constituents would expect it would do.

When it comes to the work program, which I say is rather weak, the Congressional Budget Office says that no State would be able to meet the work requirements in the Republican proposal given the resources or the lack of resources that the bill devotes and gives to States so that they can train people and get them into productive jobs.

The worst example, though, is with regard to the Food Stamp Program. I do not think that any American would think that the purpose of welfare reform would be to cut back on the amount of money that the average welfare recipient has available to pay for food, particularly for their children.

The Center on Budget and Policy Priorities did a study, which was issued today, and it says that the Nation's poorest households, those with incomes below half of the poverty line, would lose an average of $650 a year in food stamp benefits under the welfare legislation now before Congress, the Republican leadership proposal.

The study also found that working poor households, and these are people that are working, that receive food stamps, because we know many people get food stamps who are not on welfare; in other words, they are not on Aid to Families with Dependent Children, they are actually working, but what the study found is that working poor households that receive food stamps to help supplement their low wages along with the elderly poor and poor families with children would lose several hundred dollars a year in food cash assistance as well.

The welfare bills coming this week to the House and Senate floors contain $28 billion in food stamp reductions over the next 6 years, with many of those reductions being achieved by across-the-board cuts that affect all groups of the poor. What the report basically says is that a large share of the welfare bill's food stamp savings would come from across-the-board food stamp benefit cuts with only 2 percent of the food stamp savings in the bill coming from provisions to reduce administrative cost, curb fraud or end benefits for people failing to comply with work requirements.

I think that is what most Americans think, that with reform we would say that if you do not work then you lose your benefits or that we would try to get at the welfare fraud or curb the cost of the bureaucracy administering the program. That is what is happening here.

What was supposed to be a historic effort to balance the budget has deteriorated into legislation that does relatively little to reduce the long-term deficit, but would substantially increase the depth of poverty and likely cause substantial numbers of poor children and elderly people to fail to secure adequate food and nutrition.

Now, the Castle-Tanner substitute, which I will be supporting tomorrow, basically ensures that States would be able to meet the work requirements in the bill by providing $3 billion in additional mandatory funds that States can access in order to meet the cost of moving welfare recipients to work.

It costs money to get the States to train people to get them to work. That is why we need the Castle-Tanner substitute. We need a program that is going to get people to work and not hurt the children.

CAMPAIGN FINANCE REFORM POSTPONED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. FARR] is recognized for 60 minutes as the designee of the minority leader.

Mr. FARR of California. Mr. Speaker, I rise tonight during this hour of special orders to bring to the attention of this country, and particularly to my colleagues in this House, what is going on here in Washington, what is going on here in this Congress at this moment.

We heard earlier speakers talk about this was going to be the week that has been postponed, and it had been postponed that we were going to have Reform Week, where Congress was going to address all of those issues that the constituents of this country, the people, have said are broken and need fixing. This was the week to fix things.

Just hours ago we were told that the issue that we have all been waiting for, one of the biggest issues facing the United States in this election year, campaign reform, has now been taken off the table.

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Postponed until next week, and who knows, if not taken up next week, maybe indefinitely. I am here tonight to talk with some of my colleagues about the importance of campaign reform. I am serving in my 21st year of elective office, having been in local government, State government. I do not think there has been a time in those 21 years when people did not ask me what we are going to do about campaign reform.

In California, a big State, we have done a lot. It certainly is not enough because there are two measures on the ballot this November that will radically change campaign law for election to State and local office. Perhaps the one that is most focused on is the Federal law that governs all of us who get elected to the United States Congress.

This is an issue that we have been working on for many years. My colleague, MARTY MEEHAN, from Massachusetts, has been a strong voice from the moment he arrived, talking about the need for Congress to address campaign reform. Indeed, he led a bipartisan effort to put together a bill that he spoke about earlier tonight that had about an even number of Democrats and Republicans cosponsor it.

The Republican leadership will not even allow that bill to come to the floor for a vote. Why? Perhaps Mr. MEEHAN might want to join me here in discussing why his bill cannot even get to the floor, and I yield to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. First of all, Mr. Speaker, I thank the gentleman from California not only for reserving an hour of time but also for his efforts on campaign finance reform.

The Committee on Rules is meeting right now and taking all kinds of testimony, so you never know, maybe they will come up with a rule that will allow a debate on this bill.

I think that one of the things that many on the Committee on Rules are afraid of is that the President will sign the bill. President Clinton has said when he spoke in the State of the Union address that we needed campaign finance reform and he specifically mentioned the bill that I have been working with LINDA SMITH from Washington and CHRIS SHAYS from Connecticut. It is a bicameral and bipartisan bill.

He challenged the Congress to pass that bill. I cannot help but think that part of the reason is, President Clinton has said, I am going to sign campaign finance reform if it limits how much money is spent in congressional elections and begins the process of trying to lessen the influence of special interests.

There are some times, with all respect, I think that the Republican leadership down at the Committee on Rules are afraid the President will actually sign the bill. Would that not be something?

Mr. FARR of California. Well, I think what your bill and my bill, which is very similar to it, very minor differences, frankly, our bills, we are relatively new to Congress, but our bills are based on what this House has been able to produce in the 103d Congress, the 102d Congress, the 101st Congress, going all the way back to 1988 to the 100th Congress.

The Democrats have led in putting our campaign reform bills that are very much similar to the bill that we are trying to get on the floor now and in fact had gotten through this House, and every time they have been blocked by the Republican leadership. In fact, in one case in 1992, President Bush just before the Presidential elections in 1992 vetoed the campaign reform passed by both the House and the Senate.

We are back at it again, and I think what is so shocking about where we are now, because some of the controversies in that bill were that you had vouchers, essentially the process where taxpayers would help pay for the cost of campaigns and that was always very controversial. Took those out. No longer in the bill.

And what do we see come along from the other side? Nothing about reform. There is no reform in the Republican leadership bill. There is no reform in the reform week of the Republican dialog. We are here tonight, three colleagues who are down in the trenches fighting for these issues and I think we are befuddled, we are just amazed that the bill they brought forth this week essentially allows you to auction off seats in the U.S. Congress.

It says, if you have got money, come on down. Buy yourself a campaign seat. Move into a district where there is a poor person living or does not have much wealth. Use your own wealth, because you know to run for Congress, interesting thing that a lot of people do not understand, the first time you run, you do not have to live in the district. You can move in and I would not be surprised if there was not an attempt to sort of organize people around this country to say, hey, you with a lot of money, if you really want to get a seat in the U.S. Congress, go find a district under the Republican campaign reform bill that would allow you to use your own money to get elected.

There is no reform in the Republican bill, and we are here tonight appalled not only at that, and we will go into some of the details, but I think to also express our dismay at the fact that we could not get reform week dealt with, we could not get your bill on the floor, and who knows whether we will ever get our bill, the Democratic majority bill on the floor.

Mr. MEEHAN. Mr. Speaker, another point I wanted to make, we were new to this Congress in the 103d Congress. I was part of the largest freshman class since 1946. We did not get campaign finance reform because the Republicans in the U.S. Senate filibustered so that bill died.

But I cannot help but remember the freshman Democrats running for reelection and nearly half of them lost. That is how the Republicans got control of the House. Half of the freshman class lost. There is a message there for Republican freshmen in this Congress. If this Congress cannot produce a campaign finance reform that, No. 1, limits special interests and, No. 2, caps how much money is spent, there is no question that the American people are going to respond and respond quickly and decisively in November.

We have seen this in the past. We have seen an inability and the public reacts to it. I feel strongly if this Congress or this House does what it looks like it is going to do, which is nothing, then the November elections will be an opportunity for the American people to respond.

Mr. FARR of California. I agree with the gentleman. I want to defer here for a moment to our colleague, FRANK PALLONE, who has been in this well many, many nights. We just heard him on the concern of welfare reform. I really appreciate it. I think he pointed out to us that in that debate we have a lot of people to come down to the well as conservatives who seem to know the price of everything and the value of nothing. Transfer that into campaign reform and that price tag is in their favor. I appreciate you coming tonight to discuss this issue.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, I just wanted to day to the gentleman from California that I appreciate both your efforts, initiatives, as well as the gentleman from Massachusetts, in trying to come up with real campaign reform. As the gentleman from Massachusetts says, we have actually had the opportunity when the Democrats were in the majority, and I have been here, I guess this is my eighth year, we have had the opportunity in those prior Congresses when the Democrats were in the majority to vote on real campaign finance reform. I am not as optimistic as the gentleman from Massachusetts is, though, that the Republican freshmen who were voted in overwhelmingly in 1994 are necessarily going to be voted out because they do not campaign finance reform. I think that what they are counting on, at least what the Speaker and the Republican leadership are counting on is just being able to raise so much money, massive amounts of money from both special interests as well as wealthy individuals to just basically have those Republicans who are now incumbent be able to outspend their Democratic rivals, 2, 3, 4, 5 to 1. The sky is the limit.

I think that this effort in the so-called Republican reform bill, which has now been postponed maybe indefinitely, was to accomplish just that, to make it possible for more money to come from wealthy people. We heard some of the speakers earlier say that instead of a campaign limit of $25,000 per election, you could actually spend, an individual, up to over $3 million under this Republican proposal.

The reason I believe very strongly why it did not, is not coming to the floor tomorrow is because they could not get the votes. Once people started to realize, both on the Republican side as well as on the Democratic side, that this was going to be possible and that what this really was is to bring more cash from wealthy people into the races, a lot of people balked.

We had, I do not know, I guess about 10 Republicans who initially sent out a letter to their colleagues pointing that out and saying that the bill should not be approved. I would be very surprised if we see it again. I think that they have been embarrassed, essentially because of your work, Mr. MEEHAN's work, pointing out the flaws with this legislation.

I just wanted to say very quickly that a lot of times I think that maybe people do not understand practically what all this means. If I could just give a brief example, some of which reflects upon my own races that I have run for Congress.

I think what we are seeing more and more, and Mr. FARR, you mentioned it, is that you either have to be very wealthy and just spend your own money, unlimited funds to run for Congress, which increasingly more and more people do, or you have to be this person who maybe is not personally that wealthy but is in a position where you can tap very large contributors.

Without mentioning names, I ran against someone in one of my races who had a chain of stores, and he basically was able to get thousand-dollar contributions from each of the vendors or people who dealt with this business so that when I looked at his FEC report, it was just the maximum thousand-dollar contributions from quite a few individuals.

So what you are leaving out basically is the person who has their own means, their own resources, or who is not in a business or in a position where they can tap those very wealthy individuals for those thousand-dollar contributions.

If you change the law, as the Republican leadership has proposed, so that now instead of $1,000 that individual can get $2,500 or some of the other things are in this bill, you are just making the situation more and more that you either have to be spending your own money or you are just tapping these very wealthy individuals. And I think it is unAmerican. I really do. I think a person should be able to run for Congress regardless of their financial means. I think most people think that, but increasingly it is not the case.

The ideal situation that I would like to see, and I have actually voted on it, I am not saying that everyone agrees with me, is to lessen the impact of any particular type of source of funding. In other words, you have a maximum cap, if you will, on total campaign expenditures. You say that only a certain amount can be raised with large individual donors, only a certain amount with political action committees and a certain amount with small individual donors. So you have sort of a diversity and combination of money coming in so there is not a dependence on any one source.

Then you have an overall cap. I would go so far as to say that should be matched with public financing, although I know everyone does not necessarily agree with that. But this effort by the Republican leadership to tip the scale more and more toward very wealthy people contributing is definitely going to wreak havoc on the system and make it impossible for people of average means to run for Congress.

Mr. FARR of California. I would like to follow up on that point because the bill that we designed, I think it is important to point out, the Democratic bill and the bipartisan bill limit the amount of money you can spend in an election. "Limit," you will not find that word in the Republican bill. The word "limit" is not there.

What we have tried to look at in tailoring this bill, and frankly, you know why it has been so difficult, because everybody who got elected to Congress is an expert on how they got here. And everybody has their own way. And they are biased in one way or another. So it is very difficult to put together a bill that can garner enough votes to get off this House, but history has shown that Democrats have been able to do that.

Let me point out quickly what we do here. The Supreme Court has said you cannot limit free speech and free speech is, essentially, you cannot limit what people want to spend by themselves or others want to spend on you unless you can show that that money is corrupting. And some of us argue that massive amounts of money do corrupt. But that is a debate yet to be held in the court.

We have approached this saying, however, the court has never said, and we think it is constitutional, that if you voluntarily limit yourself and say, I want to run for U.S. Congress and I am going to operate under this proposal that we have here, that we are offering, that says, OK, you cannot spend more than $600,000. You limit yourself to that. You challenge your opponents to limit themselves to that.

Once you have done that, that triggers the mix that you are talking about. OK, $600,000 is all you can spend. That is a lot of money. That is over a half a million dollars. That is what was the average to get elected, in 1994, to the U.S. Congress. You have districts like New York and Los Angeles and Chicago where you go out and buy media and radio and television, much more expensive than buying it in very small rural areas. So some campaigns are more expensive and some are less. But that is the average, $600,000.

You say, all right, of that $600,000, going back to your mix, only a third of it, $200,000, can be raised from political action committees. By the way, we limit the amount that any one political action committee can give to you. We lower the current law rate. We say, OK, the other third, up to $200,000, can be raised from what we call wealthy contributions. We define those as anybody who can contribute $200 or more.

The final third can be raised or even more can be raised by small contributions, but in no way can the small, large, and PAC contributions in aggregate exceed $600,000.

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So we have the mix there. You cannot be unduly influenced. We have limits there. And that is so important to beginning a step about campaign reform.

And lastly let me say one of the things that really bothers me about the Republican bill.

It sounds like good government, and I think a lot of people listening will say it is. They require that if you are going to run for Congress, you have to raise 50 percent of your money in your district. That sounds good, in your district. But think about it for a minute. What if you live in a really poor district, and because in their bill they put no limits on what an individual can contribute, and by the way in our bill you cannot contribute more than $50,000 of your own money. So if you are a very wealthy person, you are limited if you want to go by the campaign reform limits. But they do not do that.

So what you are doing is you are saying this is where you get into this debate about the fairness of this in-district stuff, and you will find if you go around in Congress, it is not the people that have the money that are worrying about this. It is the people that come from districts that do not have the money that are very worried. They are worried that they are being penalized.

I have to raise my money from my district, and I can have my opponent spend any kind of money they want and get help from their party on a national level on top of that. The reform bill, the bipartisan bill, was fair about that. They addressed it and say you have to raise the money in your State. They did not limit it just to your district.

So I think, frankly, if we go back and look at the Republican effort and why it is so threatening, so damaging, to representational government is—and you listen to the people who got elected, people of color, women, the things that the kind of people that ought to be in the United States Congress—we ought to be reflective of the people we govern out there, and frankly we know, sitting here tonight, and, you know, three white males; that is the dominant composure of the United States Congress. That is not the dominant composure of the American electorate.

Mr. MEEHAN. If the gentleman will yield, to follow up on that, not only those from poorer districts, but what has also happened with the recent United States Supreme Court decision relative to political parties making contributions in districts, this bill would allow, the Republican bill, would allow hundreds of thousands of dollars of special-interest contributions that a party would raise and go in and basically try to buy that election.

Well, why would they want to do that? Well, they want to do that because they are out-raising Democrats by record numbers. Why are they out-raising Democrats? Because we do not have hearings any more in the House of Representatives. All of the legislation that we are dealing with, somebody decides over here or over there without a hearing, behind closed doors, and then it comes to the floor, and we see that the very interest that we are to be protecting people against have helped write the bills. And those same interests time and time again show up on campaign reports, show up contributing to the parties, and then the parties are going to be able to take this money and influence individual districts all over America. That is taking the power away from individual districts and bringing it into the party bosses in Washington where they will determine whether it is 2 or 3 or $400,000 in negative ads or whatever they are going to decide.

That is exactly what the American people do not want. They do not want Washington to be determining who wins a congressional election. They want to decide those races at home.

So that is the other point on that, this bill that would, according to the Republican bill, an individual could conceivably donate $3.1 million to State and national parties cumulatively.

Think about it.

Mr. FARR of California. That is each year.

Mr. MEEHAN. Each year. Absolutely, each year. Can you imagine how much money that is?

So you have all of these millionaires contributing up to $3 million to the political parties, and then the parties, taking that money, using the recent Supreme Court decision and funneling millions and millions and millions of dollars into individual districts all across America from Washington to tell them in the form of 30-second ads who they should elect to Congress.

It is exactly the wrong message; it is exactly the opposite of what the American public is demanding.

So this bill is without—this Republican bill is a disaster, and the Democratic bill and the bipartisan bill are very, very similar in that for real campaign finance reform you have to do two things: One is you have to limit, do voluntary limits, the overall amount of money that is spent. Second, what we need to do in America is try to find a way to limit the role the PAC's are playing. Both bills do; there is no question both bills do that. Unfortunately, this Republican bill does nothing but infuse millions and millions and millions of dollars from millionaires.

I mean do millionaires not really have enough influence in America? I think most people in America would say that they already have enough influence in everything we do. For crying out loud, the tobacco lobby has contributed $10 million in the past 10 years to Members of Congress. If you look at how much money they have contributed to the Republican Party since they have gotten in office, it has grown dramatically.

So that is what this is all about. It is about Republican Party takes control, raises millions and millions of dollars setting all kinds of records and then says, well, we want the person with the most money to win.

Mr. PALLONE. If the gentleman would yield, I think in many ways the most significant thing that both of you mentioned was—and specifically, Mr. FARR mentioned—that none of the Republican bills, and maybe I should not say none, but certainly none that I have seen, actually have a cap on campaign spending, and that is what is really so important. Whatever means I think the Republican leadership can find to try to spend as much money as possible is what their real goal is here, and that is why they are bringing forth this bill or tried unsuccessfully so far to bring forth this bill that allows so much more money to come from large contributors.

I just had this quote, which I looked at before but I just have to read again, where Speaker GINRGICH calls for more money in politics, not less, and it is from last year where he said one of the greatest myths of modern politics is that campaigns are too expensive, the political process in fact is underfunded. It is not overfunded. I would emphasize far more money in the political system.

Now that says it all. I mean he just wants more money to be available and more money to be spent, and the whole idea, the cap on campaign expenditures, is anathema to him and, I believe, to the Republic leadership, and that is why you are not going to see a cap. Regardless of the mix that is achieved to reach that cap, you are not going to see that cap in something that they support because they just do not think they want to spend more money.

Mr. MEEHAN. If my colleague will yield, that point is right on point and exactly the truth. Since the beginning, Republican leadership has been wedded to the special-interests corporate contributions that drive their agenda. That is what they have been wedded, protecting big tobacco, sheltering corporate subsidies, promoting environmental regulation and rolling back environmental laws. These goals are not driven by the views of the American people, they are not driven by the views of the public. They are on the high-priorities list of the biggest contributors to the Republican Party.

That is was this is about.

Mr. FARR of California. And look what has happened this year and last year. What we have seen here and why we even need to have a reform week is some of the abuses of this institution that have been carried out by this leadership, lobbyists literally sitting and writing the bills, not the paid professional staff of Congress. Lobbyists and former Members who are lobbyists being able to be at the dais during a debate, the fact that the attack has been on sort of the monied interests, the money interests that would rather cut it out for us rather than preserve it, the money interests that would rather pollute our drinking water than clean it up, the money interests that would rather keep minimum wage from being passed and signed into law, the money interests that would like to make sure that welfare reform is all about just making people work, which is fine, but who is going to provide the jobs out there?

So you begin to see that there is a very conservative agenda building in Congress, and that agenda is only thwarted by the fact that this room is made up of a awful lot of diverse people who come here with viewpoints different from just a one standard cookie-cutter financial bottom line "what is in it for me," and that has been able to make the Congress the vibrant place that it is.

If you do not like the product that is coming out of here and the product that the Democratic leadership is adding here, you want to change that, and the best way to change that is to change the Members of Congress, and if you can make those Members of Congress more reflect just that bottom-line mentality that everything has a price tag on it, there is not a better way to do that than the campaign reform bill, the campaign—no reforming it—the campaign bill that has been introduced by our colleague, Mr. THOMAS.

Mr. MEEHAN. If the gentleman would yield, let me just get into a couple of specifics. These are probably the five worst things about the Republican bill. But the Republican bill vastly increases all of the—nearly all—of the contributions set in current law.

Reforming campaigns, let us face it. It is about limiting the influence of money, not expanding it.

The Republican bill would also allow an individual to contribute $310,000 to campaigns in political parties in a single election cycle. That is more than 10 times the current legal limit.

Now, we have already mentioned that according to the Republican bill, an individual could conceivably donate $3.1 million to State and national parties cumulatively. The Republican bill also codifies the soft-money loophole in the current law, which is how millions and millions of these dollars slip in. It is through the soft money.

The Republican bill also vastly increases the role of national parties in local elections. That is a move that would clearly benefit the Republican parties because, as they are in the majority, raising millions and millions of dollars, they are hoping, as we said earlier, that they can buy close elections because of all of the money they are raising.

Those are five of the worst reasons, worst things about this bill, and I think the reason they cancel Reform Week, and let us be clear about this. How long have we been hearing about Reform Week? We are going to straighten everything out in Reform Week, we are going to limit how much money is spent, we are going to change the system, we are going to change the way Congress does business.

Nonsense. Here we are. It is Wednesday night at 10:15 Washington time, and we do not have Reform Week. The Committee on Rules is up considering a bill that goes in the opposite direction.

NEWT GINGRICH is one of the only people in America that thinks you reform the system by putting more money into it. It is absolutely ridiculous, and I cannot imagine the response of people in this country over the next few days when they realize Reform Week was a sham, it never happened. Maybe some day next week, maybe next month, maybe next year.

I think the American people are going to respond very, very angrily to what has happened here tonight.

Mr. PALLONE. If the gentleman will yield, and I have to confess that I am going to have to leave after this remark, but one of the myths that I constantly hear from the Republican leadership is this notion that somehow individual contributions, large individual contributions, are not exerting influence on Congress or on politicians the way, for example, that political action committees would, and to me it is sort of ironic because I do not really put a tag on any particular kind of contribution. I really think that what we need to do is to create a diversity of contributions and limit the overall amount of money that is spent which is essentially what your bill would do, Mr. FARR.

But this myth that somehow if someone gives a thousand dollars individually, that is clean, or under this Republican proposal that they give $2,500, that that is clean, but a PAC is not clean or some other method is not clean. And I always think to myself, if there is a large corporation and the individuals in that corporation contribute to the political action committee and then a check was written for $5,000 to a Congressman from that PAC so to speak, how was that any different from the five individuals or ten individuals each; you know, the chairman of the corporation, the president of the corporation, the various vice presidents of the corporation, each writing an individual check for a thousand dollars, or in this case, you know, as they proposed it would be $2,500. The ability of people to influence is no different whether they are running an individual check or they are contributing to a political action committee.

I think that the answer is to simply limit the overall amount that can be spent and the amount that can be contributed, if you will, from these individual sources so that if you say, for example, that a PAC can give $5,000, but you require that a lot of that be small donations, OK, maybe that is some sort of reform, or if you say that, as you propose, that you can only have so many individual large contributions or so many PAC contributions, that is reform. But they keep, the Republican leadership, keeps putting out this notion I call a myth that individual contributions are somehow OK and that they are not going to influence people, and therefore it is OK to increase them and perhaps to almost unlimited amounts, and it is simply not true. There is no difference between the president of the corporation writing me a check and having him contribute to a PAC that writes me a check. I do not see it, and I know for a fact that a lot of times when individuals contribute to your campaign, and particularly if it is a large donation, a lot of times they expect, you know, to have access or to be treated or, you know, to have your ear just as much or if not more than some of the other special interests that contribute through a political action committee.

□ 2215

But we keep hearing this from the Republicans, it is okay to keep coming with those individual large contributors.

Mr. FARR of California. Mr. Speaker, before the gentleman leaves, I just want to comment, and I think it is true in your office, and I would be curious to know, we have received 362 letters in favor of limiting campaign finance in congressional campaigns. We have received two to suggest we ought to spend more money, or are opposed to the limits. It is running over 150 to 1 in favor of exactly what we are doing.

I presume your mail is in the same category, so what boggles my mind is how do you come up with a bill they have come up with that goes just opposite, that blows all the lids, takes all the limits off current law and says just more money, more expensive campaigns, money buys influence, let us get more of it?

Mr. PALLONE. I really think what happens, Mr. Speaker, is that the Republican leadership takes advantage of the fact that the campaign finance system is a complicated structure and that most people really do not understand how it applies to individual races. We understand it because we are in it, but a lot of people do not. So they just try to basically throw out to the public these myths.

I am very glad to see that this latest effort on their part to try to basically raise the individual limits and get so much more money into campaigns have been exposed. As I think I mentioned before, or maybe I did not, we have all the public interest groups opposing this bill: Common Cause, Public Citizen, the League of Women Voters. There was an editorial in the New York Times today, as well as in a lot of my local papers, criticizing the proposal. We even have some of the Republicans who put out a letter opposing it.

We are sort of fortunate, in a way, that this has been exposed for what it truly is, a way to try to put a lot more cash into the campaigns. But I think a lot of times it is a complicated subject, and it is very difficult sometimes to make people understand how it works in practical terms.

That is why I think it is so important to do what the two of you are doing tonight, by trying to expose it for what it really is.

Mr. FARR of California. I appreciate you coming down tonight. You have a family, it is a little late, and you have young kids at home. I hope you will get a chance to see them tonight with the little time that is left. That will leave the gentleman from Massachusetts [Mr. MEEHAN] and myself here. We have been two of the sponsors of the major alternatives to the bad bill that we have been talking about all night.

I want to just publicly thank you for the effort that you have had in leading the bipartisan effort to bring a sensible bill to the floor for a vote, and hopefully you will get that vote. I am certainly supportive of it. If that is not successful, then the bill that I have authored, which is just about the same bill with some minor changes, I hope will prevail in lieu of that.

Mr. MEEHAN. Mr. Speaker, if the gentleman would yield for just a minute, we have been working hard on this bipartisan bill. The gentleman from Connecticut, CHRIS SHAYS, and the gentlewoman from Washington, LINDA SMITH, ironically enough, LINDA SMITH and I, for example, we do not agree on very much. She is a conservative Republican and I am a more progressive Democrat. But the one thing that we do agree on is the fact that we will never get to balance the budget fairly, we will never get decisions made in Washington on the merits until we change the campaign finance laws.

It is really frustrating to be here again, near the end of another session, and see all the publicity that the Republican majority got about having reform week and see it turn into nothing but a total fluke, a sham. They are not going to do it. It is just really, really frustrating.

The one thing about it that I think that the American people get is that the worst thing that we could do is nothing. The worst thing we could do is to publicize a reform week and then have nothing. I think ultimately the American people will have their say. It may be a complicated issue, but they understand that we need less money, not more money, spent in the electoral process, in elections in this country. They understand we need to level the playing fields so that people of average, modest means are able to get onto the people of average, modest means are able to get onto the ballot in districts all across America; whether they are liberal or Democratic, Republican or conservative, are able to get on and run for Congress. That is what democracy is all about.

As long as we have the corrupting influence of millions and millions and millions of dollars being spent on these campaigns, the American public is going to be suspicious of decisions that have been made. I think ultimately, maybe it will not be this Congress, but I think ultimately the American people are going to demand the type of reform we have been fighting for.

Mr. FARR of California. I appreciate my colleague's passion on this, Mr. Speaker. The gentleman got married last weekend and he is down here giving up part of his honeymoon to be here and talk about reform week.

Mr. MEEHAN. I thought we were going to be here to do reform week. I have been working for 3 years. I can just imagine my wife at home saying, wait a minute, they are not doing campaign finance reform. You told me you had to be there for campaign finance reform. But what are you going to do? The Committee on Rules just a few hours ago made the decision to block again changing the way our campaigns are financed. I guess the priest said forgiveness is important, so hopefully she will remember that when she finds out that campaign finance reform again ended up on the back burner.

Mr. FARR of California. I think the biggest tragedy that would be caused by a vote on the Republican bill, if that ever became law, is that I think it would kill the very dream that people have when they come into this building that they or maybe a relative or son or daughter, and certainly as I talk to, I know you talk to all the school children that we meet with every week, and I would like to instill in them that there are ordinary people serving in Congress, and that they too, maybe not even knowing it at young school age or high school age or a young student in college, that they could someday serve in the United States Congress, because if they look around, that is what this Congress has been made up of.

I think that the bill that is being debated in the Committee on Rules to be brought to the floor as the major bill, as the Republican leadership bill for campaign reform, would kill the opportunity for ordinary people to become Members of Congress. That would be the greatest tragedy we could ever perform on this institution that we are so proud of.

Mr. MEEHAN. There is no question about that. I did get married last weekend, and I come from a large family, and my father worked as a compositor at the Lowell Sun, and my mother raised 7 children. I am very fortunate to have the opportunity to have been able to get elected to the Congress.

Could you imagine a system where the political parties, the bosses in Washington, determined, well, we are going to spend a few hundred thousand dollars in the Fifth District up in Massachusetts because we do not want to see this former prosecutor get elected. I never would be here, and there are a lot of other people who would not be here if we had a campaign finance system that allowed an individual person to contribute $3.1 million to political parties all over the country, and then those parties can funnel this money into congressional races.

There is no way that a lot of people would be here, and increasingly, more and more people are getting elected to Congress because of money. It is the wrong direction. The American people understand that. They feel that. They may not understand the intricacies of election law, but they know that we need less money, not more money, in the system. That is why the Republicans are going to have a lot of difficulty getting the votes on this ridiculous bill to increase the influence of money in American politics.

Mr. FARR of California. Mr. Speaker, I appreciate the gentleman's remarks. I want to continue on, because we have in the gallery tonight guests that are here watching this debate, and I think we see night after night people coming here to watch.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman that he should refrain from references to the guests in the gallery.

Mr. FARR of California. Thank you, Mr. Speaker. People come here from all over the world to watch Congress in session. It is an opportunity to see how in this country laws are made.

What we are about tonight is the special order talking about what is going on in a room upstairs here called the Committee on Rules room, where they determine the rules to bring bills to the floor: whether the bill will come to the floor, what kind of amendments can be offered to the bill, how much time there will be for debate, whether the amendments are in order.

As we saw, this was the promise that this would be the week that these issues would all be addressed on the floor. We are here at almost 10:30 at night in Washington, DC, and we have no resolution to this promise that was made to this Congress.

Mr. MEEHAN. Mr. Speaker, if the gentleman will continue to yield, I guess the only promise we have is that we are not going to have reform week.

Let me also say one of the reasons why there was reform in terms of what happened on the floor of this House when television cameras were brought in, the American people got an opportunity to see what happened firsthand, was to get people involved in the process. I think once the American people hear the debate on this floor, they are going to respond to the fact that the Republicans have not done anything about reform week.

Not only that, you mentioned the letters in your office. Clearly the American people who watch the debate on the floor here day in and day out, and there are thousands who do, who watch the debate day in and day out, will be appalled to find out that we are doing nothing on campaign finance reform.

I wanted to mention one other thing, Mr. Speaker. I mentioned the tobacco industry, because I have been involved in the whole issue of trying to prevent kids in America from being susceptible to tobacco, a product that kills over 400,000 people a year in this country. One of the difficult things about that battle is the amount of money that tobacco companies invest in political campaigns and in the political parties.

When I see a bill come before the Congress of the United States at a time when States all over America are increasing the tax on cigarettes, we are still providing subsidies to tobacco companies. Guess what? Every time there is a proposal that comes before the floor, it loses, to end these subsidies.

The assault weapons ban. That debate that we had on the floor of the Congress on assault weapons I felt was really an appalling debate. There was a press report that shows that there were Members in the majority, the leadership are the party that made commitments to the NRA and other groups that we would have a vote to reverse the ban on assault weapons. No one in America wanted that assault weapons ban to be repealed. All of the public opinion polls were against it. Even in the U.S. Senate they did not take up this battle. Senator Dole said, "I want nothing to do with it."

What did we do? As a payback to over $300,000 that were contributed by these interests, the NRA and other interests, we have a debate for an entire day on repealing the assault weapons ban. Think of it. We pass the toughest, smartest crime bill, bipartisan, by the way, and Republicans helped pass that bill, as well as Democrats did. We pass it, and then in this Congress there were compliments made in the last election, all kinds of money invested, literally millions of dollars invested in special interest gun lobby money, and we spend an entire day voting to repeal the assault weapons ban.

As far as I can see, Mr. Speaker, that was nothing more than payback time. I said that at that time. We had a whole day debate over it on a Friday. And here we are, trying to debate one of the fundamentally most important reforms a country like ours could ever institute, campaign finance reform. And guess what? The Committee on Rules is up there determining we are not going to debate it this week, we are not going to deal with it. They were only going to give us an hour or so on it anyway.

I just think back to an entire day on repealing the assault weapons ban that was part of the crime bill, with bipartisan support. And here we are, and we cannot even get a vote on campaign finance reform. It is absolutely incredible to me and incredible to the American public, how that could happen.

Mr. FARR of California. It may speak to how bad it has gotten in Washington. That is that the interests that you just talked about and others really would not want a campaign reform bill. You can see them out lobbying against it.

What it would do, it would limit the amount of money that they could give any one candidate. It would require that if they put out bulletins independent of the candidate, that they would have to disclose those as a campaign piece. If they put out your voting record and said your voting record is good because it supports us or it is bad because it opposes us, that at campaign time could be considered a campaign piece, and they would have to be registered as giving an in-kind contribution to the candidate that it benefited. They do not like that. They do not want that kind of disclosure.

So this campaign reform really hits, the Democratic version hits at the very concerns that some of the biggest special interests and most controversial special interests in Washington have.

□ 2230

On the other hand, the leadership bill comes to the floor with no limits. They could buy and sell and own campaign elections throughout America.

Mr. MEEHAN. Actually, if the gentleman will yield, I would never believe that the majority party would come in with a bill like that. I just never would have believed it. Let me just say there are a number of Republicans who are committed to campaign finance reform. I have worked diligently, day in and day out with the gentleman from Connecticut [Mr. SHAYS] and the gentlewoman from Washington [Mrs. SMITH]. They are fully and totally committed to campaign finance reform.

Mr. Speaker, the problem is with their leadership. The problem is when the Speaker of the House testifies before a congressional committee that there is not enough money being spent in the political process, that in fact we need to raise the limit, more than double the limits of what individuals can contribute. Then the problem is with the Republican leadership. That is what the American people are responding to. How is it that we have a leadership that promised to change the way Congress does business, has an opportunity to fundamentally change the way Congress does business?

The President has been asking for this bipartisan bill all year long, challenging the Congress to pass limits on how much money is spent, challenging the Congress to set some limits on special interest money. We lost by six votes in the bipartisan bill over in the U.S. Senate. If the House could pass real bipartisan campaign finance reform, I believe that it would result in action in the other body. But instead, we have a bill that even Members of the Republican party are embarrassed about, totally embarrassed.

Some of my colleagues read the Dear Colleague letter that was sent around by, I believe, 10 Republican Members, Republican Members who want to see real campaign finance reform. They are embarrassed and they are appalled. What do we do? We say, All right, if you guys are embarrassed, if you guys are appalled, we'll do nothing. Let's take it up later.

That never ever should have been done. We should have known it was coming when the Speaker testified before the congressional reform committee and said: Hey, look, we do not need to limit how much money is spent. We need to increase it so we can compete with Coca-Cola and the major companies.

We are talking about elections in a democracy. We are not talking about selling away to the highest bidder. We are talking about how we elect people to the U.S. Congress and whose interest they are going to represent. We are not talking about competing with Motorola or competing for billions of dollars in advertising on the television set. Absolutely the wrong message. We should have known this was going to happen as soon as the Speaker said he wanted to see more money in the process.

Mr. Speaker, I guess we should not be surprised, but I have to admit I am surprised that just 2 weeks ago the press releases were going out about reform week. And here we are, Wednesday at 10:30. Everyone is going home tomorrow at 4, and we have done nothing on reform, absolutely, positively nothing.

Mr. FARR of California. Reclaiming my time, Mr. Speaker, does the gentleman get the sense that this reform effort, so-called reform effort by the Republican leadership is actually imploding on them, that it is blowing up? Because we frankly have, between the Members that have cosponsored your bill and the Members that have voted for my bill in the past, we have enough votes to put our bill out. Frankly, we have enough time left where that bill could become law and signed by the President, and we have a letter from the President saying, if the measure gets to his desk, he will sign it. He is very supportive of the Farr bill.

I get the sense that one of the reasons we see a lot of this sort of slippage and speculation here that things are blowing up is because we really have a chance to do campaign reform because the American public has spoken. They want it. They like this bill. They like your bill. They like my bill. They like them so much better than the alternative that they have allowed their voices to be heard here in Washington.

The letters are coming in. The League of Women Voters, a strong advocate group here, nonpartisan, has let Congress know that they want to see campaign reform.

Does the gentleman have a sense that the Republican bill is really exploding in their face, so to speak?

Mr. MEEHAN. Mr. Speaker, it is interesting. I have talked to a lot of my colleagues on both sides of the aisle, and they say: Look, the President is going to sign campaign finance reform.

There are all kinds of different versions. But if it is true campaign finance reform, this President is going to sign it. I believe that. The President is willing to compromise. If he can get any kind of limits on how much money is spent, I think he is going to sign the bill. An I think that is what they are afraid of.

Mr. Speaker, what do they do? They come up with the only possible idea or notion to make the President not sign the bill. Okay, we will put more money in the process. Obviously the President is going to sign this bill. I am reminded of when the Congress rushed to pass campaign finance reform when President Bush indicated he was going to veto the bill. That bill got right over to the President's desk right away so the President could veto it, and everyone went home. But now we have a President that is over there at the White House waiting for a campaign finance reform bill, willing to sign it, pushing the Congress to try to get some kind of limits, and guess what? Congress is blinking.

There is not going to be a campaign finance reform bill that is going to go to the President's desk. I will tell the gentleman that there is no greater failure of this Congress that the inability of the Congress to get a campaign finance reform bill over to the President's desk. That will be viewed in history and by the American people as the single biggest failure of this Congress, to get that bill or some bill that the President can sign over to him. Republicans have come up with the only conceivable bill that the President would not sign, a bill that increases rather than decreases the influence of money in American politics.

So I give them credit for that. They have found a bill the President cannot support. It is a bill that increases the amount of money individuals can contribute.

Mr. FARR of California. Mr. Speaker, I am not sure they can even get enough support from their own Congress. Fortunately I do not think they will get the support.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I heard my colleague say some people over here were interested in the debate. I wanted to actually have a debate instead of people throwing softballs back and forth at each other.

Mr. MEHAN. Go ahead. Ask a question.

Mr. KINGSTON. The question is, as I have listened to my colleague and the gentleman who left earlier, and I believe we are in the same class, the gentleman is a freshman class Democrat.

Mr. MEEHAN. Could the gentleman ask a question?

Mr. KINGSTON. Absolutely. I did not want to derail it by just coming out. But the Democrats had a reform bill, Republican freshmen had a reform bill in the 103rd previous Congress. Then if I recall correctly, the Democrats controlled the House, the Democrats controlled the Senate, and President Clinton was in the White House. I am just kind of wondering why we did not have campaign reform then. If it is fair to blame it on Republicans at this point, why would it not be fair to blame it on Democrats?

Mr. FARR of California. I am glad the gentleman asked, because in the 103d Congress with a bipartisan vote, we passed a bill over to the Senate. It was very similar to the bill that President Bush had vetoed in 1992. That bill ironically was filibustered by none other than Senator GRAMM who blocked it from the conferees being appointed. It was again a Republican defeat of a Democratic bill as it had been in the 102d, in the 101st and 100th Congress, every one of those Congresses.

Mr. MEEHAN. If the gentleman would yield to me, I am really glad for that question because that is exactly what happened with the bill. There was a Republican filibuster. This House passed it, it was bipartisan because that is when I started working with my colleague from Connecticut, CHRIS SHAYS. Let me just say, I have worked diligently in a bipartisan way to pass campaign finance reform. I have worked with Republicans on campaign finance reform in this session since I got here. There are a number of Republicans who are committed to campaign finance reform. There are 20 Republicans on my bill who want to see a bipartisan bill pass. We have worked with both sides. The gentleman wants to ask a question, we have answered the question, and the public record is clear. This bill in the last Congress was killed by a Republican filibuster. If we want to lay blame, we will give a little bit of the blame to Democrats that are not pushing the bill quickly enough. But the bottom line to this is we have an opportunity to pass a bipartisan campaign finance reform bill, and what do the Republicans come up with? With a bill that increases how much money is spent on elections.

Mr. KINGSTON. Are we going to debate or grandstand?

Mr. MEEHAN. Neither part have had the audacity to submit to the Congress a bill that increases limits.

Mr. KINGSTON. Are we going to debate or grandstand?

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Georgia will suspend. The gentleman from California controls the time.

Mr. FARR of California. I thank the Speaker. We have a few minutes left. I would rather not yield to the gentleman. He can have the next hour and speak as much as he wants.

Mr. KINGSTON. And I will be glad to yield to you on my time if you do want to have a debate.

The SPEAKER pro tempore. The gentleman from Georgia will suspend. The gentleman from California controls the time.

Mr. FARR of California. I thank the Speaker.

Mr. MEEHAN. If the gentleman will yield further, obviously we are finishing up our debate. The gentleman had a question, and it was a great question, "Should we not blame the Democrats?"

The truth was the bill in the 103d Congress had bipartisan support, it died in a Republican filibuster, and never got to the President. Clearly President Clinton would have signed that bill had it gotten there on time.

Mr. FARR of California. We do not even need to go back to last year. We can talk about this year. We have the same action by the Republican leadership in the Senate this year on the bill that was a counter bill to the one the gentleman has authored in this House.

Mr. MEEHAN. That is exactly right. It was a bipartisan bill. I worked with Senator McCAIN who did an outstanding job working this bill and trying to get Members of the Republican Party to support this bill. What happened? The Republicans killed that bill in the U.S. Senate. I worked diligently with Senator McCAIN on that. He did a great job. But the Republican majority in the Senate killed that bill. I testified before a Senate committee over there. The fact of the matter is that the increases in campaign contributions that the Republican Party are enjoying at this point I think prevents any real campaign finance reform.

Just for the record, that bill over in the Senate that the gentleman from California [Mr. FARR] mentioned is a bipartisan bill. It is not about Democrats or Republicans. I recognize the fact that we cannot get a bill to the President without Republican support. That is why I went out and worked with the Republicans to get a bill that we could agree on, a bipartisan bill. But it has to limit how much money is spent. Otherwise, it is not real reform. I am delighted to have had this opportunity to speak out about my bipartisan bill and the really sorry state of affairs that we are faced with here on Reform Week, day 3, I guess. We are going to leave tomorrow, I guess, not doing anything in terms of any of the reforms that were advertised, including campaign finance reform.

Mr. FARR of California. I think history will show as we end this debate here that the Democratic caucus with bipartisan support in the past has passed campaign reform out of this House, in the 103d Congress, the 102d Congress, the 101st Congress, and the 100th Congress and in every one of those instances, that action has been thwarted by Republican actions either in the Senate or a veto by a Republican President. It is obvious that the campaign reform that we are talking about that the American public wants and has supported these number of years is about to be thwarted by actions in this House as well, It is a tragedy. It is a tragedy that Reform Week has diminished into this kind of strained effort to not have effective campaign reform. I thank the gentleman for coming down tonight and being in the well and sharing his thoughts with me as one of the leaders in campaign reform in America.

Mr. MEEHAN. I compliment the gentleman for having this hour on campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all speakers that it is inappropriate to characterize possible action or inaction in the other body.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3820, CAMPAIGN FINANCE REFORM ACT OF 1996

Mr. SOLOMON (during consideration of the Special Order of the gentleman from Georgia, Mr. KINGSTON) from the Committee on Rules, submitted a privileged report (Rept. No. 104–685) on the resolution (H. Res. 481) providing for consideration of the bill (H.R. 3820) to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3734, PERSONAL RESPONSIBILITY ACT OF 1996

Mr. GOSS (during consideration of the Special Order of the gentleman from Georgia, Mr. KINGSTON) from the Committee on Rules, submitted a privileged report (Rept. No. 104–686) on the resolution (H. Res. 482) providing for further consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, which was referred to the House Calendar and ordered to be printed.

MORE ON REFORM WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I appreciate the time and wanted to say first of all a couple of things about the, and I am not going to call it a debate, my friends from the other side of the aisle who would yield 1 minute and then go off on a tirade. I do not think that is quite a debate, but then again I am not from their districts.

But I want to point out one thing, Mr. Speaker. The Clinton administration came to office, and they have been in office for 3½ years. They enjoyed 2 years of majority rule in the Senate and in the House. During that period of time, campaign finance reform was not passed. I have heard that PHIL GRAMM was the problem.

Who controlled the Senate during that period of time? Obviously the Democrats did. If they are going to bring in partisan politics, then it certainly stands to reason it should have passed under their watch the first 2 years.

I know this, Mr. Speaker, because I worked with TILLIE FOWLER and PETER TORKILDSEN on a campaign finance bill that we introduced as a freshman class.

□ 2215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. If the gentleman from Georgia would suspend, the Chair would remind all those assembled that it is inappropriate to discuss individual Members of the other body or action or inaction they may have taken with regard to legislation.

Mr. KINGSTON. I understand that, Mr. Speaker, and I appreciate that point.

Let the record be clear that the Senate and the House were controlled by Democrats for the 2-year period of time. The House Republicans have been working on campaign finance reform on a bipartisan basis for some time now, and one of the issues that we are trying to get bipartisan support on but we cannot is the issue of soft money and the practice of unions and big union PACs to participate in elections and not even to have to report that money even though it is spent on behalf of a candidate. They can come into a district and spend under the label of soft money, an independent expenditure of money on ads, money directed toward the incumbent Republican, almost unlimited, and there is no check on that.

True campaign finance reform would account for all political money, not just the reportable money, and I hope that we do get some Democrats who are willing to stand up to the big union bosses. I know that they are raising $35 million on behalf of Democrat candidates right now and Democrats are somewhat very reluctant to take on such a cash cow, but it would be great if they would.

Just to give Members some idea, AFL–CIO in 1994 spent $804,000 on Democrat congressional candidates, 99 percent of their contributions. The American Federation of Teachers spent $1,053,000; 99.3 percent of their total contributions went to Democrats. The American Trial Lawyers Association spent 94 percent of their campaign contributions on Democrat candidates, $1,759,000. The Human Rights folks spent 96.5 percent of their money on Democrats. That is $470,000. The Community Action Program spent 96 percent of their money on Democrats, $42,000. The International Longshoreman's, $300,000, which was 96 percent going to Democrats. The IUE, this is some other union, I am not sure which, $204,000, 100 percent going to Democrats. The International Union of Bricklayers, $143,000 going to Democrat candidates, 98.9 percent of their entire budget of contributions. The National Education Association, $1,968,000; 99 percent of it going to Democrats. And one more, the UAW union PAC, $1,914,000, 99 percent going to Democrat candidates. I would say if you want true campaign finance reform, this has to be included in the formula.

Mr. Speaker, the gentleman from Massachusetts wanted some time, and let me yield to him.

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was just going to make the point that the bipartisan bill, which I have been working on with CHRIS SHAYS and with LINDA SMITH, would in fact limit, in fact the first provision is to abolish PAC money. The second fall-back provision because of constitutional problems is to limit PAC's to $1,000 per primary, $1,000 for general. And there are 21 Democrats on that particular bill so I think the characterization of Democrats is inaccurate.

Mr. KINGSTON. Reclaiming the time just a minute with the intent of yielding back to you for further explanation, does your bill also limit or eliminate independent expenditures, such as those that have been targeted by the AFL–CIO to the tune of $35 million?

Mr. MEEHAN. The U.S. Supreme Court has just recently ruled that one cannot limit the independent expenditures in these races. But what we do is require more accurate recordkeeping so that we know where the money is coming from and where it is going.

One of the difficulties with campaign finance reform is the U.S. Supreme Court decisions which make it impossible to limit independent contributions.

Mr. KINGSTON. Reclaiming my time for a minute, I understand that and I think that is a good point. Let me ask the gentleman this, though, in terms of individual union members who are not necessarily buying the big labor union Democrat embrace, should they not have the right to know where their dues are going? For example, here is a union, the Democrat-Republican Independent Voter Education Committee. I am not sure which union this is, maybe the gentleman can tell me. But just the name, Democrat-Republican Independent Voter Education Committee would lead me as a rank and file union member to think that my money was going everywhere when in fact $2,131,000 went to Democrats which represented 97.8 percent of the entire expenditures. Clearly that is a Democrat PAC. It would be fair to tell the people who have to contribute where their money is going.

So my question is, do you support that worker contributor's right to know clause, which we have been working very hard with in our campaign finance reform to try to get in there?

Mr. FARR. May I respond?

Mr. KINGSTON. I yield.

Mr. FARR. I think that every worker has a right to know where their contribution is going. I do not think that your provision is the one that I support because it does not apply equally to corporate as well. A PAC contribution is a PAC contribution. It is a check-off system, whether you work for a corporation or whether you work for a union.

Mr. KINGSTON. Reclaiming the time for a second, I agree with you absolutely. PAC contributors, people who work for banks or insurance companies or manufacturers, they should know also because clearly some of those PAC's are lopsided, also.

Now, none of them are as lopsided as the labor union PAC's, but I mean, for example, even NRA and tobacco PAC's, the tobacco PAC's gave more to Democrat candidates in 1994 than they did to Republicans. NRA is on like maybe a 60–40 split. I do not have the number with me but I did look at it. I truly believe anybody who contributes to a PAC needs to know to the dollar where that money went. So I am in complete agreement with you on that.

Mr. MEEHAN. Will the gentleman yield?

Mr. KINGSTON. Yes.

Mr. MEEHAN. I just ask the question, why do you think big tobacco decided to stop contributing more to Democrats and retool their efforts contributing to Republicans after NEWT GINGRICH and the Republicans took over?

Mr. KINGSTON. That is a good question. Reclaiming the time, this is the way I understand it as a student of campaign finance reform. In 1972, when PAC's started because of the large, individual contributor, the gentleman may remember the man, he was in the life insurance business, gave over $1 million to Richard Nixon's campaign, and one of the reactions were to have PAC's and PAC's were originally supposed to be a campaign finance tool, a way to get around the influence of a guy who can write a million-dollar check. And so what happened is that PAC's, people thought back in the early 1970's, would be ideological, and the gentleman knows there are some that are truly ideological. For example, a lot of the women's group PAC's they will give to a pro-choice candidate who has no chance of winning, whereas a lot of the pro-life groups hold back and want to make sure that they are winning.

Let me even take that back. I would say the abortion PAC's are more ideological. The business PAC's are absolute pragmatists. They do not truly have an ideological philosophy except their own special interest. So what they do, and the gentleman knows well, they contribute to the majority, and a lot of those tobacco contributions that have come in have come in because they best against the freshmen who knocked out incumbents, and the first thing that happens, as the gentleman is well aware of, is PAC's that bet on the wrong horse try to make amends early on in the game and that was part of the thing that was going on.

Had you guys kept the majority, there is no doubt the money would have stayed with you on that.

I agree, let us fix it. Let us have more worker right to know, contributor right to know, and let us get into it. There is plenty of room here for finance reform.

Another thing that I am interested in, and I believe the gentleman is too, is making sure that the money comes from the district. I think 75 percent of the money ought to come from somebody's individual district. But we are willing to settle on 50 percent plus $1. But that is more to your side than our side.

Mr. FARR. The difficulty with your plan is you have no limits. If you are concerned about PAC contributions influencing, whether they be labor PAC's or business PAC's or whatever the ideological framework of a PAC may be, you put no limits on them, none, absolutely none. We put limits, we say all right, candidate, if you are going to run with a limit on yourself, then you cannot take more than one-kind of your money, $200,000 maximum from a PAC and no PAC can give you more than, in a 2-year cycle, $6,000. That is what you are missing. You are missing this sort of idea of putting any kind of limits on an individual.

Mr. KINGSTON. Reclaiming my time, I agree with that and I know you are supporting the one-third limitation. I would support that.

In my race generally I am well under that. Let me give the gentleman some live true-to-life examples, Members of your party. I will share this list with you. I am not going to tell their names at this point. This one here is one of your leadership, $77,000 from PAC's, $281,000 from individuals. Seventy percent PAC contributions. Here is another one, 80 percent from PAC's, $229,000, $63,000 from individuals, or 16 percent.

Going through your list, here is one who is in your leadership, $753,000 from PACs or 78 percent and $167,000 from individuals, or 17 percent.

The list goes on and on. I could tell the gentleman, as a conservative Republican, I would love to limit this because I think it would help my party a lot more than it would help your Members.

If you want to be partisan about it, and I am not trying to be, I know the gentleman and I are both trying to clean up the system.

Let me yield to the gentleman.

Mr. FARR. In response to your question, if I knew you were going to bring your list, I would have brought my list. I think there is probably a list of similar sorts with your leadership as well. The point of the fact is this is not about what has occurred in the past because we are trying to clean that up. We are trying to put some limits on it. You cannot put limits on a bill that, frankly, the Committee on Rules has just reported to the floor. Your leadership's bill does not reform campaign finance.

Mr. KINGSTON. Well, there are a lot of things that are not in that bill. My freshman class bill that we introduced in January 1993 reached a lot further. The gentleman's freshman class bill when he first came here or the bills that the gentleman worked on reached further, also. I think that what we are trying to do is get this done, maybe plank by plank.

There is a big debate when it comes to campaign finance reform: Do you have a big bill that is a delicately stacked thing that you know winner-take-all, and if it goes down, you get nothing, or do you do piece-by-piece and does it take years to accomplish?

Before I was in Congress, I was in the State legislature. Just about every year we had a campaign finance bill. We always had to add to it, we always had to tighten it up, and I would say over a 10-year period of time, there have been dramatic changes in the Georgia campaign finance laws. So I have seen it both ways where you try a big, comprehensive bill, then it falls flat, then I have seen the smaller bills. I am not going to tell the gentleman one is better than the other, but we have got to get, as you know, a lot of folks on the other side to pass it.

We have got to get the President to sign it. We have got to get 218 votes here. We always want it to be bipartisan.

□ 2300

And I overheard you say earlier tonight one of the big problems is everybody is an expert, because the way he or she won his or her race, they believe is the absolute for everybody.

Mr. FARR of California. I, like you, served in a State legislature for 13 years and was very active in campaign finance reform in the State of California. It is a very complex system. You have 6,000 local governments in the State besides the 58 counties and the State legislature, and your are dealing with an awful lot of campaign filings and technical process.

Unfortunately, you cannot reform campaign financing piecemeal because it has so many different versions. It has amounts of money that people can give, whether they can give them to a candidate, whether they can give them to a party, whether they can give them to a PAC, whether they can give them to a national party.

So just the individual giving money, how much, how often, whether each of those organizations, a PAC, how much money they can give, what they have to report, in California you still have what we call corporate contributions to campaigns. You can give either an in-kind contribution. You may be a corporation that has a lot of telephones and, therefore, on election night you can give your office for people to come down and make calls. Under Federal laws you cannot do that.

Mr. KINGSTON. Reclaiming my time, I want to say normal PAC's cannot do it, but union PAC's can do it.

And union PAC's provide manpower, whereas banks or a Chamber of Commerce, they cannot. In terms of the lopsidedness, in terms of a big union PAC, it is incredible.

I also want to throw out something that I consider campaign finance reform. Many Members around here do not, on both sides of the aisle, mostly on your side, which has to do with Federal Government agencies lobbying.

I served with you on the Committee on Agriculture last session and this session moved over to the Committee on Appropriations. I can tell you, Mr. FARR, anybody who thinks Federal Government agencies do not lobby has never served on the Committee on Appropriations because that is all they seem to do.

They come up to our office, they have money for conferences, they have money to fax themselves around their offices and so forth. I believe a key portion and one of the stumbling blocks in balancing the budget is the fact we have agencies who are feeding out of the taxpayers' trough and they do not want to have finance reform that would stop them from lobbying.

Maybe this is more in the lobbying category, but, see, I would still consider it under that general topic of cleaning up the House.

Mr. FARR of California. Well, I think we have to address lobbying reform separately from campaign reform. Lobbying reform is essentially people who make their living there in Washington, whether it be on the public payroll or the private payroll, trying to convince Members of Congress that their opinion is the right one.

I frankly believe that lobbying is good. I do not think that lobbying is bad, because these are complex decisions that we have to make, and, as the gentleman knows, we need to have all the information that we possibly can, both sides, pro and con, and, fortunately, people are supposed to be independent after getting all that knowledge.

We know the decisions are complex. A lot of it deals with minutia and the only way we can get a grasp on it is listen to people who have vested interest in it. That does not mean because they come see you that they have our vote.

I think if we are to address campaign and lobbying reform, we have to do it, but we have to do it in such a way that it does not cut off getting good information to make a tough decision.

Mr. KINGSTON. I agree with the gentleman, and I agree it certainly can be done. Having again served in the State legislature, I would say that the State agencies also lobby, some more than others. For example social service agencies I think lobby a lot more than something like the natural resources or the fish and wildlife agencies in the State of Georgia. And that kind of model, where we do see two different agencies, one that is very aggressive, one that is passive but there with good information, but you as the legislator had to initiate the conversation as opposed to fax machines and working networks and conferences, and so forth, and bringing people into town and so forth like that. I just think that that should be part of the process.

I would love to have campaign finance reform and lobbying reform, because I think they are twin sisters. I think it should be one bill. Now, I have learned, there again going back to piecemeal, you have to take what you can get passed. So there has to be a practical side to it.

Mr. FARR of California. Under your scenario of piecemeal, the campaign reform would be piecemeal and lobbying reform would be piecemeal, but as you know, under each of those tents there is a tremendous amount of technical law that has to be developed.

My point of it is that you are not going to get campaign reform. You may get technical adjustments along the way; for example, the issue you brought up about requiring people who contribute, PAC's who annually have to go through the process of committing that, that is I think a technical adjustment. That is not campaign reform.

Campaign reform is really the whole comprehensive effort of trying to control how money comes in and how it is spent. I do not think we will do that unless we put limits on what people can do. Otherwise it is just a feeding frenzy of getting money from wherever you can get it and trying to influence the outcome.

Mr. KINGSTON. There again I think it is important that people at least have a requirement that at least 50 percent of the money come from their own district, because you can be elected from one district and then gallivant around the globe, going to Hollywood, going up to New York, meeting with big labor bosses in Washington and then going back home and your opponent has raised 100 grand on local contributions, you have raised $800,000 with the Washington big money types, and you can spend and annihilate your opponent. You can make yourself look conservative, a liberal, a moderate; you can target women, you can target minorities, or white middle class, people with blue suits, people with red hair, anything you want with that kind of money, and that is what lopsides this thing in favor of incumbents. We need to level the playing field more.

Mr. FARR of California. May I share with you the concerns I have by limiting 50 percent of your contributions just to your district? And I can probably do that and I am sure if I looked at it, I do, but it is not something I really support.

When I first ran, I ran against a very wealthy individual and when I was interested in running for office, I did what I think everybody does, you sit down and say where do I start. And what do you start with? You start with your friends and your relatives and you write everybody you ever knew, everybody you went to school with. I happened to serve in the Peace Corps so I went and wrote all my Peace Corps colleagues.

I wrote my relatives around the country and said, hey, I am running for public office and you know I am better than anybody because I have grown up and worked with you, will you help me with your initial contributions? And I think that is where everybody every candidate starts.

What disarms them is if they cannot do that and only the person who has a lot of money, a person of wealth, and by the way we limit the person——

Mr. KINGSTON. Hold on 1 minute. I want to reclaim the time and I want to admonish you. Have you ever read Robert Mitchum, who wrote "Alaska"? Have you ever read any of his books? He always starts at the very beginning, and I am interested.

But I do have something else to talk about, and so I want to say if you can quickly get to the point, I would appreciate it, so that I can talk about this other issue.

I do also want you to acknowledge the fact you guys did not yield us any time, and I do want you to remember that.

Mr. FARR of California. I appreciate your allowing me to dialog with you.

Mr. KINGSTON. I had to slap myself on the back since you are not volunteering to do it.

Mr. FARR of California. I appreciate your allowing us to have this colloquy. Without people talking, sometimes it is kind of lonely in this chamber. But my point is limiting raising that money in your district will put the advantage on a wealthy person versus a person who really has the passion to run for office, and I think we should be very careful before we do that because you do not put any limits on what a wealthy person can spend. Our bill does. It says you cannot contribute more than $50,000 of your own money.

Mr. KINGSTON. Well, now, the bill that I have cosponsored with the gentleman from Tennessee, ZACH WAMP, which is a bipartisan bill, does put individual limits on there. We do not want anybody or any organization to have undue influence.

Taking your situation and saying you have to take money where you can get it. The other problem is, though, if there is going to be influence, and if influence and money are related, should that not be district driven rather an outside interest driven?

Mr. FARR of California. I think that is for the voters to decide in your district, frankly. If they do not like where your money is coming from, you have to publicize it. It is a public record, and the newspapers pick it up the moment it is of public record. And we see that because our campaign reports, everybody in this House had to file them, and I think they become public record any day now, and you will see the stories all next week about where contributions are coming from. That gives the voters in the District an ability to decide whether they like what they are seeing or not.

I am not sure that is so broken that it needs that kind of fixing, because I think that if you do not put limits on what the individual can contribute, the advantage all goes to the wealthy, and I do not think that is fair.

I do not want to take any more of the gentleman's time. I really appreciate this colloquy with you tonight.

Mr. KINGSTON. Well, listen, I appreciate what you guys are doing, and I know you appreciate what we are doing. I think that what we will do, as we do have these genuine disagreements on just different portions or sections of campaign finance reform, as long as we can identify those that we do agree with and keep the ball moving, then we will continue haggling over some of the other parts.

And, again, that might take a while, but I believe Democrats and Republicans all realize on an issue like this we have to have each other, we have to work forward if we want it to move down the road.

Mr. FARR of California. We have a bill on the floor, as the Committee on Rules just indicated, and I hope we can gain your support. Thank you very much.

Mr. KINGSTON. Thank you, Mr. FARR.

Mr. Speaker, I wanted to talk a little bit in regards to tax relief and economic issues and jobs. I got a call last night from a gentleman, a father from Pennsylvania, had two kids, and I could tell he was a lot like my middle-class friends back home, struggling to make the ends meet. And he just left a message, "Please keep us in mind; keep working."

I think about this man. I think about the women I see that are my wife's friends, who are around the neighborhood raising those 3-year-olds, those 5-year-olds. I drive the carpool every Monday when school is in, and when I am driving the carpool, quite often I get out and I talk to people. Mostly it is women. There are a few other dads, but, fortunately, one of the good benefits about this job is we do have some odd hours during the day and we are a little more flexible when we are home.

I see these families struggling. They save a little money, but at the end of the month instead of going down to Florida for the weekend, they have to spend it on a new dryer, or they have a car payment, or the house mortgage is payable. And they can manage it, but then they want to do something else to the house, a little modification, or they have to put in a new stove or oven, or something like that, and there is no money at the end of the month.

We passed a $500-per-child tax credit. If you had two kids, this gentleman, this family in Pennsylvania, that would have been $1,000 more that they could have. Is that a tax cut for the rich? I do not think so, Mr. Speaker. What that thousand dollars would have meant for this middle-class man is that he and his wife could have bought a few more pairs of tennis shoes, a few more clothes, or maybe they could have gone to another ball game this summer and seen the Philadelphia Phillies do something. It just would have been a good thing for them.

That was vetoed. We are going to keep working on that, Mr. Speaker, because that $500-per-child middle-class tax cut is important.

Another thing that we have passed is an increased deduction for the home-office tax. In this day and age, with two-income families and high-technology, men and women have an opportunity to work at home. I think of Liz Simpson. She is a neighbor of mine, a friend of mine, an underwriter with an insurance company, and she was able to hook up by modem to her business and stay at home with their little boy, John, and their other child so that she could spend a little more time but also continue earning a living there at home. It gave her a lot of flexibility, and I am glad we increased this home-office tax deduction.

We also had a thousand dollar elder deduction so that if your elderly mom or dad, because of medical or economic necessity, has to move in with you, you can deduct up to $1,000, again, helping that sandwich generation, you know the ones who have dependent children and dependent parents. And they are getting squeezed one more time.

We need to do things like this for the American middle class.

Above all, Mr. Speaker, of course we have to balance that budget. We are paying $20 billion each month interest on the national debt, and that money could be going to education, could be going to health care, could be going to crime prevention.

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All it is doing is paying the bondholders on the national debt. If we balance the budget, we can bring down interest rates, which would bring down the cost of home mortgages and automobile payments. It would stimulate the economy.

On small business entrepreneurs, do my colleagues know, Mr. Speaker, that one-third of the small businesses in America are owned by women? If they could get money cheaper, borrow money at lower interest rates, then these female entrepreneurs could create more jobs, expand their businesses, create more opportunities and in turn earn more and be able to spend more leisure time at home, which is very important to the American family these days.

In terms of other family issues, we have got to increase security back home. A friend of mine called me. Obviously, I am not going to mention her name, but this woman was in her house. It was about 10:00 in the morning, mid-morning, washing her 3-year-old. The door bell rang. She goes to the door bell. She sees somebody through the curtain and does not open the door and goes back to the bathroom where she is bathing the baby. The guy kicks in the door, comes in and rapes her. Does not hurt the child, fortunately.

Do you know, Mr. Speaker, that this rapist only was sentenced for 3 years. They caught him but he was sentenced for 3 years. I never would have known about the story except she called me because she was notified that he was getting out. They have a law in Georgia that you notify the victims when somebody on probation is coming. That just makes your stomach cringe, Mr. Speaker. This thug, this deadbeat who kicks down the door on a housewife at home and then only gets 3 years, that is why we need truth in sentencing. Mr. Speaker, it says, if you are sentenced for 10 years, 15 years, then you serve 10 years or 15 years. You serve your full sentence.

I want to say this, that when folks are in prison, they ought to have work requirements and they ought to have education requirements. They ought to be out there busting bricks. Hard work, 40 hours a week. Education, 20 hours a week. That adds up to 60 hours. And do you know what, Mr. Speaker? That is what my middle-class friends are working anyhow. The people who are paying the taxes, they are not doing it on 40 hours a week anymore. They are running around doing all kinds of things. Sixty hours a week for a prisoner, that is nothing.

Another case, heart breaker, a man calls me at home. His daughter, 12 years old, was spending the night at a friend's house and was raped by the friend's older brother who was 19 years old. He called me, Mr. Speaker, because it had been 3 or 4 weeks and the police had yet to pick up the rapist.

When the daughter was raped, they took her to the hospital. They got the fluid samples and all the necessary identifications for this horrible experience. Yet it was 3 weeks. The reason why it was 3 weeks, I talked to the authorities about this, is that the police were so afraid of messing the case up because of all the loopholes that we now have in our court system that allows trial lawyers to bend and manipulate the system to get rapists, 19-year-old rapists who rape 12-year-olds, get them off because a police officer did not dot an I or cross a T, on the arrest papers.

So in the meanwhile, while the police are out very carefully, meticulously building up a case on this, guess what? The 19-year-old is still driving by the house every day. The little 12-year-old who is now in trauma, who is now in therapy, she still sees this guy out walking the streets.

We have an absurd court system right now, Mr. Speaker. We have got to get common sense back in it. We have got to say common sense is that we want to give everybody a fair trial, but it has got to be one that is governed by common sense, not by technicalities and loopholes.

Justice should not be determined by money and whoever is the cleverest. It should be determined by what is right. So in this Congress, we have worked hard to crack down on criminal thugs and in lawsuits.

Another problem, Mr. Speaker, that is adding to the stress of the middle class has to do with the fact that drugs are just going crazy on our streets. Earlier tonight the gentleman from Florida [Mr. MICA] had a chart that showed how drug usage has been going up in the last 3 or 4 years. One of the reasons is because we had cut funding on drug awareness programs.

Mr. Speaker, I have been in a lot of schools in my district, the First District of Georgia. I have spoken to the DARE classes, drug education for eighth graders and seventh graders and sixth graders and fifth graders, telling them what illegal drugs are all about, what the consequences are about.

Do you know, Mr. Speaker, that the average age right now nationwide for trying marijuana is 13 years old? That is the bad news. The good news is, if we can keep a child drug-free until he or she is 19 years old, then, Mr. Speaker, they have a 95-percent chance of being drug-free the rest of their life. So what we have got to do as families, as educators and as government officials and as a society is keep our kids drug-free until they are 19. If we can do that, they are 95-percent home free, and that is one of the things we have got to do.

I believe drug education is extremely important for the youth of today.

Now, in terms of the pushers, we have got to be very tough on sentencing for pushers. Let us get them off the street. Let us protect our families again.

Health care is one more security issue that we have got to deal with as a society. We right now are trying to pass a bill that gets portability on health care. Very important for people who have job lock because of some situation that they can switch from job to job. My wife, Libby, her college roommate, a young lady named Kathy Haggard, was working for a bank when she discovered that she had cancer. And God rest her, she lost the battle. But during the period that she was fighting it, she went into remission for a short period of time. She was engaged. She, I think, was living in Atlanta and her fiance was living in Birmingham.

They, Mr. Speaker, could not get married because Kathy could not quit working for her bank in Atlanta because, if she did, she could not get insurance through her fiance's insurer in Birmingham. So this young lady sadly lost the battle to cancer. She went to her grave without ever being able to marry, which is, as you know, probably one of the most wonderful things that anybody can experience.

And if we had portability on health care, people like that would be helped by it, Mr. Speaker. That is something very important.

Medical savings accounts. Something that I am very big on, and I know you have worked hard on it. Medical savings accounts would allow middle-class people to take health care with a high deduction and with that deduction it would be funded through a special account, kind of an escrow account. And out of that escrow, middle-class people would pay for their kids stitches, for pediatric shots, for their glasses, the small things.

And at the end of the year, the middle-class families would get the money out of the account and get to keep it. They could use it for a college education account, if they wanted to, or they could put it in their pocket. They could spend it for Christmas money. This is a tool that middle-class families need all over America, Mr. Speaker. It is something that we are working on, and we have got to keep working for.

The breast cancer situation. Breast cancer now gets, I believe, it was a couple years ago the statistic was one out of every nine women. Now it is even higher than that. And we have increased funding on breast cancer research in this Congress. We have also expanded Medicare coverage to include breast cancer. It is something that we have to do to make sure that our mothers and our sisters are well protected, because so much of it, if detected early, we could prevent.

Our colleagues, JOHN MYERS and BARBARA VUCANOVICH, have been great champions on this because of personal family situations. JOHN MYERS brought to the Committee on Agriculture, the ag subcommittee that overseas FDA, this plastic looking device. It was a circle about this big. And he put a grain of salt on the committee table and he put this on it and he said, find the salt with your hands. And you could feel the spec.

This was a device that would not substitute for a medical exam, but it is something that in their own houses women could use for just kind of a home breast cancer analysis. And, Mr. Speaker, the FDA fought us on that. They did not want to approve the device.

I believe that American women would know that a home analysis is no substitute for a doctor's analysis. But give them the tool. Because not only could the tool detect it, but it would raise the interest level, raise the awareness level. And you and I know, as men, when we are over 40, we have to start testing for prostate cancer and so forth. Preventative medicine has got to be part of the health care planning. I truly support the efforts to increase awareness of health in the school systems and so forth, because if we can get our kids exercising and eating right early, we will have less problems down the road.

Mr. Speaker, I am going to just close with this. Another thing we can do for the middle class is to have good education systems. We have increased student loans from $24 to $36 billion in this Congress in our budget. That is going to expand the availability of a college education for many middle-class kids. I think that that would be good. But to the classrooms back home, Mr. Speaker, we want to get the bureaucracy out.

A school teacher in Darien, GA, told me at a town meeting recently that she spends 2 to 3 hours a day each day on paperwork. That is 10 hours a week that she cannot spend teaching children in her own class reading, writing, and arithmetic.

We want to take the bureaucracy in Washington out of the American classroom and let the parents and the teachers teach their own children. And we believe that that local control will help us compete in the world market.

Mr. Speaker, these are some of the things that we are working on and have worked on and have accomplished in this Congress. We need to keep the commitment for the American family and for the American middle class.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. WOLF (at the request of Mr. ARMEY) for today after 2 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FARR of California) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mrs. MEYERS of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. BONILLA, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, each day on today and July 22 and 23.

Mr. MICA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FARR of California) and to include extraneous matter:)

Mr. HOLDEN.

Mr. UNDERWOOD.

Mr. BORSKI.

Mr. FROST.

Mr. ENGEL.

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. GOODLING.

Mr. MCINTOSH.

Mr. ROS-LEHTINEN.

Mr. BURTON of Indiana.

Mr. SAXTON.

Mr. RADANOVICH, in two instances.

Mr. BAKER of California.

Mr. DUNCAN, in two instances.

Mr. FIELDS of Texas.

Mr. GILMAN.

Mr. HAYWORTH.

Mr. FLANAGAN.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 248. An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 248. An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, July 18, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4166. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has determined that it is in the national interest for the Export-Import Bank to make a loan of approximately $56 million to the People's Republic of China (Presidential Determination Nos. 96-38 and 96-37), pursuant to section 2(b)(2)(D)(ii) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Financial Services.

4167. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2437, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4168. A letter from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule—Elementary-Secondary Staff Information Report EEO-5 (29 CFR Part 1602) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal-Aid Project Authorization (Federal Highway Administration) [FHWA Docket No. 94-30] (RIN: 2125-AD43) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4170. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products (RIN: 1904-AA83) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4171. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dihydroazadirachtin; Exemption from the Requirement of a Tolerance [FRL-5381-1] (RIN: 2070-AB78) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4172. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—policy regarding the release of 888 toll free numbers corresponding to 800 toll free numbers [CC Docket No. 95-155] received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4173. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—implementing the statutory requirement that local exchange carriers [LEC's] provide number portability as set forth in Section 251 of the Telecommunications Act of 1996 [CC Docket No. 95-116] received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4174. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administrations final rule—Antibiotic Drugs; Clarithromycin Granules for Oral Suspension [Docket No. 96N-0117] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4175. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Change Notice No. 2, NRC Enforcement Manual, NUREG/BR-0195, Rev. 1—received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4176. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing the use of $3.1 million in funds made available for fiscal year 96 to carry out chapter 4 of part II of the FAA and $3.9 million in funds to carry out chapter 6 of part II of the FAA for States participating in the ECOMOG peacekeeping mission in Liberia, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

4177. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4178. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations [Public Notice 2407] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4179. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Northern Rockfish in the Western Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 071096B] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4180. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Western Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096D] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4181. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Central Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096H] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4182. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Eastern Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096G] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Air Brake Systems; Long-Stroke Brake Chambers (National Highway Traffic Safety Administration) [Docket No. 93-54, Notice 3] (RIN: 2127-AG25) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Extension of Great Lakes Load Line Certificate (U.S. Coast Guard) [CGD 96-006] (RIN: 2115-AF29) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4185. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation and section-by-section analysis to implement the President's fiscal year 1997 Budget with respect to the programs of the U.S. Small Business Administration; to the Committee on Small Business.

4186. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and rule XLIV, clause 1, of the House Rules (H. Doc. No. 104-245); to the Committee on Standards of Official Conduct and ordered to be printed.

4187. A letter from the Chief, Forest Service, transmitting the annual report of Forest Service accomplishments for fiscal year 1995, pursuant to the Forest and Rangeland Renewable Resources Planning Act [RPA] of 1974, as amended; jointly, to the Committees on Agriculture and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3215. A bill to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians [Rept. 104-681). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3159. A bill to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; with an amendment [Rept. 104-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3267. A bill to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes [Rept. 104-683). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3536. A bill to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes; with an amendment [Rept. 104-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 481. Resolution providing for consideration of the bill (H.R. 3820) to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes (Rept. 104-685). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 482. Resolution providing for further consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997 (Rept. 104-686). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 or rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KASICH:

H.R. 3829. A bill to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997; to the Committee on the Budget, and in addition to the Committees on Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Ms. McKinney, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Dellums, Mr. Dixon, Mr. Fields of Louisiana, Mr. Flake, Mr. Ford, Mr. Jackson, Ms. Jackson-Lee, Mr. Lewis of Georgia, Ms. Norton, Mr. Payne of New Jersey, Mr. Rush, Mr. Scott, Mr. Thompson, Mr. Towns, Ms. Waters, Mr. Wynn, and Mr. Bishop):

H.R. 3830. A bill to prohibit insurers from canceling or refusing to renew fire insurance policies covering houses of worship and related support structures, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. Lipinski, and Mr. Costello):

H.R. 3831. A bill to amend title 49, United States Code, to ensure that the primary duty of the Administrator of the Federal Aviation Administration is to enhance the safety and security of the commercial civil aviation industry; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself and Mr. Castle):

H.R. 3832. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, Banking and Financial Services, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 3833. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLANAGAN (for himself, Mrs. Collins of Illinois, Mr. Costello, Mr. Crane, Mr. Durbin, Mr. Evans, Mr. Ewing, Mr. Fawell, Mr. Gutierrez, Mr. Hastert, Mr. Hyde, Mr. Jackson, Mr. LaHood, Mr. Lipinski, Mr. McHugh, Mr. Manzullo, Mr. Porter, Mr. Poshard, Mr. Rush, Mr. Weller, and Mr. Yates):

H.R. 3834. A bill to redesignate the Dunning Post Office in Chicago, IL, as the "Roger P. McAuliffe Post Office"; to the Committee on Government Reform and Oversight.

By Mr. HOLDEN:

H.R. 3835. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself and Ms. Woolsey):

H.R. 3836. A bill to amend the Internal Revenue Code of 1986 to allow a small business family and medical leave credit and a credit for wages paid to employees who are allowed to shift hours of employment or work at home in order to reduce child care needs; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Ms. Woolsey, and Ms. Norton):

H.R. 3837. A bill to provide unemployment insurance and leave from employment to battered women; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 3838. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. BORSKI (for himself, Mr. Martini, Mr. English of Pennsylvania, Mr. Diaz-Balart, Mr. Quinn, Mr. Filner, Mr. Nadler, Ms. Kaptur, Mr. Foglietta, Mr. Fattah, Mrs. Meek of Florida, Mr. Durbin, Mr. Ney, Mr. Holden, Mr. Andrews, Mr. Metcalf, Mr. DeFazio, Mr. King, and Mr. Frost):

H.R. 3839. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KASICH (for himself, Mrs. Thurman, Mr. Dreier, Mr. Miller of

California, Ms. PRYCE, Mr. GILLMOR, Mr. WALKER, Mr. INGLIS of South Carolina, Mr. CONDIT, Mr. SMITH of Michigan, Mr. HOBSON, Mr. CHRYSLER, Mr. MILLER of Florida, Mr. SHAW, Mr. MCCOLLUM, and Mr. LARGENT):

H.R. 3840. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. MORAN, and Mrs. MORELLA):

H.R. 3841. A bill to amend the civil service laws of the United States, and for other purposes; to the Committee on Government Reform and Oversight.

By Mrs. THURMAN (for herself, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. CANADY, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. GIBBONS, Mr. FOLEY, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. MILLER of Florida, Mr. PETERSON of Florida, Mr. SCARBOROUGH, Mr. SHAW, Mr. MICA, Mr. MCCOLLUM, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. BACHUS, Mr. BEVILL, Mr. BONIOR, Mr. BORSKI, Mr. BROWDER, Mr. CALLAHAN, Mr. CLEMENT, Miss COLLINS of Michigan, Mr. COMBEST, Mr. CONYERS, Mr. CRAMER, Mr. DOOLEY, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. FAZIO of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HARMAN, Mr. HOLDEN, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KLINK, Mr. MASCARA, Mr. MEEHAN, Mr. MOAKLEY, Mr. MORAN, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PAYNE of Virginia, Ms. RIVERS, Mr. SMITH of Michigan, Mr. STENHOLM, Mr. STUDDS, Mr. STUPAK, and Mr. TANNER):

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income taxation for qualified State tuition programs; to the Committee on Ways and Means.

By Mr. UNDERWOOD (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FUNDERBURK, Mr. LANTOS, Mr. BERMAN, Mr. RICHARDSON, Mr. ACKERMAN, Mr. EVANS, Mr. ABERCROMBIE, Mr. MORAN, Mr. MANTON, Mr. TORRES, Ms. LOFGREN, Mr. TRAFICANT, Mr. HILLIARD, Mr. FRAZER, Mr. KENNEDY of Massachusetts, Mr. SCHUMER, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. SPRATT, Mr. ROMERO-BARCELO, Mr. FILNER, Mr. YATES, Mr. DEFAZIO, Mr. HINCHEY, Mr. SANDERS, Ms. KAPTUR, Mr. FATTAH, Mr. LIPINSKI, Mr. WATT of North Carolina, Mr. MEEHAN, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, and Mr. HOLDEN):

H.R. 3843. A bill to amend title 10, United States Code, to prohibit the Defense Commissary Agency and nonappropriated fund instrumentalities of the Department of Defense from purchasing imported consumer items to be sold in commissary or exchange stores when such consumer items are not produced in conformity with minimum labor standards; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSE introduced a bill (H.R. 3844) for the relief of the estate of William R. Holden and the estate of John Davis; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BAKER of California, Mr. COBURN, and Mr. THORNBERRY.

H.R. 104: Ms. WOOLSEY and Mr. HAYWORTH.

H.R. 303: Mr. ABERCROMBIE.

H.R. 801: Mr. KING.

H.R. 938: Mr. ABERCROMBIE.

H.R. 1010: Mr. MARKEY.

H.R. 1078: Mr. DURBIN.

H.R. 1127: Mr. FALEOMAVAEGA.

H.R. 1846: Mr. GEJDENSON.

H.R. 2211: Mr. LEWIS of Georgia.

H.R. 2270: Mr. DICKEY and Mr. HANCOCK.

H.R. 2682: Mr. FRANKS of New Jersey.

H.R. 2834: Mr. CUMMINGS.

H.R. 2867: Mr. HUTCHINSON and Mr. TATE.

H.R. 2912: Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Ms. NORTON, and Mr. DIAZ-BALART.

H.R. 2930: Mr. LAHOOD.

H.R. 2976: Mr. COLLINS of Georgia.

H.R. 3006: Ms. WOOLSEY.

H.R. 3199: Mrs. ROUKEMA and Mr. TALENT.

H.R. 3202: Ms. MCKINNEY, Mr. SANDERS, Mr. STARK, and Mr. LEWIS of Georgia.

H.R. 3207: Mr. NEAL of Massachusetts, Mr. HERGER, Mr. MCINNIS, and Mr. SABO.

H.R. 3212: Mr. GRAHAM.

H.R. 3234: Mr. MCCOLLUM and Mr. STUMP.

H.R. 3266: Mr. POMEROY, Mr. LEVIN, Mr. KILDEE, Mr. DINGELL, and Ms. RIVERS.

H.R. 3331: Mr. FILNER, Mr. RAHALL, Mr. COYNE, and Mr. WAXMAN.

H.R. 3332: Mr. GREEN of Texas.

H.R. 3355: Mr. GUTIERREZ, Mr. HOLDEN, and Mr. OLVER.

H.R. 3427: Mr. DORNAN and Mr. WAMP.

H.R. 3463: Mr. ENGEL and Mr. ACKERMAN.

H.R. 3480: Mr. GUTKNECHT and Mr. SOUDER.

H.R. 3487: Mrs. CLAYTON, Mr. GEJDENSON, Mr. DEUTSCH, Mr. TORKILDSEN, Mrs. SEASTRAND, Mr. BEILENSON, Mr. GILCHREST, Mr. FALEOMAVAEGA, Mr. LONGLEY, Mr. CAMPBELL, Mr. CANADY, Ms. WOOLSEY, Mr. PORTER, Mr. RIGGS, Mr. GOSS, Mr. JONES, and Mr. GALLEGLY.

H.R. 3505: Mr. JOHNSON of South Dakota.

H.R. 3537: Mr. KENNEDY of Rhode Island and Mr. FARR.

H.R. 3564: Mr. FAWELL.

H.R. 3577: Mr. STEARNS.

H.R. 3587: Mr. JACKSON.

H.R. 3619: Mr. FARR and Mrs. SEASTRAND.

H.R. 3621: Mr. MENENDEZ, Mr. ZIMMER, Mrs. KELLY, and Mr. MCNULTY.

H.R. 3696: Mr. ZELIFF, Mr. NETHERCUTT, Mr. HOSTETTLER, and Ms. GREENE of Utah.

H.R. 3708: Mr. TORRICELLI, Mr. GREEN of Texas, Mr. FROST, and Mr. YATES.

H.R. 3729: Mrs. THURMAN, Mr. FROST, and Mr. LIPINSKI.

H.R. 3752: Mr. NETHERCUTT, Mr. BONO, Mrs. CHENOWETH, Mr. MILLER of Florida, Mr. HERGER, Mrs. VUCANOVICH, Mr. HOSTETTLER, Mr. BARR, and Mr. STOCKMAN.

H.R. 3757: Mr. MANTON.

H.R. 3787: Mr. OLVER.

H.R. 3794: Mr. SKELTON and Mr. HUTCHINSON.

H.R. 3797: Mrs. KELLY.

H.J. Res. 114: Mr. OWENS.

H. Con. Res. 190: Mrs. THURMAN, Ms. ESHOO, Mr. FOGLIETTA, Mr. CLYBURN, Mr. HOKE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. OLVER, Mr. WELDON of Florida, Mr. MARTINEZ, Mr. TORRES, Mr. GALLEGLY, and Mr. YATES.

H. Con. Res. 196: Mr. GREEN of Texas, Mr. LIPINSKI, and Mr. DEAL of Georgia.

H. Res. 39: Mr. TORRICELLI, Mr. BROWN of California, Mrs. MEYERS of Kansas, and Mr. FAWELL.

H. Res. 286: Mrs. THURMAN.

H. Res. 452: Mr. FILNER and Ms. ROYBAL-ALLARD.

H. Res. 480: Mr. HAYWORTH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. BEVILL.

H.R. 3505: Mr. PETERSON of Minnesota.

AMENDMENTS

Under Clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3814

OFFERED BY: MR. DAVIS

AMENDMENT NO. 13: In the item relating to "DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM—SALARIES AND EXPENSES", insert before the period at the end the following:

: *Provided further*, That the Director of the Federal Prison System shall establish a site for the construction of a Federal prison facility within 250 miles of the District of Columbia for the purposes of incarcerating District of Columbia felony prisoners.

H.R. 3814

OFFERED BY: MR. DAVIS

AMENDMENT NO. 14: In the item relating to "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(increased by $250,000)".

H.R. 3814

OFFERED BY: MR. SCOTT

AMENDMENT NO. 15: Page 28, line 6, after the dollar amount, insert the following: "(reduced by $497,500,000)".

Page 32, line 13, after the dollar amount, insert the following: "(increased by $497,500,000)".

H.R. 3816

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 1: Page 36, after line 10, insert the following new sections:

SEC. 506. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution (or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 507. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to student (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 508. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

EXTENSIONS OF REMARKS

68-YEAR-OLD SIKH LEADER BRUTALLY BEATEN IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. BURTON of Indiana. Mr. Speaker, when we debated my amendment last month to freeze development aid to India, a few of my colleagues had the audacity to suggest that India had cleaned up it human rights problems. They said that reports of continuing human rights abuses were questionable.

Mr. Speaker, everyone who follows human rights developments around the world knows that India's abuses against Sikhs, Kashmiris, and others continue unabated. Some defenders of India praised its government for letting its notorious "TADA" law expire last year. This law, the "Terrorist and Disruptive Activities Act," gave the Indian Government blanket authority to arrest almost anyone and hold them in prison for 2 years without filing any charges. My colleagues will be interested to know that, even though the law was not renewed, tens of thousands of Sikhs continue to be held in prison without charge in Punjab. Asia Watch has reported that "virtually everyone detained in Punjab is tortured." This says a great deal about the rule of law in India.

Now I would like to inform my colleagues about an incident that occurred at the airport in New Delhi just 2 weeks ago. A 68-year-old Sikh, a citizen of England who had to get off an international flight because of heart problems, was severely beaten by India's intelligence service. His injuries were confirmed by the Medical Foundation for the Care of Victims of Torture in London.

Dr. Jagjit Singh Chohan was traveling to Bangkok from London. He was experiencing an acute heart condition on the flight, so during a layover in New Delhi, he was taken off the flight in a wheelchair to receive medical care. Instead, Dr. Chohan, who has been a peaceful advocate of an independent Sikh homeland called Khalistan, received a severe beating.

India's immigration officials refused to allow him to go to a hospital. While he was being held at the airport, roughly 20 officials from the Research and Analysis Wing [RAW], India's intelligence service came into the waiting area and beat this elderly man with their fists, kicked him, and whipped him with a leather belt. The beating lasted for about 10 minutes. He was then put back on the plane without any regard for his injuries or his problems and sent on to Thailand.

Dr. Chohan was quickly returned to London, where he was examined by Dr. Forrest of the Medical Foundation for the Care of Victims of Torture. Dr. Forrest identified 28 separate injuries. In his report, the Doctor reported, "there was scarcely an area of his body that could be touched without causing pain."

Mr. Speaker, the beating suffered by this 68-year-old man is just one example of the types of abuses suffered by the Sikhs of Punjab, the Muslims of Kashmir, the Christians of Nagaland, and others. Young men are picked up by security forces and disappear forever. Young women are gang-raped. Thousands are tortured.

A prominent Sikh human rights activist, Jaswant Singh Khalra was arrested 10 months ago and has not been seen since. Despite the change in governments, his whereabouts are completely unknown. Many believe that he is being tortured in one of the many prisons in Punjab. These abuses happened under the Rao government. They are continuing under the new government. And they will continue to happen until the United States and other governments around the world take a strong stand against them.

Mr. Speaker, I ask unanimous consent that the report from the Medical Foundation for the Care of Victims of Torture be included in the RECORD at the conclusion of my remarks.

I urge all of my colleagues who opposed my amendment to freeze our aid to India to pay close attention to the reports of human rights abuses that continue to flow out of India and really think hard about their position on this issue. India is not going to end its wide-scale abuses until we take a very firm stand and send a very strong message that they will not be tolerated.

MEDICAL REPORT ON DR. JAGJIT SINGH CHOHAN

(By Dr. D.M. Forrest, MB ChB, FRCS.)

I am a retired Consultant Surgeon. Until the end of 1987 I held Consultant appointments at three London Teaching Hospitals, where my clinical duties included the diagnosis and treatment of many forms of trauma and deliberate abuse. During my consultant career I served as an examiner for the Diploma of Child Health at the Royal College of Physicians, and was President of the British Association of Paediatric Surgeons, the Society for Research into Hydrocephalus, and the Paediatric Section of the Royal Society of Medicine.

Since my retirement, I have devoted myself to the documentation and management of torture survivors and have studied the patterns of abuse currently practiced in many countries. I have written and lectured extensively on the subject of torture. I have edited and partly written "Glimpses of Hell: Reports on Torture Worldwide," a textbook on torture. I have made a special study of Sikhs from the Punjab and have published a paper on the subject in the "Lancet."

I examined Dr. Jagjit Singh Chohan at the Medical Foundation on 8:7:96.

The following is his history as related to me.

HISTORY

He told me that he came to live in the UK 17 years ago, having retired from medical practice in a private clinic in India. On 6:7:96 he set out for a holiday in Thailand, flying on Thai Airways, flight 915. After eating a vegetarian meal on the first leg of the journey, he suffered chest and stomach pains. Fearing that the was suffering a heart attack, he alerted the crew. A doctor sitting next to him advised getting off the plane at the scheduled stop in Delhi. Arrangements were made for an ambulance to take him to hospital. On landing he was taken to the medical room, but just before he was taken to the ambulance in a wheelchair, about 20 plainclothes officers burst in and began to abuse and threaten him verbally. They pulled off his turban and shoes but not his other clothes and commenced beating him with fists, slaps and kicks and whipping with a leather belt about the head, back of the neck, limbs and lower trunk. They pulled his hair and beard, pulled him along the rough concrete floor, twisted his arms and ankles, concentrating on the left ankle when they learned that it had recently been fractured, and squeezed his testicles. The assault lasted about ten minutes and then his wrists were tied behind his back and he was bundled onto the plane which had delayed take off for half an hour waiting for him. After the two hour journey to Bangkok he was taken to the immigration Department and left for eighteen hours in a room with about 30 detained immigrants with no facilities and no medical attention. He was put on the next Thai Airline flight to Heathrow.

PAST HISTORY

He claimed to be healthy and active for his age, though aware of the possibility of hypertension and a heart attack. He took medication to avert this. He practised Yoga every day and was supple and physically active. He suffered amputation of the right hand many years ago and wears an artificial hand. Four months ago he suffered a fracture of the left fibula at the ankle, treated at the Chelsea and Westminster Hospital.

ON EXAMINATION

I examined him about eight hours after he landed. He had had no sleep since leaving Heathrow two days previously. He was in some distress and moved with great difficulty, having trouble climbing stairs and in removing his vest.

There was scarcely an area of his body that could be touched without causing pain.

Over the right temple there was an area of scalp 7x7cm that was reddened, with boggy swelling.

There were similar areas 7x7cm on the left temple and, in front of this, 6x2cm at the left hairline.

There was swelling and tenderness of the skin at the back of the neck.

There was diffuse reddening and tenderness on the chin under the beard.

There were faint contusions (bruises) on the tip of the right shoulder and point of the right elbow.

On the left upper arm, just above the elbow there was a pair of very sharply and vividly demarcated red purple parallel contusions 5x1cm and 2x1cm 3cm apart, lesser surrounding bruising (a "tramline" bruise).

There were three well defined circular contusions 1.5cm in diameter on the lateral aspect of the left wrist, each over a bony prominence.

There was a small bruise on the middle of the left forearm.

There was a vertical abrasion 5cm long on the back of the left wrist and a similar one 6cm long on the back of the forearm just below the elbow.

There was a small abrasion on the right forearm just above the prosthesis.

There were no bruises on the trunk, but the ribs were tender and there was pain on compression of the chest.

There was tenderness, swelling and slight bruising on the outer aspect of the left thigh.

There was tenderness and diffuse bruising on the other aspect of the right thigh just above the knee.

Both patellae were bruised, swollen and tender.

There was a bruise 4x3cm on the inner aspect of the left shin 10cm below the knee and a similar one 4x7cm on the inner aspect of the right shin 25cm below the knee.

All movements of the neck and spine were limited by pain.

The shoulders were tender and he was unable to raise the arms above the horizontal. Rotation, particularly internal rotation was grossly limited by pain.

Flexion of both knees was limited by pain.

Both ankles were swollen and extremely tender. All movements were limited, especially twisting of the left ankle.

INTERPRETATION

He attributes all his pain and bruising to a beating at Delhi airport.

The reddening and swelling in the scalp was due to punches and pulling of the hair, and that on the chin to pulling of the beard. They are consistent with this.

He believes that the "tramline" bruise on the left arm was the result of a blow from a leather belt. The appearance is absolutely typical of a lesion inflicted with a stiff, flat weapon approximately 3cm wide.

A leather belt would fit this description. It is not in a position to have been caused by ropes binding him.

The abrasions on the forearm below the elbow and on the back of the wrist are attributed to being dragged across a rough concrete floor. They are of a nature and distribution to fit in with this explanation.

He believes that the pain and stiffness of the shoulder and ankle joints resulted from the deliberate twisting as well as the beating. The treatment he describes would account for this.

OPINION

If it is true that this elderly man was previously fit and able to practice yoga, then his present condition must indicate a number of very severe injuries.

All the numerous bruises are recent, showing no signs of yellowing. They appear to be contemporaneous and the most likely dating for all of them is within a very few days.

The lack of bruising on the trunk would be satisfactorily explained by his statement that his clothing, including a substantial jacket, were not removed. The tenderness of the ribs indicates severe injury such as would be caused by kicking.

He has severe limitation of movement, especially of the neck, spine, shoulders, knees and ankles. This is consistent with his story of beating and twisting of the limbs. No routine medical or rheumatic disease would satisfactorily explain the findings.

In my opinion, the medical findings amply support Dr. Chohan's account of his treatment at Delhi airport, and no other reasonable single explanation would cover all his lesions.

A TRIBUTE TO JOAQUIN "JACK" LUJAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. UNDERWOOD. Mr. Speaker, with respect and great admiration, I would like to commend Joaquin "Jack" Lujan for his outstanding skill of blacksmithing which has become an important link to Guam's past. This unique island art legacy has made him a recipient to the 1996 National Heritage Fellowship, the highest honor in folk and traditional arts.

Jack, also know as "Kin Bitud," was the only one of his brothers to learn his father's skills. He mastered the graceful lines and fine finishes of the short Guamanian machete with inlaid buffalo horn or imported Philippine hardwood handles. On the basic tools that he fashioned, he hammered in the roots of the Chamorro culture into the future. This includes the fusiños, or thrust hoe which is unique to the Marianas, and the kamyu or coconut grater.

Blacksmithing was not only an art tradition but played an essential role to the livelihood of Guam's farming community in pre-World War II and post era. People needed tools to aid them during work. Despite this time-consuming work and its diminishing economic incentive today, Jack continues to handforge tools as a heritage bloodline.

Jack worked as a welder before World War II and as a U.S. immigration officer after the war. Clearly seeing the value of his blacksmithing tradition to the future of his community and his culture, he once again took up blacksmithing and in 1985, he taught three apprentices, all members of the Guam Fire Department. He has demonstrated his craft at festivals, at schools, and at other public events. He also has shared this heritage with people across oceans in Australia, Taiwan, and mainland United States.

Jack Lujan has received numerous tributes, including the annual Governor's Art Award, as well as the Governor's Lifetime Cultural Achievement Award in 1996. The Consortium of Pacific Arts and Cultures honored him by including his work in their American-Pacific crafts exhibition, "Living Traditions." I believe that the greatest award he has received in his lifetime is the vision of a flourishing tradition of blacksmithing still present in the island of Guam. We are very proud of this blacksmith who has helped iron-cast the culture of the Chamorro people on the hands of the new and future generations.

22D ANNIVERSARY OF THE INVASION OF CYPRUS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. COYNE. Mr. Speaker, I rise today to commemorate the 22d anniversary of the invasion of Cyprus by Turkish military forces.

This illegal invasion has been roundly condemned by the international community for the last 22 years. And yet, for the last 22 years, the Turkish Cypriot minority under Rauf Dentkash has refused to negotiate in good faith or to alter its goal of permanently partitioning the island. Today, 22 years later, 30,000 Turkish troops still occupy the northern third of Cyprus.

Since 1974, the United Nations has attempted to resolve the conflict and reunify the island as an independent state under a single central government. The Turkish Cypriots have consistently rejected such a solution, insisting instead on an independent sovereign Cypriot state in the northern third of the island. The United Nations has consistently recognized the Greek Cypriot Government in Nicosia as the only legitimate Cypriot Government. Turkey is the only country that recognizes the Turkish Cypriot Government as a sovereign state.

The United Nations has repeatedly attempted to mediate an agreement between the interested parties, but recalcitrance on the part of the Turkish Cypriots and their supporters in Turkey has thwarted any notable progress. Just last month, the U.N. Security Council extended the mandate of the U.N. Peacekeeping Force in Cyprus [UNFICYP] again and reiterated its concern that negotiations have dragged on for too long without resolution. And yet, today, the Turkish Cypriots still obstinately refuse to comply with the U.N. Security Council resolutions addressing Cyprus, and 30,000 Turkish troops still occupy military positions in northern Cyprus.

In 22 years, tensions on the divided island have not dropped appreciably. The Green line—the U.N.-supervised zone separating northern Cyprus from the rest of the island—is one of the most heavily militarized areas in the world. As recently as last month, a Turkish Cypriot soldier shot and killed a Greek Cypriot guardsman in the zone.

Last month, the Clinton administration initiated another attempt to resolve the conflict over the Turkish occupation of northern Cyprus by sending Special Presidential Emissary Richard Beattie to the region. While domestic turmoil in Turkey suggests that the prospects for a breakthrough are slim, the need to address the recent increase in tension between Greece and Turkey provides a compelling reason to make the effort. Nevertheless, it seems clear that the Turkish Cypriots will show no flexibility in their position until the Turkish Government—and the Turkish military in particular—decides that the cost of maintaining the military occupation of northern Cyprus is unacceptably high. Facilitating such a decision must be the goal of the world community.

It is my belief that the international community can compel Turkey to remove its occupation troops by actions like denying Turkey membership in the European Union until it takes such action. Such an approach is entirely appropriate. The European Union has every right to withhold economic privileges from a state that maintains a military occupation of another European country. The question is whether such action alone will suffice, or whether other economic incentives like cuts in United States aid to Turkey are necessary as well. Finally, I hope that the United States special emissary, Mr. Beattie, will strongly emphasize to the Turkish Government that the United States' patience on this matter has worn thin.

Mr. Speaker, the people of Cyprus have suffered long enough.

TRIBUTE TO THE FIRST ARMENIAN PRESBYTERIAN CHURCH OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the First Armenian Presbyterian Church of Fresno, which is preparing to celebrate its 99th anniversary on Sunday, July 28, 1996. It is indeed an honor and a pleasure for me to bring this time of celebration to the attention of my colleagues in the House of Representatives.

The First Armenian Presbyterian Church was originally founded on July 25, 1897, by 34 men and women from the Fresno area. The church was the first Armenian church to be founded in California and was received into the fellowship of the Presbytery of Stockton in October 1897. From 1897 to the present, the First Armenian Presbyterian Church has continued to grow in faith and numbers to nearly 300 members.

Over the years, the First Armenian Presbyterian Church has continued to be a source of inspiration and strength to the Fresno Armenian community. The foundations and teachings are passed from generation to generation within the church and children continue to learn about the traditions and lives of their ancestors. As a place of sanctuary, the church has offered people comfort during times of trial and hardship. Under the leadership of Senior Pastor Rev. Bernard Guekguezian, the church has offered continuous guidance and support. I am proud to have someone of Rev. Guekguezian's ability and knowledge in the 19th Congressional District.

Mr. Speaker, the First Armenian Presbyterian Church of Fresno has been a remarkable organization of unity and vitality for 99 years. This congregation exemplifies perseverance and dedication to their families, the community of Fresno, and the State of California. I offer my sincere congratulations to the First Armenian Presbyterian Church on this special day.

MOLLIE BEATTIE HONORED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. SAXTON. Mr. Speaker, I rise today to memorialize a great public servant and a good person, Ms. Mollie Beattie, director of the U.S. Fish and Wildlife Service on the occasion of the unanimous passage in the House of Representatives of the Mollie Beattie Wilderness Area, S. 1899.

Mollie Beattie was unfortunately struck down in the prime of her life by a dreadful illness and we shall all miss the humor, hard work, good sense, and dedication she brought to her post. It is unfortunate to lose her for so many different reasons. Sadly enough, she leaves behind a husband and family.

Mollie Beattie also leaves behind a group of dedicated wildlife protectors in this Congress who felt a kinship in working with her. I know I am one of those Members of Congress who will miss her greatly.

I remember a meeting with Mollie not too long ago. We are discussing an issue important to my district that has been dragging on and on for 5, 6, 7 years. Mollie turned to my constituents during that meeting and so succinctly expressed their concerns that they were stunned. They were delighted because they knew they were dealing with a representative of the Federal Government who understood their interest in providing habitat for species. Mollie then turned to me and told me what needed to be done and what she would do about it. She was a no nonsense, cut-to-the-chase type of thinker and we all appreciate that around here. And we all appreciated that quality in her. I know that she will be greatly missed by the members of her staff and of her Agency. She will be missed in the Halls of Congress.

It is with great pleasure and much sadness that I join in the dedication of the Arctic Refuge Wilderness Area as the Mollie Beattie Wilderness Area. God Bless her and her family.

REPORT FROM INDIANA—A PATRIOTIC CELEBRATION

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. MCINTOSH. Mr. Speaker, today I would like to give my Report from Indiana for the week of July 17, 1996.

This week I would like to share with you the program of a very, very special celebration that my wife Ruthie and I were so honored to attend over the Independence Day recess—"A Patriotic Celebration," music performed by the staff and residents of the Henry County Youth Shelter in New Castle, IN.

As the children performed, their young faces glowed with pride. Their deep love of country resonated in my heart as they sang so eloquently. Being included truly moved me. It brought tears to my eyes, put a lump in my throat, and filled my heart with hope.

Words cannot adequately convey the sincere and heartfelt appreciation for what it was like to be a part of their event. From the bottom of my heart, I would like to say thank you. Each and every one of the residents and staff of the Henry County Youth Shelter should be commended.

The performance was spectacular. And I would like to include the attached program into the CONGRESSIONAL RECORD for my colleagues to review:

"A PATRIOTIC CELEBRATION" PRESENTED BY THE RESIDENTS AND STAFF OF THE HENRY COUNTY YOUTH CENTER FOR U.S. CONGRESSMAN AND MRS. DAVID M. MCINTOSH, JULY 2, 1996

PROGRAM

National Anthem: "Star Spangled Banner"
Resident Dawn B.: What Is The "Pledge of Allegiance?"
Resident Darren W.: Leads The "Pledge of Allegiance"
"God Bless America"
Residents Lamontta R. and Virgil R.: History of "America The Beautiful"
"America The Beautiful"
"God Bless The U.S.A."
"This Land is Your Land"
Resident Freddie M.: "Children Learn What They Live"
"Battle Hymn of the Republic"

Special and Talented Participating Residents:

Krystal B., Gabe H., Stacy N., Dawn B., Jeremy I., Brandy R., Brandi C., Summer J., Lamontta R., Floyd C., Rocky L., Virgil R., Tianna D., Freddie M., Darren W., Matthew F., Nathan M., and Jeremy M.

"STAR SPANGLED BANNER"

Oh say! can you see, by the dawn's early light
What so proudly we hailed at the twilight's last gleaming,
Whose broad stripes and bright stars thru, the perilous fight.
O'er the ramparts we watched, were so gallantly streaming
And the rockets' red glare, the bombs bursting in air,
Gave proof thru' the night that our flag was still there.
Oh, say, does that Star Spangled Banner yet wave,
O'er the land of the free, and the home of the brave!

WHAT IS THE "PLEDGE OF ALLEGIANCE"?

The "Pledge of Allegiance" to the flag is a pledge to the ideals of our forefathers; the men who fought and died in the building of this great nation.

It's a pledge to fulfill our duties and obligations as citizens of the united States, and to uphold the principles of our constitution.

And last, but not least, it's a pledge to maintain the four great freedoms cherished by all Americans: freedom of speech, freedom of Religion, freedom from Want, and freedom from Fear.

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands: One nations, under God, indivisible, with liberty and justice for all.

"GOD BLESS AMERICA"

Oh, God bless America, land that I love
Stand beside her, and guide her
Through the night with a light from above.
From the mountains, to the prairies
To the oceans, white with foam
God bless America, my home sweet home.

HISTORY OF "AMERICA THE BEAUTIFUL"

(Words by Katharine Lee Bates, Music by Samuel A. Ward)

In 1893 an English teacher at Wellesley College wrote a poem that was to become the lyrics for one of the most beautiful of American patriotic songs.

Katharine Lee Bates had been asked to lecture at Colorado College in Colorado

Springs, and it was during that summer that she penned "America the Beautiful." On her trip west she saw for the first time the abundant glories of America, and later said that the chief inspiration for her poem had been the magnificent view from the top of Pikes Peak. Standing in that rarified atmosphere she saw "spacious skies," and "purple mountain majesties" and such an expanse of fertile country that she was moved with an exalted pride that cried out for poetic expression.

Soon after the poem was printed in 1895—in The Congregationalist, a church magazine—it was set to various tunes and printed in hymnals. But by the 1920's it had become permanently associated with the tune "Materna," which Samuel Augustus Ward had composed in 1882 for the hymn "O Mother Dear, Jerusalem."

Many modern-day Americans feel that the lyrical hymn written by Miss Bates and set to Ward's fine, singable tune should have been chosen as the national anthem of the United States.

"AMERICA THE BEAUTIFUL"

O beautiful for spacious skies, For amber waves of grain,
For purple mountain majesties, Above the fruited plain.
America! America! God shed his grace on thee,
Oh, and crown thy good with brotherhood
From sea to shining sea.
Oh beautiful for heroes proved, in liberating strife;
Who more than self, their country loved;
And mercy more than life.
America! America! may God thy gold refine.
Till all success, be nobleness and every gain divine.
Oh, beautiful for patriot dream, that sees beyond the years
Thine alabaster cities gleam, undimmed by human tears.
America! America! God shed His grace on thee;
And crown thy good with brotherhood,
From sea to shining sea.

"GOD BLESS THE USA"

If tomorrow all things were gone, I'd worked for all my life
And I had to start again with just my children and my wife;
I'd thank my lucky stars to be living here today,
'Cause the flag still stands for freedom and they can't take that away;
And I'm proud to be an American where at least I know I'm free
And I won't forget the men who died who gave that right to me;
And I gladly stand up next to you and defend Her still today
'Cause there ain't no doubt I love this land God bless the USA.
From the lakes of Minnesota to the hills of Tennessee,
Across the plains of Texas from sea to shining sea.
From Detroit down to Houston and New York to LA,
Well, there's pride in every American heart and it's time we stand and say:
That I'm proud to be an American where at least I know I'm free,
And I won't forget the men who dies who gave that right to me.
And I gladly stand up next to you and defend Her still today,
'Cause there ain't no doubt I love this land God bless the USA.
And I'm proud to be an American where at least I know I'm free,
And I won't forget the men who died who gave that right to me;
And I gladly stand up next to you and defend Her still today;
'Cause there ain't no doubt I love this land God bless the USA.

"THIS LAND IS YOUR LAND"

This land is your land, this land is my land
From California, to the New York Islands
From the Redwood forests, to the Gulf Stream waters,
Hey this land was made for you and me.
As I was walking, that ribbon of highway
I saw above me, endless skyways
I saw below me, that golden valley
The land was made for you and me.
I've roamed and rambled, and followed my footsteps
To the sparkling sands of, the diamond deserts
And all around me, a voice was sounding
Saying, "This land was made for you and me".
This land is your land, this land is my land
From California, to the New York Islands
From the Redwood Forests, to the Gulf Stream waters
Hey this land was made for you and me.
When the sun comes shining, and I was strolling
And the wheat fields waving, and the dust clouds blowing
As the fog was lifting, a voice was chanting,
"This land was made for you and me".
This land is your land, and this land is my land
From California, to the New York Islands
From the Redwood Forests, to the Gulf Stream waters
Hey this land was made for you and me.
WELL, this land was made for you and me.

CHILDREN LEARN WHAT THEY LIVE

If a child lives with criticism, He learns to condemn.
If a child lives with hostility, He learns to fight.
If a child lives with ridicule, He learns to be shy.
If a child lives with shame, He learns to feel guilty.
If a child lives with tolerance, He learns to be patient.
If a child lives with encouragement, He learns confidence.
If a child lives with praise, He learns to appreciate.
If a child lives with fairness, He learns justice.
If a child lives with security, He learns to have faith.
If a child lives with approval, He learns to like himself.
If a child lives with acceptance, He learns to find love in the world.

"BATTLE HYMN OF THE REPUBLIC"

Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He has loosed the fatefull lightning of His terrible swift sword.
His truth is marching on.
I have seen Him in the watchfires of a hundred circling camps;
They have builded Him an altar in the evening dews and damps;
I have read His righteous sentence by the dim and flaring lamps.
His day is marching on.
Glory, glory hallelujah!
Glory, glory hallelujah!
Glory, glory hallelujah!
His truth is marching on.
I have read a fiery gospel writ in burnished rows of steel:
"As ye deal with My contempters, so with you My grace shall deal";
Let the Hero born of woman crush the serpent with His heel,
Since my God is marching on.
He has sounded forth the trumpet that shall never call retreat;
He is sifting out the hearts of men before His judgement seat;
Oh, be swift, my soul, to answer Him! Be jubilant my feet!
Our God is marching on.
Glory, glory hallelujah!
Glory, glory hallelujah!
Oh! Glory, glory hallelujah!
His truth is marching on.

CONGRATULATIONS TO SKIP ENTERTAINMENT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend the SKIP Entertainment Co. Based on Guam and comprised of local talents, this dance group recently won the 1996 International Choreographic Award at the 6th Annual Jazz Dance World Congress.

The annual event includes workshops conducted by world renowned dance artists and was presented by Gus Giordano and the Kennedy Center. Out of the 79 groups from around the world that auditioned, 17 were selected to perform and compete at the Kennedy Center event. Five judges representing different countries selected SKIP over groups from Japan, Russia, and the United States.

As a result these kids from Guam will start appearing in national media campaigns for Leo's Dancewear. In addition, SKIP will once again perform at the 1997 Jazz World Congress to be held next year at Weisbaden, Germany. Having been present during their performance, I have to admit that these kids are outstanding artists and entertainers. They truly deserve the honors bestowed upon them.

This was truly a team effort. Terri Knapp, the costume designer, and Ray Leeper, the choreographer, deserve a special commendation for having made all this possible. In the same respect, we must make mention of the SKIP kids who performed that night. The incredible talents of Jason Anderson, Justina Caguioa, Kimberly Davis, Karina Dolorin, Renee Eucogo, Kimberlee Gogue, John Hetzel, Lesley Hongyee, Chad Knapp, Tara Leon Guerrero, Michael Lommeka, Kristan McCauley, Dolores Perez, Tristan Rebanal, Francine Saymo, and Matthew Wolff are good examples of what Guam has to offer.

Through their exceptional talents and notable achievements, the SKIP kids have brought recognition upon themselves and the island of Guam. On behalf of the people of Guam, I would like to commend everyone who played a part in the success of this most recent venture of the SKIP kids. I wish them continued success and the best of luck as they represent Guam at the Starpower National Dance finals to be held at Ocean City, MD.

CONGRATULATIONS TO SARAH BRACHMAN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. FROST. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a very special day for Sarah Brachman of Fort Worth, TX. On August 24, 1996, 13-year-old Sarah will have her Bat Mitzvah

A Bat Mitzvah is a milestone event for every Jewish child at the age of 13. It marks the passage from childhood to adulthood according to the Jewish religion. During a Bat Mitzvah, the child will lead her congregation in services and will read from the Torah.

While the occasion of a Bar or Bat Mitzvah is always significant, this one carries extra weight and meaning. Sarah is a child with Down syndrome who, with the support of her family and community, has studied for years in order to be able to lead her congregation's services on this momentous day.

This Bat Mitzvah is a tribute to the will and perseverance of a loving child who has overcome significant handicaps to accomplish wonderful things.

TRIBUTE TO PHILANTHROPIST ALEX MANOOGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Armenian philanthropist Alex Manoogian. After a long and prosperous life, Mr. Manoogian passed away July 10, at the age of 95.

Mr. Manoogian was born in 1901 and came to the United States at the age of 24, after completing his primary and secondary education. Manoogian relocated to Bridgeport, CT, and sought employment in a factory during the day, while he taught Armenian classes during the evenings.

Eventually, Mr. Manoogian made Detroit his home in 1924. He worked in a manufacturing plant, and eventually combined his formal education and his work experience to found his own company which became the MASCO Corp., the first company owned by an Armenian to be listed on the American Stock Exchange. Today his company reports annual sales of over $3 billion.

In addition to his company, Manoogian was active in many philanthropic and service organizations. He will probably be most remembered for the work he did for the Armenia General Benevolent Union [AGBU]. After joining the organization in the 1930's, he served the AGBU in numerous capacities including the Avak Sbarabed (national commander), as a member of the board of directors, and international president. Manoogian served as international president for 17 years and was voted life president in 1970 and in 1989, was voted as honorary life president when his daughter assumed presidential duties.

On an International level, Manoogian has also contributed to a wide array of Armenian, American, Dutch, Latin American, Australian and Lebanese museums, schools, libraries, hospitals, and universities. Although there is an exhaustive list, just a few include: the Marie Manoogian School in Los Angeles, the Armenian Church in Amsterdam, Holland and the Alex Manoogian Center in Zaleh, Lebanon. He is the recipient of honorary doctorate degrees from Wayne University in Detroit, American Armenian International College in La Verne, Lawrence Technological University in Southfield, MI, and Yerev State University in Armenia.

Alex Manoogian possessed the determination, drive, and ingenuity, our forefathers founded this country on, over 200 years ago. I wish today to extent my sympathies to the Manoogian family and the Armenian community worldwide on the passing of a wonderful leader.

ENCRYPTION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Ms. ESHOO. Mr. Speaker, yesterday the House of Representatives passed the Omnibus Export Administration Act of 1995 to improve export opportunities for American businesses.

Unfortunately, this legislation did not address the limits placed on overseas sales of encryption products.

Encryption technology can make electronic information indecipherable to anyone lacking the mathematical formula, or key, to unlock the data. It offers companies the promise of protection against hackers, the Government the promise of protection from terrorists, and for e-mail users the promise of privacy against prying eyes.

It also offers the promise of $60 billion in potential export sales for American high tech companies by the year 2000. But these sales will remain out of reach unless the U.S. Government loosens restrictions on encryption exports to reflect the ready availability of powerful encryption products on the foreign market and through the Internet.

Mr. Speaker, Congress needs to pass the Security and Freedom through Encryption Act. It's a bipartisan, commonsense approach to resolving a trade problem that's costing the high tech industry billions of dollars, and costing American citizens their right to privacy.

AIRCRAFT REPAIR STATION SAFETY ACT OF 1996

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. BORSKI. Mr. Speaker, today I am introducing the Aircraft Repair Station Safety Act of 1996, a bill designed to ensure that foreign repair stations that perform work on aircraft owned by U.S.-based airlines meet the same or equivalent safety standards as U.S. repair stations.

This legislation is absolutely essential to make sure that, in the interest of the bottom line, U.S. airlines are not tempted to transfer work abroad to repair stations that do not meet the same standards as domestic repair stations.

The bill specifically addresses serious safety concern: The 1988 Federal Aviation Administration regulations, part 145, which eased the rules for certification of foreign aircraft repair facilities. As a result of those regulations, there are repair enterprises around the world actively seeking to secure the lucrative maintenance work for U.S. aircraft and components.

The FAA's 1988 regulations needlessly changed the rules for worldwide maintenance. Previously, U.S. aircraft were required to be repaired in the United States except in emergencies or if the plane was being used solely in international operations. Today, regularly scheduled maintenance is being performed abroad, even if standards for those foreign repair stations are not as high as those for U.S. stations and regardless of the impact on the U.S. work force.

If facilities in countries such as Mexico and Costa Rica succeed in attracting large amounts of work for United States aircraft, I fear that aviation safety standards will erode and high-wage, high-skill United States workers may see their jobs move overseas to take advantage of low wages in Third World nations. This bill will prevent the loss of jobs in the United States to foreign repair stations with lower standards.

This issue is much like the issue of the application of U.S. safety standards to foreign airlines, a matter which I examined intensively as chairman of the Subcommittee on Investigations and Oversight in the 102d and 103d Congresses. I was disappointed at that time by the FAA's slow response to the need of application of U.S. safety standards to foreign airlines, just as I am disappointed today by FAA's failure to respond to the need to revise the 1988 regulations.

With the heightened national attention to aviation safety issues that exists today, this bill focus on the need to ensure that foreign aircraft repair stations meet the highest possible safety standards by operating under the same rules as U.S. domestic facilities.

This bill will promote safe skies, require uniform aircraft repair standards around the world, and shield an important, high wage American job sector from attempts to ship jobs overseas to low-wage countries.

With passage of this legislation, we will ensure that foreign repair facilitate do not obtain

FAA certification unless they meet the same standards that our Government imposes on U.S. facilities.

The Aircraft Repair Station Safety Act of 1996 consists of three main provisions:

First, the bill nullifies the November, 1988 FAA regulations which made it far too easy for foreign aircraft repair facilities to obtain FAA certification regardless of need;

Second, the bill levels the playing field by requiring foreign facilities to fulfill the same standards as those imposed on domestic repair stations by the FAA; and

Third, the bill requires FAA to take strong action against those who would knowingly employ the use of substandard or uncertificated parts.

These issues are especially important and timely in the wake of the Valujet tragedy where we discovered a confusing maze of 56 contractors and subcontractors used to handle aircraft maintenance normally performed inhouse by the major air carriers. It is clear that there were serious problems with the regulatory system's ability to conduct adequate surveillance of domestic contract operators. At the same time, we cannot ignore the potential regulatory and enforcement problems associated with oversight of foreign facilities.

Unless overturned, the current FAA regulations could inspire U.S. air carriers to send high-wage mechanics jobs to low-wage countries. FAA-certified facilities in Mexico and Costa Rica, as well as other countries, employ workers who, in comparison to U.S. workers, earn extremely low wages to perform highly specialized, sensitive jobs.

In Tijuana, Mexico, a massive FAA-certified facility is ready to take on aircraft maintenance work even though there is sufficient capacity with thousands of skilled American workers ready to handle this safety-sensitive work. The purpose of the Tijuana facility is clear: to lure lucrative aircraft repair business from the United States at the expense of high-wage American jobs.

Congress and the FAA have the clear responsibility to ensure that the traveling public does not face unnecessary risks caused by the expansion of globalization of air transport to the area of aircraft maintenance. This expansion must not result in the reduction of safety standards.

We also have the duty to discourage the movement of high-skill mechanics jobs overseas and to make sure that any unscrupulous company that would knowingly use bogus parts faces a loss of certification.

The Aircraft Repair Station Safety Act of 1996 brings common sense and equity to the FAA's aircraft repair facility certification program. I urge my colleagues to join me in support of the Aircraft Repair Station Safety Act of 1996.

SOCIAL SECURITY FAIRNESS ACT OF 1996

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. HOLDEN. Mr. Speaker, I rise today to ask my colleagues to cosponsor the bill I will introduce today, the Social Security Benefits Fairness Act of 1996.

Under current law, no Social Security benefits are paid for the month of death. When a person dies, their family is not entitled to the benefits and must send back the Social Security check—even if they lived for most of the month. This happens to many families in my district.

For example, Mrs. Phyllis Strunk's husband, Royden, died on May 31, 1996, at 7:04 p.m., living the entire month and incurring normal living expenses. His wife was told she would not receive her husband's benefits for May because he did not live 4 hours and 56 minutes longer.

According to his family, Mr. Strunk "lived a quiet life after [serving in] the war—he obeyed the law, paid his taxes, voted, gave to those less fortunate than he, and rarely had an extra dollar after his families needs were met. In many ways, the country [he] had honored and fought for cheated him in life, and now, it has repaid his loyalty by also cheating him in death."

This law is cruel and affects people adversely when they are already saddened and distraught by the death of a family member. I have heard from tearful and outraged widows and widowers, daughters, and sons who have already suffered a great loss—they want to know why they have to send the money back when it is needed to pay utilities, rent, and other bills left by the death of a loved one. People can not control when they die, but, unfortunately, their bills and expenses remain.

Why punish those who pay their taxes, serve our country, and are law-abiding citizens? We should be going after the people who evade our tax system and the convicted felons who continue to receive Social Security benefits while in prison—not those people who contribute to society. This law is unfair and absurd.

That is why I am introducing the Social Security Benefits Fairness Act of 1996. My bill will return fairness to the Social Security System. The bill would amend the Social Security Act, allowing benefits to be paid for the month of death. A surviving spouse or family estate would receive one-half of a month's benefits if a person dies within the first 15 days of a month and full benefits if a person dies after the 15th. Making this fair and fundamental change will ensure that a surviving spouse or family will have the Social Security check to cover the expenses for the last month of life.

Please join me in this effort and cosponsor the Social Security Benefits Fairness Act of 1996.

CITIZENSHIP U.S.A.

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the Citizenship U.S.A. Program established by the Immigration and Naturalization Service.

Citizenship U.S.A. is the largest effort in the history of the Immigration and Naturalization Service to help eligible immigrants become U.S. citizens. This combined effort will allow the INS to be current with citizenship applications by the end of the summer. In order to achieve this goal, INS is focusing on updating three major components of the citizenship system—hiring of additional people, improving the process, and expanding INS's partnership with local officials and community organizations.

This program's necessity has been established by a dramatic rise of citizenship applications from an average of 300,000 annually before fiscal year 1994 to more than 1 million in fiscal year 1995, with more than 1 million additional applications expected for fiscal year 1996. The Miami district has been especially hard pressed, receiving nearly 107,000 N–400 applications in fiscal year 1995. This is easily a 174-percent increase over fiscal year 1994.

In order to meet the above challenge, INS has already approached several critical milestones as a result of this program. In February, INS opened the new Miami Citizenship Center. This serves as the new home for the entire Miami citizenship staff and is dedicated to the testing and interviewing of naturalization applicants. INS has also substantially increased its officer and clerical staff throughout the country, and has been able to extend its hours of operation significantly as a direct result. Citizenship U.S.A. has also contributed to completions of N–400 citizenship applications. As a result of this program, the Miami district completed 29,898 N–400 applications in the first 6 months of fiscal year 1996, more than the total number completed in all of fiscal year 1995. The Miami district expects to swear in an average of 24,000 new citizens each month during the peak period of this initiative.

I congratulate INS for this meritorious program.

LTC JAMES E. ROGERS ON HIS RECENT COMMAND APPOINTMENT

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. CHRYSLER Mr. Speaker, I rise today to commend LTC James E. Rogers on his appointment as the incoming commander of the U.S. Army's 82d Forward Support Battalion, 82d Airborne Division, stationed at Fort Bragg. LTC James Rogers has a long and distinguished military service record and has dedicated his life to protecting the freedom and liberty of our Nation.

Lieutenant Colonel Rogers was born and raised in Howell, MI, where his parents Joyce and John Rogers still reside and where he still serves as an example to hundreds of local youths in the community of what personal honor and leadership can achieve.

Lieutenant Colonel Rogers was commissioned in the Ordnance Corps on June 6, 1979, upon graduation from the U.S. Military Academy at West Point. Lieutenant Colonel Rogers was recommended for an appointment by my own former Congressman Bill Broomfield, and I only hope that I have the foresight he had in identifying the qualities needed for our future leaders.

Lieutenant Colonel Rogers military education includes Ordnance officer basic and advance courses, Combined Arms and Services Staff School, and the Army Command and General Staff College.

He has obtained further academic credentials in the course of his military service as well, earning a masters degree in industrial and operations engineering from the University of Michigan.

LTC James Rogers has served in several challenging assignments throughout the United States and Korea, ensuring that the military readiness of our troops is unmatched anywhere in the world. He has accelerated through the ranks and demonstrated an enormous capacity of responsibility and integrity as a military leader, earning him the respect of his superiors, his peers, and the men and women who serve under him.

He has earned personal awards and decorations that include the Meritorious Service Medal with three Oak Leave Clusters, Army Commendation Medal with Oak Leave Cluster, Army Achievement Medal, Senior Parachutist Badge, and the Air Assault Badge.

I have no doubt that in his newest assignment, Lieutenant Colonel Rogers will serve as an exemplary soldier, continuing the standard of excellence he has set for himself and living up to the 82d Forward Support Battalion's motto of Subsidium—Sine Qua Non, Support—Without Which There Is Nothing.

Congratulations to LTC James E. Rogers. Good luck to you, your wife Reba, and your two young children Jeffrey and Thomas.

JIM MASUCCI RETIRES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. FIELDS of Texas. Mr. Speaker, after 41 years with Capital Cities/ABC, and after 26 years at KTRK–TV in Houston—the last 6 years as president and general manager—Jim Masucci has decided its time to retire. I want to take a moment to salute Jim—both for his successful career in the television industry, but also for his outstanding record of community service.

Jim is not just a highly talented television executive. He is a friend with whom I've consulted on a number of telecommunications issues over the years. He is also a respected member of his community who has devoted his time and talents to a variety of civic programs that have touched the lives of tens of thousands of Houston-area residents.

Jim began his television career in 1956 as a member of the production staff of the original Capital Cities Communications station—WTEN–TV in Albany, NY. He later served as the station's director-producer, production manager and then programming director. While working at WTEN, Jim was responsible for producing 10 cerebral palsy telethons and received the George Washington Medal of Freedom for Excellence in Children's Programming.

In 1970, Jim moved to Houston to become operations manager at KTRK–TV, another Capital Cities Communications station. While serving as channel 13's operations manager, he produced the first televised Vince Lombardi Awards program, and was instrumental in the development of the televised Jefferson Awards ceremony. Jim also played a key role in developing "Good Morning Houston," one of the Nation's most-watched local talk shows.

That kind of success caught the attention of corporate management. In 1983, while still serving as operations manager of channel 13, Jim was named divisional vice president for Capital Cities. In 1986, Capital Cities acquired the ABC television network and became Capital Cities-ABC. Following that merger, Jim was named vice president of the broadcast division at Capital Cities-ABC.

But Mr. Speaker, it is Jim's record of community service that has made him one of the most respected broadcast executives in Texas.

In 1983, Jim helped create the Houston Crime Stoppers program, which aids the police in locating, and apprehending, suspects in unsolved crimes. JIm has served on the board of the Houston Crime Stoppers program—as well as on the board of the Houston's Area Urban League and the Houston Symphony.

Jim also has been recognized for a number of innovative community service efforts, including the Jefferson Awards, the Vince Lombardi Awards, the 1986 Texas Sesquicentennial celebration, the 1988 Challenger Center gala, and the 1990 Night of the Thousand Lights: A Houston Crackdown Celebration.

It was his work with the Houston Metropolitan Area Youth Soccer League that best illustrates the energy—and the success—that Jim brings to any project in which he's involved. Initially, organizers hoped that 1,500 inner-city youths would participate in the program. Due to Jim's hard work, and the publicity given the program by KTRK–TV, 7,000 young boys and girls signed up—making the program the most successful such effort in the country.

I am a dyed-in-the-wool Texan—whose great grandfather fought for Texas, and the Confederacy, in the War Between the States. Having said that, I want to add that Jim Masucci is the kind of Yankee that we Texans respect, admire and love—even if he does talk funny.

Mr. Speaker, I hope you will join with me in wishing Jim—and his lovely wife, Diane—the very best in the years ahead. We thank Jim for his work at KTRK–TV, as well as his long and distinguished record of community service. I know that even in retirement, Jim is the type of individual who will remain active, making a difference for many, many Houstonians.

MERGER MANIA

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. DUNCAN. Mr. Speaker, the U.S. Government should not be paying millions in taxpayers' funds to help defray the costs of corporate mergers in the defense industry. I would like to call to the attention of my colleagues and other readers of the RECORD the following article from the Brookings Review:

[From the Brookings Review, Summer 1996]

MERGER MANIA

(By Lawrence J. Korb)

McDonnell Douglas, Martin Marietta, Ling-Temco-Vaught (LTV). As the telltale compound names signal, mergers and acquisitions have long been a staple of the U.S. defense industry. But since the Clinton administration took office in 1992, the number of mergers has increased dramatically.

In 1991, military mergers were valued at some $300 million. By 1993, the value had climbed to $14.2 billion. It will top $20 billion in 1996. In 1993 Martin Marietta purchased General Electric's defense division and General Dynamics' space division. At about the same time Lockheed purchased General Dynamics' aircraft division, while Loral purchased LTV, Ford Aerospace, and Unisys. Then in 1994 Lockheed merged with Martin to become Lockheed Martin, and a year later Lockheed Martin purchased Loral to produce a $30 billion giant known as Lockheed Martin Loral, which now controls 40 percent of the Pentagon's procurement budget.

During this same period, Northrop outbid Martin for the Grumman aircraft company, and the new company in turn bought the defense division of Westinghouse. On a somewhat smaller scale, Hughes bought General Dynamics' missile division and Raytheon purchase E-Systems. Among the true defense giants, only McDonnell Douglas has not yet made a major purchase.

Spokesmen for the defense industry cite two reasons for this sudden rush of mergers. First, merger mania is sweeping U.S. industry generally. Second, with the end of the Cold War, defense spending has fallen so dramatically that excess capacity in the defense industry can be eliminated only through consolidation. As Norman Augustine of Lockheed Martin has observed, for the defense industry this is 1929.

Superficially these reasons seem quite plausible. Merger mania has certainly hit many areas of American industry, such as banking and communications. In 1992 Chemical Bank merged with Manufacturers Hanover, and in 1995 they combined with Chase Manhattan to form a single company. In the past year, Time, which had merged with Warner Communications in 1990, purchased Turner Broadcasting; Capital Cities/ABC merged with Pacific Telesis; and Bell Atlantic merged with NYNEX.

And defense spending has indeed fallen since the end of the Cold War. In current dollars, projected defense spending for fiscal year 1997 is about 40 percent below that of a decade ago, and procurement spending is about one-third what it was at its peak in the 1980s.

But what industry spokesmen fail to note is that the decline in defense expenditures has been greatly exaggerated and that, unlike the private-sector restructuring, the government is subsidizing defense mergers.

Remember the $600 toilet seats and the $500 hammers that had taxpayers up in arms during the mid-1980s? Today's subsidized mergers are going to make them look like bargains. The outrageously priced toilet seats and hammers were the result of defense companies taking advantage of a loophole in acquisition regulations. This time, the taxpayers are being fleeced at the hands of the Pentagon's civilian leadership, whose secret reinterpretation of the regulations has rained hundreds of millions of dollars upon the defense industry. To date the Pentagon has received 30 requests for reimbursement for restructuring. Lockheed Martin alone expects to receive at least $1 billion to complete its merger.

HOW DID IT HAPPEN?

In July 1993, John M. Deutch, then the undersecretary of defense for acquisition, responded to pressure on his boss, William Perry, from the chief executive officers of Martin Marietta, Lockheed, Loral, and Hughes by deciding to allow defense companies to bill the Pentagon for the costs of mergers and acquisitions. According to Deutch, who has since been promoted to deputy secretary of defense and then to director of Central Intelligence, the move was not a policy change but a clarification of existing policy. In Deutch's view, not only was the clarification necessary to promote the rational downsizing of the defense industry, it would also save taxpayers billions in the long run.

Deutch is wrong on all three counts. This is a major policy change. It is not necessary. And it will not save money.

A commonsense reading of the Federal Acquisition Regulations (FAR) would lead a reasonable person to conclude that organization costs are not allowable. The regulations state that since the government is not concerned with the form of the contractor's organization, such expenditures are not necessary for or allowable to government contracts. Indeed, during the Bush administration, the Defense Contract Management Agency (DCMA) rejected a request by the Hughes Aircraft Corporation to be reimbursed for $112 million in costs resulting from its acquisition of General Dynamics' missile division. As far back as the Nixon administration, during the post-Vietnam drawdown of defense spending, which was as severe as the current drawdown, the Defense Department rejected a similar request from General Dynamics.

But on July 21, 1993, Deutch wrote a memorandum stating that restructuring costs are indeed allowable and thus reimbursable under federal procurement law. Because Deutch regarded the memo as merely a clarification of existing policy, he saw no need for a public announcement. Indeed, he did not discuss his "clarification" with the military services or Congress or even inform them of it. Congress found out about it accidentally nine months after the memo was written when Martin Marietta tried to recoup from the Pentagon about $60 million of the $208 million it paid for General Dynamics' space division. A somewhat astonished Senator Sam Nunn (D-GA), then chairman of the Senate Armed Services Committee, remarked, "Why pay Martin Marietta [60] million?"

Deutch's position that he was merely clarifying rather than making policy is not supported by anyone, even those who favor the change. The procurement experts in his own department disagreed vehemently. On June 17, 1993, the career professionals at DCMA told him that the history of the FAR argues against making the nonrecurring organization costs associated with restructuring costs allowable and noted that they had disallowed these costs in the past.

The DCMA position was also supported by Don Yockey, the undersecretary of defense for acquisition in the Bush administration; the Aerospace Industries Association (AIA), the trade association for aerospace companies; the American Bar Association's Section on Public Contract Law; and the American Law Division of the Congressional Research Service.

Yockey, who was Deutch's immediate predecessor as procurement czar and who is both a retired military officer and former defense industry executive, argued in a July 13, 1994, letter to the professional staff of the House Armed Services Committee that by definition, structure means organization, and that the FAR does not allow the reimbursement of organization costs. Indeed, it was Yockey himself who told DCMA to reject Hughes' request for reimbursement for its purchase of General Dynamics' missile division.

In a September 28, 1993, letter to Eleanor Spector, the director of defense procurement, Leroy Haugh, vice president of procurement and finance of AIA, stated that the Deutch memo constituted a significant policy decision and an important policy change. Therefore, Haugh asked Spector to promptly publish notice of this policy change in the Federal Register and to consider amending the regulations. In a May 3, 1994, letter to Deutch, Donald J. Kinlin, the chair of the ABA Section on Public Contract law, urged Deutch to modify the FAR since at the time it did not reflect the changes made in Deutch's July 1993 memorandum. What is significant about the AIA and ABA positions is that both groups support Deutch's change.

Finally in a June 8, 1994, memorandum John R. Luckey, legislative attorney for the Congressional Research Service, stated that while former amendment of the FAR could make restructuring costs allowable, the argument that they are allowable under the current regulations appears to contradict their plain meaning. In Luckey's opinion, Deutch's position is based on semantics, not legality.

In short, the political leadership of the Clinton defense department made a significant policy change that as a minimum should have been published in the Federal Register and, as Secretary Perry later admitted, cleared in advance with Congress.

THE SUBSTANCE OF THE ISSUE

This end run around the administrative and legislative processes by the Pentagon is unprecedented, but even more important is whether the Defense Department and the taxpayers should be giving the defense industry a windfall by allowing a write-off of substantial parts of restructuring costs. For four reasons, the answer to that question should be an emphatic "No."

First, like Mark Twain's death, the decline of the defense industry in this country has been greatly exaggerated. As Pentagon and industry officials endlessly point out, defense spending in general, and procurement spending in particular, have declined over the past decade. They note that between fiscal year 1985 and fiscal year 1995, the defense budget declined 30 percent in real terms and procurement spending fell 60 percent. But that comparison ignores the fact that between fiscal year 1980 and fiscal year 1985, the defense budget grew 55 percent and the procurement budget grew a whopping 116 percent. Defense spending in real terms is still at about its Cold War average, and the defense budget for fiscal year 1996 was higher than it was for fiscal year 1980. In inflation-adjusted dollars, Bill Clinton spent about $30 billion more on defense in 1995 than Richard Nixon did in 1975 to confront Soviet Communist expansionism. Using fiscal year 1985, the height of the Reagan buildup, as a base year distorts the picture. It would be like comparing spending in the Korean and Vietnam wars to the level of World War II and concluding we did not spend enough in Korea and Vietnam. Moreover, procurement spending will rise 40 percent over the next five years, and the Pentagon is now soliciting bids for the $750 billion joint strike fighter program.

Similarly, while defense employment has fallen 25 percent over the past eight years, it grew 30 percent in the five years before that. More people work in the defense sector now than at any time in the decade of the 1970s. Moreover, much of the decline in the defense industry is attributable to the reengineering or slimming down that is sweeping all American industries, even those with an increasing customer base.

Finally, if one adds the $266 billion worth of U.S. arms sold around the world since 1990 (a scandal in itself) to the $300 billion in purchases by the Defense Department, American defense industry sales are still at historic highs. Defense is still a profitable business—which explains why defense stocks are still quite high despite the jeremiads of industry spokesmen. Over the past year Lockheed Martin stock has increased 48 percent in value. Northrop Grumman is up 50 percent and McDonnell Douglas a whopping 80 percent.

Second, taxpayer subsidization is no more necessary today to promote acquisitions and mergers than it has even been. Just about every major defense company today is the product of a merger, some of them decades old. For example, General Dynamics acquired Chrysler's tank division in the early 1980s, and McDonnell acquired the Douglas Aircraft Company in the late 1960s. Even today in the supposed "bull market," plenty of bidders vie for the available companies. Three years ago, several companies engaged in a fierce bidding war for LTV. And Northrop outbid Martin Marietta for Grumman. It is hard to believe that if taxpayer subsidies were not available, companies would not buy available assets if it made good business sense. If they paid a little less for their acquisitions, the taxpayers rather than the stockholders would benefit. In the bidding war for Grumman, both Martin and Northrop offered significantly more than market value, thus giving Grumman's shareholders a financial bonanza of $22 a share (a bonus of nearly 40 percent). Raytheon paid a share (a bonus of nearly 40 percent). Raytheon paid a similar premium to acquire E-Systems in April 1995. Should the government allow Northrop's and Raytheon's stockholders to reap a similar bonanza by subsidizing those sales?

Over the past five years, William Anders, the former CEO of General Dynamics, made himself and his stockholders a fortune by selling parts of his company to Hughes, Martin, and Lockheed. Since 1991 General Dynamics' stock increased 550 percent and the company has stashed away $1 billion. Should we also help the stockholders and executives of the buying companies? Did defense companies offer the taxpayers a rebate during the boom years of the 1980s when their profits reached unprecedented levels?

Third, the Defense Department has no business encouraging or shaping the restructuring of defense industry, or as Deutch puts it, "promoting the rational downsizing of the defense industry." Who is to determine what is rational? A government bureaucrat or the market? While government shouldn't discourage restructuring, it should stay at arm's length. If the deal does not make good business sense, the company will not proceed, as Martin did not when the price for Grumman became too high. Moreover, might not these mergers create megacompanies that will reduce competition and may be very difficult for the political system to control? The Lockheed Martin Loral giant, for example, is larger than the Marine Corps. With facilities in nearly every state and 200,000 people on its payroll, its political clout is enormous. And it presents problems over and above its sheer size. For example, Loral sells high-tech components to McDonnell Douglas for its plane, which is competing with Lockheed Martin for the $750 billion joint strike fighter program. How can Loral be a partner in promoting the McDonnell Douglas plane against the Lockheed Martin entry?

Fourth, past history indicates that these mergers end up costing rather than saving the government money. Both the General Accounting Office and the Department of Defense Inspector General have found no evidence to support contentions by Deutch and defense industry officials that previous mergers had saved the government money. Indeed, on May 24, 1994, the Inspector General found that the claim of Hughes Aircraft that its 1992 purchase of General Dynamics missile division saved the Pentagon $600 million was unverifiable. Moreover, under the Deutch clarification, contractors can be reimbursed now for savings that are only projected to occur in the distant future. And if these savings do not occur as projected, how will the Pentagon get its (our) money back?

BRING BACK THE MERGER WATCHDOGS

Mergers always have been and always will be a feature of the U.S. defense industry. And the government has a role in those mergers. But that role—as exemplified by the successful 1992 Bush administration challenge of Alliant Techsystem's proposed acquisition of Olin Corporation's ammunition division—is to ensure that they preserve sufficient competition to enable the Pentagon to get the best price for the taxpayer. It is definitely not to increase company profits and limit competition by subsidizing the merger. Not only should the Defense Department abolish the new merger subsidy, it should follow the lead of its predecessors and scrutinize the anticompetitive aspects of all future mergers.

PLANNING FUTURE DEFENSE

(By Thomas L. McNaugher)

Quietly a new defense debate is taking shape, prompted by widespread recognition that the stable budgets Republicans and Democrats have promised the Defense Department cannot keep current forces ready to fight while financing a major round of weapons buying to replace the services' aging arsenal.

The problem here has been called the "defense train wreck," because it involves the impending collision of two categories of defense spending. One train, already racing down the track, is high spending on current readiness, enough to keep U.S. forces prepared for two nearly-simultaneous "major regional contingencies," as outlined in the 1993 "Bottom Up Review" (BUR) of U.S. force requirements that still governs Pentagon planning. The other train, looming on the horizon, is a surge in spending on new weapons. We have been able to forgo such spending for nearly a decade because Reagan-era defense investments left military inventories flush with new hardware. But those weapons are getting old and need to be replaced or improved. Barring an unexpected increase, the defense budget cannot afford both readiness and weaponry. Something has to give.

Although this debate probably won't pick up until after this fall's elections, early positioning in the debate suggests that U.S. forces may get smaller to accommodate more weapons procurement. Indeed, Secretary of Defense William Perry has said as much recently, although he appears to have only modest force cuts in mind. Senator John McCain (R–AZ), a prominent congressional voice on defense, would go much further. In a recent letter to his colleagues, McCain lamented "the alarming practice of postponing essential modernization programs" and suggested that the nation plan to meet just one major contingency while aggressively modernizing its weaponry to produce high-tech forces able to deliver firepower from long range with minimal ground force commitment.

Whether or not this is the right answer, it's the wrong way to frame the issues. Visualizing procurement spending as a co-equal "train" in this collision amounts to treating the future as if we knew it. Procurement spending amounts to long-range planning, after all, since it buys weapons that won't even enter our force posture, in some cases, for a decade or more. At a time when Pentagon briefings routinely begin with the adage that "the only constant today is change," one is justified in asking why we are committing so much money to new weapons that will be with us for decades to come.

The answer lies less in a vision of the future than in habits and commitments linked to the past. We got used to treating the future like an advanced version of the present during the Cold War, when Soviet forces provided a well-understood, slowly advancing focal point for long-range planning. We are still doing that, even in the absence of any firm vision of the future. Even the discussion of current readiness bears witness to Cold War concepts of risk that no longer capture the realities of what our forces are doing.

This is not meant as criticism. The BUR has served admirably to maintain U.S.

HONORING FATHER THOMAS J. MURPHY, S.J.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. ENGEL. Mr. Speaker, Father Thomas J. Murphy, S.J., has served for more than 20 years in St. Margaret's Parish in Riverdale, in New York City, where he is known for all the good work he has performed for the community. This includes his activities with the Northwest Bronx Community and Clergy Coalition and his longtime chaplaincy for the Pro Patria Council of the Knights of Columbus.

Besides his numerous and productive efforts with the parish, which include his leadership in athletic and social activities for the youths of the parish, he also teaches at Regis High School, one of the premier high schools in New York City. Father Murphy is being named Riverdalian of the Year by the Riverdale Community Council. This honor is earned and I am proud to note his many accomplishments. I congratulate him for all the good work he has done for his community.

TRIBUTE TO GEORGE D. WEBSTER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. DUNCAN. Mr. Speaker, one of the finest men I have ever known, George D. Webster, a prominent Washington lawyer, recently passed away.

Mr. Webster was originally from Rogersville, TN, which is not in but is very close to my district. He attended college in my district, at Maryville College, and then graduated from the Harvard Law School. While he achieved great success in the practice of law, he never forgot his roots in Tennessee. He maintained a farm in Hawkins County and was one of the strongest supporters of Maryville College.

While he was a close friend to some of the most powerful and successful people in this Nation, he never lost the common touch. He was a kind and bighearted man who got along well with people from all walks of life.

Mr. Webster was an extremely hard worker and was nationally recognized as an expert in tax law and the law of associations.

He helped thousands of people in both big and small ways throughout his life and career.

An active, loyal, and dedicated Republican, he was not a man who sat on the sidelines. He was interested and involved in the big issues and campaigns for many, many years, right up until his last few days.

He was particularly close to former President Bush, Senator Dole, my late father, and me.

He was a good citizen. He participated and contributed. He loved this country, and we would have a stronger Nation today if we had more people like George Webster.

He was a strong family man who deeply loved his wife and children. To put it very simply, but very accurately, George Webster was a great person and great American in every way.

Dr. David L. Hale, Sr., pastor of the Rogersville Presbyterian Church, delivered a very moving and appropriate eulogy at a service held in honor of the life of George Webster at All Saint's Episcopal Church in Chevy Chase on June 7.

I would like to place this outstanding tribute in the RECORD at this point and call it to the attention of my colleagues and other readers of the RECORD.

This very fine eulogy really captured the essence of George Webster, and I hope it inspires others to try to live their lives to the high standards by which he lived.

GEORGE DRURY WEBSTER

(February 8, 1921—June 3, 1996)

(I wish to thank the family for the deep privilege and honor of being asked to participate today in this Service of Thanksgiving and remembrance of George Webster. They have all been so kind in seeing to my every need during my short stay in Washington. The room, board and personal chauffeuring have all been gratefully appreciated. I also wish to thank Father Richard Norman for his gracious spirit in helping me to prepare for our worship service in this beautiful All Saints' Episcopal Church. He has been most kind and helpful.)

First of all, I wish to make a clarification about my name: I am not the David Hale of Whitewater infamy! I am from East Tennessee!

In this service of worship we seek to find courage and strength from the reading of God's holy Word, from singing hymns of promise and hope, and praying that God will help us as we share together in our loss of George Webster. We will surely miss him.

George Drury Webster was a special, unique, one-of-a-kind individual. And what a marvelous heritage he leaves for us to appreciate, emulate and nurture! Here was a man who believed in simple values, and transformed them into deep-seated convictions; convictions he held tenaciously and for which he fought most vigorously. There can be no doubt that George Webster fervently loved life, his work, his Country and State, his family and friends, and his God.

This great Tennessean totally immersed himself in God's good fight of life and made the most of it. George pulled out all the stops! He genuinely enjoyed living in this grand age of challenge and opportunity. He was a vibrant, spirited, robust person, intense and impassioned. Such energy and drive as he exhibited are rarely seen. George was totally involved in every activity of his life. His zest and enthusiasm were contagious and inspired many of us. His work was exhilarating to him. Fiercely competitive, he never gave up. Being around George made the practice of law more exciting than a John Grisham novel!

George Webster possessed a gifted mind, a keen intellect. He was one who excelled at debate; now—who here is unaware of that! And his lively wit was a delight to each of us. George had a way of being brief, succinct, perspicacious, blunt and to the point. His books are typical examples of that approach. George believed in education and trained his mind at the Rogersville, Tennessee, High School, Maryville College (Some people in East Tennessee pronounce it as "Murraville" College!), and Harvard Law School. Yes, George loved life, and brought all of his considerable skills and amazing experiences and opportunities to gain the most from it.

George Webster loved his work. He was a hard worker who learned quickly. Excellence always beckoned to him and be pursued her relentlessly. He was completely dedicated to his calling and focused on his tasks with singular vision. He was tough, practical, and highly successful. He readily discovered how to use the American enterprise system to serve others and improve his family's life. George became a recognized expert on nonprofit tax and trade association law, renowned nationally and internationally. He must have been one of the best organized administrators in history. Yet this truly great man never lost the human tough. George constantly reached out to others to give encouragement and a helping hand. He was a kind and generous man.

George Webster deeply loved his Country, this great land of America, and was one of America's most loyal patriots. During W.W.II he served in the Navy in the Pacific Theater, where he was involved in some major battles. He left seminary training to go to Pearl Harbor. George relished being in the company of the great leaders of this Nation, and considered it a high honor and privilege to be able to advise and serve them. He rubbed shoulders with those in power and contributed immensely to the betterment of their leadership due to his expertise, friendship and zeal. But George never forgot his roots in Hawkins County and Rogersville, Tennessee. You have to understand such roots to learn how George got from point A to point B. His ancestry consisted of some rather rugged pioneers, also with deep convictions, who eventually pushed their way to the frontier points of this "New World." By the way—he would have dearly loved to invite you to visit the many attractions of the State of Tennessee, especially during the grand Bicentennial celebration this year! George was a true Tennessee Volunteer and would want you to see what affected him so greatly.

As was true of all of his many endeavors, George invested himself fully in the Republican Party which benefited inexpressibly from his enthusiasm, labors and contributions. He was highly supportive of candidates and incumbents from East Tennessee and other regions, and enjoyed entering them with various socials at his Bethesda home and on his beautiful farm in Tennessee. Many of you present could speak volumes of this beneficence on George's part. You, too, have been helped and inspired by this rare individual.

George Webster was a proud family man. There is his immediate family: his beloved wife, Ann ("Tutti"), always loyal, supportive and by his side; the children: Aen, George and Beverly, Hugh and deLancey and all of the beautiful grandchildren. George had a special love and pride for each one. And I have grown to love and appreciate this expanding family. I have had the privilege of welcoming them to church, participating in a Baptism service, and visiting with them at the farm on various occasions.

(And thinking of George's love for both family and life, he would certainly be in favor of celebrating George's and Beverly's tenth wedding anniversary today.)

There is the family from which George came: the rugged and bright Scotch-Irish, the Northern English Protestants and the Huguenot folk. There were Joseph and Mary Amis Rogers for whom Rogersville is named, and the whole line of military officers, educators, physicians and ministers. George was very proud of his ancestry.

Then there is the vast, broad, extended family of George's. Who can number them all? There are those who helped in the Webster home; the ones who worked on the farm; and all of the many friends and colleagues he enjoyed at work, in organizations, church, clubs and social circles.

Finally, George Webster loved his God. He was a man of faith, one who cut his religious teeth on the Presbyterian Catechism; who grew up in the Presbyterian faith and, in Maryland, loved and attended this beautiful All Saints' Episcopal Church. On occasion he would go back to the Rogersville farm and worship in town on Sundays in his home church.

George's death leaves a huge void in our lives—especially those of the immediate family. Here was a truly remarkable man who walked among us. Overcome by disease, this tireless, loving, human being finally wore out. We are thankful to God that his suffering has ended. But his departure from this earth leaves us saddened and somewhat alone. We need comfort, strength, courage and hope for the facing of this moment and the hours, days and weeks ahead. We have read and heard several passages from God's written Word this morning, and God is the source of our comfort and consolation. From 1 Corinthians 15 we find Paul teaching us emphatically that the resurrection of Jesus Christ is a reality, and that death can no longer sting with any finality, that there is an eternal life waiting for us. From Psalm 121 we are assured that God alone is the source of strength that counts in our hard and difficult times: "Our help cometh from the Lord which made Heaven and earth." In Romans 8 we are promised that the love of God will never be separated from God's people in Jesus Christ. Not even death can remove us from the presence and love of God. Psalm 23 reassures us that God is like a compassionate shepherd who is constantly looking out for his sheep, and always sees to the best care of his flock. "I will fear no evil, for Thou art with me. . . And I shall dwell in the house of the Lord forever." In John 14 Jesus promises that there will be a place for us in His eternal home. And that He will come again to escort us to our new "mansion." George has found his place there in Heaven already. Maybe it will help us to know in our moments of sadness, that someday we too will find our way there to our special eternal room, and rejoin George for a glorious and happy reunion in the presence of God.

CRISIS ON THE BORDER

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. BONILLA. Mr. Speaker, there is a crisis on our border. As the representative for over 800 miles of the Mexican border I know all too well the extent of the threat to America's law abiding border communities.

This Congress has dramatically increased funding for the Border Patrol. I am proud to have led the effort for this increased funding. However, far more needs to be done. Agents have been transferred to other regions. Courts and prisons are underfunded; and drug runners and alien smugglers are making this part of America a base for their operations.

Our pleas for help along the border have not fallen on deaf ears. The Appropriations bill before us today offers hope in fighting this criminal plague. This Treasury, Postal Appropriation increases funding for the Office of National Drug Control Policy by about 25%. This money can be used to combat the drug runners threatening Americans in Texas border communities, farms and ranchers.

It is now up the Administration to spend this money on the border, the front line of the drug war, not on more Washington bureaucrats. The drug czar himself was recently in Eagle Pass, Texas. He saw with his own eyes and he heard with his own ears of the dangers our poor border communities confront. He now should know first-hand the problems border residents face.

Today we are voting to give him the resources to conduct this fight. We are restoring cuts made in previous White House budgets. I hope we have gotten the White House's attention now that this is an election year. The evidence has been seen and resources provided. Americans along the border have the same right to safety and security as other Americans.

My colleagues, this legislation provides the resources to stop the drug runners and end the crisis on the border. If you care about the safety and security of your fellow Americans along the border vote for this Treasury, Postal Appropriations bill.

IMPROVEMENTS TO H.R. 2634

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. STEARNS. Mr. Speaker, on November 14, 1995, I introduced H.R. 2634, a bill to allow persons to carry concealed firearms in every State if they have been issued a license to do so by any State. It was referred to the House Committee on the Judiciary and subsequently referred to Subcommittee on Crime.

H.R. 2634 provided that a person with a permit to carry a concealed firearm in one State may carry a concealed firearm in any State "in accordance with the terms of the license." This meant that a person with a license from State A could carry in State B according to the rules of State A. Therefore, individuals' rights and privileges would differ in the same State depending on their State of origin. For example, a person licensed in State A traveling to State B would be able to exercise different privileges in State B than an individual licensed in State C who was traveling to State B, as well. This language would require law enforcement officers to know the right-to-carry laws of all 50 States because individuals licensed in different States would be allowed to carry in their State under varying laws.

To address the above mentioned problems, I have introduced the new Stearns right-to-carry bill, which is designed to facilitate its implementation by allowing (a) that the law of each State governs conduct within the State where the State has a right-to-carry statute; and (b) that Federal law provide a bright-line standard of conduct applicable to States that do not have a right-to-carry statute.

Under the new Stearns bill, if State A has a right-to-carry statute, an individual's conduct who was licensed in State B would be governed by the right-to-carry laws of State A while he was traveling with State A. Therefore, if State A imparts more privileges upon individual licensed to carry than State B, then the individual licensed in State B would be governed by the right to carry laws of State A while he was in State A.

The individual licensed in State B would also be in compliance with the law if he carried in State C with no right-to-carry statute pursuant to the Federal bright-line standard. The Federal bright-line standard governing those States with no right-to-carry statute would solve the problem of States with no carry licenses and thus no standards. This Federal bright-line standard governs conduct only, meaning it governs where one may not carry a concealed firearm notwithstanding the fact that they have a license to carry. It is intended to make clear that an individual may not carry a concealed firearm in certain highly sensitive locations such as court rooms, police stations, schools, and other locations.

The Federal bright-line standard is not a licensing mechanism. Licenses to carry would still need to be lawfully obtained from a State which has a licensing mechanism.

Precedent already exists for Federal standards which preempt State law in this area. Title 15 United States Code, section 902 provides that members of armored car crews with licenses to carry issued by a State "shall be entitled to lawfully carry any weapons to which such license relates in any State while such crew member is acting in the service of such company."

A Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. However, States that do have their own right-to-carry statutes can be assured that their State laws will be respected by nonresidents who are within their borders. This legislation greatly benefits and protects this Nation's every increasingly mobile society. I believe citizens have the right to protect themselves and their families anywhere in America. It does not make sense for Americans to forfeit their safety because they happen to be on vacation or on a business trip.

However, if the law of a given State explicitly allows licensee's to carry in some places not authorized in the Federal standard, it certainly makes no sense for the nonresident to be in violation while the resident would not be held in violation. The new Stearns bill would authorize the carrying of a concealed firearm by a licensee if the licensees conduct meets the conditions of the State law through which the nonresident is traveling or if their conduct meets the Federal bright-line rule.

I also added language to address the concerns of the law enforcement community. The new bill exempts qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

I urge all of the cosponsors of my first bill, H.R. 2634 to cosponsor this newly drafted and much improved concealed weapons reciprocity bill.

RECOGNIZING MARION McCONNELL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. BAKER of California, Mr. Speaker, recently a remarkable woman in my district in California was named the 1996 Red Cross Volunteer of the Year. Marion McConnell of Moraga was recognized for her 46 years of outstanding service at a National Red Cross ceremony in Cleveland, OH earlier this year.

For almost five decades, Marion has served by registering donors with the Red Cross Bloodmobile, chairing the Berkeley chapter of the Red Cross, writing the manual for coordinating the volunteer program, traveling the 11 Western States teaching from the manual to other Red Cross personnel, and coordinating volunteer activities at emergencies and disasters around the United States.

Marion helped consolidate numerous local chapters into a single chapter which encompasses the 5 Bay Area counties, a chapter now having roughly 3,400 volunteers.

Marion McConnell has given aid to countless hurting people in crisis after crisis. Her devotion to the work of the Red Cross has brought about transfusions for accident victims, food and shelter for victims of earthquakes and floods, and education for new volunteers who want to learn how to serve efficiently. Yet Marion's superb leadership has also meant a warm smile, a comforting word, and a caring spirit to frightened and distraught people who have seen their homes and even livelihoods vanish in an instant. This is a gift that cannot be measured but whose value is inestimable.

I am extremely pleased to ask my colleagues to join me in honoring Marion McConnell. Her wonderful work is the embodiment of what it means to be a good neighbor, and she is more than deserving of recognition in the CONGRESSIONAL RECORD.

REX F. GIBSON HONORED

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. HAYWORTH. Mr. Speaker, in the chaos of battle, victory is determined, not by the planning of Generals and staff officers, but by the leadership of the junior officers and noncommissioned officers [NCOs]. The Battle of Normandy was no different. In fact, the historian Stephen E. Ambrose, in his book "D–Day: The Climatic Battle of World War II," wrote:

> . . . for all the inspired leadership, in the end success or failure in Operation Overload came down to a relatively small number of junior officers, noncoms, and privates . . . if the noncoms and junior officers failed to lead their men up and over the seawall to move inland in the face of enemy fire-why, then the most thoroughly planned offensive in military history, an offensive supported by incredible amounts of naval firepower, bombs, and rockets, would fail . . . It came down to a bunch of 18 to 28 year olds . . . They were citizen soldiers, not professionals.

This weekend, I will have the opportunity to participate in a ceremony where one of my constituents, Rex F. Gibson, a citizen-soldier, will finally receive his Bronze Star with Valor for his actions in Normandy in 1944.

Rex Gibson personified the concept of the citizen-soldier. In 1939, he joined the Arizona National Guard while he was in college in Safford, AZ. He was selected for Officer Candidate School to be commissioned as a Second Lieutenant in the United States Army.

Rex was assigned as platoon leader of the Intelligence and Reconnaissance Section in the 116th Infantry Regiment, 29th Infantry Division, a National Guard Division, Rex's regiment was nicknamed the "Stonewallers" after their legendary Southern commander. Gen. Stonewall Jackson. Rex and the stonewallers were about to become famous as well. They would be the first regiment of the 29th division to land on Omaha Beach during the invasion of Normandy. To the horror of the soldiers, the Army-Air Force and the Navy did not silence the German machine guns or destroy the barbed wire and other obstacles on the beach. Their landing craft ramps opened to a wall of machine gun and artillery fire. Chaos broke out as soldiers tried to find safety. Rex and his fellow stonewallers quickly took the initiative and braved the machine gun fire to get a foothold on the beach.

By nightfall, the beach was taken but, at a terrible price. Rex's regiment suffered heavily from the assault. Platoons and companies were decimated because they had lost so many of their soldiers on the beach. The 116th Regiment may have been battered, but they were not out of this battle yet. Rex and the Stonewallers moved forward from the beach into France, fighting the Germans for another month.

The famous war correspondent Ernie Pyle, who later landed on Omaha Beach, summed up the experience with these words: " . . . it seems to me a pure miracle that we ever took the beach at all." The miracle was the junior officers like Rex and the regimental NCOs who ensured that the beach was taken, that the battle for Normandy was victorious, and that the war was won.

When the war ended, Rex came home like so many other citizen-soldiers to continue with his life. Until now, Rex thought he had only done his duty as a citizen and a patriot. He did not know that his Regiment, his Division, and his country thought he had done more. Back in June of 1944, his division commander, Maj. Gen. Charles Gerhardt recommended him for the Bronze Star with Valor for his outstanding service during the Battle of Normandy.

Mr. Speaker, 52 years is too long for anyone to wait to be properly recognized for their service to their country. I want to thank Rex for his dedication and patriotism.

RAILWAY LABOR-MANAGEMENT DISPUTES

HON. BUD SHUSTER

OF PENNSYLVANIA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. SHUSTER. Mr. Speaker, three labor disputes, affecting several major unions and most of the Nation's major railroads, are now in the final days of the process provided for in the Railway Labor Act. All three disputes have undergone extensive mediation. When the produced impasses, the President appointed a Presidential Emergency Board [PEB] for each of the disputes, as provided in the Railway Labor Act, to recommend proposed settlement terms. The three PEBs issued their reports on June 23, 1996. The issuance of the PEB reports began the final 30-day "cooling-off" period under the Railway Labor Act for the parties to attempt a negotiated solution to their disputes. In any dispute where an agreement is not reached within this final 30 days, both sides are free to employ "self-help" under the Railway Labor Act—a strike by labor, or a lockout or unilateral promulgation of new rules and working conditions by management. In the three pending cases, this earliest legal time for self-help will be 12:01 a.m., July 24.

The stakes in these negotiations go far beyond the railroad industry itself. Although there are alternative methods of transportation, a number of industries cannot readily eliminate their heavy reliance on rail service. These include automobile manufacturing, paper, chemicals, and coal. As more and more industries have adopted "just-in-time" delivery of supplies and parts to reduce inventory costs, the continuity of rail service has become even more important to the economy. As a result, an interruption of rail service for even a few days can require the complete shutdown of many of the plants in these industries. Overall, some $2.7 billion of goods move by rail every day. At the time of the 1991 national rail strike, the Council of Economic Advisors estimated the non-recoverable damage to the economy of a rail shutdown as $1 billion per day after the first few days. Current projections indicate that a rail shutdown would cause nearly 600,000 non-rail layoffs within 2 weeks, and over 1 million such layoffs after 4 weeks.

Besides the industries directly served by the freight railroads, Amtrak and most commuter and rail services must use tracks and equipment of the freight railroad network. For these rail passenger services, a freight rail shutdown could strand 294,000 commuters and 25,000 Amtrak riders per day.

In light of the vital economic role of continuous and reliable rail service, we urge both rail labor and rail management to negotiate in good faith, using the recommendations of the three Presidential Emergency Boards to inform their deliberations. Although Congress has intervened in a number of rail shutdowns in the past, this should be a last resort. Privately negotiated voluntary agreements are vastly preferable, for the employees, the rail carriers, and the nation.

Meanwhile, to aid the Members of Congress and the public in understanding the issues involved in these three labor disputes, we are making available in the Committee's offices summaries of the three Presidential Emergency Board reports. The PEB reports themselves totaled approximately 150 pages. We hope that this condensed summary will help all concerned understand the issues better, and to evaluate the accuracy of any claims about the content of the PEB recommendations they may hear in the coming weeks.

HONORING JAMES J. McFADDEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. ENGEL. Mr. Speaker, there are many people in the Riverdale section of the Bronx who are worthy of praise for all of their civic activities. One of the most deserving in James J. McFadden, who for many years has given unselfishly of himself to make his neighborhood, his borough and his city a better place.

He is a founding member of the Frances Schervier Home and Hospital Area Board of Trustees. He has initiated programs, to help drop-outs take high school equivalency exams, served as city labor commissioner and has served on the boards of the New York City Department of the Aging and the Yonkers Waterfront Commission. It is a great honor for me to be able to note that he is being named as Riverdalian of the Year by the Riverdale Community Council, a richly deserved honor.

LEGISLATION TO NAME POST OFFICE IN HONOR OF ROGER P. McAULIFFE

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. FLANAGAN. Mr. Speaker, I am today introducing legislation, with the cosponsorship of the entire Illinois House delegation and the chairman of the House Committee on Government Reform and Oversight's Subcommittee on Postal Service, to rename the Dunning Post Office in the 14th State House District of Illinois the "Roger P. McAuliffe Post Office."

Illinois State Representative Roger McAuliffe tragically lost his life in a boating accident over the recent Fourth of July weekend. Roger was a constituent of mine who represented his district on Chicago's Northwest Side as well as several suburbs including Park Ridge, Rosemont, Norridge, and Schiller Park.

Roger was the dean of the Illinois State House Republicans, having served in the Illinois General Assembly from 1973 until the day of his tragic fatal accident. A number of members of our Illinois House delegation served with Roger in the Illinois General Assembly and they have all told me that it was an honor to have been in the legislature with him. Roger was serving as an assistant majority leader in the Illinois House at the time of his death.

Roger was an informal advisor to me in Chicago area matters. He always had sound advice on legislation that had an impact on Chicago and its suburbs. Other members have time and again lauded Roger's useful insights to them as well.

Roger was a 1956 graduate of my own alma mater, Lane Technical High School. He began his public service career path when he served in the U.S. Army from 1961 to 1963. Roger graduated from the Chicago Police Academy in 1965 and was a Chicago police officer ever since. Roger never wanted any preferential treatment because of his being a State Representative. He always refused the opportunity for any promotions and preferred to stay a patrolman all his life. At the time of his death, Roger was still serving proudly as a Chicago patrolman.

Roger was well respected and well liked by Republicans and Democrats alike and that undoubtedly is a key reason why this legislation has such broad bipartisan support. The Dunning Post Office that this legislation would rename after Roger P. McAuliffe is not only in the 5th Congressional District of Illinois but, also, as noted previously, in Roger's 14th State House District. I can think of no finer action that can be taken to forever honor the dedicated public service of Roger P. McAuliffe than to rename the Dunning Post Office in Chicago, IL, the "Roger P. McAuliffe Post Office."

TRIBUTE TO RETIRED TEACHER AND CHURCH VOLUNTEER ROBERT H. STEVENS, SR.

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1996

Mr. FORBES. Mr. Speaker, I rise today to honor and pay tribute to Robert H. Stevens, Sr., a man whose selfless devotion to his family, faith, and the entire community has touched the lives of so many people from my hometown of Westhampton Beach, Long Island.

As a teacher, a volunteer, and a humble man of faith, Robert Stevens has set a standard that will be felt for generations to come, as each of his nine children, and their children in turn, live that example every day. While some men change the course of history in full view of the world, men like Robert Stevens affect our Nation's destiny with simple acts of charity, repeated every day over the course of a lifetime.

I know Robert Stevens because we share common roots: both of us were born and raised in Westhampton Beach, and left to attend college in Albany, NY, where Bob attended the State teachers college. Like so many men of his generation, his plans for the future were interrupted during World War II, when he was stationed half a world away in the China/India/Burma theater. For 4 years, Bob served as a gunnery and armament staff officer with the Air Service Maintenance Division, until the war ended.

From within that horrific war emerged many small miracles, and one of them touched Robert Stevens. While stationed in India, he met his beautiful wife, the former Margaret Lettington. The daughter of a British Army major with the Royal Engineers, Margaret was born and raised in India and didn't leave that country until she married Bob. They were married on June 6, 1945, and left together later that year to start a new life in Westhampton Beach.

Together, Margaret and Robert raised nine exceptional children, now ranging in ages between 49 and 33, most of whom still make their home on Long Island. Their children are Joan Urban, Robert H. Stevens Jr., Patricia Damrow, Anne Kowalski, Paul Stevens, Katherine O'Cain, Margaret Rattoballi, Joseph Stevens, and Mary Stevens. Supporting such a large family could not have been easy on a teacher's salary, but Robert and Margaret didn't do it with money, they reared their children with an abundance of love and firm guidance. The Stevens children are living proof that their parents possessed a wealth of those parental gifts.

The number of young lives that Bob has shaped extends far beyond his own children. During a 34-year tenure as a French and social studies teacher in the Riverhead School District, Bob was a gifted educator who continually gave of himself to his students, serving as an advisor to the French Club and organizing countless field trips to the theaters and museums in New York City. He also served as a Cub Scout and Boy Scout Master in Westhampton Beach for 10 years.

Fortified by faith, Robert has a seemingly endless supply of energy when it comes to finding time for his church. For 20 years, Robert has been a trustee at the Church of the Immaculate Conception in Quiogue, where the Stevens family have been an integral part of the musical worship during the Sunday morning service. Bob sang with the choir for 29 years and led the congregation in song as the head cantor, while Margaret accompanied him as organist. He is also a charter member of the Knights of Columbus Father Joseph Slomski Council No. 7423 in Westhampton Beach.

Bob has also been the chairman of the Bishops' Annual Appeal, the diocese's annual fundraising effort among its parishes. After retiring from teaching Robert worked as the church sexton, maintaining the facilities at the church, its rectory, and the School of Religious Education.

On June 6, 1995, Margaret and Robert celebrated their 50th wedding anniversary. Six months later, Robert lost the love of his life when Margaret left this world after a valiant battle against cancer. All who were blessed to know Margaret were saddened by her passing, and none more than Bob. With an unwavering faith, a divine trust that blessed him with 50 joyous years with a truly wonderful woman, Bob takes solace in the fact that Margaret rests near God's side.

Though it is a principle that has lost popularity in today's society, Robert H. Stevens, Sr., has always trusted in God's plan for his life, allowing him to accept the Lord's blessing that he in turn passed on to the world. Bob's enduring legacy is that he proves to all of us that an extraordinary life is composed of an endless succession of ordinary acts of charity and faith. Faith can move mountains, and Robert Stevens has showed that every single one of us can change the course of our Nation's destiny from within small villages like Westhampton Beach. May God bless him.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 18, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

10:00 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

Business meeting, to mark up H.R. 3756, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1997.

SD–192

11:00 a.m.

Foreign Relations

To hold hearings on the nomination of Jeffrey S. Davidow, of Virginia, to be an Assistant Secretary of State for Inter-American Affairs.

SD–419

JULY 23

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1678, to abolish the Department of Energy.

SD–366

Foreign Relations

European Affairs Subcommittee

To hold hearings on the status of the Bosnia peace process.

SD–419

Small Business

To hold oversight hearings on implementation of the Small Business Regulatory Enforcement Fairness Act.

SR–428A

Select on Intelligence

To hold hearings on the status of the Dayton Peace Accord.

SH–216

10:00 a.m.

Finance

International Trade Subcommittee

To hold hearings to examine the threat to United States trade and finance from drug trafficking and international organized crime.

SD–215

Judiciary

To hold hearings on S. 1961, to establish the United States Intellectual Property Organization, and to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform.

SD–226

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam, Genta Hawkins Holmes, of California, to be Ambassador to Australia, Arma Jane Karaer, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to Solomon Islands, and as Ambassador to the Republic of Vanuatu, and John Stern Wolf, of Maryland, for the rank of Ambassador during his tenure of service as United States Coordinator for Asia Pacific Economic Cooperation.

SD–419

JULY 24

9:30 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business; to be followed by a hearing on the nominations of Nils J. Diaz, of Florida, and Edward McGaffigan, Jr., of Virginia, each to be a Member of the Nuclear Regulatory Commission.

SD-406

Labor and Human Resources

Business meeting, to mark up S. 1490, to improve enforcement of Title I of the Employee Retirement Income Security Act of 1974 and benefit security for participants by adding certain provisions with respect to the auditing of employee benefit plans.

SD-430

Rules and Administration

To resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information.

SR-301

Indian Affairs

Business meeting, to mark up S. 199, Trading with Indian Act Repeal, S. 1893, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act, S. 1962, the Indian Child Welfare Act Amendments, H.R. 2464, to add additional land to the Goshute Indian Reservation in Utah, H.R. 3068, to revoke the Charter of the Prairie Island Indian Community, proposed legislation to amend the National Museum of the American Indian Act, proposed legislation relating to Navajo/Hopi land dispute settlement, and proposed legislation to make technical amendments to the Older Americans Indian Act.

SR-485

Select on Intelligence

To continue hearings on the status of the Dayton Peace Accord.

SH-216

10:00 a.m.

Veterans' Affairs

Business meeting, to mark up S. 1791, to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and other pending committee business.

SR-418

JULY 25

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 1699, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 1737, to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and S. 1809, entitled the "Aleutian World War II National Historic Areas Act".

SD-366

Labor and Human Resources

To hold hearings to examine genetic issues.

SD-430

JULY 29

2:00 p.m.

NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

To hold a closed executive session.

SD-192

JULY 30

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings to examine the conditions that have made the national forests in Arizona susceptible to fires and disease.

SD-366

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, S. 1564, to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, S. 1565, to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects, S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, S. 1719, Texas Reclamation Projects Indebtedness Purchase Act, and S.1921, to transfer certain facilities at the Minidoka project to Burley Irrigation District.

SD-366

AUGUST 1

10:00 a.m.

Foreign Relations

To hold hearings to review foreign policy issues.

SD-419

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

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